



The Legal Assistance Centre

The Legal Assistance Centre will be celebrating its 30th birthday on 9 July. In honour of this landmark, this column will explain the legal framework for the existence of the LAC, as well as providing some basic information about the organisation.

Namibian law provides for two types of “law centres”: a centre for clinical legal education operated by the UNAM law faculty, or a centre run by a non-profit organisation which provides legal services free of charge. The Legal Assistance Centre (LAC) is the only law centre of the second type in Namibia.

The mission of the LAC is “to strive to make the law accessible to those with the least access, through education, law reform, research, litigation, legal advice, representation and lobbying, with the ultimate aim of creating and maintaining a human rights culture in Namibia”.

The LAC was established in 1988. It first opened a Human Rights Centre in Ongwediva, followed soon after by the opening of its head office in Windhoek. The LAC also had several regional advice offices but was not able to sustain these due to a lack of funding, so it now has only one office in Windhoek. Communities in Namibia’s different regions are reached through various media – including radio, print media, television and text message dialogues – and through outreach work on specific topics.

The LAC is constituted as a non-profit trust called the Legal Assistance Trust. Overall policy direction for the LAC is provided by a Board of Trustees chosen on the basis of the expertise they can provide in areas such as law, finance or human resources. The Director of the LAC is appointed by the trustees and automatically becomes a trustee. LAC trustees do not receive any remuneration or sitting fees.

The LAC currently has three thematic units which work under the guidance of the Director and the Board of Trustees: (1) the Gender Research and Advocacy Project; (2) the Land, Environment and Development Project; and (3) the Social Justice Project. Each project has a coordinator. The organisation also includes various administrative and support staff who are vital to the functioning of the various projects. All LAC staff are appointed by the Director, usually on the recommendation of interview panels composed of several staff members. The LAC survives entirely on donor funds.

Prior to Independence, in 1989, the Legal Assistance Trust had to go to court to establish the right of its attorneys to sign certain legal documents, after the Administrator-General of South West Africa and the South African Minister of Defence took the view that this was not allowed. These objections were clearly politically-motivated, in an attempt to prevent the LAC from bringing litigation to challenge the human rights abuses which took place under the undemocratic apartheid regime. Fortunately, the matter was settled in the LAC's favour before the court made a ruling. Since independence, the LAC has worked in partnership with various government ministries and agencies on specific issues, and also at times served as a watchdog which challenges government on issues pertaining to the Namibian Constitution and human rights. The ability to play such a dual role is the hallmark of civil society in a strong and well-functioning democracy.

The LAC has won several local and international awards over the years. In 1997, the LAC received the Maurice Pate Award. Maurice Pate was the first executive director of UNICEF. The prestigious annual award is given to one organisation per year by UNICEF, in recognition of exemplary leadership to advance the survival, protection and development of children. The LAC has also received Judge JP Karuaihe Legal Excellence Awards on five occasions, in 2008, 2010, 2013, 2014 and 2016. Namibian High Court Judge JP Karuaihe was tragically killed in a car crash in 1998, and the trust created as his legacy aims at facilitating the study of law by Namibians, and developing accountable, resourceful and productive legal practitioners who will contribute to sustainable nation-building. The LAC has received the Trust's annual Legal Excellence Award for Human Rights four times, and has once been the recipient of the annual Legal Excellence Award for Social Responsibility.

The LAC is sometimes confused with legal aid. Legal aid is a government programme created by the Legal Aid Act 29 of 1990. In terms of this law, government provides legal representation for a nominal fee to persons involved in certain categories of cases who cannot afford to pay their own lawyers. A means test is applied, and most of the legal aid budget is applied toward the representation of persons charged with crimes.

In contrast, the LAC is a public interest law firm which is completely independent from government. It focuses on legal work that serves the public interest, as opposed to private interests. This means that the LAC generally takes on only cases which will assist the broader public and not just the individuals who are involved. The LAC focuses primarily on cases that involve law, policy or practice in areas that have not been previously explored by the courts, in order to use its limited resources to advance human rights in Namibia most effectively.

Human rights is the LAC's business and for the past 30 years the LAC has served the needs of those who have nowhere else to turn when their rights are disregarded. The LAC works to make Namibia an environment in which all can live in dignity.

ProBono is a monthly column by the Legal Assistance Centre designed to inform the public about Namibian law on various topics. You can request information on a specific legal topic by sending an SMS to 081-600-0098. Note that we will not be able to give advice on specific cases in this column, only general legal information.