



The mission of the Legal Assistance Centre: What it can and cannot do

Recently, some posts on social media have complained that the Legal Assistance Centre (LAC) is not taking on some of the issues brought to it by members of the public. To clarify the situation, this column will explain the LAC's mission, and what it can and cannot do.

The origins and mission of the Legal Assistance Centre

The LAC is a public interest law firm established in 1988 during a time when Namibia was firmly under the iron fist of South African apartheid rule and the long and bitter armed struggle for the country's liberation was raging. Torture and assault, intimidation, arbitrary arrests and detentions without trial were daily realities. Human rights abuses were routine and the rule of law was non-existent. This insufferable situation provided the impetus for the establishment of a law firm devoted to advancing human rights – the Legal Assistance Centre.

The mission of the LAC is to *“collectively 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.”*

To realise this mission, the LAC conducts strategic public interest litigation. This means that the LAC takes on cases that will advance human rights in Namibia. It focuses on cases that will have a wider impact on the community, rather than just assisting the individual concerned in the matter.

For example, a public interest case may establish a new legal rule that will change the law for the entire country, or address a discriminatory law, policy or practice. It might challenge the constitutionality of a legislative provision, challenge arbitrary state action, or seek to address the State's failure to meet its legal obligations.

Strategic cases are carefully chosen, and normally only persons who cannot afford a lawyer are considered for assistance. Poverty underlines most human rights abuses, so it is important to ensure that the burden of legal fees in public interest cases is not carried by the affected person.

Examples of public interest issues taken up by the Legal Assistance Centre include sex discrimination, the right of a widow to keep the land she lived on during her marriage after the death of her husband and the right of a group of HIV-positive women not to be sterilised without informed consent.

However, litigation is not always the best option to address human rights issues. The LAC has adopted a holistic approach to address issues of public interest, including educational outreach, advocacy and constructive interaction with government at various levels.

One of our goals is to empower members of the public to assert their legal rights without the aid of a lawyer. For instance, many women have used LAC's simple legal guides to help them claim child maintenance or get protection orders against domestic violence on their own. This approach enables the LAC to help far more people at the end of the day.

The LAC also engages in research and advocacy aimed at law reform. We sometimes work in partnership with government ministries to try to shape laws in ways that will best serve the needs of the community. For example, the LAC was involved in extensive research and advocacy around the Combating of Domestic Violence Act, the Maintenance Act and the Child Care and Protection Act.

The work of the LAC's three units

The human rights issues addressed by the LAC are divided amongst its three major units.

The Gender Research & Advocacy Project seeks to promote gender equality and children's rights.

The Land, Environment and Development Project addresses the needs of the rural poor, and fights to protect rights to land and preserve Namibia's wildlife and environment for future generations.

The Social Justice Project focuses on more general human rights, including constitutional litigation on issues such as access to adequate health care, the rights of refugees and human rights violations such as assault suffered at the hands of the police.

Overall, the LAC creates valuable educational materials on human rights, including legal guides, comic books, factsheets, PowerPoints, films and radio slots. Many of our materials are available in multiple languages, and all can be freely downloaded from the LAC website. All of the units engage in educational outreach and training to communities and government officials, and all work together with other NGOs.

The LAC also advances the rule of law by providing free, up-to-date annotated versions of all statutes in force in Namibia on its website, along with information about the international treaties that Namibia has joined.

Funding and structure

The LAC is funded primarily by national and international donor organisations, and funding is becoming increasingly difficult to sustain in these economic times. Funding challenges mean that the LAC must operate with a small staff component. Many of the LAC's various units have been threatened with closure from time to time due to gaps in funding.

The LAC is constituted as a non-profit trust called the Legal Assistance Trust. The overall policy direction for the LAC is provided by a Board of Trustees with expertise in law, finance and human resources. The Director of the LAC is appointed by the Trustees and also serves as a Trustee. LAC Trustees do not receive any remuneration or sitting fees.

Limitations

So what is it that the LAC does *not* do? It is simply not able to help everyone who is deserving of legal assistance. Many people come to us with individual legal problems that are often very serious and important, but the LAC staff has to make heart-breaking decisions.

Litigation involves a huge expenditure of human resources and can often take years. This is why the LAC must choose its cases carefully, based on the degree of potential impact. After initial screening, a committee of LAC lawyers assesses cases and decides which ones to take on.

The LAC refers some cases to other sources of possible help, such as the Ministry of Justice's Legal Aid Directorate, the Office of the Ombudsman or Labour Commissioners. Sometimes the LAC can advise clients on how best to assert their rights themselves. But sometimes it is forced to make hard choices – it does not have the capacity to help everyone.

For the past 34 years, LAC has been the main source of public interest representation for marginalised and indigent persons, and it remains the only organisation of its kind in Namibia. It will never be able to help everyone who walks through its doors, but it does work tirelessly to make Namibia an environment in which all can live in dignity.

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