

LRC

LEGAL RESOURCES CENTRE



Annual Report 2008 | 2009

LRC Contact Centres

National Office*

6th & 8th Floor, Bram Fischer House
25 Rissik Street, Johannesburg 2001
PO Box 9495, Johannesburg 2000
T: +27 11 838 6601
F: +27 11 838 4876

Cape Town

3rd Floor, Greenmarket Place
54 Shortmarket Street, Cape Town 8001
PO Box 5227, Cape Town 8000
T: +27 21 481 3000
F: +27 21 423 0935

Constitutional Litigation Unit*

9th Floor, Bram Fischer House
25 Rissik Street, Johannesburg 2001
PO Box 9495, Johannesburg 2000
T: +27 11 836 9831
F: +27 11 834 4273

Durban

N240 Diakonia Centre
20 St Andrews Street, Durban 4001
T: +27 31 301 7572
F: +27 31 304 2823

Johannesburg*

7th Floor, Bram Fischer House
25 Rissik Street, Johannesburg 2001
PO Box 9495, Johannesburg 2000
T: +27 11 836 9831
F: +27 11 836 8680

Grahamstown

116 High Street, Grahamstown 6139
PO Box 932, Grahamstown 6140
T: +27 46 622 9230
F: +27 46 622 3933

Email us at info@lrc.org.za or visit our website: www.lrc.org.za

* Please note that the LRC's Johannesburg office will be moving as of March 2010.
Please check our website for our new contact information.

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Our Vision

Inspired by our history, the Constitution and international human rights standards, the LRC is committed to a fully democratic society based on the principle of substantive equality and to ensure that the principles, rights, and responsibilities enshrined in our national Constitution are respected, promoted, protected and fulfilled.

Our Mission

To strive, both for itself and in its work, for a fully democratic society based on the principle of substantive equality and to ensure that the principles, rights, and responsibilities enshrined in our national Constitution are respected, promoted, protected and fulfilled.

To function as an independent, client-based, non-profit public interest law clinic which uses law as an instrument of justice and provides legal services for the vulnerable and marginalised, including the poor, homeless, and landless people and communities of South Africa who suffer discrimination by reason of race, class, gender, disability or by reason of social, economic, and historical circumstances.

To work for a fully democratic society and to build respect for the rule of law and constitutional democracy; enable the vulnerable and marginalised to assert and develop their rights; promote gender and racial equality and oppose all forms of unfair discrimination, and contribute to the development of a human rights jurisprudence and to the social and economic transformation of society.

The LRC seeks creative and effective solutions by using a range of strategies, including impact litigation, law reform, participation in partnerships and development processes, education and networking within South Africa, the African continent and at the international level.

Christene Muchunje, a Zimbabwean refugee reunited with her child. (Picture taken by Brenton Geach, Cape Argus)



Chairperson's Message

It is with pride that the Legal Resources Centre (LRC) presents its Annual Report of its activities and programs.

The preceding year has been very eventful at both the international and the national level. The election of a new and black President of the United States continues to offer hope for a better world order while the economic and financial crisis has created uncertainty and anxiety for many in the developed and developing world as national budgets and development aid come under increasing pressure.

At the national level turbulence in the political order and radical changes in government leadership presented a severe test to our young democracy. While we may have overcome the main challenges in maintaining the stability of the political and social order, the damage that has been inflicted on democratic institutions, including the judiciary and other organs of government, are yet to be quantified.

A new political leadership has brought with it heightened expectations of improved delivery on socio-economic rights, and at the same time, depressed economic circumstances may well constrain the ability of the State to deliver on its promises. These circumstances create formidable challenges for both the consolidation of the rights mandate of the Constitution as well as the nurturing of our democracy. The coming years may yet prove to be the most challenging we have faced.

The need for a vibrant and effective civil society sector at this time is essential - its skills and expertise, vigilance in holding government accountable and ensuring the poor and marginalized have access to courts and other democratic institutions become vital at a time of uncertainty. Over the past years, the LRC has demonstrated its dynamism and responsiveness to these challenges. The work reported here attests to the LRC staff's ability, even when constrained by limited resources, to make interventions and use the courts to make real differences in the lives of people.

The work of the LRC is made possible by the assistance we receive from the donor community, supporters and friends of the organisation - we thank all of you for your support. Our partners, the Southern Africa Legal Services Foundation (SALS) in the United States and the Legal Assistance Trust (LAT) in the United Kingdom continue to provide support and access to resources which we acknowledge with gratitude.

Finally, a word of thanks to the National Director and all the staff of the LRC for the remarkable work they perform with passion, professionalism and unparalleled dedication.

*Jody Kollapen
Chairperson
Legal Resources Trust*



Jody Kollapen (LRT Chairperson)

National Director's Message

The year under review in this report was a time of great uncertainty. We saw the recall of Thabo Mbeki and his replacement by Kgalema Motlanthe on 25 September 2008 - six months before the national elections. The judiciary was perturbed by the consequences of a decade of vacillation by the state over the Legal Practice Bill and other legislative proposals dealing with the management, internal regulation and training of the judiciary and magistracy. There were great uncertainties brought about as a consequence of the global economic crisis, and the assault of the forces of nature on different parts of the world brought to the fore our collective vulnerability as a consequence of global warming. The situation in Zimbabwe worsened into a humanitarian crisis. Within South Africa we saw the emergence of a disturbing trend of intolerance to fellow Africans - and the incidences of xenophobia that shocked people worldwide.

Seen against this backdrop the following conclusion drawn about the LRC from a recent evaluation conducted on behalf of one of our donors' brings the importance of the organisation and its work to the fore: *"First, the Centre is playing a unique and crucial institutional role in strengthening and developing democracy in South Africa. Its role in shaping the authoritative meaning of South Africa's constitution is an essential part of the democratic process...This work is particularly vital today."*

The xenophobic violence displaced as many as 200,000 people - amongst them many South Africans and migrants who have been living in local communities lawfully for many years. At least 62 people died and 670 were injured. The government's response was ill-conceived, inadequate and delayed. Anti-foreigner sentiments were fuelled by the state's inability to deal with the wave of migration. The factors impacting on relationships between citizens and foreigners include worsening economic conditions, lack of service delivery, competition for scarce resources and income-earning opportunities, and incitement by criminal elements. Working closely with the People Against Suffering, Suppression, Oppression and Poverty (PASSOP), the Aids Law Project, the South African Human Rights Commission and others, the LRC is addressing the impacts of the xenophobic violence by attempting to provide refugees with some semblance of their previous lives.

In January 2009 thousands of Zimbabweans crossed the South African border at Musina. They were fleeing an outbreak of cholera

and seeking clean water, shelter and medical treatment. Refugees living with HIV were extremely vulnerable. They encountered difficulties in accessing mainstream health care facilities, which made it hard to secure antiretrovirals (ARVs) and other treatment. Social stigmatisation around HIV and AIDS prevails and the fear of being ostracized deters many from being tested. Together with People Opposed to Women Abuse (POWA) and Sex Workers Education and Advocacy Taskforce (SWEAT), we have sought to address stigma but extensive work remains.

Providing support for the growing number of orphans presents a major challenge. The number of AIDS orphans is expected to double between 2006 and 2015, bringing the total number of maternally orphaned children to 2.5 million by 2015. In 2008 we started acting for a number of child care centres. In many instances, only the threat of litigation has brought about settlement in which all outstanding funds are paid by the government.

Similarly, the litigation on behalf of Ms Florence Mahlangu laid the basis for change. Ms Mahlangu is a domestic worker and single mother. When the child support grant for her son was discontinued after he turned 14 years she approached the Black Sash on whose behalf the LRC acted. The matter was finally heard in the High Court in March 2008. Shortly after, the Minister of Social Development announced that the grant will progressively be extended to children between 14 and 18 years old. We have no doubt that the pressure brought to bear on the government to expand the system influenced their decision to commence the implementation of the expanded benefits.

The many challenges facing our country have a disproportionately heavy impact on the most vulnerable members of our society. Poor, uneducated children have little chance of ever escaping their circumstances and the spiral of poverty is thus perpetuated. The work of the Children's Rights focus area is ongoing and whilst the matters we engage in can take many years, the judgments obtained impact not only our clients, but have a spin off result for thousands of children countrywide whose rights are developed as a result.

For example, the quintile ranking of a school is the department's indicator of the school's economic status and is the basis upon which the school qualifies for no-fee status as well as for learners to receive meals under the school nutrition scheme. More importantly the school's ranking also

determines the level of financial support each school receives as a result of fee exemptions for parents unable to afford school fees. One of the difficulties faced by numerous schools is that the Department of Education (DOE) does not respond to schools that appeal against their quintile ranking at all. The LRC is acting on behalf of a number of schools in this regard.

Equally important is the issue of state funding for Grade R (reception phase) in public schools. The SA Schools Act mandates 9 years of compulsory education, from grade 1 to 9. Grade R, the reception year for five year olds, is meant to serve as a bridging year between home and the start of schooling. Attendance in grade R is not compulsory. However, the DOE encourages parents to enrol their children in a Grade R programme and is aiming at full enrolment. There is also some funding from the Department of Social Development at pre-Grade R level. Grade R is part of South Africa's national policy attempt to publicly implement and fund Early Childhood Development (ECD). ECD programmes aim to lay a solid foundation for a child's physical, emotional, social, and cognitive development. However a significant percentage of families live in poverty, and children raised in these families are most at risk of infant death, low birth weight, stunted growth, increased repetition and school dropout. ECD targeting for these children is therefore vital. Yet currently it is the children from relatively advantaged families who can access ECD thus widening the gap between affluent and poor children when formal schooling actually begins.

In our housing work, '[A] further achievement was that of the SARCC Khayelitsha Rail Residents who finally were resettled peacefully on alternative land with services through the ongoing intervention and representation of the LRC. This was a triumph of negotiation, facilitation and endless persistence! According to Habitat International, one of the most important contributors to successful housing of poor people and to decreasing poverty is security of tenure. This particular case is an excellent example of that notion in practice.¹²

Our work in defending the poor from illegal evictions increased significantly. In the build up towards 2010, the informal sector is also constantly under pressure. As acknowledged by Comic Relief: *"The LRC...contributes significantly to the developmental objectives... (and) works exclusively with those in great need and promotes their basic rights. Sometimes this leads to meeting basic needs beyond just that of shelter. Local people are always involved...and the LRC works co-operatively with a large range of...organisations. The method of working is always to support local organisations and community structures and, where relevant, make links with social movements such as the anti-evictions campaign and shack dwellers international."*¹³

The LRC continued to work with the Department of Rural Development and Land Reform (DoRDLR) in emphasising the need to determine and secure the rights of individual land reform beneficiaries. Preceding and during this period of review, we worked with the DoRDLR to develop a new manual for its Land Redistribution and Agricultural Development (LRAD) key land reform grant programme. In the new manual, specific contributions of the LRC which have been adopted concern a substantive chapter on steps and procedures to determine user rights and to choose and establish land ownership entities. In addition the manual also provides for the collection of information to assess whether members have secure and equitable access

to land and benefits.

In spite of all that has been achieved in South Africa in the past 15 years, the challenges of overcoming the legacy of apartheid are still with us. Income disparity and the apartheid geographical patterning of land - broadly along the racial lines of where people live and work still persist. Rural communities today are not afforded the same opportunities that, under apartheid, white landowners were afforded enabling them to benefit from the minerals on their land. The distressing fact is that during the year under review, the rights of communities to have a say in the mining of their land and to benefit from it have been taken away.

It was in the year under review, that the LRC together with the Trustees undertook a strategic review of the organisation and developed a Strategy for 2008 to 2012 entitled "Advancing Human Rights in South Africa and Africa"¹⁴. The document presents the LRC's focal areas of work and programmes, a restatement of our vision and mission and a statement of our values. It describes the LRC in the current context in relation to our sub-region, continent and the international setting as well as our changing legal environment.

One of the major challenges that continues to face the LRC is lack of resources. At the same time, the LRC is honoured to have donor partners who engage in a way that has helped us improve our work processes and pursue areas of concern that were not anticipated but arose as a consequence of clients who came needing assistance. In addition, the LRC benefitted from 'in-kind' donations amounting to over R2 million - about half of which was as a result of discounted rates from advocates without whose support and commitment our work would not be nearly as effective.

Like many other organisations, the LRC continues to grapple with ensuring that our Annual Report provides insight into and a comprehensive overview of our work and achievements. The cases which the LRC pursues on behalf of clients vary tremendously in scope and in the nature of

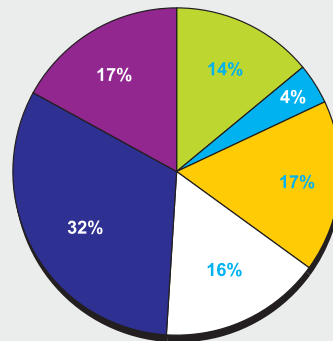
the clients represented. For example, many of the social security cases involve the LRC in representing individuals or small groups of people, whereas our housing work and land work tend to see us representing thousands of people in a single case. Our clients are our direct beneficiaries. Indirectly, however, our casework reaches a far greater number of people once changes to law and regulation are brought about through court precedent or out-of-court settlements and law reform. Most of the areas that we focus on are also interrelated and thus work undertaken, for example, around HIV and AIDS will have a direct impact on the security and rights of children.

We trust that the year under review lays a foundation for further progress in the years to come.

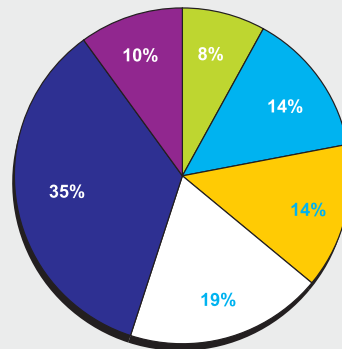
Janet Love
National Director

LRC's Work in 2008/2009⁵

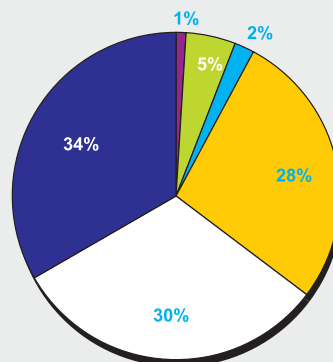
Number of Cases by Focus Area



Number of Hours Worked by Focus Area



Number of Direct Beneficiaries by Focus Area



- Children's Rights
- Environmental Justice, including Water
- Housing & Local Government
- Land & Rural Development
- Social Security & Access to Justice, including HIV/Aids & Refugees
- Women's Rights & Equality

1 March 2009 - Report of an Institutional Review of the Legal Resources Centre of South Africa, commissioned by ELMA South Africa Foundation, prepared by Christopher Stone (Faculty Director, Hauser Center for Nonprofit Organizations, Harvard University), Laurie Ackerman (Justice Emeritus of the South Africa Constitutional Court), Taswell Papier (Partner, Edward Nathan Sonnenbergs, South Africa), with the assistance of Thabani Masuku, (Advocate, Cape Bar, South Africa), available on our website at: <http://www.lrc.org.za/images/stories/Evaluations/lrcevaluationfinalreportmarch2009.pdf>

2 Comic Relief, Mid-term Review of LRC's People Living in Urban Slums Programme, available on our website at <http://www.lrc.org.za/images/stories/Evaluations/finalcomicreliefmidtermreview.pdf>

3 Id

4 Available on our website at <http://www.lrc.org.za/images/stories/dmdocuments/lrcstrategydoc.pdf>

5 Data based on LRC statistical analysis and case report inputs.

Retribution vs. Re-integration: Minimum Sentencing of Juvenile Offenders

Our court rolls are overloaded with matters involving violent and heinous crimes committed by children. Judges often have to balance the right of people to be free from all forms of violence from either public or private sources against the right of children not to be detained except as a measure of last resort.

Children are defined in our law as anyone below the age of 18 years old. However, the Criminal Law Amendment Act 105 of 1997 (the Act) limits judicial discretion of judges by making it mandatory, in certain instances, to impose minimum sentences against offenders between the ages of 16 and 17 years old.

In 2008, the Centre for Child Law (the Centre), instituted an application in the North Gauteng High Court, challenging the constitutionality of various aspects of sections 51 and 53 of the Act. Section 51 of the Act established minimum sentencing for specified classes of serious offences including murder, rape and armed robbery. Before the implementation of the Act,

the minimum sentencing regime had limited application to children who were under 18.

The Centre argued that the sections were unconstitutional in the light of section 28 of the Constitution, which provides that children have the right not to be detained except as a measure of last resort, and that they may be detained only for the shortest appropriate period of time. The State justified the imposition of minimum sentences against

Adolescents in Sevenfontein, residents of an informal settlement being evicted in Johannesburg.



juvenile offenders between the ages of 16 and 17 on the basis that the crimes committed by children of this age can be violent and merciless.

Judge Potterill handed down judgment declaring the sections unconstitutional. The matter was thereafter referred to the Constitutional Court for confirmation.

On 5 March 2009, the LRC brought an *amicus curiae* application on behalf of the National Institute for Crime Prevention and Re-Integration of Offenders (NICRO) in the Constitutional Court. NICRO is an organisation that provides crime prevention services across South Africa. NICRO agreed with the decision reached in the North Gauteng High Court but limited its submissions to the unconstitutionality of section 51(6) of the Act.

NICRO explained that children under the age of 16 are subjected to the common law sentencing regime, under which judges retain their ordinary sentencing discretion. However, children who are 16 years and older are subjected to the minimum sentencing regime imposed by the Act. The minimum sentencing regime restricts judicial discretion by requiring judges to have substantial and compelling reasons to apply their discretion when sentencing juveniles. This means that children who are older than 16 years are treated in the same way that adults are.

NICRO argued that all children should be entitled to the special protective guarantees in section 28 of the Constitution. Moreover, NICRO argued that the distinction between different age categories of children is irrational because the Minister of Justice and Constitutional Development does not provide a legitimate government purpose to justify cutting off special protection to children 16 years and older. NICRO submitted that the Act is unfairly discriminatory in that it denies all children equal protection of the law.

As a remedy NICRO supported the reading-in provision sought by the Centre, which would replace the word 'sixteen', used in

section 51(6), with the word 'eighteen'.

On 15 July 2009, the Constitutional Court ruled that the Constitution prohibits minimum sentencing legislation from being applied to children between the ages of 16 and 17 years old. The Court declared sections 51 (1) and (2) of the Act unconstitutional, in so far as it applied to children who were under the age of 18 when they committed an offence.

Cameron J, who wrote for the majority of the Court, said that "We recognise that exacting full moral accountability for a misdeed might be too harsh because they are not yet adults, hence we afford children some lee-way of hope and possibility."

Given that South Africa has such a high crime rate amongst youth, sentencing should focus on restorative justice, which would enhance re-integration of juvenile offenders back into society. The sole aim of the minimum sentencing regime is to punish offenders, thereby seeking retributive justice, which is inappropriate for juveniles who enter the criminal justice system at a young age.

Update on the RAPCAN Case

On 1 April 2009, the Constitutional Court passed down an important ruling on the rights of child victims and child witnesses in sexual offence cases, in the matter of *Public Prosecutions, Transvaal v the Minister of Justice and Constitutional Development and Others*. The LRC had represented four NGOs who had argued that section 170 A (1) of the Criminal Procedure Act, which provides for the appointment of intermediaries, should be compulsory.

The majority judgment concluded that the current provisions, correctly interpreted, are adequate for the protection of the child. However, the judgment found that implementation of the provisions in Regional Courts (RC) was lacking. The Court ordered a thorough report specifying the number of intermediaries present and required in each RC, a list of RCs with facilities to protect child witnesses, and the steps being taken to meet the gap in intermediaries and facilities among the courts.

The NGOs represented by the LRC in the Constitutional Court were Resources Aimed at the Prevention of Child Abuse & Neglect (RAPCAN), Operation Bobbi Bear, Children First and Cape Mental Health Society (CMHS).

Opportunities to Strengthen Africa's Human Rights System

The African Commission on Human and Peoples' Rights (African Commission) was established by the African Charter on Human and Peoples' Rights, commonly known as the Banjul Charter. The mandate of the African Commission is to:

- i) protect human and peoples' rights;
- ii) promote human and peoples' rights; and
- iii) interpret the provisions of the Charter and engage in any other tasks that may be referred to it by the African Union.

The Charter mandates Member States to recognise the rights, duties and freedoms enshrined in the Charter and to adopt legislative and other measures to give effect to these rights. It also prohibits discrimination and guarantees every individual the enjoyment of rights and freedoms in the Charter. In addition to the Charter's rights, the African Union also adopted and ratified a series of legally binding instruments to further ensure the protection of human rights.

State Parties to the Charter are required to submit, every two years, a report on the legislative or other measures they have taken with a view to giving effect to the rights in the Charter. South Africa acceded to the Charter in July 1996 and submitted its Initial State Report in October 1998. South Africa's Second State Report was submitted in May 2005, combining the Third and Fourth Periodic Reports.

The Charter further empowers the African Commission to receive and consider communications on violations of individual and/or peoples' rights from any person, non-governmental organisation (NGO) or State Party after the complainant has exhausted all available domestic legal remedies. Finally, the Charter provides that the African Commission make recommendations to the state concerned and submit these recommendations to the Assembly of Heads of State for adoption in the event that it finds that violations have occurred.

The function of the African Commission includes co-operation with institutions concerned with the promotion and protection of human and peoples' rights. To this end, at its 25th Ordinary Session held in Burundi, the African Commission adopted a *Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organisations*. It is in accordance with this resolution that the LRC was granted Observer Status with the African Commission at its 43rd Ordinary Session, held in May 2008, in Swaziland. The African Commission holds two ordinary sessions per year and invites states, specialised institutions, national human rights institutions and NGOs to participate and make representations on the human rights situation in Africa.

The most recent session was held in The Gambia from 13 to 27 May 2009. The LRC's advocacy agenda for this 45th Ordinary Session, and its preceding NGO Forum, included the following concerns requiring urgent attention:

- i) human rights violations of refugees, asylum seekers and internally displaced persons in South Africa; and

- ii) violence against women, intersections of gender violence and HIV/AIDS, and human rights violations of lesbian, gay, bisexual, transgender and intersex people.

Also on the agenda was a discussion on the working methods of the African Commission.

In keeping with the LRC's mandate, specifically our work within the refugee focus area, the purpose of our participation in the session was two-fold. Firstly, it brought to the attention of the African Commission the persisting violations of migrants' rights within our borders. This issue was especially disturbing considering that at the session held in May 2008, the *Resolution on the Situation of Migrants in South Africa* had called on the South African government to:

- i) investigate, prosecute and punish those responsible for the May 2008 xenophobic attacks; and
- ii) institute measures to ensure the protection of foreign nationals in South Africa.

Secondly, the LRC used the session to submit to and engage the Commissioners on the Comments to the *African Commission's Rules of Procedure*. In response to a call for comments on the Interim Rules of Procedure, the LRC prepared submissions which were endorsed by People Opposing Women Abuse (POWA) and Lawyers for Human Rights (LHR), both of which also enjoy Observer Status.

In relation to our regional advocacy programme, the LRC recognises the critical role and mandate of the African Commission

to protect and promote human and peoples' rights on the continent. Consequently, selecting an advocacy agenda for the session was informed by our work at national level and developed in co-operation with civil society partners in South Africa and abroad. This also provided civil society organisations opportunities to consolidate national human rights concerns and develop coherent strategies for engaging the mechanisms of the African Commission.

The LRC is acutely aware of the significance of working in collaboration with civil society organisations sharing the same or similar objectives. Therefore, we welcomed the NGO Forum, which preceded the session, as an ideal opportunity for building strategic alliances with human rights organisations working on social justice issues throughout Africa. At the NGO Forum, two resolutions and one recommendation proposed by the LRC, POWA, LHR and other organisations were unanimously adopted and forwarded to the African Commission for consideration.

STATS

12,000

Refugees that the Cape Town refugee office can now assist on a monthly basis

ZAR 1,218,000

Savings to LRC as a result of discounted rates from Advocates

130

Outdoor sex workers who are no longer arbitrarily arrested in Cape Town

11,500

Hours donated to LRC by interns

70

NPOs assisted



A resident of the Toekoms community

Environmental Justice is in the Air

Two communities, one impoverished and the other comfortably middle-class, were recently united in their effort to enforce their constitutionally guaranteed right "to an environment that is not harmful to their health or well-being".

Since the early 1990s, the residents of the Tergniet and Toekoms communities in the Great Brak River district of the Mossel Bay Municipality were subjected to constant emissions of noxious gases created by the heating of creosote at a nearby wood treatment plant. The residents reported severe headaches, nose bleeds, rashes and a host of debilitating illnesses caused by these emissions. Apart from the health hazard created by these gases, the powerful stench forced the residents indoors, denying them the ability to enjoy even the most simple of outdoor activities including, as noted by Mr Justice Van Reenen, "braaiing, gardening and the drying of washed clothing."

With the assistance of the LRC, the residents brought an application in the Cape High Court for an order declaring the manufacturing activities at the plant to be unlawful and for a final interdict to halt all production. The Court held that the owners of the plant, Outeniqua Kreosootpale, were operating unlawfully as they had not received the necessary registration certificates required in terms of section 9(1) of the Atmospheric Pollution Prevention Act of 1965 to carry out manufacturing processes involving the heating of creosote. This means that the plant was operating on a property which was not zoned for use by heavy industry. As a result, the Court granted the interdict, holding that the right of the residents to a safe and non-harmful environment was being continuously violated by the unlawful emissions from the plant.

An important feature of the judgment was the finding that community groups do not need to be legal entities in order to litigate in defence of the constitutional rights of their members. While the Tergniet and Toekoms Action Group lacked a constitution or any formal structures, it was found to have standing to bring the application on behalf of the residents in order to protect their rights to a safe environment.

The plight of the Tergniet and Toekoms residents is certainly not unique in this country. The unhappy legacy of apartheid-era town planning is that countless communities across South Africa live in areas sandwiched between heavy industries and are exposed to the harmful effects of their pollution. It is hoped that this small success will add greater impetus to the efforts of these communities to secure environmental justice.

Update on Xolobeni Mining

On 14 July 2008, the Director General (DG) of the Department of Minerals and Energy granted mining rights to Transworld Energy and Minerals Resources to mine in the Xolobeni area of the Wild Coast. The LRC, in conjunction with the AmaDiba Crisis Committee, is appealing the DG's decision, requesting that the Minister suspend the decision until there is an investigation into the decision's compliance with the Mineral and Petroleum Resources Development Act of 2002.

The granting of mining rights in the Xolobeni area has grave and permanent effects on both the environment and the Xolobeni community, including forced eviction from ancestral lands, loss of farmland for crops and livestock, relocation of ancestral graves, destruction of culturally important archaeological sites, increase in crime and alcohol-related incidents, loss of tourism and irreversible damage to residents' sense of place.

The appeal is currently pending and the LRC is hopeful that the DG's decision will be reversed, and the Xolobeni community will have the opportunity to regain their rightful use and possession of their homes and land.

Dispensing Lethal Advice

The denial of the scientific consensus on the origin and treatment of HIV and AIDS has been dangerously pervasive in South Africa, threatening the lives of South Africans via unsubstantiated claims, unsound medical advice, and problematic policies and implementation. The assertions that AIDS is not caused by HIV, that ARVs (anti-retrovirals) are toxic and are not effective in the treatment of HIV and AIDS, and that symptoms of AIDS can be reversed or the disease cured by vitamins or a healthy diet were legitimised by former President Thabo Mbeki and the then Health Minister Manto Tshabalala-Msimang. The latter presented a government public-health display that focused on beetroot, olive oil, garlic, lemons, and African potatoes rather than on access to necessary drug programmes at an international AIDS conference in Toronto in 2006. In fact, Tshabalala-Msimang agreed that government should make ARVs available to the public only in 2002, after she was forced to do so in a ruling by the Constitutional Court. The court case, however, had only related to ARVs for the prevention of mother to child transmission of HIV, and particularly, to the drug Nevirapine.

Members and supporters of the Treatment Action Campaign believe that HIV/Aids is not a death sentence.



Many have capitalised on the government's stance on HIV and AIDS, characterising giant (white, Western) pharmaceutical companies as maleficent entities preying upon Africans, using the desperation of the sickest to peddle vitamins and other 'natural' remedies to supposedly prevent, reverse, or cure HIV and AIDS.

In 2004, Matthias Rath, a German physician, opened a clinic in Khayelitsha, a township in the Western Cape. Marta Darder, a physician with Médecins Sans Frontières who worked in the same township, said of Rath in the *New Yorker*, "We have seen so many people who claim to have a cure for AIDS. Mostly, they were ignored. But there has never been anything here like Matthias Rath. His strategy, power, and connections were incredible. He knew how to play the business and the politics of South Africa."¹

Rath distributed his vitamins and micronutrients to patients, along with lethal advice to discontinue use of ARVs. He stated on his website and in newspaper advertisements that ARVs are not only ineffective in treating AIDS, but also poisonous, and discouraged people with AIDS from taking the medicines that are essential to effective treatment. Rath further claimed that his vitamin treatments delayed the onset of AIDS or even reversed the course of the virus. In early 2005, Rath conducted a medically unsupported clinical study on the effectiveness of his vitamins on patients in Khayelitsha. In June 2005 he held a press conference in Cape Town, claiming that the results of his study demonstrated that "the course of AIDS can be reversed naturally."²

The LRC represented the Treatment Action Campaign (TAC) in a lawsuit brought in the Cape High Court seeking to declare the sale of Rath's products unlawful, interdict the unlawful clinical trials, prevent Rath from publishing false or misleading information about the vitamin products, and order the Director General of the Department of Health to abide by these rulings and prevent further unlawful behavior. Rath countered that he had not run clinical trials and that he had never claimed to cure HIV with his medications. The lawsuit was launched in 2005, was argued on 12 March 2008, and the final decision of Judge Zondi of the Cape High Court was handed down on 13 June 2008.

Judge Zondi held that the vitamins and multivitamins that Rath distributed constituted medicines, and therefore must be controlled and regulated. The judge reasoned that claims of treatment and prevention, as well as the manner in which a substance is distributed, are what qualifies it as a 'medicine'. Furthermore, Rath's vitamins and similarly distributed pills must be labeled and regulated as medicines to prevent quackery. He said, "The control and regulation of these substances is necessary in order to prevent confusing messages being sent out to the public about the treatment of AIDS."

The judgment also found that Rath was in fact running unlawful clinical trials after he himself advertised that he had done so, despite his later denial.

¹ *New Yorker*, 12 March 2007

² *Ibid.*

Rath was interdicted to stop these trials, as well as to cease making claims about the medicinal effects of his products until the products had been submitted to the Medicines Control Council for review of the efficacy, quality, and safety of those claims.

The judge ordered the Minister of Health and the Director General to take 'reasonable measures' to prevent Rath from continuing these unlawful activities. Additionally, the Health Department was instructed to investigate Rath's clinical trials thoroughly and then take any reasonable actions required by the findings of such investigation in accordance with the Department's duties.

After the ruling, Rath immediately lodged an appeal. In response, the LRC launched an application in terms of Rule 49(11) to ensure that the order remained effective despite Rath's appeal. The appeal hearing has not yet taken place.

The judgment handed down last June is a significant victory for HIV-positive people in South Africa. It is hoped that Rath will no longer be a danger to the public health.

STATS

700,000
Children that benefit from
the new regulations to
Social Assistance Act of
2004

19,000
TAC registered members
who benefit from the High
Court's decision against
Rath

Joe Slovo Residents Challenge Eviction

Throughout 2008, the LRC represented thousands of people who found themselves facing an order of the Western Cape High Court allowing the largest eviction since the advent of the Constitution. The residents of the Joe Slovo informal settlement, named after the famous activist and Nelson Mandela's first Housing Minister, challenged a plan to demolish their homes to make way for the proposed but ever changing N2 Gateway housing project. The eviction would compel the settlement's 20,000 residents to vacate the dwellings they had occupied for as long as two decades and move to a place even more remote from the city's centre, a threat reminiscent of the forced removals of the Group Areas Act.

In 2007, the national and provincial Ministers of Housing, joined by state developer Thubelisha Homes, brought an urgent application for the eviction of the residents of Joe Slovo under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act). Two committees from

Joe Slovo sought legal representation, and one of them instructed the LRC to assist. After holding hearings in December 2007, the High Court's Judge President John Hlophe handed down his judgment in March 2008. With hundreds from the community gathered on the court's steps, Judge Hlophe ordered that evictions to Delft, located 15 kms further away from the city than Joe Slovo, begin within a month and then continue each week thereafter until completed.

Residents of Joe Slovo.



Although the judge acknowledged the residents' rights to adequate housing under section 26 of the Constitution, he ruled that their presence on the city-owned land was without consent and that their densely built shack dwellings were grossly inadequate. Volumes of affidavits by community members countered that the N2 Gateway's Phase 1 units were poorly constructed and charted a history of failed promises and miscommunications by the applicants. Nonetheless, Judge Hlophe relied considerably on the applicants' pledges to build houses for the residents in the future and argued that the court must defer to government's implementation of national housing policies.

Committee spokesperson Mzwanele Zulu stated that the judge had "declared war on the people," by uprooting them to Delft without any consultation. They had presented evidence which showed that Delft was undergoing its own housing crisis, contained a questionable number of temporary relocation areas (TRAs), and offered inferior basic services. Delft also presented significantly poorer opportunities for employment, schooling, and even day-to-day security.

The LRC team and the other committee's lawyers responded quickly to the urgent timeline of the High Court order, applying for leave to appeal to the Supreme Court of Appeal and then also lodging an application for direct access to the Constitutional Court, which was not opposed. On 21 August 2008, less than six months after Judge Hlophe's order, 100 Joe Slovo residents travelled to Johannesburg to watch their case argued before the Constitutional Court.

Advocate Geoff Budlender argued that the PIE Act did not apply because the residents were not unlawful occupiers and thus could not be evicted. In fact, the city's actions constituted implied consent for them to remain on the site and that consent had not been withdrawn. For instance, after a fire shook the area in 2002, the city began an *in situ* upgrade in which it installed electricity and water and moved shacks from their haphazard arrangement into blocks with roads in between.

Counsel also argued that eviction was not 'just and equitable' under the PIE Act because it breached the occupants' substantive legitimate expectation, based on a promise made by officials, that 70% of all new housing would be allocated to former and current Joe Slovo residents. As the developers had completely failed to engage the community and had repeatedly changed their positions on income qualification requirements and other matters, they would be even more unlikely to fulfill the community's expectations after it had moved further way.

Serving as *amici curiae*, the Community Law Centre and the Centre of Housing Rights and Eviction (COHRE) argued that the eviction order also failed to meet the "just and equitable" requirement because the state of the Delft TRAs was no more adequate than Joe Slovo's current living conditions. In addition, the new housing satisfied neither international standards nor the government's own guidelines under Chapter 13 of the National Housing Code.

In June 2009, the Constitutional Court issued a decision comprising five separate judgments. Every judgment upheld the applicants' claim by finding that consent for the Joe Slovo occupants to remain had either been withdrawn or, in one judgment's opinion, never been granted to begin with. All the judgments supported an order providing for the relocation of the community, but setting aside the High Court's judgment. The order called on the parties to engage meaningfully on the timetable of the relocation and any other relevant matter, including the ultimate site of the TRAs, and directed that 70% of the Breaking New Ground (BNG) houses of the new project be given to the residents of Joe Slovo. BNG is a national policy that was adopted in 2004 and seeks to integrate residents of informal settlements into the formal housing sector. The N2 Gateway represented the pilot program of BNG in the Western Cape. Unlike Judge Hlophe's ruling, which simply stipulated eviction, the new order added a detailed list of preconditions for the government to meet. Relocation could take place only if the TRA in question meets certain minimum standards, such as a size of 24 square meters, tar roads, provisions of electricity, water and toilets, and other measures.

Steve Kahanovitz, the LRC's instructing attorney, worried that the Constitutional Court's interpretation regarding implicit withdrawal of consent detracted from the more rigorous requirements developed under PIE since its enactment in 1998. However, he welcomed the court's conditions for relocation sites (if any such relocation will take place) as a positive development in socio-economic rights jurisprudence. At the time of writing, the parties were still discussing the possible implementation of the order. Although it remains to be seen how this process will play out, any community fighting for its right to housing in the future will stand to benefit from the hard-earned gains of the people of Joe Slovo.

Land Restitution: Incorrect Statistics, Ruinous Consequences

The land restitution process is at risk because communities that are claiming land or who have secured land are facing many problems. While there is agreement on the scale of the problems there is disagreement on the diagnosis and prescribed steps to remedy them. The LRC's view is that the problems arise mainly from insufficient and incorrect assistance given to the claimants during the pre-settlement phase of land claims.

Usually, after a community successfully settles a land claim, the title deed is handed over to the community. However, in most cases, such access to the land is provided without determining who the members of the community are and allocating land user rights to community members. This has occurred even in cases where the requirement to determine land user rights was a condition of the settlement agreement.

While land development experts, departmental officials and donors emphasise the importance of post-settlement support, membership and rights need to be determined as a first step in the process of providing such support.

This article¹ focuses on a fundamental error that the Restitution of Land Rights Commission (the Commission) continues to make regarding the classification of land claims and the disastrous impact that this has on the rights of members and their ability to avoid strife over the allocation of resources.

Incorrect statistics

The Commission claims that it has finalised 94.6% of 79 696 lodged claims, with a mere 4 296 claims outstanding. However, taking into account previous statements and results published by the Commission, the Commission's figures actually reflect the settlement of about 10,000 rural claims that have been lodged and finalised. (The Commission distinguishes between 'urban claims' and 'rural claims'.)

The number of ostensibly settled rural claims bears no resemblance to the number of

actually settled claims where rural land was restored to communities. In 2003, research by the Institute for Poverty, Land and Agrarian Studies (PLAAS) found that rural land had been restored in only 68 cases. In 2005, when the LRC assessed the Commission's June 2004 cumulative statistics, it seemed that only 152 communities had received rural land in settlement. Based on these assessments and other independent review reports, we estimate that to date, no more than 300 community claims have been settled where rural land has been transferred.

But why are these numbers so disparate?

Improper classifications

The Commission has persisted in incorrectly distinguishing between urban claims and rural claims even though the Constitution and the Restitution of Land Rights Act of 1994 (the Act) divide claims into 'claims by communities,' and 'claims by persons.' While there may be practical reasons for distinguishing between urban and rural claims, it has no basis in law.

The consequences of using the incorrect categorisation unfortunately go far beyond distorting statistics.

The right of anyone to make a land claim comes from section 25(7) of the Constitution. It provides that a person or a community is entitled to claim the return of land if they were dispossessed after 19 June 1913 as a result of racially discriminatory laws or practices. The Act provides for the steps and criteria required for a person or a community to claim.

Under the legal category of a '*claim by a person*', a dispossessed person who meets the legal criteria in terms of the Act may file a claim or, if he or she has passed away, the longest surviving direct descendants of the deceased person may file a claim as co-claimants. If this person or persons are successful, then, in the absence of any other agreement, the land will be restored either to the originally dispossessed person (who becomes the owner), or to the surviving descendants (who become co-owners). Such a claim, irrespective of the number of co-claimants, counts as one claim.

The requirements and the legal basis for the award of land in a '*community claim*' are vastly different from a claim by a person. In terms of the Act, a community may claim land if, at the time of dispossession, the dispossessed land was held in common by the community and the rights of the community

members to access the land were derived from shared rules. Such a claim, irrespective of the number of community members, also counts as one claim.

If land is restored under a community claim, the land will not vest in the names of the individual community members as co-owners. The community, as a single claimant, becomes the sole owner. The right that a community member may be awarded to use or benefit from the land after a successful claim is then *granted by the community*, not the Commission, and is therefore fundamentally different from the rights of a co-claimant.

While the Act provides ways in which claims by persons or by communities can be verified by the Commission, the determination of the membership of a dispossessed community is more complex, because membership of a community is not frozen in time. Once a restitution award has been made to a community, the community will be entitled to determine and then allocate land rights and benefits to its members in terms of its rules (which must also comply with the requirements of the Act).

The consequences are far-reaching

In 2004, the Commission embarked on a drive to speed up restitution and claim verification. The Commission's researchers correctly applied the criteria for claims by a person. They sought to establish the identity of descendants to the originally dispossessed individuals by tracing whether the persons claiming the land were indeed direct descendants - and that they did not have an antecedent (e.g. a parent or grandparent) who was being excluded from the claim. Birth and death certificates were examined and family trees were constructed to determine the basis upon which land would be awarded, should the claim be successful.

Where the Commission committed a blunder was to ignore investigating whether communities, when making a claim, previously held the land in common and determined access to it on the basis of shared rules. Instead, the Commission applied the criteria reserved for claims by a person to claims that were lodged by communities.

Rather than allowing the community to determine membership, the Commission itself started informing the communities of their membership. Members were defined as those who are direct descendants of the individuals who formed the community at the time of dispossession.

This improper application has caused confusion and uncertainty about the identity of community membership. Communities are faced with having to (a) include people as members purely because of descent (which may span up to six generations), even though they had not associated themselves with the community and were not accepted as members; and (b) exclude people who, while not related by blood or marriage, had become accepted as part of the community subsequent to the removal. Furthermore, if the Commission's approach was applied to its logical conclusion, the community would have no say in the distribution of rights or access to the land once

the claim is successful.

The Commission's actions have made the gathering of relevant statistics of land restitution impossible. The result is that there is currently no certainty of how many valid community claims have been made or settled, how many community members (even potentially) or how much land is involved, and where the land is situated. To give a sense of the scale of the problem and the urgency for ensuring its resolution: there are unsubstantiated assertions that 70% of Limpopo province is under claim. Mondi, the largest forest-owning concern in South Africa, has stated that 48% of its land is under claim. Similarly, it is said that large swathes of sugar cane plantations are under claim. Yet we do not really know the extent to which land claims in particular areas may be affecting agriculture and other industries.

The incorrect classification of land claims fundamentally affects the rights of community claim beneficiaries on such a scale that unless the restitution process is re-appraised, efforts to conclude restitution in the rural areas may be doomed to failure.

It is against this backdrop that the new Rural Development and Land Reform Minister Gugile Nkwinti's vision for restitution as part of the Comprehensive Rural Development Programme comes as welcome news. On 4 June 2009, the Minister committed his department to:

"Provide an analysis of outstanding claims (nature and type) and indicate related challenges and how these should be addressed to speed up finalisation of the same. Clearly indicate what is possible by the year 2011 and what, if any, will be outstanding."

The statement of the new Minister heralds a more considered approach when compared to that taken by government in past years.

¹ This is an updated version of a similar article that was published in the Business Day on 31 July 2009 at <http://www.businessday.co.za/articles/content.aspx?id=77370>

Muslim Women in Polygynous Marriages Fight for the Right to Inherit

Women across our nation who have to deal with the death of a spouse are often forced to grapple with the implications of this loss on their survival, as they face potential homelessness if their husbands die without leaving a will. Among this vulnerable group of women in our society are Muslim women in polygynous marriages who have been denied certain benefits afforded to other widows, merely because they entered into a polygynous Muslim marriage. Polygyny is the practice whereby a man marries more than one wife.

The preamble to the Constitution declares: 'South Africa belongs to all who live in it, united in our diversity'. In keeping with the spirit of the preamble, in the second half of 2008, Muslim women in polygynous marriages called on the Constitutional Court to recognise them as 'spouses' for the purpose of inheriting and claiming maintenance under the Intestate Succession Act (ISA) and the Maintenance of Surviving Spouses Act (MSSA). The purpose of this legislation is to provide relief to widows who are deemed to be a particularly vulnerable group in South Africa. The ISA guarantees a widow a

portion of her husband's estate when he dies without a will, whilst the MSSA provides widows with an opportunity to make a claim for maintenance against their deceased husband's estate. A patriarchal society made it necessary to enact this legislation to protect women who generally find it more difficult than men to receive income and acquire property.

Fatima Gabie Hassam is one of an estimated 1.5 million South African Muslims who practise Muslim Personal Law. Living as citizens of a secular state has not deterred this Muslim community from observing Sharia law, the religion-based law that finds its source in the Qur'an. Fatima lived with her husband for 29 years in a polygynous marriage in accordance with the tenets of Muslim Personal Law. Under South African law, a polygynous marriage is not formally recognized but its significance is not diminished among those who have chosen to live in line with their religious beliefs.



Fatima Hassam, champion to thousands of Muslim women in South Africa. (Picture taken by Terry Shean, Sunday Times)

When Mrs Hassam's husband died in 2001, the State did not recognize her as a legitimate 'spouse' and in doing so excluded her from the benefits and protections afforded to other widows under the ISA and the MSSA. Fatima took the matter to the Cape High Court which found that a failure to afford these women such protections amounted to a violation of their rights to equality on the basis of marital status, religion and culture, and also infringed their right to dignity.

The matter was then referred to the Constitutional Court for confirmation. In February 2009, the LRC represented the Muslim Youth Movement of South Africa (MYM) which intervened in the case as *amicus curiae*. The LRC made submissions to the Constitutional Court on behalf of the MYM. The MYM submitted that the non-recognition of Muslim women in polygynous marriages as 'spouses' is unfairly discriminatory and inconsistent with the Constitution. This argument stemmed from a previous case which recognised that women in *de facto* monogamous Muslim marriages are indeed 'spouses' for the purposes of the ISA. Thus any distinction between women in polygynous Muslim marriages and women in *de facto* monogamous Muslim marriages is discriminatory.

The MYM also submitted that the word 'spouse' should be applied in this case as it was in the *Bhe* case. In *Bhe*, the Constitutional Court extended the definition of the word 'spouse' as contained in section 1(4)(f) of the ISA to apply to women in polygynous customary marriages.

On 15 July 2009, the Constitutional Court ruled in favour of Mrs Hassam and other similarly situated women. The Court concluded that the ISA differentiated between widows married under the Marriage Act and those married in terms of Muslim rites. It also concluded that the ISA differentiated between widows in monogamous Muslim marriages and those in polygynous Muslim marriages, and between widows in polygynous customary law marriages and those in polygynous Muslim marriages. As a remedy the Court said that the ISA should be read as though the words 'or spouses' appeared after the word 'spouse' wherever it appeared in the ISA.

Nkabinde J writing for a unanimous Court said that "by discriminating against women in polygynous marriages on the grounds of religion, gender and marital status, the Act clearly reinforces a pattern of stereotyping and patriarchal practices that relegates women in these marriages to being unworthy of protection." She also said "excluding women in polygynous Muslim marriages is not justifiable in a society guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom."

The Constitutional Court judgment is a true victory for women in polygynous Muslim marriages who now have the ability to make claims under the ISA and MSSA, as women in monogamous marriages are able.

'Go Home or Die Here': Protecting the Rights of Refugees in the Aftermath of the Xenophobic Attacks of 2008



Jason Brickhill, an attorney in the LRC's Constitutional Litigation Unit, consults with Somali clients at the Carroll Shaw Memorial Centre in Randfontein outside Johannesburg.

On 11 May 2008, a gang of men in Alexandra township, Johannesburg, broke into a hostel on London road and launched a vicious attack on residents they considered 'foreigners', attempting to purge them from local communities. This spark ignited violence that spread like wildfire across all the country's major urban areas. The attacks continued until early June, by which time 62 people had been killed, 670 wounded and many thousands dispossessed and displaced. Homeless victims sought refuge at local police stations, churches and welfare organisations, and refugee camps sprung up all over South Africa, particularly in Gauteng and the Western Cape. The South African government's response to the crisis was ill-conceived, inadequate and delayed. As a result, the LRC, like many other civil society organisations, came to the defence of the foreign nationals and was faced with the overwhelming and unanticipated needs of many new clients.

The LRC has over many years advised large numbers of foreign nationals on how to traverse the maze of bureaucracy that constitutes the immigration and refugee process, especially in the Cape Town office. However, the xenophobic violence and its aftermath posed new challenges relating to the violence, and to the temporary sites and refugee camps.

On 19 May 2008, the South African Human Rights Commission convened a meeting to map a response to the violence. Four task groups were proposed: the Legal Aid group, Humanitarian Aid, Government Liaison and Community Liaison. As part of the Legal Aid group, the LRC was tasked with a) supporting due process in respect of the prosecution of violence, supporting victims and investigating allegations of police abuses and continued deportations of victims; b) assisting with planning for repatriation and resettlement of victims; and c) seeking alternatives to 'holding facilities' and refugee camps. In order to accomplish these tasks, the LRC drafted an affidavit template

and collected legal testimony from hundreds of victims, urged the National Prosecuting Authority to set up specialised criminal courts to deal with the attackers effectively, lobbied other government institutions to ensure better performance and protection and attempted to secure Social Relief of Distress Grants for the victims.

On 27 May 2008 in the Western Cape and on 1 June 2008 in Gauteng, the government started moving the victims of the violence to unprepared and insecure sites. The LRC immediately started working towards the increased provision of services for the refugees and asylum seekers who found themselves living in conditions of squalor, with little access to shelter, food, water, sanitation and safety. For example, the Akasia camp outside Pretoria, which was home to the LRC's Somali clients before it was closed, initially housed 500 people with two tents, five toilets, two water points, 100 cans of food, 15 blankets and no bedding. The inhabitants, as in other camps, included large families, single parents and children, most without a source of income. Since March 2009 the LRC has been acting for the Somali clients, assisting them to engage the United Nations High Commissioner for Refugees (UNHCR) and the government in attempts to seek a decent and durable solution to their plight.

The LRC also dealt with issues of health care for the refugees and asylum seekers, including acting on behalf of a refugee single mother with cancer, a paralysed refugee child, a refugee child who needed an eye operation and a refugee injured at work. In all these cases our clients had been turned away from public hospitals and clinics and were unable to access basic health care because they did not have the correct documentation. We wrote numerous letters to public hospitals and clinics explaining the rights of refugees and asking them to provide health care. In the Western Cape, in particular, we did this until the Western Cape Health Department confirmed that refugees and asylum seekers would not be denied treatment if they do not have refugee documents.

In mid-September 2008, the Department of Home Affairs commenced its Rapid Determination Assessment Process, aimed at processing the asylum applications of those in the camps. As there were hundreds of rejections, the LRC teamed up with the University of Cape Town's Law Clinic to assist applicants seeking to appeal the negative decisions.

On 15 July 2008 in the Western Cape and on 1 August 2008 in Gauteng, the national government expressed its intention to close the camps. In response, the LRC, UNHCR, other civil society organisations and representatives of provincial and local government established the Disaster Crisis Committee. The purpose of the Committee was to lobby against the closure of the camps so as to protect the refugees and asylum seekers still living in the camps, as they feared reintegration into local communities. However, in early 2009 the Gauteng provincial government suspended the committee meetings and declared that the crisis was over. At the same time the Cape Town City Council announced its intention to launch court proceedings to evict the inhabitants of the Blue Waters camp and outlined the eviction plans in the media. At the time of writing, in September 2009, the evictions at the Blue Water camp had not taken place. In the intervening period, the LRC continued to work towards increased provision of services from the government for those still living at the Blue Waters camp. The LRC also argued against and prevented the detention of many Zimbabwean nationals. A Zimbabwean woman, separated from her young child by her unlawful arrest and detention, was released after an urgent application by the LRC in Cape Town.

At the Central Methodist Church in Johannesburg, the LRC moved urgent applications for the release of Zimbabwean asylum seekers living at the Church. The LRC, working with other human rights organisations, facilitated the establishment of a panel of private attorneys to assist foreign nationals who are unlawfully arrested and detained. The LRC also opposed the eviction of thousands of refugees and asylum seekers housed at the Church. The eviction application, which was indefinitely postponed by the South Gauteng High Court on 20 March 2009, was made by a firm of advocates. The LRC continues to advise and represent the Church and many of those who have sought refuge there.

In addition, important progress was made in the De Gaulle Kiliko judgment, which was handed down on 9 March 2009. The case, which the LRC's Cape Town office has been working on for many years, put Home Affairs to terms to improve its systems to allow foreign nationals to have proper access to Refugee Reception offices and a fair opportunity to apply for asylum. This work continues.

During 2008 and early 2009, when the political and humanitarian situation in Zimbabwe showed the first glimmer of hope for new stability, the legal status of Zimbabweans in South Africa remained obscure and uncertain. Government statements, both in court papers and in the media, promised the introduction of a special dispensation which would allow Zimbabweans to live, work and study in South Africa without having to satisfy the traditional definition of a 'refugee'. The LRC welcomed this acknowledgment of the humanitarian crisis in Zimbabwe, but is concerned that the special dispensation has yet to materialise.

The situation of foreign nationals living in South Africa remains precarious. Reports of xenophobic violence continue to reach us from various parts of the country. The administrative machinery that is meant to enable people to apply for refugee status remains clogged and inaccessible. The status of Zimbabweans in South Africa requires urgent clarification. Protecting the rights of foreign nationals, in particular refugees and asylum seekers, must therefore remain an important priority for the LRC.

Hope Re-Inflated

The case of Mrs Nokwayiyo Ncamile, an unemployed grandmother, and her 11 year-old grandson set in motion significant changes to the means test for determining eligibility for child support grants.

The regulations to the Social Assistance Act 13 of 2004 stipulated that the income of a child's primary caregiver calculated together with that of the caregiver's spouse should not exceed R800 or R1,100 (depending on the applicant's residential area and type of dwelling). This income ceiling had been fixed in 1998 and had not been adjusted for inflation over the ensuing ten years. The effect of this failure to adjust for inflation was that a child in 2007 had to be substantially poorer in real terms than a child in 1998 in order to qualify for a grant. This effective reduction of the means test cut-off was estimated to have excluded up to 700,000 children from the grant.

Mrs Ncamile received the child support grant for her grandson for a number of years. In August 2007 the grant was suddenly withdrawn on the grounds that her income exceeded the maximum amount. Although Mrs Ncamile earned no income of her own, her husband received a pension of R1,500 per month, thus making her grandson ineligible for the grant. The difficulty was that her



Mrs Ncamile, who now qualifies for a child support grant, with her grandson at their home in Grahamstown.

husband was not the grandfather of the child and had no legal duty to support him. While he made small contributions to the cost of the child's food, he refused to pay for items such as school clothes, stationery and other necessary expenses.

Assisted by the LRC, Mrs Ncamile and the Children's Institute of the University of Cape Town brought an application in her own interest and on behalf of

Mrs N Xabane

Mrs Xabane's child support grant (CSG) was cancelled because the South African Social Security Agency's (SASSA) computer system reflected her earnings as R104,652 a year. Mrs Xabane was, in fact, unemployed. In April 2008 the LRC referred the matter to SASSA who in turn referred it to their fraud unit for investigation. Monthly emails and telephone calls to SASSA were made to follow up. In August 2008, SASSA advised the LRC that the CSG would be reinstated with full backpay. It however took another 3 months of persistent telephone calls to SASSA before Mrs Xabane received the monies due to her. In November 2008 she received an amount of R6, 920.

all other similarly situated caregivers challenging the constitutionality of the regulations. Two remedies were sought: the adjustment of the income ceiling for the child support grant in line with inflation and the alteration of the regulations to exclude income of a spouse with no legal duty to support the child from the eligibility calculations.

The case was launched in January 2008 and was expected to be heard in late 2008 before the Grahamstown High Court. However, in May, the Department of Social Development was granted a postponement to allow them to amend the regulations to fix the problem. While it was clear from the start of the proceedings that the Department intended to address the problem, the Minister of Finance was opposing the reform. The Social Assistance Act requires the concurrence of the Minister of Finance for any amendment to the means test threshold.

In August 2008, the Department announced new regulations which will ensure that the means test will be adjusted for inflation each year. The new income ceiling for caregivers is calculated at ten times the value of the grant, and thus adjusts automatically each year as the grant amount is increased. From August 2008 to March 2009, for example, the means test cut-off was R2,200. While the new regulations do not completely solve the problem of including a spouse's income in determining eligibility for the grant, they

improved the situation sufficiently for the Children's Institute and the LRC to agree to withdraw the case.

This case demonstrates the power of targeted impact litigation to secure meaningful change for the benefit of the most vulnerable in our society.

Ms N Mtabana

Ms Mtabana applied for a disability grant, and was given a date to see the doctor. As seemed to be the practice in Mqanduli in the Eastern Cape, our client was given a date to see the doctor three months after she had received her disability grant application form. She was then told that her form had expired and that she had to request a new form and a new date. Unfortunately, Ms Mtabana had no proof of her application, so the LRC advised her to reapply for a disability grant. The LRC also requested that in the interim she be given Social Relief of Distress (SROD). Ms Mtabana was assisted with a SROD in June and July 2008 and was given a date to see the doctor in July 2008. Ms Mtabana was then awarded a temporary grant for 12 months.

Mr Mangele

Mr Mangele's 25 February 2008 application for a disability grant was rejected. He is a 43 year old man who has never been able to work. He has a standard 5 education, and both his parents are old age grant recipients. The LRC requested proper reasons for the rejection of his application from SASSA, but no satisfactory reasons were given. The LRC then sent Mr Mangele for an examination with Dr Jameson who found that he was permanently disabled, would never be able to work and had limited life expectancy. An appeal was drafted on our client's behalf. The LRC later instituted legal proceedings on behalf Mr Mangele and four others to compel the Minister of Social Development to take a decision on his appeal. Mr Mangele's appeal was successful as he was awarded a permanent grant with backpay.

Water Quality and Mining Activity in Mpumalanga

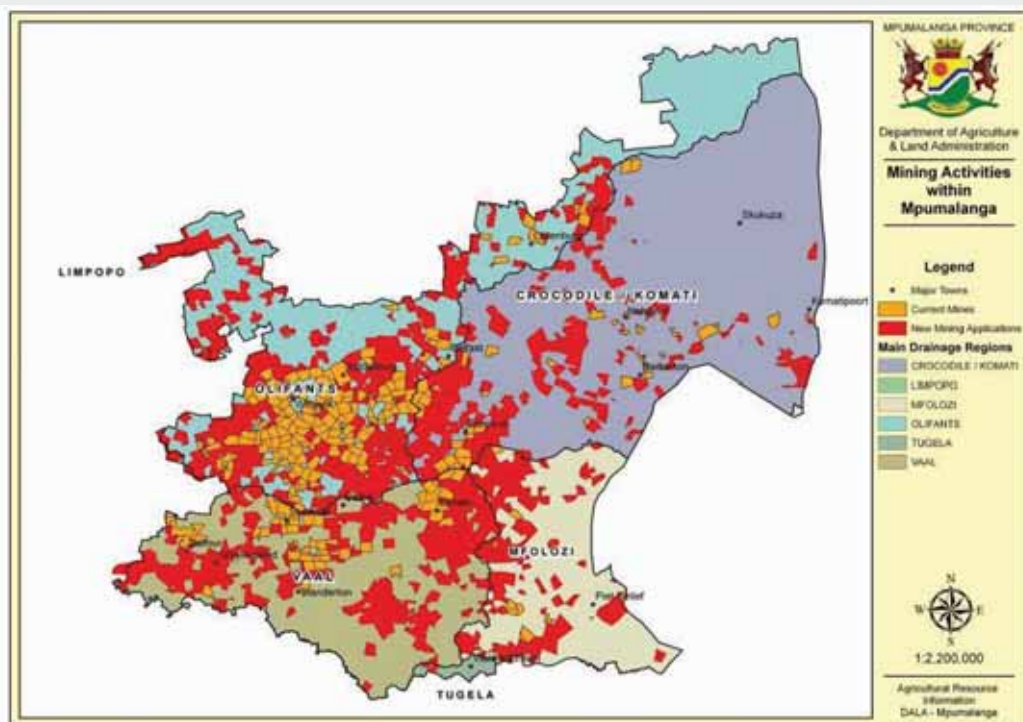
Water is South Africa's most precious resource. Most areas of the country receive less than 500 mm of rainfall a year. In the desert regions of the west, annual rainfall rarely exceeds 200 mm. The country is one of the driest in the world and one of only a few whose mean annual rates of evaporation exceed mean rates of precipitation.

It is with such an environment that South Africa must confront a glut of new water-polluting mining activity in Mpumalanga. Mpumalanga is one of the wettest provinces in the country, with parts of it receiving more than 1,200 mm of rainfall a year. The geography of South Africa is such that the wetter eastern provinces supply almost all of the water consumed by Johannesburg and much of the western part of the country. Water from these wet regions in the east flows down away from a natural escarpment and into the lower areas in the interior. Of the wet regions, the Highveld plateau in Mpumalanga is perhaps the most important to the supply and quality of the water. The

area's rolling hills hide a multitude of marshy wetlands in their troughs. The wetlands catch runoff and precipitation and feed slowly into surrounding streams and rivers. The headwaters of the Usutu, Komati, Olifants, and Vaal rivers all originate along the Highveld's narrow plateau.

Coal is as plentiful in Mpumalanga as water. There are currently over 150 active mines in the province, and there are applications for hundreds more. As more and more existing mines are exhausted and abandoned without adequate safeguards against water pollution, the quality of water in Mpumalanga has dramatically deteriorated. The amount of dissolved minerals and metals such as calcium and aluminum, measured as total dissolved solids (TDS), present in the region's water has markedly increased. Portions of the Vaal River's headwaters have been measured at over 1,000 mg/l TDS, a level well above safe drinking limits. In 1980, TDS and sulphate levels measured in several major reservoirs of Mpumalanga were well below World Health Organisation (WHO) limits for safe drinking water. However, as of

A map showing the mining activities in Mpumalanga.



last year, these levels were nearly five times the WHO standard, and there are no signs of abatement.

South Africa faces a crisis in the form of a looming water deficit. Ecosystems and water resources are already strained by demanding users, and are increasingly affected by poor water quality, which, in turn, affects net availability. Coal-fired power plants are the primary source of electricity in South Africa and the single largest consumers of water. Their steam-powered generators require massive daily volumes of water, which must meet certain minimal levels of purity and quality. Normally, power plants recycle the water used to create the steam that powers their generators many times over. However, if the water is too polluted, power stations are forced to reduce their recycling and increase their intake. Water that is high in dissolved minerals and metals leaves behind more pollutants each time it is turned into steam, and these pollutants decrease the effectiveness of the generators. Eskom coal plants using water originating from Mpumalanga use 325 million cubic metres of water a year. If current trends in the level of population growth are not halted or reduced, this usage could increase by 600% over the next 10 years. South Africa's environment does not have the supply to meet such demand.

Two of the major problems confronting the regulation of coal mining in Mpumalanga are the under-enforcement of water license conditions for mines and a bureaucratic backlog in the processing of applications for these licenses.

The LRC has been engaging with these issues on behalf of the Escarpment Environmental Protection Group (EEPOG), an NGO operating in Belfast, Mpumalanga. The LRC, together with EEPOG, has made submissions to government in order to highlight the water crisis in the area. In 2008, we made submissions relating to the mining license application of Umcebo Mine on Klippan Farm for its coal processing plant. Although Umcebo's application was successful, we appealed this decision. We also made submissions relating to a water license of Werm Mine on Langloof Farm. A review of the decision to grant this license is also pending. We are in the process of consulting with affected communities and advising them of their rights, as well as exploring other possible ways of taking their concerns forward.

The LRC will continue raising awareness and redressing the following areas around the water licensing process through a combination of non-litigious engagement, law reform, litigation, and networking with civil society organisations, among other strategies:

1. The review of the processes and time periods for the completion of the Environmental Impact Assessment requirement.
2. Eradicating the extensive delays in responses by government to applications, appeals and correspondence.
3. Addressing the power dynamics that exist in the public participation process by ensuring that vulnerable communities are better equipped to take part in the decisions that affect the quality of their water sources, and their ability to access other natural resources.

4. Ensuring that the affected communities properly understand government policies as well as their rights with regards to environmental and water law.
5. Ensuring that government officials take proper consideration of cumulative impact assessments when considering applications for water and mining licenses.
6. Encouraging government officials to use independent, external experts in verifying technical data supplied by mining companies in water license applications.
7. Ensuring uniform operation and co-ordination within government in implementation of environmental, mining and water legislation.

The LRC is at present investigating the merits of litigation but we continue our efforts in engaging government and the mines in order to address the concerns highlighted above.

It is envisaged that if these concerns are adequately addressed, the water quality in the area will not be detrimentally affected further, and that the negative impacts that have been experienced thus far can be mitigated before it is too late.

No Longer Poor and Dependent

Elizabeth Gumede, married according to Zulu customary law for thirty years to Amos Gumede, was served with divorce summons in 2003. During their marriage Mr Gumede had acquired two properties. One of these was the marital home where Mrs Gumede resided, reared their four children, and performed domestic tasks. It was clear from the summons that Mr Gumede had every intention of proceeding in accordance with the customary law governing their marriage. The result of the divorce would render Mrs Gumede effectively property-less and homeless. This is because customary marriages entered into before 15 November 2000 continued to be governed by customary law, which provides that the husband is the family head and owner of all family property, which he may use in his exclusive discretion. Therefore Mr Gumede was not obliged under any law to account to his wife or to share with her on divorce.

This anomaly in our law was partially remedied by the Recognition of Customary Marriages Act (the Act). This Act provides that customary marriages concluded after 15 November 2000 are in community of property, unless the parties contract out of community of property. The primary purpose of the community of property regime, the default position in civil marriages, is to protect the financially weaker spouse, most often the woman. Mrs Gumede did not want to be left destitute and wanted to be afforded the protection of the law. But she was hindered by section 7(1) of the Act which provided that all marriages entered into before 15 November 2000 would continue to be governed by customary law. The wife in a customary marriage, in terms of codified customary law, including the KwaZulu Act on the Code of Zulu Law of 1985 and the Natal Code of Zulu Law, Proclamation R151 of 1987, is subservient to the man. He is the 'family head' and as such the 'owner of all family property in his family home', requiring the other members of the family home, irrespective of gender or age, to be controlled by and to owe obedience to him.

If Mrs Gumede wished to rely on the provisions of the Act to claim any monetary benefit of the marriage, she carried the burden of finding legal representation to assist her to persuade the court why she was entitled to the just and equitable division of the property on divorce. This is what the Act provides as a relief or remedy for parties married before 15 November 2000.

Mrs Gumede consulted the LRC, which

applied to stay the divorce proceedings and began the constitutional challenge to the Act and the Codes on Zulu Law. We argued that the application of customary law is discriminatory on the basis of gender and race as it makes the husband the sole owner of all property that is acquired during their marriage and only black women are subject to such unequal proprietary consequences. We argued further that even though the Act acknowledged these discriminatory consequences and provided equal status and capacity of spouses to customary marriages concluded after the commencement date, the discrimination was perpetuated when the benefit of community of property was not extended to marriages concluded before 15 November 2000.

The High Court of the Durban and Coast Local Division declared the relevant provisions of the legislation unconstitutional, as the unfair discrimination inherent in the legislation's under-inclusiveness pertained only to black women.

In confirmation proceedings in the Constitutional Court, one of the submissions on behalf of the state was that a customary law wife can apply to the divorce court for a distribution order transferring property to the wife, subject to her persuading the judge to find this remedy 'just and equitable'. The LRC however, argued that: '[t]he Constitution is intended to create rights which



Cathy Mote, a paralegal in the LRC's Durban office, visits Mrs Gumede at her home in Durban.

are to be exercised by real people in the real world. It is not a set of theoretical constructs. In the real world, as a purely practical matter, most customary law wives will not have the skills or resources to apply to court and persuade the court to make a distribution order. It is discriminatory and inconsistent with the Constitution to require that they do this in order to have any prospect of securing an equitable property outcome.' Moseneke DCJ, for a unanimous court, held that this clause effectively places the onus on the wife to establish that she is entitled to the assets, a 'remedy' that only applies upon dissolution of the customary marriage, which does not cure the discrimination that the spouse endures during the course of her marriage.¹

The Court held that the Act was aimed at remedying the 'historical humiliation and exclusion meted out' to customary law wives² and yet, the impact of the under-inclusiveness inherent in the distinction between those married before and after the commencement date is that 'the affected wives in customary marriages are considered incapable or unfit to hold or manage property.' The Court further held that they are 'expressly excluded from meaningful economic activity in the face of an active redefinition of gender roles in relation to income and property'³ and that this system 'renders women extremely vulnerable by not only denuding them of their dignity but also rendering them poor and dependent. This is unfair'.⁴ In confirming the constitutional invalidity of the legislation, the Court held that the respondents advanced no justification for the unfair discrimination based on gender.

In light of these findings, Moseneke DCJ confirmed the order of constitutional invalidity issued by the High Court and held that the following provisions are inconsistent with the Constitution and invalid:

- a) Section 7(1) of the Recognition Act, insofar as it provides that the proprietary consequences of a marriage entered into before the commencement of the Recognition Act continue to be governed by customary law.
- b) Section 7(2) of the Recognition Act, insofar as it distinguishes between a customary marriage entered into after and before the commencement of the Recognition Act, by virtue of the inclusion of the words "entered into after the commencement of this Act".
- c) Section 20 of the KwaZulu Act on the Code of Zulu Law, because it provides that during the course of a customary union the family head is the owner of and has control over all family property in the family home.
- d) Section 20 of the Natal Code of Zulu Law, because it provides that the family head is the owner of and has control over all family property in the family home.
- e) Section 22 of the Natal Code of Zulu Law, because it provides that the inmates of a kraal are in respect of all family matters under the control of and owe obedience to the family head.

The unanimous Court also ordered that the government parties pay the legal

costs of Mrs Gumede. LRC attorney Sharita Samuel said that the victory obtained by the litigation engaged on behalf of Mrs Gumede, a 65-year old Zulu divorcée, will ensure that customary law wives "will not automatically join the homeless statistics and maintenance court queues begging for what was rightfully earned during their marriages".

STATS

8,500

Drop-in visitors to LRC

30

Workshops / trainings given

ZAR 67,000

Value of books & subscriptions donated to our libraries

100,000

Visitors to our website

20

Legal submissions made

7

Free publications

¹ *Elizabeth Gumede v President of RSA & Others* [2008] ZACC 23, paras 45 and 48.

² para 16.

³ para 35.

⁴ para 36.

Financial Report

This year has seen a crisis in the global economy and with it financial turbulence both internationally and locally.

The Legal Resources Trust (LRT) felt this impact, resulting in a decline in the general reserve as well as in the local contributions received.

Resource Allocation

During the period under review the allocation of resources was in line with the operational plan of the LRC, which was to augment the administrative, operational and marketing capabilities of the organisation as well as explore strategies to move towards a more self-sustaining funding model.

In keeping with the nature of the work of the LRC, 59% of the resources were allocated to direct project expenses. With prudent cost management, we have brought down the costs for salaries to 21% and office expenses to 20% of the total expenditure respectively.

Of the overhead and support costs, the prime expenditure item remains the rental costs of premises (35%) for all the LRC offices nationwide. Even with this expense, the organisation has managed to control the overhead and support costs to be 20% of total expenditure.

Systems and Policies

With the implementation of the Case Cost Management System as well as the Telephone Management System and the Vehicle Management System, our costing and reporting models have benefited immensely.

The Centralised Creditors System is now operational and we are investigating enhancements to the Grants Management System.

All contractual obligations and stipulations emanating from the funders agreements have been adhered to.

A Remuneration Policy has been drafted and will be implemented as part of the

Performance Management System once the consultations with all stakeholders have been concluded.

The IT architecture has been upgraded, ensuring a more efficient operating platform, and staff training on the upgraded software is currently taking place.

Conclusion

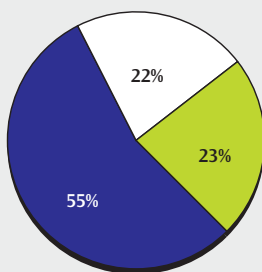
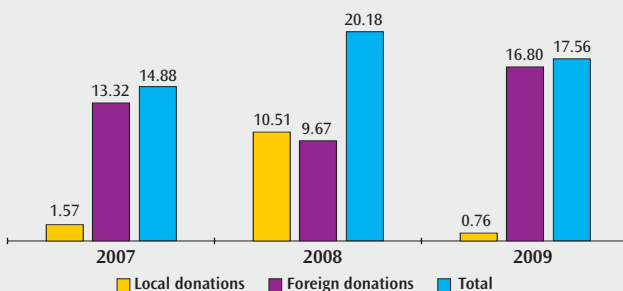
For the financial period under review, the LRT needed to generate R22.06 million in donor income, and only realised R17.56 million. This clearly reflects that the current global meltdown has impacted on the organisation. The shortfall of R4,5 million was funded by the LRT. If this trend continues, this will impact further on the reserves of the LRT.

It remains a challenge to ensure that the funds needed are raised to provide the services and attract the calibre of staff that the LRC needs. It once again highlights that the LRC needs to explore and develop a funding model as a source of core income for its operations and thus become less reliant on donor funding.

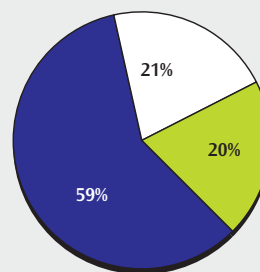
The LRC remains committed to ensuring that the principles, rights and responsibilities enshrined in our national Constitution are respected, promoted, protected and fulfilled.

K De V Reinecke
Financial Director

Donations Received 2007 - 2009 (R'm)



% Resource Allocation 2008



% Resource Allocation 2009

■ Direct Project Expenses □ Management & Admin Salaries ■ Overhead & Support costs

Approval of the Financial Statements

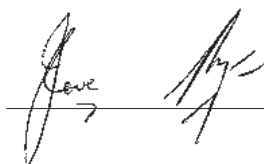
The National Director, after consultation with the Executive Committee, is responsible for monitoring the preparation and integrity of the financial statements and related information in the annual report.

The financial statements are prepared in accordance with the stated accounting policies and incorporate responsible disclosure in line with the accounting philosophy of the Legal Resources Centre. The financial statements are based on appropriate stated accounting policies consistently applied, except where otherwise stated, and supported by reasonable and prudent judgements and estimates.

The National Director and Executive Committee are satisfied that the Legal Resources Centre will continue as a going concern in the year ahead. For this reason, the financial statements have been prepared on a going concern basis.

The Legal Resources Centre is registered as a non-profit organisation in terms of the Non-profit Organisations Act No. 71 of 1997 (NPO No. 0023-004 NPO); and the Legal Resources Centre has also been approved by the Commissioner of the South African Revenue Services (SARS) as a tax-exempt Public Benefit Organisation for purposes of Section 10(1) (cN) as read with Section 30; and has been further approved by the Commissioner for the purposes of Section 18A of the Income Tax Act (PBO reference number 930003292).

The financial statements for the year ended 31 March 2009 set out on pages 3 to 14 were approved by the Executive Committee on 10 October 2009 and signed by the National Director.



Report of the Independent Auditors

To the Executive Committee

LEGAL RESOURCES CENTRE

Report on the financial statements

We have audited the accompanying financial statements of the Legal Resources Centre, which comprise, the balance sheet as at 31 March 2009, and the income statement, statement of changes in equity for the year then ended, and a summary of significant accounting policies and other explanatory notes set out on pages 3 to 14.

Executive committee's responsibility for the financial statements

The executive committee is responsible for the preparation and the fair presentation of these financial statements in accordance with their accounting policies. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. These standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the

financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Unqualified Opinion

In our opinion, these financial statements fairly present, in all material respects, the financial position of the Legal Resources Centre as at 31 March 2009, and of its financial performance for the year then ended in accordance with its accounting policies.

Emphasis of matter

As is explained in note 2 to the financial statements, the Centre needs ongoing donor support if it is to continue operations. These financial statements have been prepared on the basis of accounting practices applicable to a going concern which assumes that the Centre will generate sufficient funds by way of grants from Legal Resources Trust to continue funding its activities in the ensuing year. Accordingly they do not include any adjustments, relating to the recoverability and classification of assets or to the amounts and classification of liabilities, that would be necessary if the Centre were unable to continue as a going concern.



Douglas & Velcich
Chartered Accountants (S.A.)
Registered Accountants and Auditors
Johannesburg

Legal Resources Centre

Balance Sheet

as at 31 March 2009 (abridged)

	2009	2008	2007
	R	R	R
ASSETS			
Non-current Assets	616,902	467,657	683,553
Tangible assets	616,902	467,657	683,553
Current Assets	2,445,069	2,455,834	2,043,497
Trade and other receivables	763,074	1,193,411	845,259
Accrued income - cost recovery	-	-	497,538
Amount due from - Legal Resources Trust	631,319	340,811	-
Cash and cash equivalents	377,040	252,163	8,271
Client trust bank accounts	673,636	669,449	692,429
TOTAL ASSETS	3,061,971	2,923,491	2,727,050
LIABILITIES			
Non-current Liabilities	-	-	-
Accumulated funds	-	-	-
Current Liabilities	3,061,971	2,923,491	2,727,050
Trade and other payables	1,937,387	1,541,699	607,655
Provisions	443,701	712,343	721,221
Client trust funds	673,636	669,449	692,429
Amount due to - Legal Resources Trust	7,247	-	705,745
TOTAL RESERVES AND LIABILITIES	3,061,971	2,923,491	2,727,050

Income Statement

for the year ended 31 March 2009

	2009	2008	2007
	R	R	R
INCOME	27,162,588	23,961,691	26,889,899
Cost recovery	3,620,857	2,061,071	4,261,766
Distribution from Legal Resources Trust	23,214,732	21,668,562	21,164,583
Sundry Income	326,999	231,063	1,438,296
Interest received	-	995	25,254
OPERATING EXPENDITURE	27,162,588	23,961,691	26,889,899
Salaries and contributions	5,604,563	5,174,767	5,368,188
Office expenses	5,462,798	5,537,313	5,731,474
Administrative costs	1,295,572	799,361	870,472
Books and periodicals	352,669	438,815	433,316
Computer expenses	420,740	340,480	425,367
Depreciation	275,292	505,709	264,118
Lease rentals on operating lease	1,925,972	1,849,063	1,663,355
Printing and stationery	176,496	215,448	320,304
Temporary staff	-	116,691	62,011
Telephone and fax	592,462	462,116	574,122
Travel - local	423,595	809,630	1,118,409
Project expenses	16,095,227	13,249,611	15,790,237
DEFICIT FOR THE YEAR	-	-	-

Legal Resources Centre – Trustees Report for the Year

The trustees have pleasure in presenting their report on the activities of the Trust for the year ended 31 March 2009.

Nature Of Activities

The Legal Resources Trust has an oversight and fiduciary responsibility for the Legal Resources Centre so as to enable the Legal Resources Centre to provide free legal services in the public interest to poor and vulnerable South Africans.

Financial Results

The results for the year under review are set out in the attached financial statements.

Statement of Responsibility

The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The auditors are responsible to report on the fair presentation of the financial statements.

The trustees are also responsible for the trust's systems of internal control. These are designed to provide reasonable, but not absolute assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the trustees to indicate that any material breakdown in the functioning of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the trustees have reason to believe that, having regard to the financial support also provided by SALS and additional grant income, the Trust will have sufficient resources at its disposal to enable it to continue its operations.

Trustees

Jody Kollapen (Chairperson)
 Janet Love (National director: Ex-officio trustee)
 The Honourable Justice Lee Bozalek
 Sibongile Mkhabela
 The Honourable Justice Arthur Chaskalson
 The Honourable Justice Dunstan Mlambo
 Professor Harvey Dale
 The Honourable Justice Lex Mpati
 The Honourable Justice Yusuf Ebrahim
 The Honourable Justice Mohamed Navsa
 Professor Michael Katz
 Thandi Orleyn
 Raisaka Masebelanga
 Richard Rosenthal

Legal Resources Trust

Balance Sheet

as at 31 March 2009 (abridged)

	2009	2008	2007
	R	R	R
ASSETS	17,160,403	26,590,492	29,093,025
Non-current Assets	15,656,207	24,772,134	27,253,152
Tangible assets	1,208,210	1,268,105	1,328,000
Investments	14,447,997	23,504,029	25,925,152
Current Assets	1,504,196	1,818,358	1,839,873
Accrued grant income	130,000	380,000	587,662
Amount due from Legal Resources Centre	-	-	705,745
Cash and cash equivalents	1,374,196	1,438,358	546,466
TOTAL ASSETS	17,160,403	26,590,492	29,093,025
RESERVES AND LIABILITIES	17,160,403	26,590,492	29,093,025
Equity and Reserves	15,268,101	24,160,481	26,155,131
Initial trust capital	250	250	250
Revaluation reserve	1,083,744	1,140,711	1,197,678
FNK Scholarship reserve	589,717	239,598	239,598
General reserve	13,594,390	22,779,922	24,717,605
Current Liabilities	1,892,302	2,430,011	2,937,894
Deferred grant income	1,260,983	1,845,644	2,886,844
Amount due to Legal Resources Centre	631,319	340,811	-
LEAP creditor	-	243,556	51,050
TOTAL RESERVES AND LIABILITIES	17,160,403	26,590,492	29,093,025

Income Statement

for the year ended 31 March 2009

	2009	2008	2007
	R	R	R
Income	19,221,751	21,402,726	19,632,337
Grants and donations	17,560,608	20,175,583	14,881,001
Dividend revenue	674,860	502,377	377,721
Fair value adjustment on investments	-	-	2,623,153
Interest received	641,265	724,766	983,877
Gains on disposal of investments	345,018	-	766,585
Expenditure	5,249,518	1,728,814	227,823
Investment managing fees (Investec)	118,547	165,436	161,045
Audit fees	88,383	56,058	-
- Current year	88,383	56,058	-
Bank charges	3,676	35,778	46,083
Loss on disposal of investments	-	1,344,974	-
Loss on fair value adjustment on investments	4,780,568	-	-
Depreciation	59,895	59,895	20,695
Exchange loss	167,012	66,673	-
Travelling and accomodation - trustees	31,437	-	-
Net income for the year	13,972,233	19,673,912	19,404,514
Distribution to the Legal Resources Centre	(23,214,732)	(21,668,562)	(21,164,583)
(Deficit) for the year	(9,242,499)	(1,994,650)	(1,760,069)
Net transfer from reserves	56,967	56,967	312,542
Balance at beginning of the year	22,779,922	24,717,605	26,165,132
	13,594,390	22,779,922	24,717,605

Legal Resources Trust - Schedule of Grant and Donation Income

	2009 R	2008 R	2007 R
Foreign funders	16,796,174	9,666,490	13,315,598
The Atlantic Philanthropies	5,000,000	2,067,073	3,959,743
Banyan Tree	-	-	247,313
British High Commission	-	704,578	689,526
Comic Relief	1,715,546	1,451,217	1,300,245
CS Mott Foundation	858,400	-	577,393
Centre on Housing Rights	58,804	-	-
DANCED / Danida - Environmental Justice Project	-	(176,817)	4,267
Evangelische Entwicklungsdienst	5,604,036	2,046,977	841,817
Embassy of Finland	1,200,000	930,000	-
Embassy of Finland	-	-	794,750
The ELMA Foundation	1,000,000	-	-
Farm Africa	16,883	101,887	125,248
The Ford Foundation	-	303,254	795,862
Gatsby Charitable Foundation - received	-	-	211,687
Hilden Foundation	-	67,363	-
ICJ - Sweden	-	-	1,511,643
Kaiser Foundation	-	63,800	-
Mallinicks Inc. Trust	-	500,000	-
Norwegian Centre for Human Rights (NCHR)	262,200	99,600	-
Norwegian Centre for Human Rights (NCHR)	393,000	131,400	-
Open Society Foundation for Southern Africa	-	410,301	938,142
Rockefeller Brothers	500,673	101,961	250,228
Save the Children - Sweden	131,250	268,750	440,125
Sigrid Rausing Trust	55,382	595,146	627,609
Local funders	764,434	10,509,093	1,565,403
Foundation for Human Rights	-	-	715,000
H J Barker	-	23,904	68,962
Justice A Chaskalson	-	16,313	-
P T French	-	22,284	41,221
Michael Mones Trust	-	-	40,000
Dr N H Motlana	-	18,000	18,000
NBC Anderson	-	15,500	-
ABSA Foundation (Batho Bonke Scheme)	-	990,897	-
Donation of share portfolio - Estate late Barker	198,802	3,572,187	-
Batho Bonke Scheme (Mvelaphanda Group)	-	5,366,823	-
Edward Nathan Sonnenbergs	200,000	140,000	-
Goldfields Foundation	-	75,000	75,000
Legal Aid South Africa	-	-	465,712
The Frank Robb Charitable Trust	110,000	100,000	100,000
The RAITH Foundation	146,761	104,829	-
Webber Wentzel	-	20,839	-
Other Local Donors	108,871	42,517	41,508
TOTAL	17,560,608	20,175,583	14,881,001

List of Other Individual Donors

Baloi, Gito	Cameron, E	Hathorn, MH	Orleyn, T
Beatty, Prof	Freund, A	Kalanda-Angola, K	Pauw, PC
Bozalek, LJ	Gillfillan, H	Kriegler, JC	Rabinowitz, BP
Brittan, ID	Gordhan, P	Nelson, AJ	Stegmann, MS

Seeds of Greatness - A Moment with LRT Trustee, Thandi Orleyn

Current trustee Thandi Orleyn was a staff member of the LRC from 1985 to 1995. Following her time at the LRC, Thandi worked for the Independent Mediation Service of South Africa (IMSSA) and the Commission for Conciliation, Mediation, and Arbitration (CCMA). She was a partner at Routledge Modise Attorneys before leaving the firm to start Peotona Group Holdings with three other women.

In Setswana, the word Peotona (pronounced *pay-oh-tu-na*) means 'seeds of greatness.' This investment company focuses on developing communities and developing people, particularly women.

An active supporter of human rights, mother of three, and lover of athletics, Thandi claims that she has found equilibrium in her life. Thandi's calendar may be full, but her calm air and good humor give the impression that all of this is not only manageable, but personally enriching.

You serve on the board of trustees for the Legal Resources Trust, and you sit on several other boards as well. How long have you held the LRT position? Is it difficult to balance your company, your family, and all of these various volunteer positions?

I can't remember now (laughs)! Maybe four, five years? I made the choice to have a more flexible lifestyle. It didn't just happen; the intervening episode for me was being diagnosed with breast cancer. That made me reflect on what I wanted to do with life. I decided to have a more flexible lifestyle, and it's certainly much better.

Before I left Routledge, we started Peotona, the four of us women. We decided that legally we'd be full-time here but be able to do other things. Sometimes it makes it hard because there are demanding obligations in terms of what experienced people could do or should do. But at the end of the day, my view is that whatever you choose, you've got to be passionate and happy about it.

For example: one of the options I had was to go and be a judge. But I thought it wasn't for me. It may satisfy a lot of people, it may satisfy the statistics around women lawyers being judges, but it's not who I am. So it's those types of things that you have to make tough choices about.

The major issue is to get a good infrastructure around you. You don't have to do everything yourself. When you have a good infrastructure around you at home and at work, then it makes things that much easier. Also with my experience, I decided that life has got to be integrated. You can't live your life in silos.

You've published some books. Can you tell us about any of them?

We wrote *Sexual Harassment in the Workplace* in 2005. Sexual harassment is a taboo subject. We have very good legislation and codes of conduct and policy framework around sexual harassment. But it's still very much couched in societal norms. One society may regard something as sexual harassment and another society may not. In the South African context we've had a very



Thandi Orleyn (LRT Trustee)

oppressive environment for a long time; people have accepted oppression as a way of life. Also we have a very patriarchal society across the board. You find that a patriarchal society brings a lot of harassment not just sexual, but other sorts as well.

Two of the co-authors asked me as someone who'd been in practice to collaborate with them. I'd acted for individuals and for companies, mediating disputes around sexual harassment. For me it was very important as a woman particularly to bring this matter to the fore. In 2008, the book sold very well internationally. They sent us a note last year to tell us that it had been one of the best-selling books. It was fantastic!

Peotona was started by you and your

colleagues, all of whom are women. What do you think about the empowerment of women in South Africa today?

What has been very interesting in the South African journey has been some of the contradictions. On the one hand, you have a patriarchal society with a lot of oppression, but on the other hand, you've got many powerful women. Also the framework is very enabling for women; one of the things that's been negotiated has been a strong women's presence in government and in society.

It will take time, but it's very important that there are sufficient role models of women who succeed to enable young women to know that it can be done. All over the world we talk about the glass ceiling, and I always say, nobody can empower you - you empower yourself. It's an oxymoron to expect to be empowered by somebody else! People can create an enabling environment, but you are the one who decides how to take that environment.

If you look at the biographies of the four of us, we're different; we come from very different backgrounds: socially, professionally and politically. There might be some overlaps in certain areas. When we came together, we consciously raised those issues of the differences. People always say that when there are a lot of differences and when you've got a lot of women together, they'll fight (laughs). But we've been very aware that to be successful, we didn't need to be clones of each other, we needed to bring the experiences we've gained together to bring up the work.

What is the biggest obstacle that you feel women face in South Africa today?

The biggest obstacle is themselves! For me, that is universal. Unfortunately we women are the reproducers, and therefore there is an inherent conflict in that role of being a business person and being a mother. You've got a certain period to have children, and normally that is when people are climbing the corporate ladder. You've got to make choices around that ten-year period. Just being a woman is a challenging thing, really.

The second one is the way women are socialized; you want to wait to be recognized. Men don't wait, men push! But a woman who pushes is not applauded for pushing; she's actually vilified for it. So the whole socialization is a challenge. We get it, unfortunately, from our mothers, because boys are brought up in a certain way, and girls are brought up in a certain way. I think that we as mothers have got to consciously recognize that as long as we continue to socialize girls that way, they'll always feel torn, whereas men don't feel torn.

How do you feel that the LRC has contributed to a human rights culture in South Africa?

The LRC has defined the human rights culture in South Africa. Clearly I'm biased (laughs). My life has been intertwined with the LRC. But my view is that it's been one of the enduring institutions in South Africa around human rights. It started at the right time, after the 1976 uprisings in Soweto. There was nothing that mobilised the country like the 1976 riots. So the LRC, I would say, was more of a response of that surge from the black community trying to find ways in which to fight the struggle. And it became a catalyst of human rights.

Where do you see yourself in 10 years?

Less here (at Peotona) hopefully. We gave ourselves ten years to drive the business, and then the plan is to bring young people in. I'll continue my active life; I'll be sitting on fewer boards, but will be doing more development work and more mentoring. I'd like to do more teaching and writing, probably as an adjunct professor in Cape Town. Though I won't be doing any more legal work, I want to be involved in things around law.

STATS

5

Our input & participation in African forums

ZAR 716,000

Value of other in-kind donations

100

Number of times the LRC was featured in print media

In the Words of Gerald Kraak - Programme Executive, Atlantic Philanthropies

What is your background and what interested you in joining Atlantic?

I would describe myself as an anti-Apartheid activist. I started out working for the student movement for a short while, but had to leave the country to avoid military conscription in 1979. I continued to work for various international anti-Apartheid groups, until my work with Interfund, a Scandinavian funding consortium, brought me back to South Africa in 1993. It was through Interfund that I encountered Atlantic. I joined Atlantic when it opened up an office in South Africa in 2002.

What do you think are the biggest challenges facing donors today?

The biggest challenge that we face in the immediate sense is the financial crisis. Foundations typically have an endowment that they use to fund projects. And endowments have investment strategies, but those investment strategies have been affected by the crisis.

If you are a perpetual foundation - which we're not - I suppose the challenge is to remain relevant, sharp, and strategic to ensure that what you're funding is appropriate and relevant to social change. Atlantic is a

Gerald Kraak



limited life foundation. The decision was made to spend down our endowment by 2016. There's a philosophy behind this: if you are going to spend down, your focus is much more strategic, and what you invest in has much more of an impact. The challenge for us is to leave some kind of lasting legacy.

We spend a lot of time looking at the sustainability of civil society, trying to strengthen organisations through capacity-building, so that they can survive and are in a position to carry out the programs that we're funding once we have left the field.

What do you think are the biggest challenges facing South African grantees?

The biggest challenge is sustainability. South African civil society is over-reliant on donor funding, particularly in the fields of human rights and reconciliation, and that funding is contracting quite rapidly.

I think there is also an issue of capacity, the challenge of producing the kind of leadership that will sustain civil society. A lot of the leaders of civil society moved into government in the early nineties, and we've had to reproduce a generation of activists to keep civil society going. Where does one find that leadership for civil society? Where is it being produced? Traditionally, leaders of civil society have tended to come from universities and from student movements, but at a time and moment when those were politicised places. I think that sense of politics is gone.

What else? I suppose that one of the challenges is how to engage the state, particularly in an emerging democracy. To what extent do you work with the state, and to what extent do you challenge what the state is doing? It's possible to have productive

relationships with government departments, but at the same time you may find yourselves in opposition to the state. An organisation like the LRC finds itself in that position frequently.

What characteristics make up a successful NGO?

A successful NGO has a diverse funding base, and is not overly reliant on one or two donors. It has good internal systems, good leadership, and a good sense of what is strategically necessary in order to achieve its objectives. And most successful organisations also have good boards, good governance structures and a clear direction. And then also committed and appropriately qualified staff.

Can you please tell us why in your opinion Atlantic has supported and continues to support the LRC?

I've known the LRC since it was founded, but we've been working with the LRC since 1994. The LRC is regarded as probably one of the best public interest law firms in the world. Many other organisations look to the example the LRC has set, both in opposing Apartheid and then during the democratic era where the LRC has been revising and shifting its strategy to access the socio-economic rights in the Constitution. The LRC has played a very important role in demonstrating that the Constitution can be used to access human and socio-economic rights. I think the issues that the LRC picks up on are very strategic: the cases the LRC takes to court result in quantum leaps of social change that really move things along. On the basis of that reputation and its strategy, the LRC was a logical first partner when Atlantic came into the country.

What does a 'rights-based approach to development' mean to you?

I think it's essentially treating what are developmental objectives as human rights. So access to water, housing, health, education, etc, are human rights, just as freedom of speech or not being subjected to imprisonment and torture are human

rights. Using this approach, a developmental agenda is geared towards redressing inequalities, essentially in the provision of services. It's not just about economic policy but also about the obligation of states to provide basic necessities to people. It can't happen in a vacuum. It has to happen in the context of a constitutional and democratic framework. Our Constitution provides a framework for a human rights approach to development.

So it is a way of engaging in a human rights development process. What you're doing is equipping people with the means to access these rights for themselves. People are engaged in creating their own future, because they're mobilising to access rights that they know they're entitled to, which is different to a conventional development program or an agency that would come in and do things on behalf of people.

Do you think core funding is important for the civil society sector?

Absolutely. I think that there has been a tendency by donors to fund what they call 'project work'. And that's problematic because what tends to happen is that grantees will skew their activities to access funds on a project basis. So they will put in place projects that they may not want to do, but this is the only way they get funding. Core funding is really important because essentially what you're doing is investing in people, and people are what make organisations successful. We're very clear that we provide core funding as a way of sustaining institutions over time.

How does Atlantic measure the impact of their investments in civil society?

Through a process of consultation in the field we identify where the key social problems are and how they might be addressed. We then go out and find partners to partner with. We don't accept unsolicited applications. And together with the partner we agree to a series of outcomes for the grant. Those outcomes are measurable, and provide a basis for evaluating and monitoring what the project is to achieve. Long-term qualitative outcomes are quite hard to measure. Also, there are a lot of factors in the environment that have nothing to do with the organisation that you're supporting. So we tend to focus on what we call short-to-medium-term outcomes, and we tend to frame the indicators to measure those outcomes quite precisely. With each project that we fund, we build in a monitoring and evaluation framework. At the end of the project cycle we assess whether those outcomes were achieved, and if they weren't, why not.

You've authored several books. Can you please tell us more about that?

I always wanted to write. I studied literature, and I was going to be an English teacher. My career has taken me in a direction where I've written a lot of non-fiction, all of which was very much related to my political work. I didn't actually see myself as a published writer until I came across the European Union Award. They were asking for submissions, and I submitted a novel I'd written up until that point. I won the award, and the book 'Ice in the Lungs' got published. That gave me a reason to carry on writing, because if you've published one book you're much more likely to get published again. It's very hard to write and do this kind of work - Atlantic - at the same time. When you're writing, you really do need time to get away and reflect.

LRC Candidate Attorneys: The Unexpected Experience

When we were pursuing our Bachelor of Laws (LLB) degrees at the various law schools, we often heard that serving articles was only about pagination and serving and filing court documents. We were not looking forward to these tasks as they sounded uninspiring. However, when we started serving articles at the LRC we were proved wrong. Unknown to us, serious responsibilities and interesting duties in public interest law awaited us.

Left to right - Zeenat Sujee, Bongumusa Sibiya and Kgaogelo Nchaupe



Within days of being at the LRC, with the assistance of our supervisors, we conducted consultations with walk-in clients who sought legal assistance on different areas of law. Not all of the walk-in clients' cases involved litigation. Sometimes, telephone calls or letters resolved the matter. Those that could not be resolved immediately, but had merit, were taken up for litigation. On these cases, we worked as part of a team, which could include paralegals, candidate attorneys, attorneys and counsel. We took statements, drafted initial pleadings and conducted further consultations with clients where necessary. Some of the clients we consulted lived hundreds of kilometres away from the LRC's office in Johannesburg. That involved a lot of traveling and hard work. We also attended consultations with counsel, pre-trial conferences, took part in preparing for the hearing of a case and ultimately attended the court proceedings. The cases we took up were heard in various fora such as the Constitutional Court, the High Courts, the Magistrates' Courts and others.

It is well known that the LRC is a public interest litigation organisation. However, our training has not been limited to that area of law. The LRC has an ongoing and fruitful relationship with Bowman Gilfillan Attorneys for purposes of training the LRC's Candidate Attorneys (CAs) in the areas of corporate and commercial law. The LRC's CAs also have the opportunity to attend courses arranged by the Nelson Mandela Institute at the Witwatersrand University Law School where accredited courses such as Legal Writing and

Advanced Constitutional Jurisprudence and Litigation are offered. This is called Winter Law School and is organised by the Mandela Institute with the Seattle University School of Law in the United States. From time to time, we also have the opportunity to assist the attorneys in making submissions to Parliament on legislation and this is an experience that is not commonly available to most CAs.

Due to the nature of our work and the types of clients we assist, we have learned to work under pressure, sometimes individually with little supervision. We feel a great sense of satisfaction because the people we help are disadvantaged and cannot afford legal fees, especially those associated with large impact litigation. If it was not for an organisation like the LRC, many, if not most, of our clients would not have had access to legal assistance. It is very rewarding to know that we are a part of an organisation that since 1979 has used the law as a tool to bring about social, political and to an extent economic change through the types of cases it takes up and its other programs.

In the end, we are glad that the perceptions we initially had about serving articles were proved wrong. We are also aware that what we have learned was possible because of the LRC's dedicated, hard-working, and committed team of lawyers whose mission is to advance human rights in South Africa and Africa.

Co-written by Zeenat Sujee, Bongumusa Sibiya and Kgaogelo Nchaupe, Candidate Attorneys in the Johannesburg office.

What Our Interns Have to Say

Once in a lifetime

by Bill Swannie, Australia

I almost didn't finish my law studies. While my friends were applying to the big firms, I was wondering if the law offered anything beyond wealth, power and status. I took a year off and started volunteering at a community legal centre. I saw something new: lawyers giving up their time to assist people who had nowhere else to turn. Social justice in action. Re-inspired, I completed my studies, focusing especially on human rights law.

The LRC has fought for the rights of ordinary South Africans for thirty years. While interning in the Constitutional Litigation Unit in the Johannesburg office in early 2009, I was involved in a wide range of cases, covering issues including children's rights, women's rights, equality and international law.

Refugee issues were a major part of the LRC's work during this time. I accompanied other LRC attorneys to Lindela, one of the main immigration detention centres, to interview asylum seekers from other African countries. Many had been held longer than the legislation appeared to permit. The LRC acted for a church based in the central business district which provided refuge for thousands of people each night.

Completing an internship with the LRC is an incredible opportunity for anyone interested in seeing how human rights work in practice. The people I worked with were passionate and highly skilled. They were also very generous in sharing their experience and knowledge of law and practice. It will take years to assimilate all I have learnt and experienced in three short months.

'A luta continua!'

by Roanna Tay, Canada

On 8 September 2008, I walked into the offices of the LRC in Grahamstown. It was the beginning of a six-month internship that has been immeasurably rich with lessons and gifts.



Bill Swannie assisting people during the LRC's Human Rights Day in Ghandi Square with George Bizos on 21 March 2009.

By the end of the first week, we were deep in the Transkei. Hundreds of people arrived by foot from the surrounding countryside and I found myself in the middle of a meeting between the community and the Minister of Energy and Minerals. The community members sang loudly and toyi-toyed to express their opposition to a mining licence that threatened their environment and way of life. The LRC is their legal representative and our

work has resulted in a halt to the granting of the mining licence. This is because the Minister must first consider the LRC's appeal against her decision to grant the licence and enter into proper consultations with the community before any mining activity can take place. As my supervisor, Sarah Sephton, said to the community that day, "We want to make your voices heard in the court of law."

This has rung true throughout my internship. It is a constant fight for the little person: people whose land was expropriated by the apartheid government; abused and orphaned children in children's homes; street children without proper school facilities; poor homeless communities fighting for low-cost housing; foreign nationals denied administrative justice by government officials. The clients have often remained unseen, separated from our office by distance and poverty. But getting results on their behalf

has been immensely satisfying, both for the pure principle of enforcing human rights and state obligations, and for their most simple expressions of gratitude.

As I leave Grahamstown, it is my turn to say thank you - to the LRC for giving me the responsibility, to the clients for entrusting me with their struggles, to the Canadian International Development Agency for making this possible, and to the Canadian Bar Association for bringing me here. And I echo the words of one of our clients: *a luta continua!*



Farewell to Nompumelelo Bridget Mkhize

By Asha Moodley

Nompumelelo Bridget Mkhize (Mpume) joined the Durban office of the LRC in 1996 as its receptionist. This was not her first stint here. In 1993 she had served an internship at the LRC in pursuit of her Diploma in Community Development at the University of KwaZulu-Natal. "She was charming and articulate", recalls LRC attorney Sharita Samuel, "and promised that she would one day qualify as an LRC attorney and work at the Durban office".

What was Mpume's lodestar? The many tributes of friends and family at her funeral in Mabhaleni, where she was born on 26 February 1970, reveal a yen to 'do something for her community', to help it 'develop'. So it was that after completing her matric, she left the green valleys of the Umthwalume district to study in Durban. She made her home in KwaMakhutha Township with Sibonelo Mkhize, whom she married on 22 January 2004. They had two sons, Mawande and Skhona.

Mpume became an experienced paralegal. She headed the office's Access to Justice Project and assisted many community-based organisations. Her dream of becoming a lawyer was on track as she was in her third year of study towards an LLB.

On her office notice board, her messages of personal encouragement flag her valiant battle against the cancer that overcame her on 21 January 2009. They also speak of the essential Mpume. One goes as follows: 'Treat everyone with politeness, even those who are rude to you - not because they are not nice but because you are nice.'



Mpume Mkhize speaking at a paralegal workshop.

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Allied Organisations

The Legal Assistance Trust

The Legal Assistance Trust (LAT) was established in 1985 in London as a registered charitable trust. By raising funds for free legal services for poor people in countries outside the UK, the LAT aims to relieve poverty and suffering.

The LAT has supported the work of the LRC for over 24 years.

Visit www.latforsa.org.uk

SALS Foundation

The Southern Africa Legal Services Foundation was established in 1979 by concerned American lawyers. The primary purpose was to support and raise funds for the LRC in its efforts to fight against apartheid and to fight for human rights, the principles of democracy and the rule of law, and justice and equality for the poor and disadvantaged.

In post-apartheid South Africa, the SALS Foundation continues to support and raise funds for the LRC in its critical role in the transformation of South Africa.

In addition to the LRC, SALS Foundation supports, in an advisory role, the Legal Resources Foundation in Zimbabwe and the Legal Assistance Centre in Namibia.

Visit www.sals.org

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Other website features include:

- Search tools to narrow down information by, for example, court level, focus issue or type of document
- Descriptions of the focus issues on which we work
- Links to external research websites from our Library pages
- Links to civil society organisations and others
- Information on our Candidate Attorney and Internship programs
- Information on donating to the LRC
- Numerous free publications

In 2008, approximately 100,000 people visited our website. In March 2009, our website visitors included those from the following countries: South Africa, United States, Great Britain, Canada, Norway, Germany, Netherlands, France, Australia, Nigeria, Sweden, India, Ireland, Singapore, Philippines, Italy, Russia, Tanzania, Israel, Pakistan, Botswana, Luxembourg and Switzerland.

Documents and Publications

The LRC periodically releases papers and booklets on various topics related to our work. These are available online at www.lrc.org.za/documents



Papers filed in court relating to some of our matters and other documents relating to some of our casework can be accessed at www.lrc.org.za/legal-documents

For our press releases, other relevant news and audio-visual materials, please direct your browser to www.lrc.org.za/lrc-media

A depository of LRC annual reports from 1979 may be found at www.lrc.org.za/annual-reports

Staff and Interns

Our staff of 63 in four offices is committed to fulfilling the LRC's mission and vision. In addition, since 1979, the LRC has welcomed and benefited from the work of interns from all over the world. Our list of staff and interns appears at www.lrc.org.za/our-people

Contact Us

We have offices with walk-in services located in Johannesburg, Cape Town, Durban, and Grahamstown. A full listing of our contact details can be found at <http://www.lrc.org.za/contact-us>

Acknowledgements

Editorial Board: Debbie Budlender, Lorraine Chaskalson, Richard Moultrie, Janet Love, Hyun-Jung Kim, Adelline Malema

Authors: Jennifer Alvarez, Arin Brenner, Jason Brickhill, Sushila Dhever, Naseema Fakir, Willene Holness, Wendy Isaack, Steve Kahanovitz, Jody Kollapen, Elise Liu, Janet Love, Chris McConnachie, Asha Moodley, Kgaogelo Nchaupe, Nyasha Pasipanodya, Kobus Pienaar, Richard Quay, Koop Reinecke, Colette Salemi, Sharita Samuel, Bongumusa Sibiyi, Zeenat Sujee, Bill Swannie, Roanna Tay, Rufat Yunayev, Mi Zhou

Other Contributors: Abigail Flora, Gerald Kraak, Moleshiwe Magana, Thandi Orleyn, Annette Reed, Koop Reinecke, Toni Samkange, Sarah Sephton

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The Legal Resources Centre

6th floor, Bram Fischer House

25 Rissik Street, Johannesburg, 2001

PO Box 9495, Johannesburg, 2000

Tel: 011 836-9831, 011 838-6601, 011 403-0902

Fax: 011 834-4273

www.lrc.org.za



LRC

LEGAL RESOURCES CENTRE

NPO No. 023-004 • PBO No. 930003292
National Office, 6th Floor, Bram Fischer House,
25 Rissik Street, Johannesburg 2001, South Africa • www.lrc.org.za