



**COMMUNITY
LAW
CENTRE**

ANNUAL REPORT

**FOR
THE FINANCIAL YEAR**

1 September 1992 - 31 August 1993



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Community Law Centre

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MISSION STATEMENT

The Community Law Centre (CLC) is an independent, non-profit, privately funded non-governmental organisation affiliated with the University of Natal. The CLC is non-partisan. The CLC is dedicated to the empowerment and self-sufficiency of rural communities through development of rule of law and equality before the law.

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1. Introduction

"We're glad now because our children will know democracy does not mean the end of the world. We must work hard because if we fail, democracy will not come into being"

Participant at Community Law Centre (CLC) December 1993 Voting, Democracy and Civil Society Workshop in Waaihoek, Natal, South Africa.

For more than four decades South Africans of colour have lived with grim certainty about their unequal legal, social and economic status in an arbitrary caste system based solely on colour. Privileges have masqueraded as rights, not residing within individuals, but with government as ultimate and capricious arbiter of destinies. Government actions since the late 1940s, and perhaps dating back to the colonial era, have sustained a deep and pervasive hatred of the government, with its powerful legal and policing systems, while at a divergent and creative level, remote progressive and committed individuals and human rights lawyers have used existing law to protect and defend South Africans. With sweeping national political changes since 1990 and government negotiations, an awesome uncertainty about the future has taken over the lives of all South Africans.

It is neither a surprise nor a secret that rule of law and individual rights and liberties are not woven into the overall South African social fabric. With the scheduled 1994 election, hopefully the first of many elections, notions of rule of law and democracy as practised in other parts of the world carry contradictory interpretations. On one hand, for many democracy is the most worthy ambition, to others it is a source of cynical power. On the other hand, too many South Africans fear democracy and the current transition. Throughout the country the often violent struggle at local and regional levels is the battle for physical territory, which will define winners and losers in the 1994 national election as well as power relationships for years to come.

Given this framework, fiercely non-partisan Community Law Centre (CLC) staff working in the rural areas of Natal, KwaZulu and Transkei became aware over two years ago that democracy is perceived as a threat by the majority of the populations we serve. When organising for any political party commences in an urban or rural community, terminology about democracy is used to justify the life threatening fight for territory. Accurate gruesome and vicious stories fill the media, obscuring the issues which are giving rise to the conflict.

The real work will begin after the much publicised 1994 first non-racial election, which must be perceived as only the first step on the road to democracy and rule of law. The CLC is excruciatingly aware of the complex and profound depth and scope of work which needs to begin immediately at the local, regional and national levels if there is to be any democratic future in this country with no history of democracy. The terminology and romance of the rhetoric of democracy can not be permitted to act as sentimental overlay for chicanery of cynical and ambitious politicians, with government failing to understand its responsibilities to ensure, rather than limit, individual rights.

At its inception in 1989 the CLC recognised that 53% of South Africans are rural, requiring extensive exposure and training in what democracy and rule of law could be. Rural residents have suffered a particularly repellent version of apartheid, in which they have systematically been kept ignorant of the circumstances and laws which govern their lives. With little or no knowledge of law and its limits, too many have been easy prey for officials and powerful politicians. Any possible belief in the legitimacy of government or government's desire and ability to protect its citizens was destroyed. For five years the CLC has worked with rural South Africans to battle ignorance and fear borne of virulent government policies. This annual report details financial year 1993 CLC labours to bring about some of the fundamental conditions necessary to build a democratic society.

As South Africa is changing, the CLC is modifying its programmes to meet the needs

and aspirations of rural South Africans we serve. In the face of changing political circumstances, the CLC refuses to abandon its fierce non-partisan stance, knowing ineluctably that no political party can be left absolute discretion to dispense or enforce rights.

A rights-based culture can only flourish in an environment where arbitrary classifications such as colour, race, ethnicity, and gender are not factors determining one's static place in society. There must be opportunities at the local, regional and national levels for movement, regularly scheduled elections, construction of an open society and development of a spirited civil society respected by the government it elects.

Through education and training, the CLC is committed to cultivating an open climate where all South Africans can live without fear of intimidation and violence, to participate in the development of what may yet become a new South Africa. As detailed in this report, the CLC has developed a dynamic voting, democracy and civil society training programme to complement its activist training, community development, publications and litigation and alternative dispute resolution training and work in the field. This is one of many steps taken over the years to ensure that rural South Africans do not receive substandard services, designed to keep them at the bottom of a society where the stark reality of their daily lives is hidden from their divided urban counterparts.

All South Africans must have genuine opportunities to learn and define for themselves, in spiralling and ever widening concentric circles, new, rather than imported, South African definitions and practice of democracy, reconstruction and development of spirited and constructive civil society. The CLC remains dedicated, through training and activist work in the field, to making these dreams a reality for future generations, who hopefully will never know the horror of living within an authoritarian state with the odds brutally stacked against them. The CLC stands for activist and constructive non-partisan change, to include all South Africans in the political and legal processes governing their lives and defining their aspirations.

2. Long-Term Goals and Objectives

Through the work described in the 1993 Annual Report, the CLC is seeking to meet the following short and long-term goals and objectives:

The CLC's short-term objectives are to:

- encourage rural communities, through education and leveraging of knowledge, to participate in a changing South Africa by increasing individual accountability, skills, self-reliance and confidence;
- educate rural communities about democracy, voting and civil society;
- finalise the two year paralegal diploma programme, developed by the CLC and recognised by the University of Natal; and
- make rule of law a reality to reduce killings and improve life in rural South Africa.

These short-term goals form the foundation for the CLC's long-term objectives, which include:

- developing a self-sustaining programme of legal education and training which will be a model in rural development, and teaching rural communities how to raise and administer funding;
- developing a broad-based understanding of the role and application of law;
- contributing to the development of rule of law in South Africa;
- contributing to the development of a vibrant civil society and post-election reconstruction;

- generating an awareness of a rights culture in which mutual rights are recognised and respected through impartial application of law;
- self-sufficiency and community empowerment for rural communities through skills development and legal knowledge;
- assisting rural communities with skills development to participate in the changing South Africa, through increasing their senses of self-reliance, confidence and responsibility;
- developing an awareness that while law is an important tool for self-reliance, it is not the only tool;
- paving the way for social and economic development and self-reliance in rural areas;
- promoting the attainment and maintenance of democracy through development of a rights-based culture in which all levels of government are expected to honour their obligations and be accountable for its actions to its citizenry;
- developing an understanding of the significance of a Bill of Rights and the tolerance which must be part of a rights-based culture; and
- obtaining an endowment or other long-term funding for the CLC's legal education and empowerment programme to ensure that the substantial labours of the CLC and aspirations of rural communities will not fade or dwindle as the government elected in 1994 establishes its new agenda.

3. Brief History of the CLC

a. Generally

The CLC is currently serving a population base in excess of 900,000 rural South Africans in Natal, KwaZulu and Transkei. This section briefly outlines the reasons for the CLC's existence and its development since 1989.

Ignorance of law is pervasive throughout most of South Africa. Resources, inadequate to serve the needs of South Africa's urban populations, remain meagre or non-existent in the rural areas. Three and a half to 4.2 million people are estimated to live in rural Natal and KwaZulu, with illiteracy estimated at 75-90%. Approximately 10% of the total population speak English as a second or third language. Uneducated people are easy prey for unscrupulous officials, politicians, business people and criminals.

This ignorance extends far beyond Western notions of law which are embodied in complex and often inaccessible South African statutes and regulations. Customary law governs the lives of millions of South Africans. Tribal authorities responsible for local government are:

- tribal chiefs known as "amakhosi" (Zulu plural for Chief);
- unpaid tribal administrators known as "izinduna" (Zulu plural for headman); and
- unpaid tribal councillors theoretically regulated by statute.

There is no formal training for tribal authorities expected to administer increasingly complex affairs of their communities. Also, there is often conflict between Western law and customary practices.

It is against this background that from December 1989 to 31 August 1993, paralegals from the 15 target rural communities served by the CLC, with an aggregate population base of 900,000, had:

- handled approximately 6,500 cases for rural residents who would otherwise have no access to legal assistance or education;
- recovered almost R2,800,000 in old age and disability pension arrears and dependants' benefits for rural clients;
- provided numerous community legal education workshops; and
- monitored government administrative functions to measure accountability, and taught local community members how to take action for themselves.

A substantial portion of paralegal work is "preventive" in nature and not quantifiable. For example, it is impossible to know how many people have been assisted by rural paralegal committees and paralegals monitoring corrupt pension payout points to ensure full payment of pensions.

This brief history outlines the issues and slow progress toward the eventual goal of empowerment for rural communities.

b. The First Phase, January - August 1989: Assessment and Initial Project Development

In 1989, while working with students at the University of Zululand Legal Aid Clinic, senior law lecturer Carole A Baekey weekly encountered hundreds of clients who, with meagre or no financial resources, travelled long distances in the desperate hope of getting legal assistance. Many had no idea what the Legal Aid Clinic did, but saw it as their last refuge from an incomprehensible system of laws. There were no resources within remote rural communities to assist people with legal problems. The majority of clients could neither read nor write and were not in a position to understand their fundamental rights. To compound the problem, the beleaguered Legal Aid Clinic staff could not possibly meet the demands from the large numbers of clients.

Too often, simple administrative problems had, through neglect or ignorance on the part of the client, become unmanageable legal matters, or legal causes of action had lapsed. Had there been a trained person in the community with an understanding of basic law and the skill to respond to administrative or legal issues involved, many of the problems clients brought could have been handled locally.

It was clear to Ms Baekey that what was needed was a core group of trained legal assistants or paralegals to assist clients in their remote rural communities. From 1 January - 31 August 1989 she travelled extensively in the rural areas of the Natal Province and KwaZulu to investigate the need for and possible structure of legal education and assistance programmes. She also met with rural development organisations operating throughout the region to ensure that the project under consideration would not duplicate existing work.

Rural community response and interest focused on the need for a programme that would empower communities to identify and assert their interests through knowledge and application of law. Rural communities feared adopting Western concepts that would make them forever dependent on outside resources. Rural community residents conveyed to Ms Baekey their wish to understand governmental institutions and gain knowledge on how to redress the many problems arising out of apartheid.

South Africa's population is estimated at 35 million. With approximately 7,000 attorneys, 700 or so of whom are Black, the legal profession clearly could not meet the heavy demands for legal education and assistance. Alternative organisations, such as the Black Sash, had developed an "advice office" model where non-lawyers provide assistance on a broad range of legal and social issues. Many of these offices have been exceptionally successful, but did not have the resources to address the contemporary empowerment needs of rural South Africans. The CLC was established out of a need to mitigate the lack of

resources so that rural South Africans could, on their own, address legal and socio-economic issues in the rural areas.

In April 1989 Ms Baekey submitted a grant application to IBM South Africa Projects Fund, which agreed to finance a pilot project. The initial grant application described the need for legal education and access to legal systems, and detailed the methodology for achieving broad-based community empowerment. Some of the long-term goals of the CLC described in the April 1989 grant included:

- providing the means for communities to handle problems locally;
- developing an awareness of rule of law;
- promoting a rights-based culture; and
- paving the way for the development of a democratic and accountable government in South Africa.

Upon IBM South Africa Projects Fund approving the grant application, the CLC began to emerge as a reality in rural communities.

c. The Second Phase, September - November 1989: Community Organisation

During the first phase, Ms Baekey had investigated with rural development organisations and rural communities, the need for legal empowerment work. The response was overwhelming. Because the CLC was a pilot project, it was decided to limit the operation to five communities, with a population base of 320,000 rural South Africans, to determine whether the project was viable.

CLC staff conservatively estimated that it would take three to six months of organisational work for each project to become operational. This involved:

- sufficient community interest in the legal project;
- the skill to elect democratically, local paralegal committees;
- defining legal and training priorities;
- writing job descriptions and employment contracts;
- advertising for, interviewing and hiring paralegals to be trained by the CLC; and
- locating and paying for adequate office space.

At every juncture, CLC staff were available as a resource to work with the committees doing this work for the first time. Four of the five target rural communities reported that the elections of paralegal committees were the first time members of the community had ever voted.

Paralegal offices opened in five communities in late 1989 and early 1990:

- Cornfields, near Estcourt;
- Mdletshe, near Hluhluwe;
- Mpukunyoni, near Mtubatuba;
- Ndongane, near Umzinto; and
- Nqutu, in the Babanango/Dundee/Vryheid triangle.

Paralegals have continued, since December 1989, to serve these five communities. See map on page 60.

d. The Third Phase, November 1989 - February 1992: Becoming Operational and Developing a Responsive Methodology

To realise the aspirations of the target rural communities, the fledgling CLC analyzed issues and problems enumerated by the five communities. In response to community needs, the CLC developed a legal training and support programme to address rural needs, providing quarterly formal paralegal and paralegal committee training and extensive on-site training within the communities. With its relatively small staff, the CLC was acutely aware that it was and is impossible for any urban organisation to train thousands, much less millions, of rural residents. With the target rural communities, the CLC developed its *modus operandi*.

Target communities, represented by their democratically elected paralegal committees, draft job descriptions and employment contracts, advertise widely the available jobs, interview and hire local people who are then trained by the CLC on legal and social issues. In turn, trained paralegals assist individuals with their problems and provide broad-based community legal education necessary for self-sufficiency. Paralegals receive two years of formal and on-site training, including testing. Legal and administrative support, salaries with built-in incentives, and adequate office and administrative infrastructures from which to operate are included in the planning and implementation processes.

Paralegal committees, responsible for policy as well as day-to-day supervision of the paralegal offices, also receive quarterly formal training on administrative, legal and community empowerment issues to enable them to supervise the work of the paralegals and build effective governing structures for the future. Apart from formal training and on-site support for two years, CLC staff are on call for paralegals in the field and arrange, where necessary, litigation support when cases cannot be handled locally.

Traditional legal work and structures, however, do nothing to change overall community structures and perceptions about government and rule of law, nor is it an effective or cost-efficient agent for change or development. Paralegal offices only make systems accessible. To address change, broad-based community educational efforts were and remain critical.

Paralegal and paralegal committee work and training are designed to leverage knowledge based on the identification of community needs. Paralegals and their committees are expected to impart knowledge and skills through individual assistance and community training, and to move their communities toward self-sufficiency and an understanding of democratic structures.

CLC training is not limited exclusively to law, but extends beyond legal problems. Included in the CLC training programme are basic administrative and management skills, such as typing, file management, interview skills, basic bookkeeping and the required array of time and resource management skills. The ultimate goal is for the CLC to become superfluous as rural communities begin to join their urban counterparts in developing their own resources, organisations and institutions to combat, correct and rebuild corrupt or inefficient government and private enterprise.

To realise these goals and to work effectively in rural areas, the CLC formulated five inviolable precepts:

- the CLC must at all times respect basic human rights for all people, irrespective of race, religion, gender or political affiliation, and promote equality and dignity;
- in all aspects of community work, the CLC must never affiliate with or promote any political party or otherwise be engaged in partisan political advocacy;
- community values, irrespective of whether they clash with CLC staff values, must be respected and the CLC should not attempt to impose unwanted change;
- the scope of the project in each of the target communities must be defined by the communities, rather than by the CLC or other development organisations; and

- the CLC works closely with each target community to ensure that community goals are respected, and that its training efforts are part of an overall empowerment programme designed for rural community self-reliance.

The CLC legal empowerment programme is designed to meet these principles.

e. The Fourth Phase, February 1992 - Present: Demand-Driven Expansion

The success of CLC methodology in the five communities became evident when an additional 17 communities began expressing serious interest in affiliating with the CLC training and legal support programmes. Subsequently, CLC staff visited all the interested communities, meeting with local leaders and giving public presentations on the CLC.

In May 1992, after extensive analysis and discussion by CLC staff and the CLC Board of Management, the CLC affiliated with an additional ten communities, raising the total to 15 communities with a population base of 900,000 rural South Africans. There were 38 new paralegals to be trained, including three trainees from CLC rural paralegal committees, three trainees from the Matatiele Advice Centre and occasional visiting trainees from Lawyers for Human Rights. Additional paralegals were hired in the initial five target rural communities for inclusion in the Group Two training.

The decision to take on additional long-term responsibilities was not easy. The CLC, after an in-depth feasibility study, concluded that the consequences of not expanding far outweighed the strain that expansion would place on CLC resources. The CLC identified the following consequences of failure to expand:

- There would be a loss of valuable resources to rural South Africans. The CLC's greatest strength was and is its innovative two-year training and community development programme. The ability of rural paralegal committees and their paralegals to utilise this training had been exciting and rewarding for the communities and CLC. The CLC had learned valuable lessons, which needed to be refined and leveraged for additional communities and trainees.
- Expansion was necessary to redress deprivation suffered by rural communities through neglect under apartheid. Moving towards self-reliance and sustainability required taking the necessary time to build projects aimed not at satisfying public relations or assuaging societal guilt, but at developing community skills for self-sufficiency.
- Failure to expand would deny rural communities a tested model that could be used throughout South Africa and other developing countries.

Moreover, the CLC's unique staffing talents and structure would not be made available to greater numbers of people. 79% of CLC employees are black. While paralegal trainees became skilled technicians capable of handling daily problems, the CLC staff had also grown in exponential quality. Loss or dispersion of these skills would have been a waste of talent and human resources.

The CLC has continued to serve the initial five target communities, as well as developing and implementing its legal training and support programme in the ten new communities. On 19 June 1992, ten paralegal trainees completed the first training session and graduated in a ceremony jointly hosted by the Vice Principal of the University of Natal and the CLC.

New paralegals and committee members commenced training in May 1992 and it is anticipated that they will complete the two years' training cycle in May 1994. Based on the training experiences from 1989 - 1992, the CLC has developed a comprehensive formal and

on-site training and testing syllabus. See Exhibit B. Previous training subjects were included, along with an important training segment on voting rights and the obligations of responsible and responsive government to its people. Financial year 1994 will see continuing growth of the enhanced CLC training programme.

Since May 1992, requests to affiliate with the CLC, at the rate of five and ten monthly, from rural communities throughout South Africa pour into the CLC office. In addition to Natal, KwaZulu and Transkei, requests are coming from the Transvaal, Cape, Ciskei and Bophuthatswana. It has become apparent that the CLC has tapped into a rural hunger for legal knowledge and training, the desire for information about how to build self-governing structures and responsible participation in government. The CLC is currently examining the feasibility of beginning two year training cycles annually. For this to become an institutionalised reality, it will be necessary to retain highly trained CLC staff and to develop stable funding sources.

In response to requests in 1992 from rural communities to make the negotiations processes comprehensible, the CLC began including articles in its quarterly newsletter *Izindaba* on the negotiations and changes in law. The emerging political process was too intricate for the newsletter format. On 10 December 1992 the CLC launched *Ukulindela Intando Yeningi/Waiting for Democracy*, a book designed to explain democracy and representation. In ten months the CLC had distributed all of the initial print run and anxious South Africans did not have the sequel *Ukwenza Intando Yeningi Isebenze/Making Democracy Work* until its launch on 10 December 1993. These books, with the accompanying video *Ukwenza Intando Yeningi Isebenze/Making Democracy Work*, form the basis of the CLC's training programme on voting, democracy and civil society described in Section 4.1.i-ii.

The CLC is building on its strengths, looking to a future when rule of law will be a reality for all South Africans, who will have the tools to understand and continue the ongoing fight which is necessary to develop and hopefully preserve democratic values and practices. Access to knowledge and building skills to govern South Africa are the only antidotes to violence, values which the CLC is refining in each of its successive developmental phases.

f. The Fifth Phase: Reconstruction after the 1994 Election

As a non-partisan force, CLC ideals and practice require support for an activist population developing foundations for ongoing constructive argument, increasing tolerance and an open civil society. Since South Africans have been systematically deprived of open and free debate, participation in government and realistic avenues for constructive action, broad-based education about realistic options for development of democratic government and training in the management and administrative skills to make development possible are urgently required. Also, it is time for national politicians to stop codification of laws affecting all South Africans, without bothering to consult affected constituencies or developing operative means to reach out to ordinary South Africans to determine and include their aspirations. The interim constitution is an example of a handful of politicians negotiating the country's future without seeking the opinions and ideas of affected constituencies, most of whom have yet to see the long and unwieldy constitution.

In the CLC's embryonic fifth phase, it will continue to refine its existing legal and empowerment training, publications, community development and alternative dispute resolution and litigation work. Effective 1 January 1995, the CLC's paralegal training programme has been recognised by the University of Natal. The CLC will join with the University of Natal to provide its two year paralegal training course, at the end of which successful trainees will receive a recognised Diploma in Paralegal Studies. The diploma course will address existing law, continue to teach how to help and educate clients in rural communities, provide training on developing broad-based community legal education and community participation in local and regional government and address proposed legisla-

tion, along with teaching new legal developments as they arise.

The CLC is also consolidating its community relations programme, to assist rural paralegal committees and their communities with development of structures critical for development of civil society. The Community Relations Department, with the CLC Training Department, is developing innovative and new on-site and weekend training modules for paralegal committee and community members. The CLC's community relations programme focuses on popular and developing notions about civil society and reconstruction, as well as the basic need for administrative and financial management skills.

The CLC's African Jurisprudence Law Survey is designed to ensure that rural South Africans, for the first time, have the opportunity to participate meaningfully in policies which affect their lives. See Section I. v. Before the new government can legitimately enact legislation, it must be able to make a realistic assessment of the needs and aspirations of its populations and only then develop mechanisms to address issues. The CLC hopes that the African Jurisprudence Law Survey, developed in conjunction with rural communities served by the CLC, will deserve to be reflected as a model for assessing need for change with affected populations and then working with communities and individuals on development of flexible legislation.

The CLC began its voting, democracy and civil society programme and developing relevant publications in July 1992, long before the April 1994 election date had been announced. Then, as now, the CLC was looking to the future to assess the needs of the rural populations served by the CLC to ensure that those previously condemned to silence will have a loud voice in the new political order, to contribute to vibrant civil society. The CLC is working towards a future which will be reflective of democratic values and instituting creative programmes to ensure that the CLC is contributing substantively to the country's democratic future.

4. Overall Organisation of the CLC

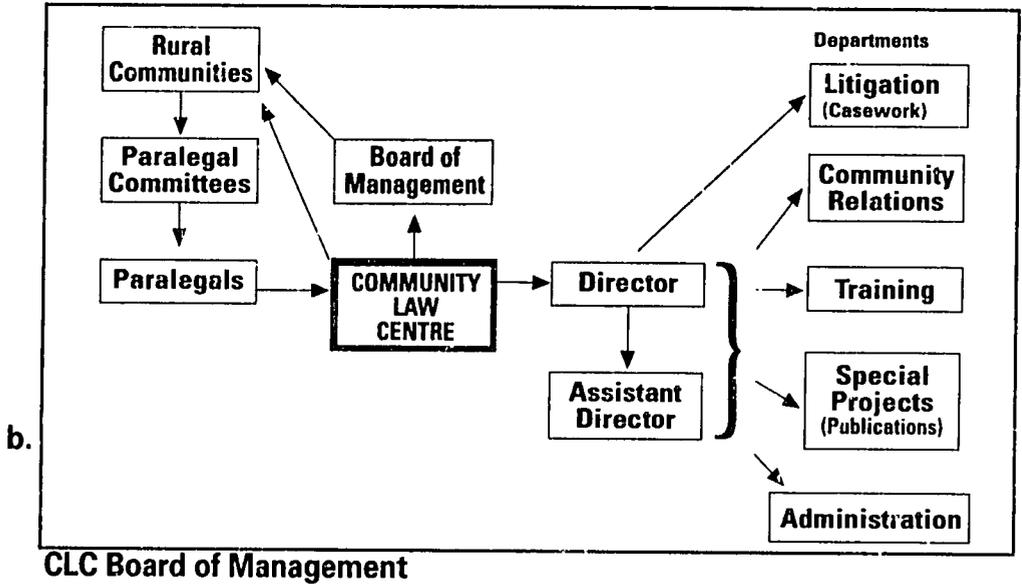
a. Generally

Please refer to the diagram on the opposite page, which reflects the CLC organisational structure.

The CLC is governed generally by the rural constituencies it serves and the CLC Board of Management.

The CLC's organisational and management structure is designed to ensure that its operations rest on an intimate working relationship with the target rural communities. CLC work begins and ends with the rural communities, which understand that they make the decisions governing their lives, looking to the CLC for assistance and training rather than direction. Rural paralegal committees are elected by their communities to identify the problems in their communities, give the CLC direction about its training programmes and to establish and administer offices in their communities. The CLC takes its direction from the target rural communities. The elected paralegal committees provide the basis for methodology developed by the CLC Durban staff.

The CLC Board of Management develops policy and reviews general and financial administration.



i. Generally

The current CLC Board of Management is governed by its constitution, which was adopted during financial year 1992, along with one amendment to enlarge the Board for increased rural representation. See Exhibit A, CLC Constitution and Amendment.

In 1989 the original Board was comprised of 14 members, with a management committee of nine members. Top management of the University of Natal, with which the CLC is affiliated, concurred with the CLC view that this was an inefficient and cumbersome structure. In July 1991 the CLC Board of Trustees and Management Committee were dissolved and replaced with a streamlined CLC Board of Management.

Since July 1991 the CLC Board of Management has provided and continues to provide an oversight policy function to ensure that the CLC is meeting its obligations to the rural communities. The CLC Director or Assistant Director submits written quarterly narrative and financial summaries to the Board of Management, which meets quarterly. The CLC Director reports directly to the Board of Management.

ii. Composition of CLC Board of Management

With the May 1992 expansion, the CLC was concerned that with one elected rural representative, the rural communities served did not have adequate representation on the CLC Board of Management. At its July 1992 meeting the Board of Management unanimously agreed to add two members to the Board of Management, such members to be democratically elected by paralegal committee members from the 15 target rural communities served by the CLC.

Effective 31 August 1993, the CLC Board of Management was comprised of:

- Professor C F Cresswell, Vice Principal and Chairman, CLC Board of Management
University of Natal, Durban
- Professor Charles Breen, Director
Institute of Natural Resources
University of Natal, Pietermaritzburg
- Professor D J McQuoid-Mason, Dean

Faculty of Law
University of Natal, Durban

- Advocate Mandla Mchunu, Director and National Street Law Coordinator
Centre for Socio-Legal Studies
University of Natal, Durban
- A T Mdaka, Chairman
Mdletshe Paralegal Committee
- M Miya, Chairman
Cornfields Paralegal Committee
- S B Mkhwanazi, Chairman
Mpukunyoni Paralegal Committee
- Bev Nelson, Attorney and Designee, Natal Law Society
Shepstone and Wylie, Durban

Mr S B Mkhwanazi was elected in June 1993 because Mr Buthelezi's term had expired.

iii. Statement by Elected Rural Representatives to CLC Board of Management

The three elected rural members of the Board of Management met in Durban on 1 August 1992 and drafted and adopted the following statement, explaining the history and functions of the Board of Management and the need for rural empowerment:

Role of the Elected Rural Representatives on the CLC Board of Management

There was a need for rural communities served by the CLC to be represented on the CLC Board of Management. In July 1991 the CLC Constitution was adopted and provided that rural communities should be represented on the CLC Board of Management. Initially, the rural communities democratically elected one representative, Mr M Miya (Chairman, Cornfields Paralegal Committee), whose term of office expired in June 1992.

The CLC Board of Management, in response to demands from the rural communities, increased the number of representatives from one to three. In June 1992 three representatives were democratically elected at a training conference which was attended by paralegal committees from all 15 rural communities affiliated with the CLC. Mr M Miya was elected for a term of three years, Mr A T Mdaka (Chairman, Mdletshe Paralegal Committee) was elected for two years and Mr W Buthelezi (member, Nqutu Paralegal Committee) for one year.

At this juncture, we, the elected rural representatives, are faced with the enormous task of expressing the aspirations of the 15 rural communities we represent. Our job is to ensure that there is a place for empowered rural South Africans in a democratic South Africa. We work to enable the communities to understand the role and mission statement of the CLC and how to use the CLC resources for their own needs. We also review both the short and long-term objectives of the CLC and determine the policies which allow the CLC to cater to the needs of the communities.

There is a pressing need for well-trained, competent and accountable paralegals in today's South Africa, and there will still be a pressing need for paralegals in the new South Africa. Whatever government is in power will need to be checked by people who know their rights and who are able to assist others to assert their rights. Good government should make it possible for all its people to make use of opportunities, irrespective of colour, creed or gender.

The role of the paralegals is to empower their communities through education and

access to law to utilise all available human, financial and infrastructure opportunities. Empowerment is a continuous and evolutionary process which will be guided by the wise use of scarce resources in a democratic South Africa. As the elected members of the CLC Board of Management we strive to make this a reality.

Mr M Miya
Mr A T Mdaka
Mr Waite: Buthelezi

c. CLC Staff Management Structure

From its inception in 1989 through February 1992, the CLC Director managed and performed an oversight function for all staffing, projects and related financial issues. Staff meetings were held weekly and, where possible, decisions were made democratically. Very few staff had management experience at the time of being hired. A fundamental management goal was to increase the expertise of staff and develop long-term management capability necessary for any evolution of the CLC.

One of the mechanisms used from 1989-1991 to achieve sustainable long-term organisational growth was all staff members being responsible for project management, including theoretical and practical development of particular projects, administration of budgets, meeting deadlines and seeing projects through to completion. The Director also worked closely with all staff to provide on-the-job training.

As staff became increasingly skilled and rural community demands grew exponentially, it became apparent in December 1991 that the management structure needed to change to accommodate the staff's increasing ability to deliver services, meet spiralling demands from the rural communities and decrease reliance on the Director. Since the CLC's inception staff empowerment has been a fundamental goal and the management structure had to alter to adjust to a larger staff skills base and to provide opportunities for professional and personal growth. CLC staff focused on these issues in early 1992 and determined that as a result of the growth of the organisation and the expansion planned for May 1992, the time had come to split into departments and develop each department to meet rural communities' demands.

Effective 1 February 1992, the CLC divided into six departments:

- Administration, including fundraising, overall financial administration and management of administrative staff, with joint authority vested in Director Carole A Baekey and Assistant Director Bongani I Khumalo.
- Training, including development and management of Training Department budget and development and implementation of all paralegal, paralegal committee, community, outside organisation and staff training, managed by Training Coordinator Bongani Khumalo.
- Cases, including development and management of Case Department budget, case management, legal representation of clients referred by the paralegals and their paralegal committees and liaising with the Training Department to provide on-site training, managed by Case Department Coordinator Advocate Greg Moran.
- Publications, including development and management of Publications Department budget, producing CLC quarterly newsletter *Izindaba*, developing special publications such as *Amalungelo Oluntu/Human Rights* and *Ukulindela Intando Yeningi/Waiting for Democracy*, training manuals and public information materials, managed by Publications Coordinator Charles Ndlovu.
- Community Relations, including development and management of Community

Relations Department budget, liaising with rural communities and addressing general and specific problems, developing with rural committees constitutions and other governance documents and providing an ongoing needs assessment for all target rural communities, temporarily managed by Director Carole Baekey.

- Special Projects, such as periodic policy and management reviews for CLC staff, new publications, training for outside organisations and addressing violence and other issues, managed and directed by Carole Baekey.

The coordinators and Director manage each of their departments and staff within the departments. Departmental coordinators, Assistant Case Coordinator and Director constitute the CLC Management Team, which meets bi-weekly. The Management Team works together to address human and financial resource allocation, issues affecting their departments and overall organisational interests. Generally, the revised management structure removed overall control from the Director and placed greater responsibility on the coordinators and their departmental staff.

Bi-weekly staff meetings, attended by all staff, continue to provide opportunities for open communication between individuals and departments to ensure that organisational issues and problems are addressed and short and long-term goals are being met. Each coordinator reports at staff meetings, with all staff having the opportunity to comment and participate in the development of strategy and policies. Open debate is encouraged.

It was abundantly clear that with the planned May 1992 expansion to triple the number of communities served by the CLC, the organisation required an Assistant Director to assume the additional administrative and management responsibilities which could no longer be handled by one individual. With the resignation of Advocate Guy Thomas to return to private practice, effective 29 January 1993, based on the recommendation by CLC staff, the CLC Board of Management appointed Training Coordinator Bongani Khumalo as Assistant Director.

Where finances permit, the CLC holds an annual staff retreat to review the goals, objectives and management of the organisation, to ensure optimum responsibility and delivery of services to the rural communities it serves. Staff retreats are managed by one of the Management Team members and all staff are encouraged to raise their concerns and develop solutions to problems. The last CLC staff retreat was held from 14 - 16 August 1992 at the Salt Rock Hotel, Natal North Coast.

d. Staffing

i. Generally

Recruiting staff for the CLC is problematic. The hours are long, the work demanding, and staff are in some physical jeopardy from those whose interests are adversely affected by the CLC's work. Highly skilled professionals which the CLC needs can command much greater incomes in the private sector, with less demanding hours. Advertising for trainer and other positions has been instructive. Many people apply for the positions, but few have the rare combination of skills, inclination for community work and dedication required of CLC staff. The CLC is also limited in its hiring by the need for most of its staff to speak fluent Zulu. Any expansion of CLC work is directly limited by the ability to recruit competent, committed staff.

All CLC staff have had job descriptions since financial year 1990 and job descriptions are reviewed no less than annually and more often when required. In the first two years of employment, staff performance is reviewed quarterly, and thereafter twice annually. Where there are performance problems, staff are given warning and training and the opportunity to learn and rectify problems. After a reasonable amount of time has passed and a

staff member has clearly demonstrated that he or she can not perform at the high standard required by the CLC, the person is dismissed.

As noted below, during financial year 1993, each department within the CLC developed performance agreements which detail long term and day to day work. Each department's performance is reviewed quarterly against the department's goals and objectives and modified, where necessary. Each staff member develops, with his or her coordinator, an individual performance agreement, which is reviewed quarterly with the staff member's coordinator. Performance reviews provide the measurement device for departmental and individual progress, as well as the basis for salary reviews. It is important to note that each department and staff member develops performance agreements, giving full range to creativity, accountability and performance within the CLC.

ii. CLC Durban Staff

The CLC believes the damage caused by decades of grossly inferior "Bantu" education is reversible. Given the opportunity to compete on a level playing field, black CLC staff have achieved excellence. The CLC currently employs 57 staff, 28 of whom are in Durban and 29 operating from 15 rural paralegal offices. The Assistant Director, 79% of CLC Durban staff and 40% of the Management Team are black. With black South Africans comprising more than 80% of the total South African population, these figures still do not reflect the demographic breakdown of the country. The CLC recognises this fact and remains dedicated to hiring, training and promoting more black staff at all levels.

Dedicated CLC staff members, centrally located in Durban, work long hours to make the goals of the project a reality for rural communities. At the end of financial year 1993 (on 31 August), staff included:

Director:	Carole A Baekey
Assistant Director:	Bongani I Khumalo
Financial Administrator:	Richard Henson
Administrative Staff:	Fathima Essay
	Nonyameko Jobela
	Zanele Mabaso
	Dumazile Malinga
	Isvari Pillay
	Theo Ritchie
Training Coordinator:	Bongani I Khumalo
Training Staff:	* Andrea Gabriel
	Dorcas S'khosana
Publications Department	
Coordinator:	Charles S Ndlovu
Publications Department Staff:	* Gina Barbieri
	Janine Hicks
	Andrew Peens
Case Department Coordinator:	Advocate Gregory Moran
Assistant Case Coordinator:	Lynn Oldacre
	Case Department Staff:
	Nomvuyo Bahlekazi
	Patrick Mhlongo
	Boyce Mkhize
	*Elijah (Vusi) Nkosi
Community Relations Coordinator:	Carole A Baekey (temporary)
Community Relations Department Staff:	Phatang Nkhereanye
	Michael Obert

Cleaners:	*Themba Tshabalala Ntombi Hlongwane Emily Mdunge
* Staff on long-term leave from the CLC and expected to return.	
Effective 1 January 1994, CLC staff reflecting recent organisational changes included:	
Director:	Carole A Baekey
Assistant Director:	Bongani I Khumalo
Financial Administrator:	Richard Henson
Administration Staff:	Fathima Essay Susan Harrison Dumazile Malinga Isvari Pillay Theo Ritchie
Training Coordinator:	Lynn Oldacre
Training Staff:	Phumelele Dhlodlo *Andrea Gabriel Bhunu Njapha Dorcas S'khosana
Special Projects	
Publications Manager:	Janine Hicks
Publications Staff:	*Gina Barbieri Andrew Peens
Case Department Coordinator:	Advocate Gregory Moran
Case Department Staff:	Nomvuyo Bahlekazi Nonyameko Jobela Vusi Madonsela Patrick Mhlongo Boyce Mkhize *Elijah (Vusi) Nkosi
Community Relations Coordinator:	Charles Ndlovu
Community Relations Department Staff:	Fatima Essay Phatang Nkhereanye Michael Obert *Themba Tshabalala
Cleaners:	Ntombi Hlongwane Emily Mdunge
* Staff on long-term leave from the CLC and expected to return.	

iii. Consultants

Consultants are hired to meet specialised demands. Rather than employing unnecessary staff at great expense, consultants are used to fill the gaps in CLC staff expertise. This category primarily covers attorneys, advocates, law lecturers or experts needed to assist with the formal paralegal and paralegal committee training conferences held in Durban. The CLC attempts to hold consultant costs to a minimum.

Consultants during financial year 1993 included:

Financial Administration:	Patrick Fowle
Law Lecturer and Adviser:	Advocate K Govender
Practical English Lecturer:	Lucy Voss
Publications Research:	Jeya Wilson

Research Coordinator:
Training Consultant:

Dr Anthea J Jeffery
Daniel Nina

iv. Rural Paralegals

Rural paralegals, as noted in Section 5 are hired by their paralegal committees which are responsible for determining conditions of service, including salaries. After determination by the paralegal committees, the CLC is notified of paralegal salaries, which are in turn paid by the CLC. Paralegals on the CLC payroll on 31 August 1993 included:

Jerome Bele, Qiko
Julius M Bhengu, KwaNgcolosi/Riverview
Thobile Biyela, Mpukunyoni
**Happy T Dlamini, Msinga/Weenen
Bonakele A Duma, Rietvlei
Justice M Jiba, Rietvlei
**Dudu C E Khumalo, KwaNgcolosi/Riverview
Mirriam N Khumalo, Cornfields
Thabile H Madondo, Msinga/Weenen
Lucy P C Makhathini, KwaXimba
**Lungile C Manqele, Mpembeni
Nkosingiphile S Manqele, Mpembeni
Primrose N Mdunge, KwaMondi
Busisiwe R Mngadi, Qiko
Nokukhanya G Mthethwa, Mdletshe
****Langalihle E Mtshali, Mdletshe
**Londiwe N Ndebele, Mpembeni
Raymond Ngema, Mpukunyoni
*Dumisani A Ngidi, Ndonyane
*** Silindile C Ngidi, Ndonyane
*Bheki L Nkumbuza, Mpukunyoni
*Dudu Z Ntshangase, Mpukunyoni
Delani V M Nzama, KwaNyuswa
Nonhlanhla F Shabalala, KwaNyuswa
Bongi V Sibiya, Nyathikazi
**Jabulani B Sibiya, Nyathikazi
Sibongile Simelane, Nqutu
*Thandi L Sithole, Mdletshe
****Dorcas V T S'khosana, Nqutu
Petros Z Xaba, KwaXimba
**France T Ziqubu, Cornfields
Nana N Zulu, KwaMondi
Siphiwe E Zwezwe, KwaNyuswa

- * Group One paralegals hired by their committees and on the CLC payroll since November 1989.
- ** Group Two paralegals who did not make the requisite grades to remain as part of the training programme and were terminated, effective 31 July 1993.
- *** Group One paralegal who resigned to pursue her education.
- **** Group One paralegals accepted into the University of Natal B.Proc. programme and therefore resigned from positions as paralegals.

e. CLC Durban Staff Skills Development

For the CLC to function effectively, CLC staff must continue to develop skills appropriate for their jobs. The CLC pays the cost of all training required for a particular position, and one-half of the cost of a course which directly benefits the CLC and the individual.

To minimise administrative costs and to maximise staff resources, all CLC staff are required to type and achieve computer literacy on WordPerfect 5.1. If CLC staff do not type and are not computer literate at the time of commencing employment, staff are immediately sent to typing and computer training classes.

CLC staff are required to travel long distances to and from the target rural communities. Staff who travel and do not have driver's licenses are encouraged to get their licenses. The CLC pays one-half of the reasonable cost for driving lessons.

CLC trainers are responsible for a broad range of training and course development, which results in CLC employee skills development. In CLC financial year 1993 the CLC attended or arranged the following in-house or organisational training:

- Zulu lessons for all non-Zulu speaking staff, commencing 11 August 1992;
- University of Natal Pietermaritzburg Ethnicity, Society and Conflict in Natal conference, 14-16 September 1992;
- NARDSO Conference, 28-30 October 1992;
- Centre for Intergroup Studies, University of Cape Town Basic Mediation Skills Conference, 2-5 November 1992;
- Informal Settlements Conference, 25 November 1992;
- University of Durban Westville ACCORD Conference, 3-7 December 1992;
- Workshop on negotiating international contracts and development finance agreement, 7-11 December 1992;
- Columbia University Human Rights Programme, United States, attended by Case Coordinator, December 1992 - June 1993;
- CDS/NDI Project Vote Training Workshop, 29-31 January 1993;
- PACT conference attended by Trainer, 22-24 April 1993;
- Workshop on "Teaching Human Rights in a Multicultural Society", 5 May 1993;
- IMSSA conference on conflict resolution, 7-9 May 1993;
- Matla Trust Voter Education Workshop, 8-9 May 1993;
- Labour Law Conference, 10 May 1993;
- Farm Labour Law Conference, 12-14 May 1993;
- CDS/NDI/MPD Election Monitoring and Observing Workshop, 14-16 May 1993;
- Street Law Education for Democracy Workshop, 18 May 1993;
- Land And Agricultural Policy Centre Conference, 24-28 May 1993;
- Children's Rights Conference, 17-18 June 1993;
- Natal CBO Network Forum, 2-4 July 1993;
- World University Services Workshop on Gender Issues attended by Administrative Assistant, 13-14 July 1993;

- Centre for Socio-Legal Studies Labour Law Conference, 15-16 July 1993;
- Legal Resources Centre Constitutional Law seminar, 16-17 August 1993; and
- continuing on-the-job training for all CLC staff.

CLC staff delivered papers on various related topics at the following conferences:

- Tenth Commonwealth Law Conference presentation by Director, Nicosia, Cyprus, 3-7 May 1993;
- IDASA Conference at which at which CLC Trainer Andrea Gabriel delivered presentation, 13-14 May 1993;
- IDASA conference at which CLC Director delivered presentation on CLC and alternative types of intervention and training, 2-4 June 1993.

The CLC Director works extensively with all staff on development of writing, training and management skills. All staff are required to have materials and training curricula reviewed and undertake any necessary revisions. The Director also works with staff on formulating all CLC projects and development of time management, budgeting, project management and training skills. A large percentage of the Director's time is utilised for staff development.

The reward for attention to staff development is that in financial year 1993 several staff members were promoted. Training Coordinator Bongani Khumalo was promoted to Assistant Director. Secretary Fathima Essay was promoted to Administrative Assistant. Andrea A Gabriel, who joined the CLC in November 1990 as a part-time student research assistant and was promoted to a full-time trainer position in December 1992, was offered a Fulbright Fellowship to study for her LL M in Washington.D.C. and took leave of absence from mid-1993 to pursue the fellowship.

Former Community Relations Coordinator Themba Tshabalala was awarded a bursary to take a post-graduate course in alternative development studies in the Netherlands and took leave of absence from mid-August 1993. Two former Group One paralegals, Dorcas S'khosana and Langalihle Mtshali, who excelled in their final paralegal examinations were accepted into the University of Natal's B.Proc programme. In January 1993 former Nqutu paralegal Dorcas S'khosana joined the CLC as a part-time research assistant of these former paralegals joined the CLC as a part-time research assistant while pursuing her law degree.

f. Financial Accountability

i. Cost-Cutting Measures

The CLC is determined to use generous contributions from funders in a cost-effective and efficient manner. Unlimited expansion and infinite grants are unrealistic in today's financial gridlock. To assist the CLC in its cost-cutting drive, the Administration Department introduced several important cost cutting measures that are yielding tremendous savings in both the short and long-term. These measures include:

- Reducing Travel Costs: Several CLC target communities are located within one hour's drive from one another. As of 1 June 1993, where possible CLC staff conduct paralegal on-site and case intake training on the same day in these communities. Each office still receives a comprehensive monthly on-site visit. CLC staff spend fewer but longer days in the field, with most on-site and case intake training days spanning 10-16 hours.
- Amalgamated Training Conferences: From 1 July 1993, Group One paralegals and

committee members joined Group Two paralegals and committee members for conference training, to reduce the number of paralegal training conferences by 50%.

- **Reducing Corollary Travel Costs:** A private bus company has been hired to transport paralegals to and from the CLC when they attend training conferences in Durban. Previously, the CLC hired mini-buses, with staff chauffeuring paralegals. Private buses save CLC staff time, liability insurance, and approximately R5,000 per conference.
- **Moratorium on Hiring New Staff:** The CLC is dedicated to developing existing staff members' skills before new staff are hired. The moratorium is being assessed by each department, and is lifted by the Management Team after a thorough analysis.

The CLC continues to cut costs. The CLC does not sacrifice training quality or waiver from its commitment to target communities. Cost cutting measures are reviewed by the CLC Management Team and staff prior to implementation.

ii. Staff Accounts

The CLC maintains strict control over staff's personal use of CLC resources. Personal use of stationery, photocopying, franking and car is meticulously recorded and charged to individual staff monthly accounts. The CLC bears a fiduciary duty to ensure funding received is channelled into rural communities.

Working under the pressure generated by projects taken on by the CLC requires superhuman energy and patience. CLC staff members are often forced in crisis situations to rely completely on each other for information, back-up and sometimes even their personal safety. To handle in-house grievances occasionally arising from intensive working conditions, in August 1993 the CLC developed a grievance procedure that allows aggrieved parties to air complaints against fellow staff members and defend their behaviour. To ensure fair, unbiased and confidential handling of grievances, a grievance committee is elected by staff every six months. Through this procedure, the CLC wishes to ensure a continuing productive working relationship amongst staff members.

iii. Working Lunches

It has become CLC custom to invite outsiders weekly to visit the CLC for lunch on Monday when all staff members are in the office. On one level, these informal meetings provide an excellent forum for visitors to the CLC to meet the staff, find out how the CLC operates and what projects it has undertaken. More importantly, the meetings provide the opportunity for long-standing foes to be turned into friends or to develop an understanding of CLC work, establish mutual grounds of interest and build effective working relationships. The CLC has used this to full advantage to address areas of concern identified by rural communities and create workable solutions to daunting obstacles faced in communities. For an example of the success of lunches, see h.vii.

g. Administration Department

i. Mission Statement

The Administration Department provides financial and administrative support to all CLC departments, enabling them to work towards the empowerment and self-sufficiency of rural communities.

ii. Generally

Since its inception, the CLC has required all staff to be or become computer literate to ensure that donors' funds would be spent on the rural communities served by the CLC, rather than CLC Durban staff infrastructure. This has decreased the need for excessive numbers of secretaries for professional staff.

In May 1992 the Administration Department was formally constituted and currently comprises the:

- Financial Administrator, who, under the supervision of the Assistant Director, manages overall financial administration, including regular financial reporting, development of organisational and department budgets, acting as a liaison with the University of Natal Financial Department and all related activities;
- Administrator, who assists the Financial Administrator with day-to-day operations;
- Director's Secretary, who assists the Director with a broad range of duties;
- Secretary/Receptionist, who answers the telephone and greets and directs visitors, processes documents and handles a broad range of clerical activities; and
- two cleaners who maintain the CLC offices.

The Administration Department meets twice monthly, to assess ongoing administrative needs within the organisation. The Administration Department is supervised by the Director and Assistant Director. The CLC employs an independent financial consultant Patrick Fowle, who provides a monthly review of all CLC financial transactions.

h. Training Department

i. Mission Statement

The Training Department educates rural paralegals, paralegal committees and communities about rule of law, human rights, alternative dispute resolution and socio-economic and civil society issues in an evolving South Africa. CLC training is designed to equip rural people with skills needed to control their lives confidently and independently.

ii. Generally

Most South Africans, particularly in remote rural areas, believe that both law and the people who enforce law are responsible for their disempowered position. Lacking knowledge about law, access to those who administer it and enforcement capabilities, rural South Africans lack the power to shape the development of law or to alter the status quo. Changing law or attitudes of people who administer law is futile when power relationships are out of balance. In a fledgling democracy, progressive bodies may initiate reforms for redistribution of land, access to goods and services, but history teaches that reforms fail where long-established power relations remain entrenched.

The CLC Training Department is the cornerstone of the CLC, with law taught as a resource to empower people, to encourage a society to take charge of its developmental process, regardless of who holds the political reins. Leaders may blunder but an independently educated population, with full knowledge of its rights and confidence to articulate claims, should be able to continue with minimal disruptions in its developmental process or the ability to call national and regional governments to account.

Rather than paying lip service to values of self-reliance and empowerment, the Training Department through its training programmes seeks to generate functional knowledge and

skills within rural groups. CLC training programmes are based on the principle that communities possess a store of knowledge which is a vital resource.

Firstly, needs of communities are best known by their members. Experience teaches that it is dangerous and wrong for outside "experts", particularly governments and well-meaning assistance organisations, to diagnose the problems of rural people, prescribing solutions without their participation. Secondly, there exist untrained but innovative people whose talents can be marshalled to make them valuable human resources.

The CLC measures the success of its empowerment training programmes through feedback from rural communities. Each success story contributes to enhanced confidence of the rural communities. Grounded on these philosophies, CLC empowerment training programmes have been and are being used successfully by rural communities since 1989 to:

- claim governmental entitlements guaranteed in law and denied in practice;
- expose contradictions between existing exploitive practices and principles of law;
- denounce corrupt, oppressive and lawless administration;
- discredit those who use law for palpably unjust purposes;
- secure redress against abuses of power by those charged with administering justice, notably local police; and
- articulate claims for recognition of rights.

Through knowledge and use of law, rural communities working with the CLC have begun the painful process of pressing for substantive and procedural legal reforms, demanding participation in and control over their development. Financial and human resource constraints have limited the Training Department's endeavours to rural communities only. If the CLC's education for self-reliance programme were instituted nationally, South Africa could well develop a society whose strength lies in functional local knowledge and skills, rather than in dubious political power play.

At the end of financial year 1992, it was clear that given the magnitude of the Training Department's functions, additional staff would have to be hired in early calendar year 1993. At this writing, the Training Department consists of:

- Coordinator;
- one full-time Research Assistant;
- one part-time Research Assistant; and
- secretary.

Training Department staff coordinate CLC training activities. However the assistance of staff members from other departments is essential, and all professional CLC staff participate in training.

The Training Department Coordinator is a member of the CLC Management Team, which ensures that Training Department activity fits within overall CLC goals and objectives. Where necessary, the Director works with the Training Department Coordinator and staff.

iii. CLC Methodology and Types of Training

The CLC training process begins with the process of "unlearning." The tragedy of the South African "bantu" educational system is that few, if any, adults have ever been encouraged to reason or express an original or personal opinion. This is fatal to analysis and criticism, which is the core of law. The CLC has had to learn to combat trainees' ideas about what

constitutes an education and teach basic learning techniques.

Formal lecturing — catastrophic to the learning process, especially with adult learners who constitute CLC legal trainees — is used as sparingly as possible. The CLC learning methodology primarily utilises:

- small group work to identify issues and develop a range of solutions, not all of which are legal;
- role play, particularly in negotiation and client interviewing sessions;
- court and negotiation proceedings, and then engaging in mock trial/court/negotiation proceedings;
- “active participation” lectures or presentations from experts on legal and social issues;
- development of critical communication and analytical legal skills and rewarding trainees for criticism and analysis;
- evening tutorials to encourage questions and discussion about what has been taught;
- one-on-one tutorial assistance, at formal training sessions and monthly during on-site training at rural paralegal offices;
- videotaping content and style critiques of public presentations; and
- extensive testing (of paralegals only) to determine whether trainees cope with multiple facts and identify legal issues.

All CLC training is subject to rigorous evaluation by CLC staff and outside training consultants. When trainee testing or evaluations reflect a poor understanding of issues and inability to address multiple issues, CLC staff are forced back to the drawing board to determine the source of and solution to the training problem.

The methods outlined above are used in three types of training:

- paralegal training;
- paralegal committee training; and
- community-based (or Street Law type) legal education.

iv. CLC Paralegal Training

(a) Introduction

(i) Generally

All paralegal training conferences are held at the CLC Durban office, which has sufficient space for periodic large group training. To date, the CLC pays all training costs, including transport to and from Durban, accommodation and food. The CLC anticipates that rural communities will eventually begin to pay some portion, however small, of the training costs. This will be a tremendous individual and community burden because funds are not currently available for social and development programmes, with rural communities traditionally reliant on non-governmental organisations.

In all 15 rural target communities served by the CLC, paralegals are the only resource available to address a broad range of community problems. If the CLC were not working in these communities, there would be virtually no access to any form of legal education or support services.

Education for empowerment requires far more than formal classroom training and test-

ing to realise the ability to assist communities with basic legal problems. Administrative training is essential for the functioning of any office or community. Paralegals also require on-site assistance and regular support to continue the initially difficult process of applying complex and abstract legal principles to client matters and providing community legal education workshops.

There are also numerous social and economic issues which are related to legal problems clients bring to the rural paralegal offices. Every paralegal training session includes a socio-economic training component, such as health and gender issues.

Paralegals receive three types of training from the CLC:

- quarterly formal training sessions, for two weeks, each year;
- on-site training and case intake; and
- correspondence lessons.

(ii) Paralegal Formal Training

Because paralegals are staffing offices in the rural areas, it is impossible to remove them from their communities for traditional long-term college or technical training. Community needs have structured the CLC training programme.

Formal training takes place quarterly at the CLC Durban office. The paralegal training syllabus defines the scope of paralegal training. See Exhibit B. Empowerment through education about law would be an elusive ideal without the development of practical skills to articulate, implement and claim rights and duties under law. The paralegal syllabus has been designed to impart knowledge and develop skills with respect to writing, administrative skills, alternative dispute resolution, basic legal subjects and inter-related socio-economic issues. All paralegals are tested on subjects covered during the training conferences and then must undergo testing on all subjects prior to being issued a certificate from the CLC.

Training at rural paralegal training conferences is primarily provided by legally and/or administratively trained CLC staff. Training is of a uniformly high standard, with written materials to supplement lectures. Where necessary, the CLC requests assistance from law lecturers or other experts, negotiating a reasonable rate of pay, or hires outside experts or consultants to provide the necessary training.

(iii) Case Intake and On-Site Training

Case intake and on-site training are critical components of the overall training programme. Too often in development programmes, trainees are brought to a central location for training and then sent out to work on their own, with no reasonable back-up and no one to assist with the inevitable problems beyond their expertise. Assimilating book knowledge of law and related issues and regulating it for examination purposes are relatively easy. Applying the law to complex and sometimes convoluted client cases is difficult. The CLC, through its client intake and comprehensive on-site training programmes, assists paralegals with the challenge to apply their knowledge for the benefits of their communities.

To assist paralegals with skills development to serve their communities, the CLC has no less than two contact days (and often more) monthly with each community. The first is to meet with the local paralegal committee to determine problems and community-based solutions, training requirements for both the paralegals and paralegal committees and litigation needs.

The other contact day is devoted to on-site administrative and legal training and case intake. On-site training is comprised of CLC staff travelling the long distances to each office to review client files, correct administrative and legal errors, address administrative

issues to ensure the effective functioning of the office and to tutor paralegals individually on practical law as set out in the CLC's on-site training syllabus.

It is through this process that problems are identified, along with cases which can not be processed or handled by paralegals. At the same time, CLC staff work with rural paralegals on case intake, identifying areas where paralegal interviewing and issue identification skills can be improved. CLC staff also undertake additional travel to provide, or assist rural paralegals with, community-based legal education workshops and a range of legal issues in all the communities.

(iv) Correspondence Lessons

Because rural paralegals are staffing offices in their communities, it is impossible to take them away from their communities more than quarterly for training. Training must be on-going, rather than sporadic.

The CLC has developed and is developing correspondence lessons on various legal issues. This serves three purposes: to provide on-going training and learning; to reduce the amount of lecture and reading time required for training conferences held at the Durban CLC office; and to develop back up resource materials for easy reference in remote paralegal offices.

Correspondence lesson development is heavily labour intensive, involving research and extensive review before lessons and tests can be distributed to the trainees. The CLC has substantially developed correspondence lessons on a range of topics which include:

- customary law;
- unemployment insurance fund;
- motor vehicle accidents;
- intestate succession and wills;
- law of persons;
- criminal law;
- labour law;
- human rights;
- workmen's compensation; and
- mediation, negotiation and arbitration.

Other correspondence lessons in progress are:

- police powers; and
- basic systems of government.

(b) Group One Paralegals

Twenty-one rural paralegal trainees commenced the pilot paralegal two year training course on 28 November 1991 and only ten remained to complete the course by June 1992. As of 31 August 1993, four paralegals remained as active paralegals in their communities. Others had moved on to further their educations or do other types of community work. This taught the CLC the need in future training cycles to take into account the anticipated number of drop out* when planning finances and long-range utility of paralegals.

The initial five target communities were left with an insufficient number of paralegals to serve their large communities. Due to the CLC's financial constraints these communities had to wait until May 1992 for the CLC's next two year training cycle to send additional

paralegals for training. The ten Group One paralegals then remaining carried the work load of 21 paralegals, no small feat for young adults involved in ground-breaking work.

After writing 24 intensive examinations on subjects covered in the two year training course, the ten Group One paralegals graduated on 19 June 1992. Examination scripts were externally evaluated by lecturers from the University of Natal Faculty of Law, who, impressed by the high standard of paralegals' work, made recommendations for individual paralegals to register for university law degrees. Two paralegals were accepted into the university's B.Proc. programme, and are furthering their legal studies with the assistance of bursaries.

Two training conferences were provided for Group 1 paralegals in financial year 1993:

- Group 1 Eleventh Rural Paralegal Training Conference, 1-5 March 1993; and
- Group 1 Twelfth Rural Paralegal Training Conference, 9-13 August 1993.

To save costs, Group One paralegals were thereafter included with Group Two paralegals at training conferences. The CLC is utilising Group One paralegal graduates to train Group Two paralegals at formal training conferences.

(c) Group Two Paralegals

The CLC expanded in May 1992 to an additional 10 communities, bringing the overall population base served to 900,000 people in 15 target rural communities. Thirty-eight paralegal trainees were selected by their paralegal committees in early 1992 and commenced the CLC two-year training cycle in May 1992.

Six paralegals failed to meet the CLC's academic requirements in the mid-cycle examinations held over the period 21 June - 3 July 1993. These paralegals were terminated as of 31 July 1993. An additional seven paralegals were classified as borderline cases and permitted to continue with the training programme provided that certain minimum requirements were met. These include re-writing and passing failed examinations in December 1993 and ensuring that work in the paralegal offices reaches and is maintained at a high standard.

Paralegal training conferences held for Group Two trainees during the 1993 financial year included:

- Group Two Fourth Rural Paralegal Training Conference, 16-27 November 1992;
- Group Two Fifth Rural Paralegal Training Conference, 25 January - 5 February 1993;
- Group Two Sixth Rural Paralegal Training Conference, 19-30 April 1993; and
- Group Two Mid-Cycle Examinations, 21 June - 3 July 1993.

Paralegal training conferences for Group Two paralegals to be held during financial years 1993 - 1994 include:

- Joint Rural Paralegal Training Conference, 27 September - 9 October 1992;
- Joint Rural Paralegal Training Conference, 29 November - 3 December 1993;
- Joint Rural Paralegal Training Conference, 7-18 February 1994;
- Joint Rural Paralegal Training Conference, 4-6 March 1994;
- Group Two All Subjects Review, 21-25 March 1994; and
- Group Two Final Examinations, 9-25 May 1994.

(d) Paralegal Successes

Recovery statistics do not accurately reflect the quantity or quality of work being done by paralegals and committee members. A substantial proportion of paralegal work is "preventive" in nature, geared towards broad-based education, and not easily measured.

To date, CLC paralegals have:

- handled approximately 6,500 client cases;
- recovered approximately R2,800,000 in old age and disability pension arrears and dependants' benefits;
- provided numerous community legal education workshops; and
- monitored government administrative functions to ensure accountability, and taught community members to take action for themselves.

These statistics belie the human consequences of policy implementation. The seemingly smallest of matters are critical affairs for rural dwellers. For example, pensioners awaiting arrear payments often walk miles to paralegal offices on a daily basis, anxiously anticipating any information on their cases. The successful reinstatement of a monthly pension amounting to R370, about \$120 (US), can mean the difference between hunger and starvation for families of up to 15 people.

(e) Paralegal Diploma Certification

After protracted negotiation with University of Natal, Durban, Faculty of Law, the CLC succeeded in having its paralegal training programme accepted by the Faculty as a full diploma course. Paralegals completing the course will receive recognised University of Natal diploma certification. The diploma course will be included in the University's prospectus for 1994. The CLC is negotiating certification for paralegals who have graduated or will graduate prior to January 1995.

(f) Paralegal Committee and On-site Training and Case Intake

Most rural paralegal offices are long distances from Durban, up to four hours driving time each way, and all trips are undertaken in one, often very long, day by dedicated CLC staff. Financial year 1993 trips to provide on-site training and case intake assistance, meet with paralegal committees and/or magistrates and monitor pension payouts follow:

Cornfields (Cornfields Paralegal Office opened January 1990)

- 20 September 1992, paralegal committee meeting and workshop
- 22 September 1992, on-site training and case intake
- 4 October 1992, CLC meeting with Association for Rural Advancement (AFRA)
- 18 October 1992, goat owners case meeting
- 21 October 1992, on-site training and case intake
- 21 October 1992, CLC and AFRA meeting
- 3 November 1992, on-site training and case intake
- 15 November 1992, paralegal committee meeting
- 17 November 1992, meeting with local police
- 19 November 1992, CLC and AFRA Meeting held at CLC

- 22 November 1992, goat owners meeting with CLC and AFRA
- 17 December 1992, on-site training and case intake
- 22 January 1993, on-site training and case intake
- 25 January 1993, Cornfields Residents' Committee meeting with local farmers and CLC
- 11 February 1993, evicted clients interview
- 16 February 1993, client interview
- 23 February 1993, on-site training and case intake
- 28 February 1993, paralegal committee meeting and workshop
- 3 March 1993, trip to oppose summary judgement application on behalf of client
- 18 March 1993, trip to local prison to interview client
- 25 March 1993, on-site training and case intake
- 28 March 1993, paralegal committee meeting and workshop
- 3 April 1993, local residents' committees meeting
- 15 April 1993, on-site training and case intake
- 25 April 1993, paralegal committee meeting
- 29 April 1993, trip to collect summons from evicted clients
- 14 May 1993, CRC and Tembalihle Residents Committee (TRC) Meeting
- 28 May 1993, on-site training and case intake
- 9 June 1993, on-site training and case intake
- 20 June 1993, paralegal committee meeting
- 7 - 23 July, CLC fieldworker living and working with community
- 27 July 1993, local residents' committees meeting
- 5 August 1993, local residents' committees, CLC and AFRA negotiations
- 8 August 1993, local residents' committee meeting
- 11 August 1993, trip to meet with client on required application for rescission of judgement
- 13 August 1993, CLC, AFRA, Department of Agriculture and Natal Provincial Administration (NPA) meeting
- 15 August 1993, paralegal committee meeting, workshop and case intake.

KwaMondi (KwaMondi Paralegal Office opened May 1992)

- 5 September 1992, paralegal committee meeting
- 11 September 1992, paralegal committee meeting and on-site training
- 13 October 1992, paralegal committee meeting and on-site training
- 23 October 1992, presentation at Nsingweni
- 11 November 1992, paralegal committee meeting and on-site training

- 8 December 1992, paralegal committee meeting
- 12 January 1993, paralegal committee meeting
- 19 January 1993, on-site training and case intake
- 18 February 1993, paralegal committee meeting and on-site training
- 26 February 1993, paralegal office workshop and KwaMaqhwakaza workshop
- 9 March 1993, on-site training and case intake
- 11 May 1993, paralegal committee meeting
- 7 June 1993, meeting with KwaMondi paralegals concerning KwaMondi Paralegal Committee member's death
- 10 August 1993, paralegal committee meeting, on-site training and case intake.

KwaNyuswa (KwaNyuswa Paralegal Office opened May 1992)

- 18 September 1992, on-site training and case intake
- 20 September 1992, paralegal committee meeting
- 2 October 1992, on-site training and case intake
- 25 October 1992, paralegal committee meeting
- 29 October 1992, on-site training, with Mott Foundation observing
- 4 November 1992, pension monitoring
- 5 November 1992, on-site training and case intake
- 7 November 1992, trip to take photographs for Izindaba/Community News
- 15 November 1992, paralegal committee meeting
- 2 December 1992, on-site training and case intake
- 13 December 1992, paralegal committee meeting
- 8 January 1993, on-site training and case intake
- 17 January 1993, paralegal committee meeting
- 24 January 1993, pensions workshop
- 12 February 1993, on-site training and case intake
- 21 March 1993, paralegal committee meeting
- 23 March 1993, on-site training and case intake
- 28 March 1993, voter education workshop
- 7 April 1993, on-site training and case intake
- 18 April 1993, paralegal committee meeting
- 25 April 1993, voter education workshop
- 11 May 1993, on-site training and case intake
- 16 May 1993, paralegal committee meeting
- 30 July 1993, meeting between paralegal committee and South African Police

- 8 August 1993, voter education workshop and filming
- 22 August 1993, paralegal committee meeting.

KwaXimba (KwaXimba Paralegal Office opened May 1992)

- 16 September 1992, trial at Camperdown
- 1 October 1992, on-site training and case intake
- 29 October 1992, on-site training with Mott Foundation observing
- 12 November 1992, on-site training and case intake
- 15 November 1992, on-site training and case intake
- 6 December 1992, community presentation on current case
- 7 January, on-site training and case intake
- 20 January 1992, development meeting at KwaXimba Tribal Court
- 30 January 1992, development meeting at KwaXimba Tribal Court
- 11 February 1993, meeting with tribal authorities
- 16 March 1993, on-site training and case intake
- 8 April 1993, on-site training and case intake
- 17 April 1993, paralegal committee meeting
- 7 May 1992, on-site training and case intake
- 15 May 1993, paralegal committee meeting
- 30 May 1993, community office opening celebrations
- 12 June 1993, on-site training and paralegal committee meeting
- 10 July 1993, paralegal committee meeting.

Mdletshe (Mdletshe Paralegal Office opened December 1989)

- 16 September 1992, paralegal committee meeting
- 23 September 1992, on-site training and case intake
- 23 September 1992, on-site training and case intake
- 28 October 1992, on-site training and case intake
- 6 November 1992, on-site training and case intake
- 14 January 1993, on-site training and case intake
- 14 May 1993, on-site training and case intake
- 5 August 1993, on-site training and case intake.

Mpembeni (Mpembeni Paralegal Office opened May 1992)

- 8 October 1992, on-site training and case intake
- 4 November 1992, on-site training and case intake
- 9 December 1992, on-site training and case intake
- 20 January 1993, on-site training and case intake

- 25 February 1993, on-site training and case intake
- 23 March 1993, on-site training and case intake
- 14 April 1993, on-site training and case intake
- 26 May 1993, on-site training and case intake
- 5 August 1993, on-site training and case intake
- 18 August 1993, paralegal committee meeting.

Mpukunyoni (Mpukunyoni Paralegal Office opened December 1989)

- 28 October 1992, on-site training and case intake
- 10-11 November 1992, cane growers statements
- 12 November 1992, cane growers interviews
- 8 December 1992, on-site training and case intake
- 18 December 1992, on-site training and case intake
- 20 January 1993, on-site training and case intake
- 7 April 1993, on-site training and case intake
- 3-19 May 1993, CLC fieldworker living and working with community
- 12 May 1993, paralegal committee meeting
- 25 May 1993, on-site training and case intake
- 3 June 1993, case report
- 8 July 1993, paralegal committee meeting
- 12 August 1993, on-site training and constitution building workshop
- 12 August 1993, on-site training and case intake.

Ndonyane (Ndonyane Paralegal Office opened December 1989)

- 9 September 1992, on-site training and case intake
- 9 October 1992, on-site training and case intake
- 12 November 1992, on-site training and case intake
- 10 December 1992, on-site training and case intake
- 6 January 1993, on-site training and case intake
- 10 February 1993, paralegal committee meeting
- 17 March 1993, on-site training and case intake
- 28 April 1993, paralegal committee meeting
- 3, 10, 18 May 1993, constitution building workshops
- 6 May 1993, on-site training and case intake
- 9 July 1993, voter education workshop.

Nqutu (Nqutu Paralegal Office opened December 1989)

- 23 September 1992, paralegal committee meeting

- 28 October 1992, paralegal committee meeting and on-site training
 - 11 November 1992, on-site training and case intake
 - 9 January 1992, dispute resolution committee meeting
 - 11 January 1993, paralegal committee meeting
 - 16 January 1993, Mondlo/Vryheid local dispute resolution committee meeting
 - 24 February 1993, paralegal committee meeting
 - 20 March 1993, funeral
 - 6 April 1993, paralegal committee meeting
 - 8 April 1993, on-site training and case intake
 - 20 April 1993, paralegal committee meeting
 - 5 May 1993, paralegal committee meeting
 - 27 May 1993, on-site training and case intake
 - 9 June 1993, paralegal committee meeting and on-site training
 - 7 July 1993, paralegal committee meeting, on-site training and case intake
 - 11 August 1993, paralegal committee meeting and meeting with Nqutu Town Board.
- Nyathikazi (Nyathikazi Paralegal Office opened May 1992)
- 23 September 1992, on-site training and case intake
 - 26 September 1992, paralegal committee meeting
 - 16 October 1992, on-site training and case intake
 - 5 November 1992, on-site training and case intake
 - 14 November 1992, paralegal committee meeting
 - 12 December 1992, pensions workshop
 - 16 December 1992, on-site training and case intake
 - 19 January 1993, on-site training and case intake
 - 9 February 1993, case trip to take statements
 - 17 February 1993, on-site training and case intake
 - 27 February 1993, paralegal committee meeting
 - 19 March 1993, on-site training and case intake
 - 20 March 1993, voter education workshop
 - 17 April 1993, paralegal committee meeting
 - 15 May 1993, paralegal committee meeting
 - 18 May 1993, on-site training and case intake
 - 28 May 1993, trip to interview evicted clients
 - 4 June 1993, on-site training and case intake
 - 5 June 1993, constitution building meeting

- 19 June 1993, constitution building workshop
- 6 July 1993, trip to interview evicted clients
- 19 July 1993, negotiations for clients facing eviction
- 25 July 1993, paralegal committee meeting
- 4 August 1993, on-site training and case intake.

Qiko (Qiko Paralegal Office opened May 1992)

- 9 September 1992, paralegal committee meeting
- 29 September 1992, on-site training and case intake
- 7 October 1992, paralegal committee meeting and on-site training
- 14 October 1992, on-site training and case intake
- 10 November 1992, on-site training and case intake
- 9 December 1992, paralegal committee meeting
- 10 December 1992, on-site training and case intake
- 6 January 1993, on-site training and case intake
- 17 February 1993, paralegal committee meeting
- 26 February 1993, on-site and client intake
- 17 March 1993, on-site training and workshop
- 2 April 1993, on-site training and case intake
- 17 June 1993, on-site training and case intake.

Rietvlei (Rietvlei Paralegal Office opened May 1992)

- 8 September 1992, on-site training and case intake
- 7 October 1992, on-site training and case intake
- 13 November 1992, on-site training and case intake
- 15 December 1992, on-site training and case intake
- 16 December 1992, paralegal committee workshop
- 5 January 1993, on-site training and case intake
- 11 February 1993, on-site training and paralegal committee meeting
- 13 March 1993, voter education workshop
- 19 March 1993, on-site training and case intake
- 6-18 April 1993, CLC fieldworker living and working with community
- 4 May 1993, on-site training and case intake
- 18 June 1993, on-site training and case intake
- 17 August 1993, constitution building workshop.

Riverview (Riverview Paralegal Office opened May 1992)

- 15 September 1992, on-site training and case intake

- 6 October 1992, on-site training and case intake
- 13 October 1992, paralegal committee meeting
- 25 October 1992, pensions workshop
- 27 October 1992, paralegal committee meeting
- 1 December 1992, on-site training and case intake
- 8 December 1992, paralegal committee meeting
- 21 December 1992, paralegal committee meeting
- 5 January 1993, paralegal committee meeting
- 13 January 1993, on-site training and case intake
- 19 January 1993, paralegal committee meeting
- 12 February 1993, on-site training and case intake
- 16 February 1993, paralegal committee meeting
- 10 March 1993, on-site training and case intake
- 16 March 1993, paralegal committee meeting
- 7 April 1993, on-site training and case intake
- 17 April 1993, presentation on CLC to neighbouring community
- 1 May 1993, presentation on CLC to neighbouring community
- 11 May 1993, paralegal committee meeting
- 13 May 1993, on-site training and case intake
- 8 June 1993, paralegal committee meeting and constitution building workshop
- 10 June 1993, on-site training and case intake
- 6 July 1993, paralegal committee meeting and constitution building workshop
- 17 August 1993, paralegal committee meeting.

Sakhamkhanya (Sakhamkhanya Paralegal Office opened May 1992)

- 20 September 1992, paralegal committee meeting
- 25 September 1992, on-site training and case intake
- 18 October 1992, paralegal committee meeting
- 22 October 1992, on-site training and case intake
- 13 November 1992, on-site training and case intake
- 15 November 1992, paralegal committee meeting
- 4 December 1992, on-site training and case intake
- 20 December 1992, paralegal committee meeting
- 15 January 1993, on-site training and case intake
- 17 January 1993, paralegal committee meeting
- 7 February 1993, community meeting

- 17 February 1993, on-site training and case intake
- 19 March 1993, on-site training and case intake
- 4 April 1993, voter education workshop
- 18 April 1993, paralegal committee meeting
- 18 May 1993, on-site training and case intake
- 4 June 1993, on-site training and case intake
- 20 June 1993, paralegal committee meeting and constitution building workshop
- 4 August 1993, on-site training and case intake.

Weenen (Weenen Paralegal Office opened May 1992)

- 5 September 1992, meeting with paralegals
- 9 September 1992, Msinga Regional Authorities meeting
- 30 September 1992, on-site training and case intake
- 15 October 1992, on-site training and case intake
- 17 October 1992, paralegal committee meeting
- 6 November 1992, on-site training and case intake
- 16 November 1992, meeting with Community Agricultural Projects (CAP), NPA, local farmers and community members
- 17 November 1992, Weenen police station trip
- 9 December 1992, on-site training and case intake
- 12 January 1993, on-site training and case intake
- 22 January 1993, on-site training and case intake
- 28 January 1993, meeting with clients on evictions
- 6 February 1993, meeting did not take place
- 13 February 1993, meeting with NPA at Weenen Town Hall
- 15 February 1993, taking statements from evicted clients
- 23 February 1993, eviction clients trip
- 3 March 1993, opposing summary judgement application on behalf of client
- 5 March 1993, completing affidavits for opposing summary judgement application
- 17 March 1993, paralegal committee meeting
- 19 March 1993, CAP/AFRA Ncunjane community meeting
- 22 March 1993, meeting with eviction clients
- 24 March 1993, CAP/AFRA community meeting
- 25 March 1993, paralegal committee meeting
- 2 April 1993, taking statements in impounding of stock cases
- 16 April 1993, on-site training and paralegal committee meeting

- 19 April 1993, trip to take statements in case concerning assassination of evicted clients
- 8 May 1993, workshop on impounding of stock
- 10 May 1993, meeting with killings clients
- 12 May 1993, on-site training and case intake
- 1-3 June 1993, impounding crisis meetings
- 10 June 1993, trip to Greytown and Weenen
- 15 June 1993, on-site training, case intake and paralegal committee meeting
- 2 July 1993, trip to take statements from killings clients
- 5 July 1993, trespass trial
- 8 July 1993, meeting with killings clients
- 11 July 1993, paralegal committee meeting
- 13 July 1993, human rights and impounding of stock workshops
- 16 July 1993, committee meeting and case intake
- 16 July 1993, paralegal committee meeting and meeting with local police
- 22 July 1993, meeting with killings clients and local police
- 26 July 1993, accompany killings witnesses to give statements at local police station
- 29 July 1993, trip to attend client bail application and client intimidation trial
- 18 August 1993, paralegal committee meeting, on-site training and case intake
- 21 August 1993, Church Agricultural Project (CAP) meeting
- 21 August 1993, Biosphere and farmers' negotiations
- 26 August 1993, Greytown and Weenen to attend client trial.

v. Paralegal Committee Training

(a) Generally: Why Train Paralegal Committees?

In response to requests from rural paralegal committees, a vital component of the community empowerment process was developed in October 1990. Committee members were concerned that paralegals were advancing faster than they and they feared that paralegals would become "elites" within their communities.

The reasons committees gave for requiring training were:

- the need to work together as committees rather than individuals inhabiting separate worlds together;
- to understand and support the work of the paralegals;
- to develop management and supervisory skills for the effective functioning of their paralegal offices;
- to grasp the operation of customary and Western legal systems which dramatically affect individual lives, overall community health and potential for self-sufficiency;
- to manage conflict inevitably generated by the work of the paralegals;

- to develop an understanding of areas of law in which paralegals have been and are being trained;
- to develop and publicise community-based legal education workshops;
- to understand the use and importance of litigation and wise use of this scarce resource; and
- to understand how they are on the cutting edge of developing community-based rural development programmes which could become a model for other regions in South Africa.

In October 1990 the CLC began quarterly formal empowerment training for paralegal committees. As with paralegal training conferences, small paralegal committee training conferences are held at the Durban CLC office, with larger paralegal committee conferences to accommodate the new committees held at other venues and funded by the CLC. Those committee members fortunate enough to be employed earn, for the most part, marginal wages and salaries working in their rural communities. For example, school teachers earn on average R1,800 per month (approximately \$600). The CLC hopes it will be possible at some future stage for paralegal committee members to raise funds to contribute some money for these training sessions.

While rural paralegal committee members receive valuable training, one of the important benefits of the paralegal committee training conferences is bringing the committee members together to discuss common problems and possible shared solutions. The CLC is proud to note that, while committee members come from widely divergent and strongly held political beliefs, there has been, to date, no violence, threat of violence or attempt by paralegals or paralegal committee members to subvert programmes within the CLC. Committee members have made good their promises to focus on issues of common concern rather than partisan politics.

Paralegal committee members are in uniquely powerful positions to leverage knowledge within their communities. Committee members were democratically elected and have a high degree of accountability. With increased understanding of the paralegals' training and work, committees can wisely employ the emerging skill bases of the paralegals for broader community issues, and to teach large and diverse community groups. With increasing sophistication about legal and social issues, committees are placing more and legitimate accountability demands on the CLC and on administrative and governmental structures.

The CLC attempts to meet with the target communities' paralegal committees monthly, except where "unrest" problems, violence or scheduling problems are prohibitive. See Section 4j. For example, KwaMondi paralegals were forced to flee for their lives following the assassination of a KwaMondi Paralegal Committee member in 1993 and subsequent clashes between rival political supporters. These paralegals are working on client files from safe houses.

Because some paralegal committee members are employed, it is not possible to have training sessions during the week. All paralegal committee training conferences must be held on weekends to ensure that as many members as possible are able to attend.

Zulu is the language medium for all paralegal committee training since many of the paralegal committee members speak no English and some are wholly illiterate. Fortunately Xhosa and Sotho speakers attending paralegal committee training conferences have been comfortable with the Zulu language medium.

A fundamental CLC premise is that illiterate people are not human residue to be ignored, but valuable human resources. In fact, ignoring illiterate or semi-literate people could be fatal since without knowledge of how the society operates, they could be easy prey for extremist groups. Weaving illiterate and semi-literate people into the training pro-

gramme is critical for stability and eventual democracy in the rural communities and throughout South Africa. Fear too often derives from ignorance, and the CLC is in the business of dispelling ignorance.

The extent to which rural communities are deprived of information was brought home to CLC staff in February 1991 when one of the presenters casually mentioned the Nationalist Party and African National Congress proposals for the new government. Not one of the rural paralegal committee members, many of whom are educated and some of whom are teachers, knew what the proposals were. When this issue was explored further, not one of the rural paralegal committee members had any understanding of the 1983 tri-cameral constitution or how it was that they were excluded under this constitution which governed the country for ten years.

Theoretically on the brink of a national election, South Africa cannot afford to have a large part of its society remain ignorant about past and contemporary constitutional developments. In this setting "government by the people" would be a farce.

CLC staff promptly scheduled administrative law training, which addresses South African constitutional issues, beginning at the Third Rural Paralegal Committee Training Conference in May 1991. This training has continued and forms the basis for the CLC's voter education training, begun July 1992.

Paralegals and committee members are eager to learn about constitutional and democratic issues and to begin to gain an understanding of constitutional proposals. As with all CLC training, constitutional proposals and their implications are explained clearly and no proposal is endorsed. With access to concise knowledge, the CLC believes that adults should be left to make their own decisions about politics and what they favour.

(b) Training Conferences

Rural paralegal committee training conferences held during CLC financial year 1993 included:

- Joint Rural Paralegal Committee Training Conference, 4-6 December 1992;
- Group Two Fifth Rural Paralegal Committee Training Conference; 19-21 February 1993;
- Group Two Sixth Rural Paralegal Committee Training Conference; 21-23 May 1993; and
- Joint Rural Paralegal Committee Training Conference; 23-25 July 1993.

The 15 rural paralegal committees have requested that the CLC provide a broad range of administrative and legal topics at these training conferences. One of the key issues paralegal committees wish to see addressed is how to raise funds and write grants. The difficulty with these conferences is that there is never enough time to address all the paralegal committee concerns. The CLC is now working to address community financial problems and concerns.

Paralegal committee training conferences planned for financial year 1994 - 1995 follow:

- Joint Rural Paralegal Committee Training Conference, 1-3 October 1993;
- Joint Rural Paralegal Committee Training Conference, 4-6 March 1994; and
- Joint Rural Paralegal Committee Training Conference, 27-29 May 1994.

(c) Paralegal Committee Certification

Paralegal committees receive no tangible reward or remuneration for the dedicated and vital work they do for paralegal offices and their communities. They have requested that

they too receive recognition for their contribution in the form of certification. The CLC is investigating this possibility and seeking committees' ideas with regard to the standards to be set.

vi. Community Workshops

The third prong in the CLC's community empowerment programme, conducting community legal education workshops, was established out of the need for communities to address their problems locally. Through this forum, a vast number of community members are exposed to participatory and informative discussions on a variety of topics identified by the communities through their paralegal committees.

From 1989 CLC staff have been doing the bulk of community legal education workshops for the communities. With the graduation of Group One paralegals on 19 June 1992, there was a welcome shift in this pattern as the rural paralegals and paralegal committees began conducting workshops on their own with assistance from CLC staff. Because of the need for this work to take place locally and the burden on CLC time of travelling the long distances to provide the day-long workshops, there is a movement within the CLC and target communities to develop regularly scheduled legal education workshops provided by the trained paralegals to adults and school children.

During financial year 1993 CLC staff provided and assisted with legal education workshops on:

- state and private pensions;
- wills and intestate succession;
- Motor Vehicle Assurance Act;
- Unemployment Insurance Fund;
- Workmen's Compensation Act;
- consumer law, including credit agreements and hire/purchase contracts;
- human rights;
- voting, democracy and civil society;
- livestock regulation and impounding;
- police powers; and
- land evictions.

The best seller among legal education workshops continues to be state pensions, presumably because of the extreme problems and hardships experienced by the old and disabled. With the launch of the CLC human rights publication *Amalungelo Oluntu/Human Rights* on 10 December 1991, and voting and democracy publication *Ukulindela Intando Yeningi/Waiting for Democracy* on 10 December 1992, rural communities also began demanding human rights and voting, democracy and civil society education workshops. At the end of financial year 1993, the CLC was working with most of the paralegal committees to schedule workshops run by the paralegals in all the legal areas in which they have received training, including human rights and voting and democracy.

In financial year 1993 the CLC concentrated on developing paralegals' and paralegal committees' skills to provide voting, democracy and civil society education workshops. CLC experience indicates that rural residents understandably view notions of democracy, governmental accountability or election processes with suspicion. The ultimate success of any empowerment programme will be measured by the extent to which communities are able to hold their governments accountable, participate in government and take effective

control over their collective futures.

The CLC will continue to provide assistance as new areas of law arise. It is expected that the need for CLC assistance will decline as paralegals and committees continue to develop the confidence to provide their own workshops.

vii. Training Outside Organisations

News of CLC training and successes is spreading quickly throughout South Africa. As one of the few organisations operating in rural areas, the CLC is a tremendous resource.

Dozens of organisations, private companies and additional communities have approached the CLC for training on legal, human rights, alternative dispute resolution, voting and democracy education. The CLC undertakes training, subject to funding constraints and existing commitments to target communities. Where viable, the CLC charges organisations in an attempt to cover training costs.

The CLC currently provides training for:

- Natal Parks Board officials and game guards;
- white farmers adjacent to communities served by the CLC; and
- other non-governmental organisations (NGOs).

In many cases, CLC training is turning former enemies into friends of the communities it serves. Groups such as white farmers and Natal Parks Board wardens, long regarded as aggressive foes of black rural dwellers, actually need human rights and voter education training to maintain stable and productive relationships. Similarly, the CLC is exploring with the KwaZulu government the possibility of its providing human rights education for government employees, long-regarded as being inherently undemocratic, exploitative and oppressive.

Perhaps the most dreaded intruders in rural areas are South African Police (SAP) forces. Commanders assign rural beats to rookies and those on probation, often for human rights violations. In their much hailed investigation into the SAP, the Goldstone Commission found that many police officers regard rural work as time in the "zoo", and routinely violate codes of conduct including search warrants, warning shots, criminal pursuit and suspects' rights.

On 24 May 1993, CLC staff met with a team of SAP representatives. In a candid and informal discussion, the SAP expressed grave concerns about its image in rural Natal. The SAP was then pursuing three goals:

- teaching police officers about rights-based law enforcement;
- fostering public trust, particularly in rural communities; and
- contributing constructively to an evolving democratic order in South Africa.

After negotiations, CLC staff agreed to provide a pilot training programme in July 1993 for South African Police forces about human rights, alternative dispute resolution, voting, democracy, civil society and community relations. On 1-2 July 1993 the CLC conducted the first training session on human rights for the South African Police at the Chatsworth Police Training Centre near Durban.

This pilot programme could expand and include all 16,000 police officers in Natal. It is axiomatic that the CLC will not, in the development and implementation of any police training programmes, deviate from its commitment to rural South Africans or the highest standards of rights enforcement. The CLC, despite any training delivered to any organ of state law enforcement, will continue to bring all justiciable criminal and civil actions.

viii. Future Training Projects

The CLC is continuously deluged with requests from additional communities — rural, urban and peri-urban — to include them in the CLC's empowerment training programme. If funds are available the CLC plans to begin an annual training programme at the end of calendar year 1994 to enable additional communities to affiliate annually with the CLC, rather than waiting two years for the current training cycle to end.

There is no guarantee that a new government and constitution will eradicate South Africa's historical evils. The guarantee for a stable democracy lies in the strength and skills of an educated, empowered society. The CLC Training Department will continue to refine and expand the scope of its empowerment training.

i. Publications Department

i. Mission Statement

The Publications Department creates and distributes educational materials geared towards rural South Africans. CLC publications address legal and socio-economic needs and concerns identified by rural communities working with the CLC. CLC publications also focus national and international attention on the plight and achievements of rural South Africans.

ii. Generally

Historically, the lack of effective and reliable communication networks in rural South Africa has deprived rural South Africans of the most basic information and continues to do so. This is compounded by 90% or more of the target population not reading or understanding English, with 50-75% who cannot read or write in any language. The CLC believes that development and wide distribution of public information materials, especially in rural areas, is crucial to future stability and democracy.

The CLC develops, in English and African languages, public information materials on a broad range of legal issues. The CLC is the largest Non Governmental Organisation (NGO) distributor in the Zulu language. The only CLC publication which is not published bilingually or multi-lingually is this Annual Report, which describes to funders and other interested parties the scope and depth of CLC activities. The limited readership of the Annual Report does not justify translation from English.

CLC publications are highly valued in rural Natal, KwaZulu and Transkei, where 70% of the population have no books. Publications are passed among family and friends. Recent studies indicate that each issue of a newspaper, magazine or brochure is passed on to ten or more people, which means that a print run of 30,000 is likely to reach 300,000 or more people. CLC staff initially found these figures to be improbable, but experience has shown the research to be accurate.

The CLC is besieged daily by men and women who have seen CLC publications, for example in a friend's home or in public transportation going to work in the morning. The holders of the CLC publications often will not part with their copies and send potential readers to the CLC office to get their own copies. To meet the needs of walk-in readers, the CLC has had to modify its policy of sending all publications to the rural areas and retain a supply of publications in the Durban office. Comments about CLC publications on Radio Zulu have brought scores of written and telephonic requests to the CLC. Carefully researched, analytical CLC publications appear to be highly prized and are creating an environment for debate.

Until December 1994 the Publications Department was comprised of:

- Coordinator;
- two research assistants, one of whom worked part-time with the Director developing fundraising proposals and the other on a part-time basis;
- administrative assistant, shared with the Community Relations Department; and
- part-time consultants, as needed for various publications.

The Publications Department meets weekly, to assess, develop and review publications. The Publications Department Coordinator was a member of the CLC Management Team, which ensures that Publications Department activity fits within overall CLC goals and objectives. The Publications Department has an Editorial Board, on which the Director sits. Where necessary, the Director works with the Publications Department Coordinator and staff.

Effective 1 January 1994, the Publications Department experience several staff changes. Former coordinator Charles Ndlovu was laterally promoted to Community Relations Department Coordinator, Administrative Assistant Fathima Essay transferred to the Community Relations Department and Research Assistant Janine Hicks was promoted to Publications Department Manager. Currently, the Publications Department comprises:

- Publications Manager; and
- Research Assistant.

iii. Annual Report

The CLC Annual Report covers the CLC's financial year commencing on 1 September and ending on 31 August of the following year. It delineates the multifaceted activities of the CLC and describes successes, failures and problems encountered during that financial year.

Upon request, Annual Reports are available for:

- Financial Year 1 September 1989 - 31 August 1990;
- Financial Year 1 September 1990 - 31 August 1991;
- Financial Year 1 September 1991 - 31 August 1992;
- Financial Year 1 September 1992 - 31 August 1993; and
- Financial Year 1 September 1993 - 31 August 1994.

iv. CLC Brochure

In October 1990 the CLC produced, in English, its first brochure on the work of the organisation. Rural communities welcomed the brochure. but the paralegal committees stressed that the materials were needed in English and African languages. The brochure was subsequently produced bilingually. The brochure is revised twice annually with the current CLC brochure produced in January 1994 and the next revision due in July 1994. If funds permit, the brochure will be translated into Xhosa in financial year 1994.

v. Pension Poster

The CLC pension poster is a graphic presentation of the amount of money old age pensioners in Natal and KwaZulu are entitled to receive. The pensions poster, first developed in 1990, is popular and used by paralegals and paralegal committee members at pension pay-out points to show the old and disabled what they are entitled to receive. The pension poster is revised as the law and pension amounts change and is currently being revised to reflect new pension amounts.

The poster is currently available in Zulu for KwaZulu and NPA pensioners and in Xhosa

for Transkei pensioners. If funds permit, the poster will be translated into Sotho in financial year 1994.

The poster is hung in all paralegal offices, stores and churches. The CLC distributes the poster to interested organisations and individuals. Based on the success of the pension poster and available funds, additional public information materials are being planned to provide much needed information on other pressing legal issues affecting the rural communities.

vi. CLC Quarterly Newsletter, *Izindaba/Community News*

In late 1990, communities began to press CLC staff for a newsletter to provide information about rural communities, development problems, legal education and CLC work. In March 1991, *Izindaba/Community News*, the CLC quarterly newsletter, was launched. The newsletter has been immensely popular and has grown from an initial print run of 5,000 copies to 25,000 copies.

All CLC staff contribute articles to the newsletter. Contributions are solicited from paralegals, paralegal committee members, community members, non-governmental organisations and people with expertise in law and development. This high quality newsletter addresses pressing community issues and serves as a legal teaching tool. The CLC does not pay contributors for articles.

Rural paralegals, paralegal committees, schools and community development groups are particularly active in the dissemination of the newsletter. With the publication of each issue, interest in the work of the CLC and affiliated communities has increased dramatically, with rural residents asking for more information about how to get the CLC into their communities. The rural response that CLC staff keep receiving is, "I never knew I had rights, or even what a right is."

vii. *Amalungelo Oluntu/Human Rights*

Stemming from a July 1990 human rights workshop in Nqutu, the CLC began developing a human rights book, based on the United Nations Universal Declaration of Human Rights (UDHR), for illiterate and semi-literate people. Initial research confirmed that the UDHR was not available in Zulu or other black South African languages. The CLC translated the UDHR into Zulu and began working on a picture book and simplified text to explain the 30 rights contained in the UDHR.

CLC staff developed an accessible text, and hired several illustrators to prepare the accompanying drawings. When the pictures and text were taken into the rural communities for testing, CLC staff were introduced to problems of "pictorial literacy" and too much text. The CLC learned quickly about the need for extensive field-testing. The Publications Department was grateful to receive editing assistance from Professor Edward L. O'Brien, National Institute for Citizen Education in Law, Georgetown University Law Center, Washington, D.C. (U.S.A.)

Amalungelo Oluntu (Amalungelo) was launched on 10 December 1991, International Human Rights Day, at the Natal Playhouse. Ten thousand copies of *Amalungelo* were printed in English and Zulu. The book is distributed free of charge to rural residents unable to pay for the book. It is also available at a minimal cost through local book stores and the CLC. Given the demand for *Amalungelo*, 10,000 Zulu copies have been reprinted.

Amalungelo has been translated into Xhosa and Sotho, with a print run of 5,000 copies in each language. The Xhosa and Sotho translations were launched on 10 December 1992, International Human Rights Day. Depending on the availability of funds, the CLC hopes to produce *Amalungelo* and its companion training manual in other indigenous South African languages.

viii. *Waiting for Democracy/Ukulindela Intando Yeningi*

South Africa stands on the threshold of becoming, for the first time, a democratic country. CLC experience in rural South Africa continues to indicate an alarming lack of knowledge about democracy and the limits of government power.

The CLC developed *Waiting for Democracy/Ukulindela Intando Yeningi (Intando Yeningi)*, a manual on voting and elections in the new South Africa. *Intando Yeningi* addressed the basic tenets of democracy and participatory government. Its purpose was to educate people, who have been denied their fundamental political rights, to exercise these from an informed position with access to unbiased and non-partisan information. *Intando Yeningi* was launched with the *Amalungelo* Sotho and Xhosa translations on 10 December 1992 and on 10 December 1992 was superseded by *Ukwenza Intando Yeningi Isebenze/Making Democracy Work*.

ix. *Ukwenza Intando Yeningi Isebenze/Making Democracy Work Publication and Video*

Based on fieldwork with rural communities and intensive research, the CLC has developed a coordinated voting, democracy and civil society education package. The package comprises:

- A sequel publication to the CLC publication *Intando Yeningi*, launched on International Human Rights Day, 10 December 1993. This sequel, entitled *Ukwenza Intando Yeningi Isebenze/Making Democracy Work*, encompasses concepts of democracy and mechanics of voting embodied in *Intando Yeningi*. It also addresses development of democratic civil society structures and effective enforcement and monitoring of responsive, responsible and accountable government.

The sequel includes a training manual. The manual provides a workshop structure making use of participative training methods. The workshop is geared towards familiarising people with otherwise foreign and intimidating concepts of democracy, development of civil society, process of voting and notion of government accountability.

- A video produced in Zulu and translated into Xhosa, Sotho and English, launched with Zulu *Ukwenza Intando Yeningi Isebenze/Making Democracy Work*. The video is based on the play version of *Intando Yeningi* presented by a local community drama group at the launch of the publication on 10 December 1992, International Human Rights Day. It also includes additional concepts addressed in *Making Democracy Work*.

x. Publications Planned for Financial Year 1993

(a) *Izindaba/Community News*

Izindaba will continue to be published quarterly.

(b) Public Information Materials

The CLC is in the process of producing pamphlets, booklets or posters on the following subjects:

- customary law;
- unemployment insurance fund;

- motor vehicle accidents;
- intestate succession and wills;
- law of persons;
- police powers;
- criminal law; and
- labour law.

The CLC is also working with paralegal committees to determine what other areas of law require broad distribution of legal information to rural communities.

(c) *Amalungelo* Training Manual

Within two months of the launch of *Amalungelo* in December 1991, CLC paralegals informed the CLC that their communities were eager to begin workshops using *Amalungelo*. The concepts of a "right" enforceable under law and obligations under law are beginning to take root and rural people are keen to learn about them.

The CLC is developing a training manual to accompany *Amalungelo* and may merge this with other publications on development of civil society and post-election reconstruction needs. This will cover basic steps and different techniques needed to teach core human rights materials. For the individual reader, the training manual will serve to consolidate and expand on education already gained through *Amalungelo*. This training manual should be completed in 1994.

j. Case Department

i. Mission Statement

The Case Department is dedicated to guarding clients' interests and supporting all paralegal offices affiliated with the CLC. The Case Department is committed to aggressive advocacy, striving for justice despite the law, negotiation rather than litigation and litigation where required.

ii. Matters Arising within Rural Communities

To understand the Case Department, it is critical to note that the CLC is not a traditional legal aid organisation or exclusively engaged in identifying and litigating "test cases". Rather, the Case, Publications and Community Relations Departments support the CLC Training Department, which is geared towards empowering rural South Africans to assume control of their lives at the local level, in an evolving South Africa, and to create an environment and provide the tools necessary for empowerment. The Case Department exists to assist rural communities, through their paralegals and paralegal committees, with matters which are either beyond the jurisdiction of the paralegals or can not be resolved through alternative dispute resolution.

Based on its principles of empowerment and self-sufficiency, the CLC does not decide which cases are important to take out of the community. Rural community members use paralegal offices on a walk-in basis and paralegals assist clients, irrespective of political affiliation, colour, tribe, position in the community or gender. Because of the number of cases flooding both paralegal offices and the Case Department, the Case Department has developed with paralegal committees a means test to limit cases taken on by paralegals to indigent rural clients. Clients who could have afforded the services of legal firms have benefited from free assistance at paralegal offices. The resulting caseload has impaired the prompt

and efficient handling of cases by paralegals.

Paralegals handle client matters locally and their work is reviewed by qualified CLC Durban staff for sufficiency and accuracy at monthly or twice monthly on-site training and case intake days. The Case Department, together with the Training Department, has developed an on-site training syllabus. The on-site training syllabus is a comprehensive two-year package used by CLC trainers during their on-site training trips to the rural paralegal offices. The on-site training package serves as a complement to the already comprehensive theoretical training syllabus developed by the CLC.

Paralegals are taught at all training sessions and through CLC on-site training and case intake to teach legal skills and self-sufficiency to their clients. This augments, on an individual level, community training workshops which CLC staff and paralegals provide regularly in every community. The goal is not to create a spiralling cycle of welfare dependency, but to teach rural people skills to manage their own affairs. The CLC philosophy and approach are preventive, rather than creating yet another layer of dependency.

Since 1989 alternative dispute resolution has been taught to the rural paralegals. Litigation is a costly and scarce resource. The goal of CLC training and case management is not to teach rural South Africans that they must go to court to solve their ills, but rather to teach negotiation and mediation as viable alternatives to the formalised legal system and to violence. Paralegal committees, as well as paralegals, learn these skills at all training conferences.

Cases dealt with by paralegals include a broad range of problems, including but not limited to:

- old age and disability pensions;
- Unemployment Insurance Compensation;
- Workmen's Compensation;
- consumer law issues, such as defective goods, credit agreements generally and hire/purchase (instalment) practices;
- motor vehicle accidents and related claims;
- wills and administration of estates;
- unregulated or illegal police activity;
- labour law issues and related disputes;
- livestock impounding and trespass issues;
- evictions and other land disputes;
- assisting communities with understanding customary (tribal) law and Western law and related conflicts;
- divorce and maintenance of minors;
- tax law and related problems;
- failure of government to deliver services equally to all races and related discrimination issues;
- discrimination in its myriad and sometimes convoluted paradigm based on previous South African legal precepts; and
- basic human rights enforcement.

iii. How Cases Are Transferred from Rural Paralegal Offices to the CLC

Because the CLC was created to address community empowerment and self-sufficiency, it does not operate as a traditional legal aid clinic nor does it search out test cases. The CLC Durban office exists to serve needs of the rural communities as they are perceived by the elected paralegal committee representatives of rural communities.

When a case exceeds the skills and jurisdiction of the paralegals or would constitute the unauthorised practise of law, paralegals refer cases to the CLC. CLC staff conducting on-site training evaluate these cases and determine whether cases require further work by the paralegals, such as obtaining more detailed information from clients, before accepting cases.

iv. Case Management within CLC

In the interests of timeous administration of client cases, the Case Department continues development of a case computerisation system, allowing it to maintain all cases referred from rural communities to the CLC.

The Case Department prides itself on:

- supporting all paralegal offices affiliated with the CLC;
- jealously guarding the interests of all clients referred by the paralegals and their committees;
- its aggressive advocacy; and
- striving for justice despite existing laws, through negotiation where possible and litigation where necessary.

As of 31 August 1993 Case Department staff was comprised of:

- Coordinator, an admitted advocate;
- Assistant Coordinator, an attorney;
- one trainer;
- two research assistants; and
- one secretary.

As of 1 January 1994 Case Department staff was comprised of:

- Coordinator, an admitted advocate;
- two trainers;
- two research assistants; and
- one secretary.

The Case Department meets weekly, to assess and assign cases. The Case Department Coordinator is a member of the CLC Management Team, which ensures that Case Department activity fits within the overall CLC goals and objectives. Where necessary, the Director works with the Case Department Coordinator and staff.

At the close of financial year 1993, the Case Department was administering approximately 650 cases. There are additional practical problems related to taking cases from rural communities. CLC Case Department Durban staff are long distances from their clients. Information is often difficult to obtain promptly, even with the assistance of the local paralegals, almost all of whom must travel several kilometres to the nearest telephone. The quality of services provided by local attorneys in regional areas is often difficult to assess

until they are midway through a matter. CLC lawyers spend long hours preparing cases and in court. Some cases, such as evictions, are simply not amenable to litigation and require additional negotiations among disputants. The nature and magnitude of these problems are indicative of why there has been little or no legal assistance in the rural areas served by the CLC.

The CLC has developed and is implementing a case computerisation system to manage its caseload. Approximately 75% of these cases are administrative issues, such as government failure to pay lawful pensions. The remaining cases include a broad range of issues, such as:

- civil actions for fraud;
- abuse of police powers;
- abuse of government powers;
- land disputes;
- eviction of tenants from farms;
- stock impounding;
- motor vehicle accidents; and
- divorce, custody and succession.

Where cases can be more effectively handled by attorneys outside the CLC, they are referred either on a pro bono or negotiated contract rate basis. For example, motor vehicle accident cases are more efficiently processed by private firms which are remunerated when the cases are resolved.

The Case Department is investigating making use of the services of the University of Natal's Legal Aid Department for cases concerning divorce and criminal matters. These cases would then cease to be handled by the CLC. The Case Department has also approached numerous legal firms near communities served by the CLC to undertake pro bono work. So far, 21 firms have indicated a willingness to undertake a limited number of cases per year on a pro bono basis. These firms include:

- Bandulal and Pillay;
- Cox and Partners;
- Bassuday and Bandulalla;
- Cox Yeats;
- Livingstone Leandy Inc;
- A E Essop and Associates;
- Hawthorn Cameron and Company;
- Marcus Lewis Robinson and Goulding;
- Shepstone and Wylie;
- Navanathem Pillay and Company
- V S Raja Pillay and Company;
- Roger Knowles Essack and Company;
- Ian Reid;
- Dion Roder;

- Woodhead Bigby and Irving;
- W E White;
- A J Gumede and Company;
- Van Rooyen and Forder;
- Van Onselen and O'Connell;
- Venn Nemeth and Hart; and
- Linda Zama and Company.

The CLC has also applied to the Law Society for law clinic status, which will allow CLC attorneys to appear in court and substantially reduce litigation costs.

v. Prescribing Cases

Case Department staff are developing mechanisms necessary to process its complex caseload. Managing a caseload of this magnitude is not without its problems. To ensure that the rights of clients are protected in the unfortunate event of CLC failure to provide adequate representation, the CLC carries professional liability (malpractice) insurance.

Seven cases, covered by professional liability insurance, prescribed during financial year 1993. Most of these cases are police matters where claims need to be lodged within five months of the incident giving rise to the claim. Clients often wait months before realising they might have a claim or that there is a paralegal office in their area. Unfortunately, some paralegals are still learning the importance of referring these files quickly, and most of these claims prescribed while at paralegal offices. Other prescribed cases are MVA matters, some of which were only reported to paralegal offices after they had already prescribed. With the recent extension of the period of prescription on MVA cases to three years, and no clear decision on whether this increase is retrospective, there is still some debate as to whether some of the MVA cases have in fact prescribed.

The Case Department is developing necessary skills to manage its rural caseload productively and to provide the most effective services possible to its clients. Again, it is critical to note that the Case Department litigates only where necessary and a substantial proportion of Case Department work requires negotiation to protect clients' interests. Financial year 1994 will continue to yield the fruits of the Case Department's Herculean labours.

k. Community Relations Department

i. Mission Statement

The Community Relations Department works with target communities, non-governmental organisations and paralegal committees to create training programmes aimed at improving the quality of life in rural South Africa. It provides specialized legal and managerial training to paralegal committees to enable them to administer paralegal offices confidently and effectively. The Community Relations Department also aggressively responds to conflicts and crises arising in rural communities working with the CLC.

ii. Generally

The CLC is a legal empowerment and development organisation. When the CLC was established in 1989, its focus was on training rural paralegals, paralegal committees and communities about law and the uses of law. Local committees were established to administer the paralegal offices and direct local policy with respect to use of these novel legal training resources.

Over time CLC training staff have become acutely and sometimes painfully aware that problems related to the programme, but not necessarily related to legal training, were arising in communities. Specifically, the CLC's non-partisan stance was not well understood. In communities with populations predominantly supporting the United Democratic Front or African National Congress (ANC), CLC staff were accused of being supporters of Inkatha, which later became the Inkatha Freedom Party (IFP). In Inkatha communities, the CLC was accused of supporting the ANC. Committee members were under stress because of their militant and non-partisan approaches to curbing government corruption. Problems which were legal in nature also had tremendous impact on community structures.

CLC staff addressed these problems on an ad hoc basis from November 1989 through January 1992, when it became apparent that as a community empowerment organisation, the CLC needed to develop a cohesive management structure to address and respond to problems arising in the community. With no clear response from the CLC, these problems could escalate into violence within rural communities. Isolated action on the part of the CLC was not enough in the volatile regions where the CLC operates.

In the course of an assessment to prepare for the May 1992 expansion, the Community Relations Department was born. The Community Relations Department addresses local community needs and problems.

As of 31 August 1993, the Community Relations Department staff consisted of:

- Acting Coordinator;
- one Trainer;
- one fieldworker and
- Administrative Assistant shared with the Publications Department.

The CRD has experienced difficulty teaching paralegal committee members legal and managerial skills needed to administer paralegal offices. Committees are supposed to meet at least twice monthly to discuss office plans, review problem files and assess paralegals' performances. In reality, however, a handful of committees do not convene for months at a time. Committee stumbling blocks include:

- transportation problems;
- political and personal threats of violence or actual intimidation;
- communication breakdowns;
- distrust among members;
- lack of financial incentives;
- poor management; and
- uncertainty about their responsibilities.

The CRD devised a systematic plan to rejuvenate dysfunctional committees in 1993-1994. CRD staff developed comprehensive committee evaluation procedures to identify and address paralegal committee constraints. In January 1993, the CRD hired a fieldworker to live and work in rural communities with committee members experiencing organisational and administrative difficulties.

As of 1 January 1994, the Community Relations Department staff consists of:

- Coordinator;
- one Trainer;
- one fieldworker and

- Administrative Assistant.

Where possible the Community Relations Department meets weekly, to assess problems within the 15 target communities and decide on a course of action. Where necessary, the Director and Assistant Director work with the Community Relations Department Coordinator and staff.

iii. Community Relations Department Mandate

The Community Relations Department works with rural communities to assess the ongoing needs and whether the CLC can respond to those needs. Where a community needs assistance beyond the goals and objectives of the CLC, such as infrastructure development, the Community Relations Department acts as a resource broker, locating the organisations which can assist the communities and effecting an introduction.

The types of concerns addressed by the Community Relations Department are:

- attending monthly meetings of the 15 target communities' paralegal committees;
- providing, where necessary, training on problem identification and possible solutions;
- providing, where necessary, training on how to operate as a committee and developing self-governing documents, such as a constitution;
- developing, with each community, a needs assessment and assisting with the management plan to address these needs;
- mediating disputes between individual or groups;
- identifying types of concerns where negotiation with local, regional or national authorities is required, such as livestock encroachment or land disputes;
- conducting negotiation and mediation training at the community level;
- monitoring government activity, such as attending pension payouts to ensure payments are made within the law and teaching communities how they can take control of their lives and monitor government activity; and
- assisting with the prevention of violence in communities.

The Community Relations Department has been, with the assistance of the target rural communities, defining its mandate and *modus operandi*. The goal is not to become a social welfare organisation, but to make possible precepts governing the rule of law. As the Community Relations Department grows in effectiveness, it enables the CLC to identify problems, determine which issues are legal in nature and which can be better handled by other organisations or government. Effective Community Relations staff are also key to early identification of problems which could lead to violence and proposing and implementing mechanisms to prevent violence.

iv. Constitution Building

With the assistance of the Community Relations Department, committees are developing their own constitutions governing the duties and obligations of committees and operation and activities of paralegal offices. The CLC sees this process as fundamental to committees' understanding of constitution building from the local level.

The process has proved to be a major time-consuming operation, with committees facing problems listed under (4.k.iii) However, with the assistance of the fieldworker and CLC staff at constitution building workshops, all communities have actively been involved in

drawing up their constitutions. The project was initiated in May 1993. To date three committees have completed their constitutions, three committees have nearly completed theirs and the remainder are well under way. The Community Relations Department envisages the completion of all constitutions in 1994.

v. Tukhela Biosphere

In mid-1993 the news broke of a proposed game reserve in the Tembalihle /Cornfields/Weenen area, the Tukhela Biosphere Project. White farmers in the affected area had agreed to sell to the state, land no longer viable for farming. Neighbouring communities were under threat of eviction. Once again rural South Africans were destined to bear the brunt of policy implementation, without being consulted during the decision-making process or having a say in their relocation. The CLC was called into negotiations by the Cornfields Residents' Committee, through the Cornfields Paralegal Office.

After lengthy negotiations between the Department of Land and Agriculture, the Natal Provincial Administration, Natal Parks Board, the Tukhela Biosphere Project, white farmers, the CLC and the Association for Rural Advancement, a negotiated settlement was reached. The state has agreed to assist neighbouring communities with financing to buy unaffected portions of previously white-owned farms, while remaining portions will be used for the Biosphere project. The days of unilateral decision-making with brutal human consequences may be over.

I. Special Projects Department

The Special Projects Department exists to manage all activities not included within the five main departments of the CLC. The Special Projects Department, under the management of the Director, is responsible for:

- raising the funds required for CLC operations;
- drafting and submitting all reports required by funders and the CLC Board of Management;
- providing for an evaluation of the CLC in financial year 1993;
- ensuring ongoing departmental and overall assessment of the effectiveness of CLC work;
- developing new projects, such as the democracy, voting and civil society education publications and training programme, which are then merged into other CLC departments; and
- assisting staff with special needs.

Effective 1 January 1994, the Special Projects Department is managed by the Director, with part-time assistance from the Assistant Director, the Publications Department Manager and one Research Assistant from the Publications Department. The Director heads the Management Team and reports at weekly Management Team meetings on fundraising and other unique projects within the organisation. A description of some of the projects currently within the Special Projects Department follows.

i. Voting, Democracy and Civil Society Education

(a) Introduction

The CLC's voting, democracy and civil society education programme must be seen in the light of conditions prevailing in rural South African communities. Fifty-three percent of

South Africa's population live in rural areas. Eighty-five percent of South Africa's rural population is illiterate. By virtue of their distances from city and developed centres, a carefully calculated move of the apartheid regime, rural areas remain effectively isolated from the rest of South African society. This translates into a pitiful, third world form of access to basic infrastructure such as roads, fresh water supplies, education, health and housing, and equally devastating, no access to basic information about the operation of the country and its changing institutions and laws.

Ignorance is exploited by those wielding power at all levels, while the levels of intimidation and corruption soar, particularly as the country's first non-racial election draws nearer. Against this backdrop, the CLC works with rural communities towards their empowerment and participation in society, including local, regional and national government.

Terrified pensioners are told they will not be granted social pensions unless they vote as their Amakhosi (tribal chiefs) tell them. Government officials bribe residents with as little as a cabbage to ensure their vote. Farmworkers — with their jobs, houses and lives under threat — are intimidated by white farmers and their izinduna (headmen) to vote a particular way. The CLC also has news of white farmers in the Ixopo region deliberately teaching their workers how to spoil their ballot paper on election day. According to tradition, women feel either that they do not need to vote since their husbands make decisions and speak on behalf of their families, or obliged to vote as their husbands do. It is against these levels of ignorance and intimidation that the CLC carries out its mission, as described below.

(b) CLC Response

All South Africans will go to the polls for the country's first non-racial elections on 27 April 1994. Threats to the fledgling free and fair election and subsequent elections are staggering, particularly for rural South Africans. CLC experience in rural South Africa indicates a shocking lack of knowledge about democracy and limits of government power.

The CLC has developed a coordinated voting, democracy and civil society education package. The package comprises the publications and video described under section 4.1-ix and is geared towards rural South Africans long estranged from decision-making processes governing their lives. The CLC aims to disseminate information about democracy from the desks of politicians and academics to shops, homes, taxi ranks, churches, schools and tribal courts in the countryside.

The voting, democracy and civil society package supports the CLC's non-partisan stand, providing factual and accurate information about voting, democracy and development of civil society to enable people to make informed choices when they eventually cast their vote. The package teaches not only how to cast a vote, but how to analyze the often illusory promises of fiery politicians. It also teaches people how to live with the results of an election and without violence. The CLC focuses not only on rights which should be guaranteed in a democratic society, but also on individual and group obligations needed to make democracy work.

Rural South Africans forming the network of the CLC empowerment programme have special needs and concerns that have not been addressed by other NGOs involved in voter education. The materials produced to date are aimed at people in the fast, uprising township culture and embody symbols and language dialects that are foreign to people living in isolated rural areas.

Existing voter education materials are not only incomprehensible to rural people, but arouse dangerous political allegations which could lead to more brutal killings. This renders them useless in the rural context, particularly in Natal, KwaZulu and Transkei areas. The CLC provides information that is free from partisan political propaganda and is accessible to all South Africans, regardless of their political affiliations.

The CLC voting, democracy and civil society education package focuses on the creation

of a vibrant civil society. What takes place after the 27 April 1994 election is as crucial as the election process itself. Rural South Africans need to learn that one national election is not enough. They must demand timeous and regular elections at local, regional and national levels. Frequent trips to the polls will promote government accountability and enable rural dwellers to assert their civil rights.

The CLC is in the process of training its paralegals and committee members to conduct voting, democracy and civil society education workshops in rural communities. The CLC has also been inundated with requests from outside organisations to provide training for their trainers, to which Training Department staff are responding.

The CLC is also seeking funds to introduce an election observing and monitoring component to its training programme to prepare communities for free and fair elections. Community members will be trained to see and take immediate action on irregularities during the election process. Since relatively few rural communities will benefit from the presence of international election monitors, they need to be empowered to ensure voting proceeds without irregularities or intimidation.

(c) Voting, Democracy and Civil Society Training Programme

With 27 April 1994 just moments away, there is an urgent need to get information out to as many rural South Africans as possible and as soon as possible. The CLC is seeking funds to provide training workshops for active members of communities not working with the CLC. Funds are needed to bring in community members from all areas of Natal, KwaZulu and Transkei, and train them to run voter education workshops in their own communities. Training for trainers workshops will be open to community members from rural communities served by the CLC, as well as those not working with the CLC. They will also be open to NGOs, anyone who is interested in acquiring training skills and community-based organisations nationally.

The CLC has scheduled eight five day voting, democracy and civil society workshops to be held between December 1993 and March 1994. Proposed workshops are scheduled for:

- 6-10 December 1993
- 13-17 December 1993
- 10-14 January 1994
- 24-28 January 1994
- 7-11 February 1994
- 21-25 February 1994
- 7-11 March 1994
- 21-25 March 1994

Workshops are based on information contained in Ukwenza Intando Yeningi Isebenze/Making Democracy Work and are designed to provide trainees with the ability to teach the skills needed to vote and to distinguish among legitimate and illusory promises by politicians.

Workshop participants are provided with information and materials needed to convey complex concepts of democracy and civil society to their community members, as well as to explain an otherwise intimidating voting procedure. "Training for trainers" voting, democracy and civil society workshops will exponentially increase the CLC's ability to reach South Africans nationwide.

The CLC anticipates extending its voting, democracy and civil society training in early

March 1994 to include election monitoring training for trainers. This training is being developed to enable ordinary South Africans to participate authentically in guaranteeing legitimate free and fair elections. The CLC is a member of the Natal Forum For Education for Democracy which in turn is part of the Institute for Free and Fair Elections. Being part of these structures should ensure that the CLC is well represented on statutorily accredited observing and monitoring structures for the 1994 election.

(d) Radio Appearances

As an extension of its voting, democracy and civil society education programme, the CLC participates regularly in local radio discussions on the topic, ensuring information is accessible to rural South Africans, for whom radio is often the only source of independent information. CLC participation also ensures coverage of issues facing rural South Africans for their urban counterparts.

(e) South African Broadcasting Corporation (SABC)

On the basis of its non-partisan voting, democracy and civil society education programme, the CLC, along with nine other NGOs involved in democracy education and members of SABC management and Board, has been elected to the Working Group and Steering Committee behind the Democracy Education Broadcast Initiative (DEBI). The working group is mandated to develop and review non-partisan democracy education productions to be aired on SABC's national television and radio network. The CLC's inclusion in this process will ensure that needs of rural South African's are taken into consideration.

v. African Jurisprudence

The Special Projects Department is beginning to address the current dearth of constitutional and legislative proposals on the legal status of rural and tribal peoples in an evolving South Africa. To date, no political party or the government has addressed the impact or meaning of first world constitutional values being unilaterally imposed on rural people, who have clear ideas about who and what they want to be — ideas often opposed to first world normative democratic values. In short, theory and practice of African jurisprudence have been ignored in favour of western values, potentially to the peril of any lasting democracy in South Africa.

If South Africa is to develop its civil society, the framework for multi-cultural democracy and the mechanisms to avoid internecine civil war need to be established. This means recognising alternative court and legal frameworks to ensure peaceful co-existence. The CLC is uniquely poised to initiate and carry out this work, bringing together people of diverse political affiliation to develop policies and implementation measures.

An issue yet to be explored is the conflict and tension between rural values embodied in customary or traditional law, and first world democratic values. For example, according to customary law, a man is entitled to beat his wife if she does not obtain his permission before going to church. If she is not busy preparing his dinner by the time he gets home, she can expect anything from a mild chastisement to a severe beating. If she does complain, she will not find a sympathetic ear in the community, which supports such traditional beliefs.

Mid-1994, a team of academics from a respected overseas university will be working under the supervision of the CLC. The CLC team will be conducting extensive research in rural Natal, KwaZulu and Transkei, canvassing people's opinion on the role of customary law in a new South Africa. Traditional practices which violate human rights in the eye of westerners need to be addressed if customary law and constitutional law can peacefully coexist.

vi. Policy Making and Legislation Drafting

The CLC aims to work with communities to identify and analyze repressive institutions hampering their development, and propose solutions to address these issues. The CLC plans to provide training on turning policy into legislation, with effective implementing legislation and local bodies to enforce policy. In this way, rural South Africans will not only have access to law, but will also be able to use it as a tool to shape effective, representative and accountable institutions.

vii. Violence Relief Fund

The body count in South Africa's rural areas is expected to skyrocket as the election date draws nearer. On two occasions following assassinations of paralegal committee members, CLC staff have put their lives at risk by travelling to battle zones to comfort grieving relatives, attend funerals and escort endangered people to urban safe havens. Displaced CLC paralegals, committee members and their families stay in CLC staff members' homes and inexpensive Durban hotels.

The CLC has used generous donations from staff, paralegals and committee members to create an ad hoc Violence Relief Fund. This fund helps indigent rural families cope with the tragic loss of loved ones by providing funeral and relocation contributions. To date, no monies from funders have been used for this purpose. The CLC is seeking specific funding for its Violence Relief Fund, apart from this grant application.

m. Assassinations

On 10 December 1992 Nqutu Paralegal Committee Chairman Meshack Motlounq was assassinated. On 2 June 1993 KwaMondi Paralegal Committee Member Doreen Bennetts was assassinated. It is not clear in either case that Mr Motlounq or Mrs Bennetts was assassinated due to affiliation with the CLC. What is clear, however, is that violence and assassinations are increasing. The pitched battle is about control of territory pre and post election, since control of territory is deemed determination of local election returns and the subsequent power base.

Non-aligned or non-partisan individuals and organisations are at particular risk. In the highly politicised climates of Natal, KwaZulu and Transkei, non-aligned individuals and organisations are ill-understood or considered front organisations for (any) opposing political party. CLC staff, affiliated paralegals, paralegal committee members and community members are sometimes at risk.

While CLC staff, particularly management, are cautious about endangering themselves or others, it is impossible to control the current political climate. When deaths or imminent warfare affect survivors, including paralegals, paralegal committee members or community members, where possible, the CLC moves swiftly to ensure preservation of life. This can be costly and costs have frequently been borne by individual CLC staff members rather than the CLC. Funders monies are frequently designated for specific purposes which do not include violence relief, transportation or accommodation costs. The CLC is approaching potential funders to establish a violence relief fund to honour its first inviolable principle, preservation of human life.

n. Working with Other Organisations

Where feasible, the CLC works with other organisations to leverage its skills, utilise those of other organisations and prevent replication of work. The CLC recognises that organisations must work together to achieve meaningful long-term change in South Africa.

The CLC includes within its training programmes trainees from other legal organisa-

tions, including Lawyers for Human Rights. Where possible, the CLC works with the Street Law programme and utilises its training manuals. The CLC forms part of the advisory editorial panel assisting Street Law with its democracy education manual. On projects, such as the 10 December 1992 Human Rights Day celebration at the Natal Playhouse, the CLC works as a team with other human rights organisations. The CLC routinely makes its conference and training rooms available to non-partisan political groups needing venues for meetings. CLC publications are also available to a broad range of organisations.

o. International Activity

i. Fulbright Fellow: Andrea A Gabriel

In financial year 1992 CLC Research Assistant Andrea A Gabriel also applied for, received and accepted a Fulbright Fellowship. Ms Gabriel, who received her LL B in December 1992 and was promoted at that time to Trainer, will study for an LL M in the United States. She took a leave of absence from the CLC in mid-1993 and anticipates returning at the end of calendar year 1994.

ii. CLC Participation in Human Rights Advocates Training Programme, Center for the Study of Human Rights, Columbia University, New York

Advocate Gregory Moran was one of 12 advocates worldwide accepted into the Columbia University Human Rights Advocates Training Programme, from 12 January to 6 May 1993. The programme focused on the study of international human rights and improving advocacy skills. This is a highly-regarded four month training programme at one of the most prestigious universities in the world. From May - July 1993, Advocate Moran worked on a report on South African constitutional proposals with the Center for Human Rights and Constitutional Law, Los Angeles.

Advocate Moran created important links with international organisations and individuals actively involved in human rights work. He was in a unique position to bring new resources to bear on the economic, social and legal problems facing rural South Africans. The programme provided rural South Africans a conduit to the international legal community through Advocate Moran.

iii. CLC Participation in Tenth Commonwealth Lawyers Conference, Nicosia, Cyprus

CLC Director Carole A Baekey delivered a paper at the Tenth Commonwealth Lawyers' Conference in Nicosia, Cyprus, held from 3-7 May 1993. The topic of the conference was improving the competence and efficiency of legal practitioners, to which Ms Baekey added a rural South African perspective.

iv. CLC Participation in United Nations World Conference on Human Rights, Vienna, Austria

Publications Coordinator Charles Ndlovu was one of two South Africans who received funding to attend the United Nations World Conference on Human Rights in Vienna, Austria in July 1993 and participated in the NGO activities scheduled before the conference. Mr Ndlovu made important contacts with fellow NGO's involved in human rights education, and brought back exciting ideas for the CLC to incorporate in its human rights training programme. Mr Ndlovu was also able to share with delegates a rural South African perspective on human rights abuses and education.

v. CLC Participation in the 26th Annual Rudolf Dreikurs Summer Institute, Brno, Czech Republic

Assistant Director Bongani Khumalo and Research Assistant were the only South Africans selected to participate in the International Committee for Adlerian Summer Schools and Institute (ICASSI) 26th annual Rudolf Dreikurs Summer Institute held in Brno, Czech Republic from 18-31 July 1993. Mr Khumalo and Ms Hicks were granted scholarships to attend and participate in ICASSI, where they chose courses coinciding with their work at the CLC. They were exposed to many new ideas for training and leadership, based on theories of Adlerian philosophy, and are engaged in implementing these ideas in the CLC's overall approach to training. They also managed to make important international contacts for the CLC.

vi. CLC Participation in United States Information Services (USIS) Programme

Assistant Director Bongani Khumalo participated in an information sharing tour of the United States over the first two weeks in August 1993. Mr Khumalo was exposed to American Indian culture and history and spoke on the exclusion of rural communities in a developing South Africa and the work of the CLC.

vii. CLC Participation in the Critical Legal Conference, Oxford University

CLC Director Carole A Baekey delivered a paper at the Critical Legal Conference at Oxford University, held mid-September 1993. The paper is entitled "The Politics of Exclusion in the New South Africa", and focuses on the traditional tribal system of government and its potential contradiction with a Western notion of democracy. In her paper, Ms Baekey highlights the lack of consultation by the handful of politicians negotiating South Africa's constitution with the people of South Africa, especially rural South Africans. Ordinary South African's are excluded from making any input into processes that will be binding on them.

viii. Institute for Social Studies, The Hague, Netherlands

Former Community Relations Coordinator Themba Tshabalala was accepted into the "Politics of Alternative Development Programme" at the Institute for Social Studies, the Hague, Netherlands. Mr Tshabalala is currently on long leave of absence to participate in the programme which runs from 27 August 1993 - 31 December 1994. The CLC anticipates Mr Tshabalala's return in early 1995

ix. Lesotho

The CLC was invited to the 10 July 1993 first Annual General Meeting of the Lesotho Community Law Resource Association Centre (CLRAC). The fledgling asked the CLC to assist with administrative training for its staff. Ellen Mohapi, CLRAC's Coordinator and Administrator, spent two weeks as an intern with the CLC. The CLC has committed itself to assisting, wherever reasonably possible, in the development of CLRAC's training programme.

x. International Internship Programme

In early 1991 the CLC established its international internship programme. The international internship programme was a success and the CLC decided to continue the programme. In 1992 the CLC accepted Elias Chipimo, Oxford graduate and Zambian lawyer into its internship programme.

After serious screening of all applications received and telephonic interviews during the first half of 1993, the CLC took on the following interns.

(a) Cyriacus (Obi) Agbarakwe

Obi Agbarakwe is a solicitor and advocate of the Supreme Court of Nigeria. He is also Acting Administrator of the Justice for the Poor Society, a human rights organisation in Nigeria. He arrived at the CLC in April 1993 to spend three months learning about the management, administration and operations of the CLC. He returned to Nigeria to incorporate what he learned into the work of his organisation in Nigeria.

(b) Patience Marime

Patience Marime is a Zimbabwean national studying for a Juris Doctor at Northwestern University, Chicago. She joined the CLC from June - August 1993 for a two month insight into the upliftment of rural communities through the understanding of law.

(c) Judith Butler

Judith Butler is a recently qualified barrister from England who joined the CLC from July - September 1993. Judith had been to South Africa before doing research for her undergraduate university degree. She returned to South Africa to use her considerable skills to contribute to the CLC goal of community empowerment.

(d) Professor Jonathon B Gould

In August 1992, the CLC accepted Professor Jonathon B Gould from the University of Chicago Law School to serve a professional international internship with the CLC during mid-1993. Mr Gould imparted many of his training skills into the CLC training programme and contribute to the Publications Department's development of its voting, democracy and civil society education package. In return, he managed to obtain a valuable insight into rural South African communities and their struggle in the face of marginalisation and resulting limited resources.

5. Working with Rural Communities

CLC operations rest on an intimate working relationship with target rural communities. Communities working with the CLC understand that they make decisions and look to the CLC for assistance and training rather than direction. Rural paralegal committees are elected to oversee the establishment and administration of paralegal offices in their communities. In turn, rural paralegal committees advertise for, interview and select paralegals for training.

Selecting paralegals from within communities is a critical component in the CLC programme. Too often programmes train and install "foreign" workers in communities. Too often unskilled community workers not intimately versed with local problems are insensitive to the dynamics and developmental needs of rural communities. CLC paralegals are indigenous to their communities and intimately familiar with the history, problems and needs of their communities. Hiring local paralegals ensures that skilled workers are more likely to remain in their communities than would paralegals moving from urban or peri-urban areas.

Through their paralegal committees, rural communities identify problematic areas of law. The CLC uses these local needs assessments to determine its paralegal, paralegal committee and community training programmes. Paralegals administer client cases and togeth-

er, with their committees and CLC staff, conduct community education workshops. CLC training programmes are not limited exclusively to law but include socio-economic issues and alternative dispute resolution methods, buttressed with training in the local language(s).

The CLC approach is based on workable empowerment principles, untainted by the exaggerated idealism of contemporary politics. The CLC holistic and innovative approach to legal issues within the broader local, regional and national social context and extensive training network allow for development which germinates in, grows out of and spreads through the community. Communities identify their own interests and develop local resources to serve their legal and development needs. This methodology lends itself to developing long-term self-reliance and sustainability.

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6. Description of the 15 Target Communities Affiliated with the CLC

a. Generally

The CLC, based in Durban, currently works with 15 target rural communities in Natal, KwaZulu and Transkei with an aggregate population of approximately 900,000. The map below illustrates the areas in which the CLC operates. The key to the map indicates the number of paralegals and paralegal offices in each area. A brief summary of each of the communities and their strengths and problems follows.

b. Cornfields

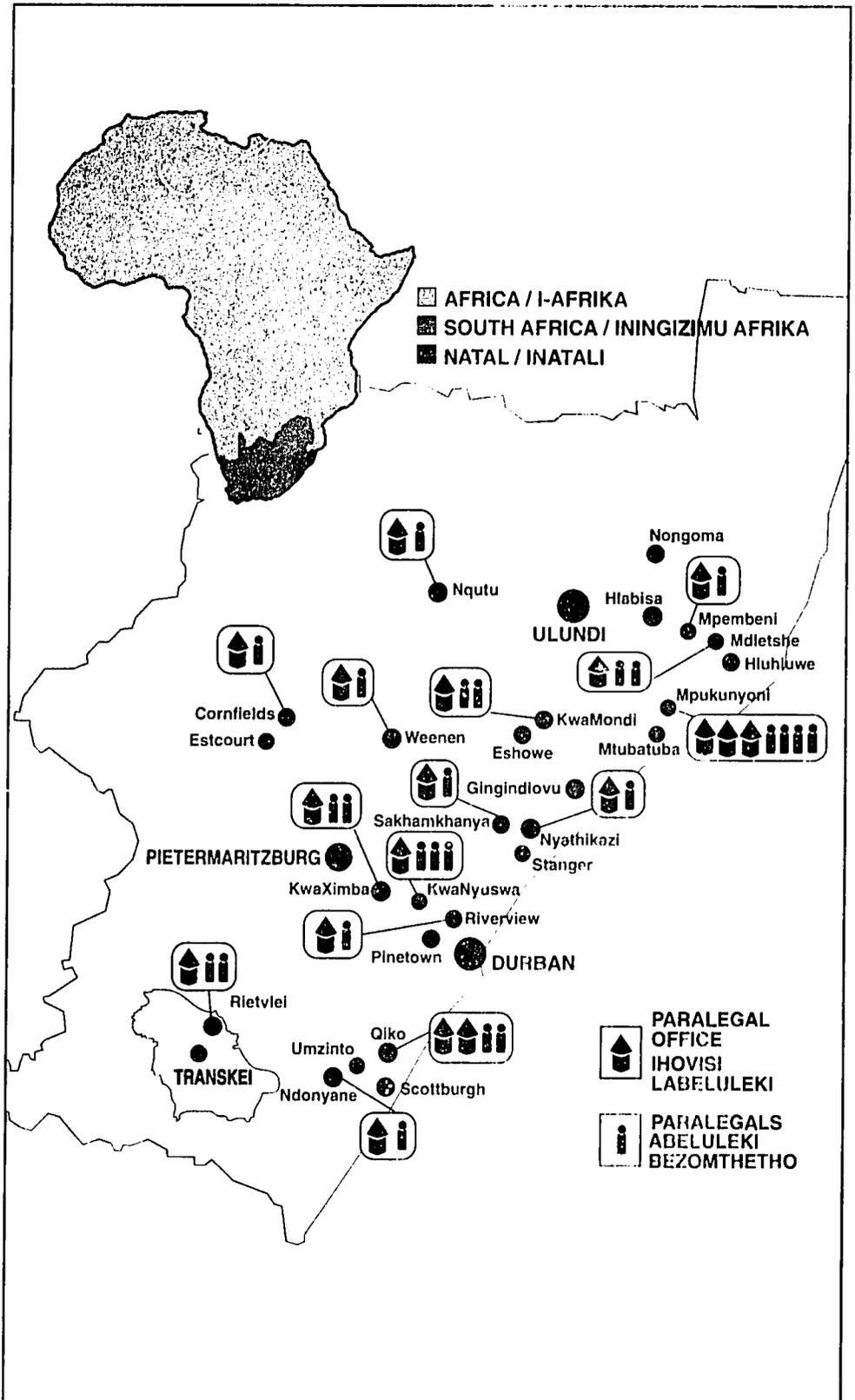
Cornfields, a "freehold community", is approximately 20 kilometres northwest of Estcourt and 220 kilometres from Durban. Cornfields' residents fought forced removals for more than 40 years before being told in early 1991 that they will not be forced out of their homes to a more barren community named Mqwabalanda. Cornfields residents were assisted in their fight against forced removals by the Association for Rural Advancement (AFRA), which has offices in Pietermaritzburg.

Cornfields is different from many of the other communities served by the CLC because it does not fall under kwaZulu jurisdiction and is an area where individuals have legal title to their land. The local chief does not play a leading role in the community. Development efforts are managed by the Cornfields Residents' Committee, to which AFRA introduced the CLC in 1989. AFRA addresses land and related issues, and the CLC works with the community on legal education, assistance and empowerment. The Cornfields Paralegal Committee works with both Cornfields Residents' Committee and the CLC in developing its programme.

The Cornfields Paralegal Office opened in January 1990. The two paralegals hired by the community experienced extreme difficulties and, after many attempts to rectify problems, were terminated by the Cornfields Paralegal Committee in October 1990.

The Cornfields Paralegal Committee was adamant that the paralegals had been an extremely valuable resource in the community and the office should not be allowed to close because of personnel problems. From October 1990 through April 1991, CLC staff travelled weekly to Cornfields to provide assistance to clients, many of whom came and continue to come from neighbouring communities, sometimes more than 100 kilometres distant, which have no similar resource.

In March 1991 the Cornfields Residents' Committee, with the Cornfields Paralegal Committee and members of the community, externally evaluated the utility of the Cornfields Paralegal Office and determined that the office must be kept open. In April



1991 the Cornfields Paralegal Committee hired two new paralegals, Mirriam Khumalo and Thulani Ziqubu. Because the CLC paralegal training programme is based on incremental learning, it was impossible for the new Cornfields paralegals to join the first cycle of paralegal trainees who had begun their training in November 1989.

The new paralegals received on-the-job training from CLC staff who went from April 1991 - early 1992 to the community three times monthly to provide administrative and on-site training and case intake. When the second two year training cycle began in May 1992, the Cornfields paralegals hired in 1991 also began training. Cornfields' personnel difficulties do not seem to have dampened enthusiasm for the office, but to have made the community stronger in its desire to have legal resources in the community.

CLC Fieldworker Michael Obert spent over two weeks in July 1993 with the Cornfields Paralegal Committee, working with them on the Committee's constitution and vision for the paralegal office. The CLC assisted Cornfields residents in successful land purchase negotiations resulting from the Thukela Biosphere negotiations described in section k.v. of this report.

Cornfields paralegals have played a prominent role in eviction negotiations and remain active in pension monitoring and providing regular community legal education workshops, which have focused on land, title deeds, wills, state pensions, credit agreements and consumer law. Unfortunately, Mr Ziqubu failed to meet the required standards in his mid-cycle examinations, and was terminated. Ms Khumalo, a skilled and confident young woman, continues to provide excellent service to her community.

c. KwaMondi

KwaMondi, within KwaZulu and near Eshowe, supports a population base exceeding 170,000. In April 1991, CLC staff met with members of the KwaMondi community to discuss establishing a paralegal office. In July and October 1992, CLC staff presented the project to local tribal and governmental authorities, who received the presentations enthusiastically.

By May 1992, the elected KwaMondi Paralegal Committee had taken shape and three paralegals, Primrose Mdunge, Zodwa Mpanza and Nana Zulu, were hired and had commenced training with the CLC. By the end of the fourth training conference in November 1992, Ms Mpanza had failed to reach the required academic standards of the training programme and was dropped from the training programme. The other two paralegals Primrose Mdunge and Nana Zulu showed sufficient progress to be allowed to continue.

Until it no longer became possible to keep the office open, the paralegals have been fairly successful in KwaMondi, holding workshops which all members of the community are welcome to attend and assisting numerous clients, with problems ranging from unfair dismissals to non-payment of pensions and benefits. They successfully recovered substantial sums of money for their clients.

KwaMondi was struck a cruel blow when KwaMondi Paralegal Committee member Doreen Bennet was brutally murdered in front of her family on 3 June 1993. The CLC housed the paralegals and their files for two weeks until it was safe for them to return to their community. Rumour has it that she was assassinated for her former participation in Inkatha Freedom Party (IFP) activities. It is impossible to ascertain the reliability of these claims. Due to the violence that flared in the community soon after Ms Bennet's death, the KwaMondi Committee is fractured. The CLC is moving slowly to accommodate the wishes of KwaMondi Committee members, who are vulnerable to attack.

d. KwaNyuswa

KwaNyuswa, falling under KwaZulu jurisdiction, has an estimated population base of 75,000 and is located in the Ndwedwe district next to Botha's Hill in Natal. After highly favourable responses to CLC presentations in October 1991 and January 1992, the KwaNyuswa Paralegal Committee was elected and three paralegals, Delani Nzama, Nonhlanhla Shabalala and Siphwe Zwezwe, hired. The three paralegals have fared well in their examinations and are continuing with the training programme.

The KwaNyuswa Paralegal Office is backed by the support and enthusiasm of the community, which has taken an active interest since its inception. KwaNyuswa has faced numerous problems which it has managed to resolve. For example, the community had experienced a serious problem with the lack of fresh water. Local pressure, especially from the KwaNyuswa Paralegal Committee, has led to the introduction of a fresh water supply scheme.

Another problem facing the community has been pension payments. Pension payouts take place at the Ndwedwe Magistrate Court, which has jurisdiction over the area. As the crow flies, the court is approximately 20 kilometres from KwaNyuswa. However, the only viable road route, on which it is impossible to avoid an area that is politically unstable and has experienced brutal political violence, is a distance of approximately 150-200 kilometres between KwaNyuswa and Ndwedwe.

Pensioners start arriving at the Ndwedwe Magistrate Court two to three days in advance of scheduled pension payouts, to ensure that they receive payment before pension officials declare that they will pay no more pensions that day and that pensioners should attend the next pay-out — in two months' time. CLC staff have accompanied KwaNyuswa paralegals and paralegal committee members to monitor pension pay-outs. While full cooperation of officials has not been in evidence, there appears to be some change in attitude of officials and definitive changes in the level of service received by pensioners.

The road from Botha's Hill going into KwaNyuswa is in a shocking state of deterioration. When it rains, the road threatens to wash away altogether. Although KwaNyuswa residents have approached the Natal Provincial Administration to improve the road, the proposed plan was aborted by the KwaZulu government which claimed responsibility for the area and any upgrading that needed to be done. The road remains virtually impassable.

While successful in their academic progress, paralegals remain under-utilised. Members from surrounding communities have made use of the office, but the office needs wider publication if the skills of the paralegals are to be put to use. Unrest in surrounding communities has caused several workshops, vital to the publicity of an office, to be cancelled. Ongoing unrest has caused one of the paralegals to flee the area and continue working on clients' files from a safe location. The KwaNyuswa Paralegal Committee is committed to solving these and other problems.

However, KwaNyuswa has several success stories to its name. Photographs forming part of the CLC voting, democracy and civil society education publication *Ukwenza Intando Yeningi Isebenze/Making Democracy Work* were taken at democracy education workshops held in the community, and the supporting video was filmed in the community, using paralegals and community members as actors.

Paralegal Committee member Saraphina Mabaso, who plays a starring role in the book and the video, received funding in November 1993 to attend a women's human rights planning workshop in New York City. With the expertise gained and contacts formed at the workshop, Mrs Mabaso will be instrumental in the development of a rural women's organisation in rural communities served by the CLC. The CLC believes that with the determination displayed by the KwaNyuswa Paralegal Committee, it will be successful in asserting the rights to which KwaNyuswa residents are entitled.

e. KwaXimba

KwaXimba, a community situated within KwaZulu, is near Cato Ridge, approximately 50 kilometres from Durban. It has a population base of approximately 50,000 people and is adjacent to other needy communities. The CLC was initially contacted by the KwaXimba Civic Association and asked to provide a presentation in October 1990. The project was accepted by the community's leadership and the local population. The KwaXimba Paralegal Committee was elected by the community in April 1991 and two paralegals, Lucy Makhathini and Petros Xaba, were hired by the committee and commenced training with the CLC in May 1992.

Both paralegals are producing outstanding work and striving to cope with a steadily increasing workload. Through working closely with the members of the community, the paralegals have earned the respect of the community. They involve themselves in local development schemes and were, for example, instrumental in the successful introduction of a fresh water scheme into the community. The KwaXimba Paralegal Committee and paralegals continue to negotiate with local development organisations to improve the standard of living in the community.

The paralegals have also helped to heal the rifts between neighbouring communities, which had previously been subject to brutal and destructive political violence. Members of the neighbouring community, once at war with the KwaXimba community, freely seek assistance the KwaXimba Paralegal Office which is perceived as a resource available to all people, irrespective of political orientation.

The KwaXimba Paralegal Committee has a draft constitution in place that is currently undergoing review. Paralegals have taken over from the CLC the task of pension monitoring in the area. The KwaXimba Paralegal Office also served a neighbouring farm one day weekly, to assist local farmworkers with a wide range of problems. Both paralegals are academically successful, skilled and dedicated to contributing to the upliftment of their community.

f. Mdletshe

Mdletshe, a KwaZulu community near Hluhluwe, with an approximate population base of 40,000 people, is 320 kilometres from Durban. During the second half of 1989, CLC staff met with Inkosi Mdletshe and presented the CLC to community members who opted the project. The Mdletshe Paralegal Committee was elected to represent the interests of the community and two paralegals, Thandi (Mdletshe) Sithole and Langalihle Mtshali, were hired to begin training in November 1989. As a courtesy, the Mdletshe Paralegal Committee reports regularly to Inkosi Mdletshe and other tribal authorities.

The two paralegals hired by this community utilised their training and done excellent work for their community and graduated with their fellow Group One paralegals on 19 June 1992. An additional two paralegals, Nokukhanya Mthethwa and Bongani Mdaka, were hired to augment the work of the two paralegals serving the community; Ms Mthethwa, has done well in her examinations and enhances the successes of the Mdletshe Paralegal Office. Mr Mtshali achieved outstanding results in his final examinations in June 1991, on the basis of which he has been accepted into the University of Natal's B Proc programme to further his studies in law. The other paralegal, Bongani Mdaka, who began training with Ms Mthethwa, dropped out of the Group Two training programme.

The Mdletshe Paralegal Committee previously supported community legal education and scheduled regular workshops in the area. To combat corruption in the distribution of cash pension payments to the old and disabled, the Mdletshe Paralegal Committee sent committee members and paralegals to pension payout points to ensure that all pensioners receive what is legally due. The Mdletshe Paralegal Committee was acutely aware of the

extensive corruption involved in the payment of pensions and the extent to which the old and disabled have suffered at the hands of officials. There was a strong belief in Mdletshe that the community must be developed and be responsible for solutions to its problems.

The Mdletshe Paralegal Committee has recently become divided. CLC staff are moving carefully and working with Committee and local community members who stand to suffer recriminations, intimidation or violence if they make any move without community support.

g. Mpembeni

Mpembeni, with a large but indeterminate population base, falls under KwaZulu jurisdiction and is located in the Hlabisa area of KwaZulu. After a 1990 CLC presentation to the community, the Mpembeni Paralegal Committee was elected. In May 1992 it hired three paralegals, Lungile Manqele, Nkosingiphile Manqele and Londiwe Ndebele. The paralegals joined the training programme during the June 1992 Group Two Second Rural Paralegal Training Conference. Despite coming into the training programme during the second training session, these three paralegals achieved sufficient examination results to continue with the training programme.

The Mpembeni paralegals have been successful in recovering a considerable amount of money for their clients, which has increased the Mpembeni community's confidence in the office and resulted in increased client intake. However, two of the paralegals, Ms Manqele and Ms Ndebele, failed to meet the required standards of their mid-cycle examinations and were terminated. The remaining paralegal, Ms Manqele, is successfully handling the case load the office has generated, putting her substantial skills to good use.

The Mpembeni Paralegal Committee has experienced organisational difficulties. Among other issues, there appears to have been confusion about the role and responsibilities of the Mpembeni Paralegal Committee. Troubles arising in the community of Mdletshe have spilled over into this community, resulting in false allegations with respect to the political affiliation of the Mpembeni Paralegal Office. Workshops, throughout the Mpembeni community to address these accusations openly, would assist enormously with the potential and future of the office. The Mpembeni Paralegal Committee and paralegals are fortunate to have the support of the local tribal chief and his active involvement in publicising the office.

It is hoped that the Community Relations Department will be able to assist the Mpembeni Paralegal Committee with the problems it has encountered and that misunderstandings and subsequent office malfunctions will be addressed and rectified. The Mpembeni Paralegal Committee has a powerful role to play, in the realms of the paralegal offices and education in their communities. The Mpembeni Paralegal Committee should function as the much needed conduit for information and skills required by rural communities if the goal of true empowerment is ever to be achieved.

h. Mpukunyoni

Mpukunyoni, a KwaZulu community near Mtubatuba, with approximately 160,000 people, is 250 kilometres from Durban. In early 1989, CLC staff met with members of the local community farming cooperative and Inkosi Mkhwanazi and later presented the CLC to community members who adopted the project.

The Mpukunyoni Paralegal Committee was appointed to represent the interests of the community and as a courtesy, reports to Inkosi Mkhwanazi. Because of the wide geographic area and population density, four paralegals, Nhlanhla Gumede, Bheki Nkumbuza, Dudu Ntshangase and Morris Dladla were hired to begin training in November 1989.

In March 1990 one of the four paralegals and tribal authorities had a dispute, which

resulted in paralegal Morris Dladla's resignation. The remaining three paralegals continued to work in the community. Paralegal Nhlanhla Gumede failed to pass his examinations and graduate with his class on 19 June 1992. Two of the three, Bheki Nkumbuzi and Dudu Ntshangase, graduated from the Group One CLC training programme on 19 June 1992. On the basis of his final examination results and rating, as second in his class, Mr Nkumbuzi was recommended to pursue a B Proc degree at the University of Natal, but chose to remain with his community.

These two paralegals are in widely dispersed offices to reach the maximum number of people. The Mpukunyoni Paralegal Committee expressed concern about the number of its residents needing assistance. Two additional paralegals, Thobile Biyela and Raymond Ngema, were hired and began training with the Group 2 paralegal trainees in 1992. Both have fared extremely well in practical and academic work.

The Mpukunyoni Paralegal Committee has experienced serious organisational difficulties, due in part to the fact that the committee as originally constituted at 26 members was too large. The unwieldy structure of the Mpukunyoni Paralegal Committee caused its members to lose interest in the project. This organisational problem was complicated by false allegations in the second half of 1990 and early 1991 that the paralegal offices and training were funded by the African National Congress, a serious and potentially deadly accusation in this heavily Inkatha community.

The false allegations were refuted by some of the active committee members and Inkosi Mkhwanazi allowed the office to continue to function because of community support for the work of the paralegals. Recently the allegations seem to have abated as some members of the community have come to understand that basic legal and human rights are not derivative of the African National Congress. A new paralegal committee was appointed by the Inkosi, which brought its own set of problems. A democratically elected committee is needed to address the problems facing the members of the community to whom the Mpukunyoni Paralegal Office should be accountable.

Payment of state pensions, with its attendant maladministration and corruption, remains a pressing issue in this community. Monitoring of pension payout points immediately precipitated allegations that the paralegal offices and training were African National Congress inspired. Corruption remains an issue in this area and those who stand to gain from corrupt practices will apparently make any allegation to get the CLC and paralegal offices out of the area. The CLC continues to work extensively on legal education workshops, with the Mpukunyoni paralegals, to curb corruption and maladministration.

CLC Fieldworker Michael Obert spent over two weeks with paralegals and newly elected committee members. Paralegals' English and letter-writing skills flourished under intensive training, while committee members, some meeting each other and the paralegals for the first time, began to evolve a realistic plan to get the Mpukunyoni Paralegal Committee on its feet and active in the community. The Mpukunyoni Paralegal Committee has continued to meet regularly to complete the constitution-building process initiated and encouraged by the fieldworker.

The paralegals have scheduled and run several community workshops, with the assistance of the inkosi and Committee members. These workshops focused on several legal issues posing difficulties to community members, such as social pensions, workmen's compensation and wills. In addition, the paralegals have begun to conduct voting, democracy and civil society education with great confidence and authority and without assistance from CLC staff. If the Mpukunyoni Paralegal Committee continues on its path of reconstruction and with dedicated and solid contribution from the paralegals, the Mpukunyoni Paralegal Office and Committee may become the greatest rule of law success story.

i. Ndonyane

Ndonyane, a KwaZulu community near Umzinto, with a population base estimated at 40,000 people, is 126 kilometres from Durban. In early 1989, CLC staff met with staff from the Catholic Diocese Rural Transformation Association to discuss proposed CLC training and legal assistance.

In mid-1989 the CLC met with members of the Ndonyane Development Committee, Inkosi Ngcobo and the local magistrate at the Vulamehlo Regional Authority and presented the CLC to community members who adopted the project. The Ndonyane Development Committee, which had been working with the Catholic Diocese Rural Transformation Association on community development issues, added the paralegal office to its duties. Paralegals Dumisani Ngidi and Silindile Ngidi were hired to begin training in November 1989.

The two paralegals utilised their training and have done excellent work for their community. The Ndonyane Development Committee was actively involved in the office until its temporary closure due to false political allegations from May - December 1991, and remains actively involved in the future of the office.

As in Mpukunyoni after beginning to monitor local pension payout points, the CLC was falsely rumoured to be funded by the African National Congress. As in all areas served by the CLC, Ndonyane residents have experienced serious difficulties receiving their lawful pensions which are paid in cash. It was not uncommon in Ndonyane for the old and disabled to receive 10 -50% of their total pension amounts due.

In September 1990 five CLC staff in this politically volatile region monitored pension payouts. After monitoring, the CLC staff went to the Vulamehlo Magistrate Court to meet with social workers on child maintenance grant matters. After this meeting, CLC staff were detained by the local magistrate who advised "his" armed policemen — in the presence of the five CLC staff — that any CLC staff were to be shot on sight if they attempted to monitor another pension payout in "his" area. In November 1990 CLC staff, with the Dean of the University of Natal Faculty of Law, an advocate and American diplomat, returned to monitor the paying of pensions. The local inkosi and police refused to pay pensions while the group was there. Attempts to meet with the local magistrate and high-ranking KwaZulu officials to discuss this matter were futile.

Ndonyane paralegals working in their office had their lives threatened by a neighbouring inkosi. Ndonyane Development Committee members repeatedly had their lives threatened in late 1990 and the first half of 1991. In December 1990 it was seriously rumoured that Ndonyane Paralegal Committee members and possibly the paralegals would be murdered during the Christmas holidays. The South African Defence Force patrolled the area regularly. The Ndonyane Development Committee members and paralegals stood firm, stating a simple and clear belief in the rule of law and accountability of government. At every stage, the CLC has taken its cue from the Ndonyane Development Committee and supported the Ndonyane Paralegal Committee. CLC staff are impressed by the members of the Ndonyane Paralegal Committee, which stands as a beacon to rule of law and government accountability.

Inkosi Ngcobo, at the May 1991 meeting of the Vulamehlo Regional Authority, announced closure of the Ndonyane Paralegal Office and would allow no discussion of the matter. Due to the consistent and careful work of Ndonyane Paralegal Committee members with local authorities, the Ndonyane Paralegal Office reopened in early 1992. The Ndonyane Development Committee continued to seek solutions to the temporary closure of the office. The CLC met regularly in Durban with the Ndonyane Development Committee to ensure that committee members would not be at risk for meeting and being seen with CLC staff. Because of the very real possibility of assassinations, the CLC worked and continues to work closely with the Ndonyane Development Committee.

During the closure clients with pressing legal problems went to the homes of Ndongyane Paralegal Committee members and paralegals seeking assistance. Under exceptionally difficult circumstances, the paralegals, with the support of their committee, rendered services to their community. The CLC and Ndongyane Development Committee were relieved when it became possible for the Ndongyane Paralegal Office to begin functioning normally again in early 1992.

Mr Ngidi and Ms Ngidi both graduated with their Group One paralegal class on 19 June 1992. In early 1993, Ms Ngidi resigned from her position as paralegal to pursue her education, leaving her brother to continue the work of the office. The Ndongyane Paralegal Committee is, again, currently under administrative threat of being taken over regionally, and rifts between committee members have caused the Ndongyane Paralegal Committee to grind temporarily to a halt. The CLC is working closely with the Ndongyane Paralegal Committee to overcome these difficulties.

j. Nqutu

Nqutu, a KwaZulu community in the Babanango/Dundee/Vryheid triangle of Natal and with a population base of 45,000 - 55,000 people, is approximately 360 kilometres from Durban. The Nqutu Paralegal Office operates in the ward of (former) Chief Elphas K Molefe, who was suspended from his chieftaincy by the KwaZulu Cabinet in September 1989, terminated in June 1992 and whose case against the KwaZulu Cabinet is on appeal.

In August 1989, CLC staff met with Inkosi Molefe and presented the CLC to local tribal leaders and approximately 600 community members who adopted the project. The Nqutu Paralegal Committee was elected to represent the interests of the community and two paralegals were hired to begin training in November 1989.

Two paralegals, Bongani Khumalo and Dorcas S'khosana, hired by this community have provided superb services to their community. One of the paralegals, Bongani I Khumalo, proved to be more of trainer than student at the CLC training conferences. Effective 1 October 1990, the CLC hired Mr Khumalo as Trainer in its Durban office and he was promoted in February 1992 to Training Coordinator and in January 1993 to Assistant Director. This left the busy Nqutu Paralegal Office with only one paralegal. In May 1992 an additional paralegal, Sibongile Simelane, was hired to augment the work of lone paralegal Ms S'khosana.

Both paralegals have continued to perform valuable work in their community, while continuing to achieve academically. Ms S'khosana graduated in June 1992, topping her class. University of Natal Law Faculty members, who acted as external examiners for the CLC's final 24 examinations, recommended that she pursue a B Proc degree at the University of Natal. Ms S'khosana resigned as a paralegal in January 1993 to pursue her studies in law at the University of Natal. She has since joined the CLC as a part-time Research Assistant in the Training Department.

The Molefe ward of the Nqutu community has experienced serious leadership problems since the suspension of its chief. The problems are exacerbated by the fact that no one knows when the matter will be resolved and there is increasing pressure on residents of the community. As in Mpukunyoni and Ndongyane, the Nqutu Paralegal Office has been falsely accused of being initiated and funded by the African National Congress. The false allegations seemed to reach a peak in December 1990 when it was widely rumoured that committee members would be killed during the Christmas holidays. Police and South African Defence Force personnel patrolled the area during the December holidays.

Like Ndongyane, Nqutu Paralegal Committee members possessed a clear understanding of the CLC and the work of the Nqutu Paralegal Office and did not bow to forces demanding closure of the paralegal office. In 1991 and 1992 pressures related to the suspension of the chief increased, together with violence. The community is currently fractionalised and

fragmented. The Nqutu Paralegal Committee has worked with the CLC to provide workshops on issue identification and problem-solving to address the high degree of emotionalism and fear within the community.

The CLC works closely with the Nqutu Paralegal Committee, particularly to provide training on legal and organisational issues requested by the community. The Molefe tribe at Nqutu has been cognizant from the outset that the CLC will work on skills development, including problem-solving, but will not make decisions for the community or take sides politically. The Nqutu Paralegal Committee seems to continue learning to cope with crisis, still continuing to address the work of the paralegal office.

On 10 December 1992, Chairman Meshack Motlounq of the Nqutu Paralegal Committee was assassinated. It is not known whether he was assassinated because of his affiliation with the highly effective Nqutu Paralegal Committee, which supports the Nqutu Paralegal Office. On 7 November 1993, in a seemingly random attack, eleven Nqutu community members were killed and several injured, including (former) Chief Molefe. The Nqutu paralegal was forced to flee her community with client files to continue working from a safe location. Nqutu Paralegal Committee members are understandably deeply concerned about their safety. The tribal office where the Nqutu Paralegal Office was located has been vacated. The Nqutu Paralegal Committee is committed to the Nqutu Paralegal Office remaining viable, but its form and future are not currently clear.

k. Nyathikazi

Nyathikazi, falling under the jurisdiction of the Natal Provincial Administration and with an indeterminate population base, is situated on the Natal North Coast near Darnall, 90 kilometres from Durban. CLC staff made a presentation in early 1992 at nearby Sakhankhanya, flowing from which the CLC was invited into Nyathikazi to make a presentation. The CLC was well received and the community was incorporated into the May 1992 CLC expansion. Two paralegals, Bongi Sibiya and Jabulani Sibiya, were hired, but Mr Sibiya failed to satisfy minimum requirements to continue the course and was excluded effective 27 August 1993.

The community population is mixed, with "Indians" and "Blacks" living side by side. This has led to clashes over ownership of land and initial false allegations of affiliation of the office with the African National Congress (ANC). A workshop held in mid-1992 to address allegations appears to have met with some success in defusing false allegations of party political affiliations.

The Nyathikazi Paralegal Committee is going from strength to strength, having successfully negotiated many of the concerns of the community. These include negotiations with the South African Police over the improvement of community policing, the local branch of the African National Congress over thuggish and intimidating behaviour by youths while supposedly canvassing for support, Natal Provincial Administration officials to provide water tanks for the community and local pensions and Department of Home Affairs offices over clients' concerns. The Nqutu Paralegal Committee is also actively pursuing the granting of land and raising of funds for a community hall.

An example of the Nqutu Paralegal Committee's effective negotiations is highlighted in the following success story. Clients and residents of the communities of Sakhankhanya and Nyathikazi wishing to apply for identity documents faced enormous difficulties in dealing with the local office of the Department of Home Affairs. Overburdened Department of Home Affairs staff would not handle applications that came streaming in in response to assistance by local paralegals with applications for and corrections of identity documents.

Through the close working relationship nurtured with the local office by the Nyathikazi Paralegal Committee, with the assistance of CLC Fieldworker Michael Obert, the

Department of Home Affairs now sends two officers to the area every second month to process applications. The Nyathikazi Paralegal Committee is instrumental in collecting and distributing identity documents and has helped over 100 residents in this way. Sakhamkhanya Paralegal Wellington Lupondo is in the process of developing a similar scheme in his area.

The Nyathikazi Paralegal Committee has finalised its constitution, which has helped it in tackling larger community issues. Fundraising and land acquisition options are being explored actively, and the successful creation of a trust to manage funds should go a long way towards making these efforts a reality. There is a great need for more community workshops at Nyathikazi to publicise the office, although the size of the community (approximately 70 families) restricts the number of potential clients and the office is not being utilised fully. With the publicising of the Nyathikazi Paralegal Committee's recent success stories, more community members should become aware of the office and the assistance it can offer. The remaining paralegal Bongi Sibiya, with the assistance of a strong and focused committee, should flourish in her endeavours, since she is enthusiastic, talented and willing to be of assistance to her community.

I. Qiko

Qiko, under KwaZulu jurisdiction and with a population base estimated at 25,000, is situated in the Vulamehlo District on the South Coast, near Umzinto. The CLC was invited into the area by Inkosi Bele, who had heard good reports of the work done by the CLC and felt that the programme was needed in Qiko. Two paralegals, Jerome Bele and Busisiwe Mngadi, were hired to serve the community, each running an office on his and her own.

Both paralegals have proved to be proficient in running their offices and in their performance at training conferences and examinations. Both offices have experienced difficulties in communicating with local power structures, which the Qiko Paralegal Committee has been attempting to address by introducing the paralegals to local authority structures.

However, continuing violence in the region has prevented the Qiko Paralegal Committee from convening in the last six months, making it very difficult for the CLC to work with committee members. The violence appears to be local faction fighting rather than politically inspired, but there have been several deaths in the area. At one stage, one paralegal had to flee for his life, and could not return to his office for an extended period for fear of attack. The CLC continues to monitor the situation, providing assistance where it can.

m. Rietvlei

Rietvlei is situated in the Transkei and has an estimated population base of 6,000 people in the immediate community and approximately 75,000 in the adjacent communities. In July 1991, the CLC was invited to give a presentation, subsequent to which the local Inkosi requested that a paralegal office be opened in Rietvlei. The Rietvlei Paralegal Committee was elected and hired two paralegals, Justice Jiba and Bonakele Duma. Initially Justice Jiba had chaired the Rietvlei Paralegal Committee, but resigned when he was hired to work as a paralegal. Both paralegals have fared well in their examinations and have shown that they are adept in managing the cases that come to their office.

Rietvlei originally experienced a particular problem, related to its division into three areas falling under one chief. The office was perceived as serving the area in which it is located. No workshops were held in the area, with the result that the office did not receive the widespread publicity it required to be fully utilised. The Rietvlei Paralegal Committee was advised by the CLC that it must actively arrange workshops and advertise the office and that if the level of work did not increase in 1993, the CLC would be forced to withdraw its assistance.

The Rietvlei Paralegal Committee and paralegals rose to this challenge. CLC publications were actively distributed and have become very popular and in great demand in the community. The paralegals now travel to neighbouring communities once and sometimes twice weekly to provide assistance. As a result of these dedicated efforts, the number of clients served by the office has increased dramatically, especially as the success stories have started rolling in.

The Rietvlei Paralegal Committee was initially disorganised, with men and women committee members attending separate meetings. This problem was addressed by Rietvlei Paralegal Committee members and the CLC jointly, and the Rietvlei Paralegal Committee has begun to operate as a unit. The Rietvlei Paralegal Committee now meets fairly regularly and as a result of an intensive two weeks with CLC Fieldworker Michael Obert in April 1993, has a strong constitution well underway.

Rietvlei Paralegal Committee members were concerned about self-sufficiency and generating funds for the Rietvlei Paralegal Office and requested financial training and assistance from the CLC, to which the CLC has responded by introducing these components into its comprehensive paralegal committee training programme. The Rietvlei Paralegal Committee is currently exploring fundraising options.

n. Riverview

Riverview (previously known as KwaNgcolosi), with a population base of approximately 150,000 people, falls under the administration of the Natal Provincial Administration and is situated in Hillcrest. The local tribal chief invited the CLC into the area to give a presentation to the community, resulting in the election of the Riverview Paralegal Committee, which hired Julius Bhengu and Dudu Khumalo as paralegals.

In its early days, the paralegals and Riverview Paralegal Committee had to counter allegations spread by the tribal chief, initially enthusiastic about the Riverview Paralegal Office, about the office's affiliation with the African National Congress (ANC). Within the context of the current volatile political situation in Natal, such allegations could be lethal. The paralegals and Riverview Paralegal Committee worked hard publicising the apolitical stance of the office to combat the allegations and continued to deliver services and education to their community.

The Riverview Paralegal Committee and paralegals have been active in their commitment to community legal education, holding numerous workshops in the area, focusing on social pensions, maintenance grants, unemployment insurance, police powers and tax law. The office has been well publicised in the area and the paralegals have been inundated with clients, for whom they have successfully recovered a considerable amount of money. The Riverview Paralegal Committee has completed and adopted its constitution.

Subsequent to opening the office, a second office was opened to service clients living in the Embo district, and the paralegals each ran their own office. Unfortunately, Ms Khumalo failed to reach the required standard to continue with the course and was terminated. Mr Bhengu, a high academic achiever, continues to serve clients from both offices.

o. Sakhamkhanya

Sakhamkhanya, falling under the jurisdiction of the Natal Provincial Administration, has an estimated population base of 20,000 and is situated inland on the Natal North Coast, near Stanger. Adjacent communities contribute to a larger population base needing services. After presentations in the area in late 1991 and early 1992, the CLC was requested to assist the community with establishing an office in Sakhamkhanya. The Sakhamkhanya Paralegal Committee was elected by the members of the community and one paralegal Dumisani Biyela was appointed. Unfortunately, the strong Chairman of the Sakhamkhanya Paralegal

Committee, Enoch Gumede, died from natural causes in early September 1992 and the Sakhamkhanya Paralegal Committee has undergone a reorganisation.

Mr Biyela was in the unfortunate position of being alone in his office. He did not meet the required standard in his examination results, with the result that he was not allowed to continue with the CLC training programme. Sakhamkhanya Paralegal Committee member Wellington Lupondo had attended the Group Two training and was an outstanding student. He resigned as a member of the Sakhamkhanya Paralegal Committee, which appointed him paralegal effective January 1993.

Sakhamkhanya has experienced difficulties because of alleged bribes which must be paid to officials to obtain welfare benefits, severe water shortage in the area leading to corruption and dispute over scarce resources, eviction threats by the local Indian population over land ownership disputes and subsequent animosity between Indian and Black community residents, conflict surrounding political canvassing and allegations of witchcraft in the community. Community Relations Department Fieldworker Michael Obert spent two months in the Sakhamkhanya/Nyathikazi communities working with paralegals and paralegal committees on developing effective problem-solving mechanisms to these issues and others more pertinent to the work of the paralegal office.

This period of intense work has benefitted both paralegal offices. Sakhamkhanya and Nyathikazi paralegals have established good working relationships with local Department of Home Affairs office and the South African Police, who respond to paralegal correspondence and requests for assistance. Community members previously experienced great difficulty applying for and obtaining maintenance grants. Local social workers refused to handle applications until after January 1994, and in some instances had taken over three years to process simple claims. As a result of pressure placed on social workers by paralegals and the fieldworker, applications for maintenance grants have begun to receive timely attention.

The Sakhamkhanya Paralegal Committee comprises a dedicated and motivated group of people. Meetings are held bi-monthly and attended by all committee members. The Sakhamkhanya Paralegal Committee was the first paralegal committee to complete and sign its constitution. CLC Fieldworker Michael Obert worked closely with committee members to identify committee and community needs and explore possible solutions. Active advertising of community workshops led to increased attendance and subsequent increased use of the paralegal office.

The Sakhamkhanya Paralegal Committee has actively pursued fundraising options with the assistance of the CLC Fieldworker, and been successful in securing funds for development projects in the community. The possibility of obtaining a trust and bank account for funds, as well as land acquisition options, are being explored. The Sakhamkhanya Paralegal Committee has finely detailed accounting procedures and financial accountability in its constitution. With the dedication of the Committee and the excellent skills and hard work of Mr Lupondo, the community of Sakhamkhanya stands to benefit from and be empowered by a highly effective paralegal office.

p. Weenen

Weenen (formally known as Msinga), with a population base of approximately 150,000, falls under KwaZulu jurisdiction and is located between Greytown and Pomeroy in the Natal Midlands. In July 1991, at the request of Msinga Church Agricultural Project (CAP), CLC staff gave a presentation in the area.

This led to the election of the Msinga Paralegal Committee, which later changed its name to Weenen Paralegal Committee and hired paralegals Happy Dlamini, Thabile Madondo and Philemon Mshengu. While Ms Madondo managed to meet the required standard to continue with the project, Mr Mshengu and Ms Dlamini did not.

The Weenen Paralegal Committee has been disorganised, with meetings not being con-

vened regularly and attendance poor. Few community workshops have been held in the area since the Weenen Paralegal Office opened in May 1992, which means there has been little publicity about the Weenen Paralegal Office which is being under-utilised by the community.

The stresses created by an overcrowded, indigent and sometimes armed Weenen community, living adjacent to an evidently prosperous white farming population, has evolved a unique social and cultural ethic which long preceded the CLC. Certain issues and particularly those relating to crops and feed have assumed larger than life proportions. The worsening drought and competition for grazing land have seen a proliferation in the number of impounding, eviction and trespass related incidents. On one farm, the farmer served eviction notices on approximately 60 labour tenants. The CLC is representing 22-25 of the families and has successfully brought several actions against farmers who have unlawfully impounded or shot tenants' stock. From the third week in April 1993 though early July 1993, 12 people from this farm were assassinated and four wounded. Tensions in the area are increasing and heightening prospects for violence. The CLC is providing as much support as possible, prodding and provoking recalcitrant police in the region.

Weenen has experienced some of the highest levels of political violence in South Africa, which also has probably resulted in people being loathe to travel long distances to the Weenen Paralegal Office. One of the paralegals had his life threatened unless he joined a particular political party, which he refused to do. The success of the Weenen Paralegal Office relies to a large extent on these issues being addressed successfully. The CLC is working very closely with the Weenen Paralegal Committee, clients and affiliated community members.

q. Matatiele

Matatiele, with an estimated population base of 50,000, is situated near southwestern Natal, in the Transkei, about 300 kilometres from Durban. The Matatiele Advice Centre was established in 1989 by a community worker in the area and receives support from the National Association of Democratic Lawyers (NADEL) and Lawyers for Human Rights (LHR).

In September 1991, representatives of the Matatiele Advice Centre requested that their paralegals be incorporated into the CLC training programme. The CLC is currently training three paralegals from the Advice Centre, Isaiah Shabalala, Nonzwakazi Nyamakazi and Malehlonono Nkungu. No on-site training or workshops are currently conducted at the Matatiele Advice Centre because of the present loose affiliation with the CLC.

The Matatiele Advice Centre depends exclusively on its own funding and is not funded by the CLC, nor does it have access to CLC funders. It is hoped that a closer working relationship will be established so that the CLC will be able to provide needed negotiation and litigation services.

7. Financial Administration

a. CLC Audited Annually; Management of Funds

The CLC's annual financial year begins on 1 September and ends on 31 August of the following year. All CLC income and expenditures are audited annually by Aiken & Peat, Chartered Accountants (SA).

The CLC is bound by rules and regulations governing the expenditure of funds by the University of Natal and its own high fiduciary standards. Expenditure of funds is carefully monitored and regulated within the CLC and is subject to review by the University of Natal Finance Department, as well as by Aiken & Peat.

All CLC is internally computerised so that it is possible to track accurately and swiftly all income and expenditures. All budget and analysis figures are prepared internally by the CLC and reviewed monthly by an outside accountant to ensure their accuracy and protect funders' monies.

CLC financial and accounting procedures are designed to ensure the highest standard of fiduciary accountability to the donors who make the CLC legal education, empowerment and service delivery programme possible and to the rural constituencies served by the CLC.

The 1993 Financial Statement, Auditor's Certificate, 26 November 1993, Auditor's Letter dated 26 November 1993 to Management and Director's Response follow.

Income Statement for the Financial Year ended 31 August 1993

	1993 R3,371,540	1992 R2,030,383
Income		
Donations:		
Canadian Embassy	50,000	-
The Chariman's Educational Trust	50,000	50,000
Donations from private individuals	13,018	-
Energos Foundation	50,000	-
The Ernest Oppenheimer Memorial Trust	7,500	-
Eskom	25,000	-
Friends of South African Community Law Centre, Inc	3,152	-
Gencor Development Trust	20,000	-
The Goldfields Foundation	5,000	-
IBM South Africa Projects Fund	280,000	425,000
Kagiso Trust	500,000	-
Liberty Life Educational Foundation	40,000	-
Masonite (Africa) (Pty) Ltd	-	5,000
Charles Stewart Mott Foundation	299,080	276,170
Richards Bay Minerals	25,000	32,000
The Rhodes Trust	115,367	-
Royal Netherlands Embassy	550,000	500,000
Sanlam	3,000	-
Shell (SA) (Pty) Ltd	-	20,000
US Agency for International Development	1,333,772	688,469
Other -	19,516	
Interest	1,651	14,228

Expenditure

	3,488,754	2,340,295
Audit fees	11,345	15,001
Bad debts	808	-
Consultants	164,952	134,881
Furniture and equipment	96,094	172,774
Legal fees	25,306	-
Litigation - external	74,393	10,104
Paralegal committee training	82,752	96,247
Paralegal training	204,082	237,896
Photocopy	17,597	16,792
Photocopy machine lease	13,907	-
Premises rental	188,127	170,920
Public information materials	372,824	286,855
Repairs and maintenance	10,538	17,731

Expenditure (continued)

	1993 R	1992 R
Salaries and benefits:		
Administration Department	382,812	264,974
Publications Department	131,089	109,191
Community Relations Department	112,830	-
Training Department	212,067	135,046
Case Department	339,957	56,242
Paralegals	407,865	191,731
Temporary/casual staff	24,592	26,731
Software	16,972	-
Staff training	118,584	40,722
Stationery, books and manuals	65,418	122,758
Sundry administration	152,283	46,354
Telephone and postage	124,055	56,447
Travel and related expenses	137,505	130,898
Net deficit for the year	(117,214)	(309,912)

Balance Sheet as of 31 August 1993

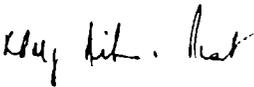
CAPITAL EMPLOYED	1993	1992
Accumulated fund		
Balance at beginning of year	(92,706)	217,206
Net deficit for the year	(117,214)	(309,912)
	(209,920)	(92,706)
EMPLOYMENT OF CAPITAL		
Current assets		
Accrued income	780,000	1,069,053
Staff debtors	19,031	-
Staff loans	800	-
Petty cash	225	-
	800,056	1,069,053
Current liabilities		
Amount due to University of Natal	936,269	1,051,742
Accruals	73,707	110,017
	1,009,976	1,161,759
Net current liabilities	(209,920)	(92,706)

Auditor's Certificate

We have audited the annual financial statements. These financial statements are the responsibility of the Board of the CLC. Our responsibility is to report on these financial statements.

We conducted our audit in accordance with generally accepted auditing standards. These standards require that we plan and perform the audit to obtain reasonable assurance, that, in all material respects, fair presentation is achieved in the financial statements. The audit included an evaluation of the appropriateness of the overall financial statement presentation. We consider that our auditing procedures were appropriate to enable us to express our opinion presented below.

In our opinion these financial statements fairly present the financial position of the CLC at 31 August 1993 and the results of its operation for the year then ended in conformity with generally accepted accounting practice.



KPMG AIKEN AND PEAT
Chartered Accountants (SA)
Durban
26 November 1993

b. Explanation of Financial Year 1993 Income and Expenditures

The CLC receives no funding from the University of Natal. The CLC raise all its funds and utilises University of Natal personnel and financial review services, for which the CLC pays a negotiated rate.

In financial years 1989 - 1991 the CLC used cash basis accounting. In financial year 1992 the CLC changed over to the accrual method of accounting, with the exception of interest which is maintained on a cash basis.

The overall CLC expenditure increase reflects growing demands from the 15 rural communities, with a population base of 900,000, in Natal, KwaZulu and Transkei. As well, financial year 1993 saw the development and implementation of the CLC's comprehensive voting, democracy and civil society training programme to ensure free and fair elections in 1994.

The CLC's donor base increased in financial year 1993. The CLC continues to expand its donor base and remains committed to establishing an endowment, if possible, to allow the CLC stable operating funds.

Interest reflected in the audited financial statement covers calendar year 1992. The University of Natal calculates interest annually, as of 31 December. Interest earned or due for CLC financial year 1993 is scheduled for assessment as of 31 December 1993.

To give an accurate financial picture of CLC growth and related expenditures, included in the income and expenditure statements are financial year 1992 figures which can be compared against 1993 income and expenditures.

Increased salaries and related benefit costs, staff training, administrative and travel costs reflect high inflation and increased demands for CLC staff to cover CLC Durban and rural paralegal costs. Consultants are used by the CLC to avoid the high cost of employing full-time personnel and are an effective measure to cut financial, administrative, training and publications consultant costs. The cost of publications increased substantially due to demands from rural communities for CLC publications and reprints of Amalungelo Oluntu/Human Rights and Ukulindela Intando Yeningi/Waiting for Democracy and the initial development of the CLC book and accompanying video Ukwenza Intando

Yeningi/Making Democracy Work in Zulu, Xhosa, Sotho and English.

Audit costs include costs for the annual audit completed in December 1992 for financial year 1992. The Aiken & Peat management letter for the year ending 31 August 1993 is self-explanatory.

c. CLC Provident Fund

The CLC Provident Fund was established on 1 September 1992 to ensure that all CLC temporary and permanent employees are covered by disability and life insurance, as well as a contributory retirement fund. The CLC makes retirement contributions to the CLC Provident Fund only for its employees on full conditions of service, of which there were five during financial year 1993.

d. Friends of the South African Community Law Centre, Inc.

In September 1992 Friends of the South African Community Law Centre, Inc. (Friends) was established and approved as an Internal Revenue Service Section 501(c)(3) charitable, not for profit corporation. Friends enables generous American taxpayers to claim tax deductions to the extent permitted by United States law for donations to the CLC. The Friends Board of Directors assesses donations and makes distributions from donations for approved activities of the CLC.

From 1 September 1992 - 31 August 1993, the following individuals and organisations contributed to Friends:

- Wilson J Arabie
- Elizabeth R Arnold, Esquire
- Barbara A Baekey
- Katharine K and E Clinton Bamberger, Jr
- Brian H Barnard, Esquire
- Angelina Bevacqua
- Steve Blakeney
- Julius L Chambers
- David A Coolidge, Jr
- Karen Czapanskiy, Esquire
- Eugene M Decker III
- Joan Denkler
- Samuel Efron, Esquire and Hope Efron
- Jane W Elioseff
- Charles C Foster, Esquire
- Jan Woodward Fox, Esquire
- Helio Fred Garcia and Laurel Garcia Colvin
- Robert and Jill Grieve
- Frederick Haegermister
- F Allen and Jeanie L Harris
- Elizabeth Harrison, Esquire
- Professor Herb Howe

- Diana H Hutchins
- Barbara Karkabi
- Joan G Kaufman, Esquire
- James Kentch, Esquire
- Arnold Levy, Esquire
- Michael and Susan Lieberman
- Dr Abram E Manell
- David and Beverly Mannen
- The Honourable Frederica Massiah-Jackson
- Hubert and Polly Mattison
- Professor Robert F Meagher
- Donald R Morris
- John H Morrison, Esquire
- Miriam M and Fred Okrand
- Susan Orlansky, Esquire
- Deloyd T Parker
- Giovanna Passmann
- Robert A Rockstroh
- Helen Sadler
- Richard Salem
- Lois and Louis L Wells Schmidt
- Lavinia Scott
- Robert and Ann Seidman
- Claudia I. Simmons
- Wm. Reece Smith, Jr, Esquire
- Barbara L. Stokes
- Jeanne Q Svikhart
- Barbara Thorn
- Douglas and Barbara Treiber
- University of Puget Sound, Institute for Citizen Education in Law
- Urban Affairs Programme, Michigan State University
- Susan Wallack, Esquire
- Mark B Weinberg, Esquire
- Ruth L. White

8. CLC Mandate in the Changing South African Panorama

As this annual report goes to press, the country is preparing for the April 1994 election. In some areas, expectations are high and in others fear prevails. The future is uncertain.

The CLC is growing with its rural constituencies to ensure that all South Africans, including those in rural areas, will have the ability to chart their futures far beyond one election in 1994. Standing alone, no election creates a democracy. Elections are an aspect of the democratic process requiring citizens to participate and make their elected representatives responsive to their needs. These are new practices for South Africa.

The non-partisan CLC believes the burgeoning democratic process must be inclusive and its own programmes responsive to our constituencies. In addition to legal training and empowerment for rule of law and equal opportunity, the CLC has embraced substantive work to play its role in developing responsible and responsive democratic values.

The pilgrimage to democracy is fraught with difficulties, not the least of which are indoctrination by the current and past apartheid governments, intimidation, violence and assassinations. Committed CLC staff and rural community members have embarked on this endless pilgrimage to ensure that the CLC meets its responsibility to utilise its expertise developed since 1988 to develop a country tolerant of its people's differences and willing to learn from one another.

Western democratic normative values can not be imported and imposed on divergent South African populations. A political climate stressing government and individual responsibility for elected governments and their operation must be developed and maintained for South Africa to develop its own operative version of democracy — one that does not use democratic terminology to mask authoritarian practices. The CLC is committed to the inclusion of all South Africans in its endless pilgrimage and search for viable democratic alternatives.

The CLC thanks its funders for sharing its vision and generously supporting its work.

COMMUNITY LAW CENTRE
January 1994

9. How to Reach the CLC and Rural Paralegal Offices

a. CLC Durban Office

Community Law Centre
Berea Centre, Seventh Floor
249 Berca Road
Durban 4001
Republic of South Africa

Telephone: 031-202-7190

Fax: 031-210-140

Please note that the CLC is tentatively planning to move to new offices on 1 June 1994. All individuals and organisations on the CLC mailing list will be timeously advised of the proposed move.

b. Rural Paralegal Offices

Cornfields Paralegal Office
P O Box 466
Estcourt
3310

KwaMondi Paralegal Office
P O Box 163
Eshowe
3815

KwaNyuswa paralegal Office
P O Box 668
Hillcrest
3650

KwaXimba Paralegal Office
P O Box 87
Cato Ridge
3680

Mdlletshe Paralegal Office
P O Box 269
Hluhluwe
3960

Mpembeni Paralegal Office
P O Box 605
Hlabisa
3937

Mpukunyoni Paralegal Office
P O Box 1128
Mtubatuba
3935

Sakhamkhanya Paralegal Office
P O Box 2375
Stanger
4450

Ndonyane Paralegal Office
c/o St. Michael's School
Private Bag 525
Umzinto
4200

Nqutu Paralegal Office
P O Box 19
Nqutu
3135

Nyathikazi Paralegal Office
P O Box 3653
Stanger
4450

Qiko Paralegal Office
P O Box 49
Scottburgh
4180

Rietvlei Paralegal Office
P O Box 36
Stafford's Post
4686

Riverview Paralegal Office
P O Box 436
Hillcrest
3650

Weenen Paralegal Office
Private Bag X544
Tugela Ferry
3504

EXHIBIT A

CONSTITUTION OF THE COMMUNITY LAW CENTRE

1. Name of the Organization

- 1.1 The name of the organisation shall be the "Community Law Centre" (CLC). The organization shall be affiliated with the University of Natal, Durban, and governed by the CLC Board of Management.

2. Mission Statement

- 2.1 The CLC is and shall remain an apolitical organisation, not supporting partisan politics or any political party. The CLC is dedicated to the empowerment and self-sufficiency of rural communities through development of rule of law and equality before the law.

3. Aims and Objectives

- 3.1 The CLC aims to empower rural communities through an understanding of law, so they may:
 - identify and know their rights and obligations under law;
 - manage their own legal affairs; and
 - develop greater self-sufficiency.
- 3.2 This shall be carried out in an apolitical manner to allow the CLC to serve as great a segment of the South African population as possible.

4. Means of Accomplishing Objectives

- 4.1 The CLC aims to accomplish its objectives by:
 - assisting communities to establish paralegal committees to oversee the work of the paralegals;
 - educating communities about community empowerment and their legal rights;
 - assisting communities establish paralegal offices; and
 - training members of rural community members to become paralegals.

4.2 Training of Paralegals

The training of paralegals shall be conducted in the following manner by the CLC:

- 1: Formal educational training in those areas of law of most relevance to the rural communities served by paralegals, and as identified by the paralegal committees. This shall be accomplished through a two-year programme which should ultimately lead to a Diploma of Certification awarded by the University of Natal, Durban.

Paralegals are committed to two years of service to their communities as set forth in their hiring agreements; and

- 2: On-site training and client in-take to help paralegals to hone their legal and administrative skills and deepen their knowledge of the operation of law.

4.3 Paralegal Committees

Paralegal committees shall be established by democratic majority vote by community members in each of the target communities served by the CLC.

The purpose of paralegal committees shall be to:

- 1: understand and support the work of paralegals;
- 2: generate community awareness of paralegal offices;
- 3: arrange workshops to educate community members on relevant legal issues;
- 4: set conditions of service, including remuneration to be paid to paralegals;
- 5: develop management and supervisory skills to guide the paralegals in their work with the communities;
- 6: grasp the operation of the common law and customary legal systems which affect individual lives and overall community health and self-sufficiency; and
- 7: understand the importance of litigation and the wise use of this scarce resource.

5. Accountability

- 5.1 The CLC shall be accountable to the communities it serves through the paralegal committees.
- 5.2 The CLC shall also be accountable to its Board of Management constituted in terms of 13.1, through quarterly meetings and written reports.

6. Decision-Making Authority

- 6.1 Decisions affecting the day-to-day operation of the CLC shall be made by the staff of the CLC on a representative basis. Proposals for such decisions shall be brought before the staff or a quorum thereof for full discussion and decision. Decisions shall be made by majority vote; and a quorum shall consist of at least three-quarters of staff members entitled to vote.
- 6.2 The Director shall have the authority to make executive decisions about the daily management of CLC operations. The Director may override staff decisions on grounds of unreasonableness or inequity of staff decisions or streamlining administrative procedures necessary to the efficient operation of the CLC; and shall disclose to and discuss with the staff, or a quorum thereof, any such decisions.
- 6.3 The Board of Management shall have the authority to override the decisions of the staff and/or the Director, but only on the grounds of unreasonableness or inconsistency with established policies of the CLC and the University of Natal.

7. Raising and Expenditure of Funds

- 7.1 The CLC, as an organisation affiliated with the University of Natal, Durban, is funded from private sources.
- 7.2 The CLC shall be fully and exclusively responsible for the raising of funds, and for the allocation and expenditure of the funds so raised.
- 7.3 Funds raised by the CLC for its operation shall be kept in a CLC account, administered by the University of Natal, Durban. Such funds shall be managed in terms of the University of Natal's financial accounting procedures. All expenditures must be authorised by the Director and, in addition, either by a properly designated member of the CLC staff or if the amount exceeds R5,000 by the Dean of the Faculty of Law of the University of Natal, Durban or other properly designated person.
- 7.4 Strict financial control shall be maintained in accordance with the established accounting procedures of the University of Natal, Durban. The CLC financial year commences on September 1 and ends on 31 August of the following year. The CLC is subject to annual independent audit, conducted at the end of each fiscal year, which is 31 August.

8. Appointment of Staff

- 8.1 Appointment of staff shall be managed by a properly constituted CLC Selection Committee comprised of CLC staff designated by the Director. All appointments shall be made on the basis of previously established objective criteria and an interview with the designated CLC Selection Committee. All decisions of any CLC Selection Committee shall be subject to review and reversal by the Director, but only on the grounds of unreasonableness or inequity in hiring decisions.
- 8.2 Subject to Section 9 below, continued employment of any CLC staff member shall be based on the continuing existence of the CLC, sufficient funding, need for a particular position or positions and objective evaluation of employees' job performance. A temporary employee shall have no expectation of continued employment beyond his or her specified term of employment.

9. Disciplinary Proceedings and Dismissal of Staff

- 9.1 Disciplinary proceedings, including termination, shall in the case of CLC staff be instituted by the Director, and shall be conducted in accordance with the established disciplinary procedures of the University of Natal, Durban. A record of any disciplinary proceedings shall be provided to the Board of Management. The Board of Management may review disciplinary action relating to suspension or termination and shall reserve the right to make a final decision.
- 9.2 Any dispute between a CLC staff member or members and the Director shall first be subject to resolution by the parties. Where the dispute between the CLC staff member and Director can not be resolved, it shall be subject to mediation. In the case of an irresolvable dispute between a CLC staff member and the Director and after submitting to the procedures specified herein, the staff member may, in writing, submit his or her complaint and/or request for resolution of the dispute to the Chairman of the Board of Management.
- 9.3 Should any staff member be suspended from duties during the course of disciplinary

proceedings, such staff member shall, for the period of his or her suspension, forfeit staff voting rights and any other rights that the Director or Board of Management may determine.

10. Disputes, Mediation and Arbitration

- 10.1 Internal disputes shall be managed and resolved through the CLC grievance procedure developed and adopted by the CLC staff. Until such time as the CLC has formally adopted a grievance procedure, CLC staff shall be governed by the grievance procedure of the University of Natal, Durban.
- 10.2 Should any internal dispute prove incapable of resolution, the matter shall be referred by the Director to mediation and, if necessary, to arbitration.
- 10.3 The mediator or arbitrator shall be selected by the parties to the dispute and, failing agreement between them, shall be appointed by the Director or, in the case of a dispute involving the Director, by the Board of Management.
- 10.4 Should any matter be referred to mediation or arbitration, the result thereof shall be reported in writing to the Board of Management.

11. Bi-annual Staff Evaluation for Merit and Cost-of-Living Increases

- 11.1 Bi-annual staff evaluations shall be conducted by a panel of three staff members selected by the staff under the staff evaluation plan to be formally adopted by CLC staff. Such panel shall be selected so as to comprise one representative of administrative clerical staff, one representative of the trainers and one representative of any legal practitioners on the staff. Until such time as the CLC has formally adopted a staff evaluation plan incorporating Sections 11.2 - 11.7, inclusive, the Director, in accordance with procedures established by the University of Natal, shall evaluate staff performance; and the Board of Management, in accordance with procedures established by the University of Natal, Durban shall evaluate the Director's performance annually.
- 11.2 The Director shall be excluded from staff evaluation panels.
- 11.3 The panel shall be rotated bi-annually.
- 11.4 No staff member may serve on a panel on which his or her performance is being evaluated.
- 11.5 The review of each staff members' performance shall be based on objective criteria.
- 11.6 Decisions by the panel shall be implemented subject to review by the Director. The Director may override the decisions of the panel on grounds of unreasonableness or inequitability.
- 11.7 Any dispute which arises shall be resolved in terms of the dispute procedure referred to in clause 10.

12. Annual Staff Evaluation of the Director for Merit and Cost-of-Living Increases

- 12.1 Annual review of the Director shall be conducted in accordance with the formally adopted staff evaluation plan as specified in Section 11.1 above. Until such time as the staff evaluation plan is formally adopted, the Director's performance shall be reviewed annually by the Board of Management.
- 12.2 The panel shall be rotated annually.
- 12.3 The review of the Director's annual performance shall be based on objective criteria.
- 12.4 Decisions by the panel shall be implemented subject to review by the Board of Management.
- 12.5 In the event of irreconcilable dispute, the matter shall be resolved in terms of the dispute procedure referred to in clause 10.

13. Board of Management

- 13.1 The Board of Management shall be appointed annually and consist of the following:
 - 1: one representative from the rural communities to be democratically elected by all rural paralegal committees of the CLC target communities;
 - 2: the designate of the Principal of the University of Natal, Durban;
 - 3: the Dean of the Faculty of Law of the University of Natal, Durban;
 - 4: the Director of the Institute of Natural Resources, University of Natal, Pietermaritzburg;
 - 5: the President or his designee of the Natal Law Society; and
 - 6: an advocate with experience in community legal education.
- 13.2 The Board of Management shall meet quarterly and shall forward the CLC's quarterly reports to the University of Natal Council.

14. Dissolution of the CLC

- 14.1 The CLC shall be dissolved if it no longer possesses the funds to operate or conditions are such that it is impossible for it to operate.
- 14.2 If, upon dissolution, there remain any assets after the satisfaction of all CLC debts, such assets shall be paid or given over to an educational fund or trust in the Republic of South Africa and approved by the Minister of Finance, having similar objects and which is authorised to collect contributions in terms of the Fund Raising Act No 1978 and is itself exempt from income tax, donations tax and estate duty, as may be selected by a majority of the members of the CLC Board of Management present at the dissolution meeting or in default of such decision as may be decided by the Chairman of the CLC Board of Management.

15. Interpretation of the Constitution

- 15.1 If any ambiguity should arise as to the meaning or interpretation of the Constitution, the Board of Management by majority vote, shall act as arbiter to decide the meaning or interpretation of the clauses(s) concerned.

16. Amendments to the Constitution

- 16.1 Amendment to the Constitution may be made upon recommendation of a two-thirds majority of all CLC staff members, and majority vote by the members of the Board of Management. The Board of Management may initiate an amendment to the Constitution by submitting a written proposal to the Director to circulate to CLC staff.
- 16.2 Proposed changes shall be circulated for comment to the staff at least ten days prior to consideration.

AMENDMENT TO COMMUNITY LAW CENTRE (CLC) CONSTITUTION

At the CLC Board of Management meeting held on 25 April 1992, the CLC Board of Management voted unanimously to increase the number of rural representatives serving on the CLC Board of Management from one to three democratically elected representatives, to be elected in June of each year. This decision was based on the CLC expansion from five target rural communities to 15 target rural communities, with a population base of approximately 850,000 rural South Africans.

This decision to increase rural representation on the CLC Board of Management necessitated an amendment to the CLC Constitution. After due consideration, the CLC Board of Management, by majority vote, resolved that Article 13 of the CLC Constitution is amended as reflected below:

13. Board of Management

- 13.1 Except as noted below, the Board of Management shall be appointed annually and consist of the following:

- 1: three representatives from the rural communities to be democratically elected by all rural paralegal committees of the CLC target communities, such representatives to serve for a period of three years, except that in June 1992 three representatives will be elected to serve terms of one, two and three years, and thereafter representatives will be elected to serve terms of three years each;

The CLC Board of Management further resolved that:

Professor C F Cresswell, Vice Principal of the University of Natal, shall forward this amendment to the University of Natal Council for approval.

These resolutions were approved in their entirety at the 22 July 1992 CLC Board of Management meeting.

EXHIBIT B

CLC RURAL PARALEGAL TRAINING SYLLABUS

LAW COMPONENT

1. Distinction between Common Law, Statutes, Ordinances, By-laws and Regulations
 - (a) What is Law? Different Types of Law
 - (b) Origin of Common Law, Statutes, Ordinances, By-laws and Regulations
 - (c) Jurisdiction of Common Law, Statutes, Ordinances, By-laws and Regulations

2. Interpretation of Cases
 - (a) Understanding Case Citations
 - (b) Finding a Case in the Law Report
 - (c) Reading and Understanding a Decided Case
 - (d) Understanding the Judgment and Applying it as a Precedent

3. Hierarchy of Courts in South Africa
 - (a) Different Types of Courts in South Africa
 - (b) Constitution of Different Types of Courts
 - (c) Geographical Jurisdiction of Courts
 - (d) Punitive Jurisdiction of Courts
 - (e) Appeal against Decisions of Various Courts

4. Criminal and Civil Law, Customary and Common Law and Distinctions
 - (a) Criminal Law
 - (i) What Crime Is
 - (ii) Elements of a Crime
 - (iii) Different Kinds of Crimes
 - (iv) Grounds of Justification
 - (v) Schedule of Crimes
 - (b) Civil Law
 - (i) What is Civil Law
 - (ii) Compensation

5. Social Pensions Act 37 of 1973
 - (a) Introduction
 - (b) Who Qualifies for Pension
 - (c) The Means Test: Definition of Income
 - (d) Who Does Not Qualify for a Social Pension

- (e) When and Where to Apply for a Pension
 - (f) Old Age Pensions
 - (g) Disability Grants
 - (h) Blind Pensions
 - (i) War Veterans Pensions
 - (j) Payment of Pensions
 - (k) Termination of Pensions
 - (l) Refusal of Pension and Table of Reasons
 - (m) Appeal
- 6. Industrial Pensions under the Pension Funds Act**
- (a) Introduction
 - (b) Scope of Pension Funds Act 24 of 1956
 - (c) Different Types of Schemes
- 7. Unemployment Insurance Act 20 of 1966**
- (a) Unemployment Insurance Fund Law
 - (b) Definition of Employer
 - (c) Definition of Contributor
 - (d) How a Person Registers as a Member
 - (e) What Employee Does with Contributor's Card
 - (f) Benefits Available under UIF
 - (g) How to Claim Benefits
 - (i) Unemployment Benefits
 - (ii) Illness Benefits
 - (iii) Maternity Benefits
 - Pre-Natal Benefits
 - Post-Natal Benefits
 - (iv) Adoption Benefits
 - (v) Dependants' Benefits
 - (h) Appeals
- 8. Motor Vehicle Insurance**
- (a) Introduction
 - (b) Multilateral Motor Vehicle Accident Fund Act, 93 of 1989
 - (c) Presumptions Regarding Driving of a Motor Vehicle
 - (d) Types of Claims Allowed
 - (i) Loss Resulting from Personal Bodily Injury
 - (ii) Loss of Support
 - (iii) Claims by Other People for Loss Suffered as a Result of Medical or Other Expenses Incurred
 - (iv) Limitations in the Amounts Claimable

- Pedestrian
 - Passenger Travelling for Free in Ordinary Motor Vehicle
 - Passenger Travelling in a Taxi or Paying a Fare
 - Passengers Injured Whilst in the Scope of their Employment
- (e) Apportionment
- (f) Procedure to be Followed by Claimant or Claimants
- (i) Information the Claimant must have
 - (ii) Appointed Agents
 - (iii) Expenses
 - (iv) Documents Needed by Dependants
 - (v) Consent and Consent Forms
- (g) Prescription
- (h) Private Cause of Action

9. Criminal Procedure Act 51 of 1977

- (a) Arrest with and without a Warrant
- (b) Summons
- (c) Written Notice to Appear in Court
- (d) Admission of Guilt Fine
- (e) Search with and without a Search Warrant, Entering of Premises, Seizure
- (f) Disposal of Property Connected with Offenses
- (g) Bail
- (h) Release on Warning
- (i) Summary Trial and Procedure
- (j) Sentence
- (k) Review
- (l) Appeal

10. Civil Procedure

- (a) Pleadings
- (b) Trial
- (c) Judgment and Execution
- (d) Section 65 Proceedings
- (e) Arrest and Detention

11. Law of Persons

- (a) Introduction
- What Law of Persons Is
- Beginning and end of Legal Personality/Subjectivity
- (b) Domicile
- (c) Extra-Marital Children
- (d) Legal Capacity
- (e) Inhibitions to Legal Capacity

- (f) Marriage
- (g) Divorce and Grounds of Divorce
 - (i) Consequences of Divorce on Property
 - (ii) Consequences of Divorce on Children and their Custody
 - (iii) Consequences of Divorce on Spouses
- (h) Support/Maintenance
 - (i) Duty of Support between Spouses
 - (ii) Duty of Support between Parents and Children
 - (iii) Scope of Duty of Support

12. Dependants' Benefits

- (a) Introduction
- (b) Benefits under the Unemployment Insurance Act
- (c) Benefits under the Motor Vehicle Accidents Act
- (d) Benefits under the Workmens Compensation Act
- (e) Benefits under the Pension Funds Act

13. Tax Laws

- (a) Income Tax Laws
- (b) Value Added Tax Laws

14. Land Law

- (a) Historical Background
- (b) Repeal of Laws Relating to Land
- (c) Suggested Policies on Land
- (d) Acquisition of Land by the State

15. Prescription and Limitations

- (a) Introduction
- (b) Types of Prescription
 - (i) Acquisitive Prescription
 - (ii) Extinctive Prescription
- (c) Limitations

16. Administrative Law

- (a) Introduction
- (b) What is Administrative Law and its Aim

17. Constitutional Law

- (a) Introduction
- (b) Constitution of the Government
- (c) Legislative Process

- (d) Parliamentary Sovereignty
- (e) The Doctrine of Justiciability
- (f) Home Lands System
- (g) Status of Independent States and their Citizens
- (h) Current Constitutional Development

18. Law of Succession, Wills and Customary Law of Succession

- (a) Introduction
- (b) Testamentary Succession (Wills Act 7 of 1953)
- (c) Intestate Succession (Intestate Succession Act 81 of 1987)
- (d) Customary Law of Succession (Natal and KwaZulu)
- (e) Black Administration Act 38 of 1927

19. Credit Agreements and Usury Act

- (a) Credit Agreements
 - (i) Introduction
 - (ii) Scope of Credit Agreements Act 75 of 1980
 - (iii) Formalities of a Credit Agreement
 - (iv) Obligations of a Credit Receiver
 - (v) Cooling Off
 - (vi) Breach of a Credit Agreement
 - Remedies: Specific Performance, Cancellation; and Repossession
 - (vii) Voluntary Surrender
- (b) The Usury Act

20. Workmens Compensation

- (a) Introduction
- (b) Scope of Workmens Compensation Act 30 of 1941
- (c) Right to Compensation
- (d) Liability for Compensation
- (e) Recovery of Compensation

21. Law of Neighbours

- (a) Introduction
 - (i) What Law of Neighbours Is
 - (ii) Underlying Principles Governing Law of Neighbours
 - (iii) Different Types of Restrictions on Exercise of Ownership
- (b) Public Law Restrictions
- (c) Restrictions in Interests of Neighbour Relations
 - (i) Encroachment
 - (ii) Overhanging and Intruding Vegetation
 - (iii) Lateral Support

- (iv) Drainage of Surface Water
- (v) Nuisance
- (vi) Elimination of Dangers
- (vii) Abuse of Rights

22. Jurisdiction of Traditional Authorities

- (a) Introduction
- (b) Amakhosi
 - (i) Administrative Jurisdiction
 - (ii) Judicial Jurisdiction
 - (iii) Territorial Jurisdiction
- (c) Izinduna
 - (i) Administrative Jurisdiction
 - (ii) Judicial Jurisdiction
 - (iii) Territorial Jurisdiction
- (d) Conclusion

23. Labour Law

- (a) Common Law Contract of Employment
- (b) Farm Workers and Domestic Workers
- (c) Public Sector Workers
- (d) Labour Relations Act
- (e) Strikes
- (f) Lock-outs

24. Negotiation, Mediation and Arbitration

- (a) Mediation
 - (i) Definition of Mediation
 - (ii) Who Can be a Mediator
 - (iii) When Mediation Is Appropriate
 - (iv) Advantages of Mediation
 - (v) Disadvantages of Mediation
 - (vi) Breakdown of Mediation Process
- (b) Negotiation
 - (i) What Negotiation Is
 - (ii) Advantages of Negotiation
 - (iii) Disadvantages of Negotiation
 - (v) Alternatives to Negotiation

25. Basic Systems of Government

- (a) Introduction
- (b) South African System of Government

- (i) 1910 Constitution
- (ii) 1961 Constitution
- (iii) 1983 Constitution
- (c) Unitary and Federal States
- (d) Monarchies and Republics
- (e) Liberal and Democratic Governments
- (f) Totalitarian Governments
- (g) Congressional Government
- (h) Parliamentary Government
- (i) Feudal Government
- (j) Fascist and Communist System of Government
- (k) Advantages and Disadvantages of Each System of Government
- (l) Conclusion

25. Evictions

27. Impounding of Livestock

ADMINISTRATIVE COMPONENT

1. Paralegal Code of Conduct

- (a) Introduction
- (b) Why the CLC Has a Code of Conduct

2. Office Administration

- (a) Introduction
- (b) General Office Appearance
- (c) Day to Day Operation
- (d) Keeping of Registers
- (e) Incoming and Outgoing Correspondence
- (f) Filing
- (g) Closing of Files
- (h) Referral of Client Matters to the CLC
- (i) Office Security
- (j) Client Information
- (k) Client Treatment
- (l) Telephone Etiquette
- (m) Statement Taking

3. Practical English

- (a) Listen Letters

4. Typing
5. Fundraising and Grant Writing
6. Paralegal Jurisprudence
7. Community Empowerment Problem-Solving Skills and Facilitating Workshops
8. Petty Cash Administration
 - (a) Definition of Petty Cash
 - (b) Legitimate Uses of Petty Cash
 - (c) Accounting for Petty Cash
 - (d) Requisition for Petty Cash

SOCIAL COMPONENT

1. Services Offered by Various Service Organisations
2. Health Problems in Rural Areas
3. AIDS in Rural Areas
4. Cross Cultural Training
5. Human Rights (including Childrens' Rights and Child Abuse)
6. Voting, Democracy and Civil Society

