



The Legal Assistance Trust

Supporting the work of the
Legal Resources Centre in protecting and advancing
the rights of the poor in South Africa

**Strategy Document
2008-2012**



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Executive Summary

The dream of freedom for all

South Africa is still suffering from the inequities of the apartheid regime and in order to bring about a transition into full democracy and the dream of freedom, transformation of society and the economy are essential. It is through the Constitution, the greatest instrument in the hands of the South African people, that this will be achieved. The Constitution is there not only to protect, to guide and to govern but also to demand that steps be taken to bring about change.

The Legal Assistance Trust was founded in order to support the Legal Resources Centre in it's endeavours to bring about social and economic transformation for those most in need - the poor and marginalised.

The Legal Resources Centre has long been at the forefront of change in South Africa and has used the law to pursue justice and freedom. Many gains have been made but the dream has yet to be fulfilled and the work continues. The Constitution, which provides the necessary means to achieve these goals must itself be protected, its impact extended and its requirements fulfilled. The prize will be democracy, and the freedom from poverty.



Khayelitsha railway line residents - see case study on page 13



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Our Vision

Our vision is to promote a stable and democratic society in South Africa under the Rule of Law firstly by assisting the poor and marginalised to eradicate and correct the injustices and inequalities caused by the pernicious policy of apartheid and secondly by helping them to achieve their social and economic rights so nobly envisaged in South Africa's new Constitution and Bill of Rights.

The Mission of the LAT

The Legal Assistance Trust was established in London as a registered charitable trust in 1985. The aims of the Trust are:

- To support the Legal Resources Centre's mission to work for a democratic society in South Africa and to ensure that the rights enshrined in the Constitution are fulfilled*
- To support their client based free legal services by using the law as an instrument of justice for the vulnerable and marginalized*
- To support their work to build respect for the rule of law thereby enabling the poor to assert and develop their rights under the Constitution.*

And to further assist the LRC, it is also our aim to promote research into the laws of foreign legal systems as they affect poor people and to publish the results.

The Legal Resources Centre (LRC) was established in 1978 and is South Africa's oldest and largest non-profit public interest law organisation. Our aims are to support the LRC, the chosen beneficiary of the LAT.



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The Vision of the LRC

NPO Registration Number 029-336-NPO

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

The Mission of the LRC

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

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

To work for a fully democratic society and to build respect for the rule of law and constitutional democracy; enable the vulnerable and marginalised to assert and develop their rights; promote gender and racial equality and oppose all forms of unfair discrimination; and contribute to the development of a human rights jurisprudence and to the social and economic transformation of society.”¹

The Trust also shares the **values** of the LRC which seeks creative and effective solutions by using a range of strategies including test cases to establish precedents, law reform, working in partnerships using development processes, education and especially working to strengthen civil society.

The LRC networks within South Africa, the African continent and at the international level to support democratic processes and constitutional reforms

The LRC's Values

- Respecting diversity and promoting equality of all people...
- Aiming to protect and promote human rights
- Aiming to support the involvement of clients in their work....
- Aiming to enhance the capacity of civil society organisations...
- Striving to collaborate with others to achieve maximum impact and
- Believing that the deepening of a rights culture in South Africa depends on the extension of rights.

¹ Please refer to the Strategy Document of the Legal Resources Centre at www.lrc.org.za

To work for a fully democratic society and to build respect for the rule of law and constitutional democracy



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The History of the LAT and the LRC

Our two organisations formed an exclusive partnership in 1985 to work together towards the achievements of shared goals. Since then the LAT has been raising funds to give poor people in South Africa access to free legal services to secure and defend their rights and to overcome their vulnerabilities.

We have raised donations and grants in the UK from major donors with a view to addressing the central problems facing South Africa today such as poverty, discrimination, HIV /AIDS, homelessness and land restitution.

(Some of our major funders are listed on page 9)

We support the LRC's vital work in seeking to promote stability through the growth of a civil society by increasing access to social and economic rights for South Africa's most disadvantaged using the law, including South Africa's constitution, as the instrument to bring this about. In so doing not only are the rights of the poor and marginalised improved, but respect for the rule of law is greatly enhanced.

BUT THE NEED REMAINS!

The Central Problems Facing South Africa today

In 1996 South Africa celebrated the adoption of its final Constitution together with a Bill of Rights which obliges the government, in particular, to do as much as it can to secure a basic set of public services that comprise people's social and economic rights. These include: access to sufficient food and water, social security, basic nutrition, shelter, health care and social services for children; education, an environment that is not harmful to health or wellbeing, a health care service, adequate housing and land on an equitable basis.

Yet South Africa faces ongoing political, social and economic challenges and pervasive inequality with 22 million people living below the poverty line. Some of the challenges include the changing political dynamic, ineffectual leadership, increases in instances of corruption and over protection of officials. There is also uneven government capability to deliver on the required transformations including delivery of municipal services, rampant unemployment, a crime statistic, which compares South Africa to a country in the midst of war and a fragile donor-dependent civil society.

The fight against apartheid has been replaced with the struggle to ensure that the State achieves the realisation of the social and economic rights enshrined in the Constitution.

Since 1985 the LAT has raised almost £7m for the work of the Legal Resources Centre from major donors, small charities, individuals and at fundraising receptions in London.



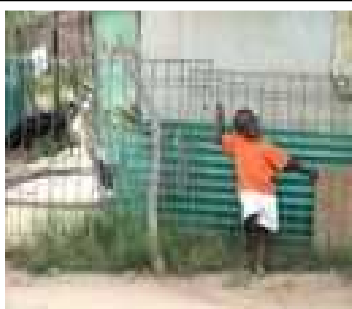
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The LRC and the development agenda

The LRC works exclusively with those in great need and promotes their basic rights, both human rights and constitutional rights. It increases poor people's access to such rights as shelter, water, medical services and women and children's rights to be free from violence. Local people are always involved, as clients instructing their lawyers, and the LRC works co-operatively with a large range of other organisations. The method of working is always to support local organisations and community structures and, where relevant, make links with social movements so that people's voices are heard and their needs and priorities addressed.

LRC's strategic route to accomplishing these ends includes testing cases in law – right up to the Constitutional Court, the highest court in South Africa, to establish precedents and to ensure that in future other communities' rights will be safeguarded.

By working in this way to ensure basic needs are met, such as the need for security of shelter, and decreasing the fear of losing it, the LRC's work establishes the base of the MASLOW HEIRARCHY OF NEEDS without which other development interventions cannot take place. It is part of a necessary pre-condition for development and for other changes to improving people's lives and livelihoods.





The LRC Meets the Problems

The LRC uses its legal and negotiating skills to tackle the inequalities and injustices of civil society and as those struggles progress, the nature of its work changes in line with the challenges facing society.

The focus of its work includes the following:

1. **Land reform and rural development** (communal property rights, tenure security, customary rights and their impact on women and property rights)
2. **Social services** (access to State grants, workmen's compensation, refugees, healthcare)
3. **Housing & local government** (evictions, rental, low cost housing, informal sector access and local government services)
4. **Environmental justice** (air quality, pesticides, waste management and the impact of mining)
5. **Women's rights** (maintenance, shelters for abused women, gender-based violence and domestic abuse)
6. **Children's rights** (orphans & vulnerable children, justice system failures, guardians' fund obligations and state support failures)
7. **HIV/AIDS** (monitoring of government structures, social grants, home based care interventions, extension of ARV treatment, victims of violence & rape, discrimination against sufferers)

The LRC finds that while most of the projects have specific focus areas, the critical issues such as the HIV/AIDS pandemic, disabilities and the problems women and children experience overlap into the above focus areas.





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The LAT's New Strategy 2008 - 2012

The Trust's strategy is to achieve its vision and fulfil its mission by:

- Continuing to raise funds for and awareness of the LRC's work by fundraising, publishing the LRC's achievements and working with the media
- Ensuring that the LRC is aware of and complies with UK donor requirements by monitoring and evaluating the LRC's work
- Drawing people's attention to the problems and needs still facing South Africa
- Networking for the LRC within the UK
- Researching for reports and proposals
- Assisting with the writing of proposals, reports and budgets
- Assisting the LRC's legal research by using LAT contacts
- Raising core funding for administration, database and training

In order to meet the demands placed on charities to operate efficiently and frugally the LAT Board streamlined the trust's activities in 2006.

1. It was proposed that the Trust operate under the direction of the Board alone and that the Executive Committee, which had been in operation from 1985, be disbanded.
2. New members of the Board with particular skills, including legal, accounting and media skills, were appointed and the Board now operates with seven members and encourages all trustees to play a more active role in the day-to-day running of the Trust.
3. The Trust meets on a six monthly basis and has regular conference calls. The Annual General Meeting usually takes place in November every year.
4. As part of our streamlining strategy it was further decided to concentrate most of our efforts on appealing to major donors and to cut back on fundraising receptions and other time consuming fundraising events.
5. While the LAT has, over the years, raised considerable sums for the LRC's work, it has experienced difficulties, in common with other charities, in raising funds for administration to cover running expenses. We are now fortunate to be operating from rent-free premises in East Grinstead. The Chairperson plays an active role in the fundraising activities of the trust and another trustee acts as treasurer, both without charge. We use the services of a part time administrator to keep costs to a minimum.

The expertise that individual members of the Board have brought has greatly added to the quality of the Trust



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Our Board Members:

Lord Joffe
John Battersby
Tanya Joseph
Marjorie Ngwenya
Jonathan Watt Pringle QC
Andrew Williamson
Jill Williamson

The Patrons of the Trust:

Sir Sydney and Lady Kentridge and The Rt Hon Lord Steyn

LAT/LRC Cooperation Agreement

Our great strength is having Boards of Trustees in the UK and South Africa who share a common vision for South Africa. In effect the LAT and the LRC have been operating in partnership ever since the Trust was established. However, we recently agreed to a new working arrangement, which formalises former practice. (Copy available).

LAT Fundraising Policy and Practices

1. We are actively liaising with potential major donors including new donors. It is our intention to appeal to two major donors per annum under a five-year plan including DFID and The Big Lottery and to apply for follow-on grants from Comic Relief.
2. The LAT and the LRC have agreed to a joint approach to proposal writing: In the very nature of things the LRC, with its presence and knowledge of South Africa and its greater resources, originates most of the proposals but the LAT actively participates in refining draft proposals to meet donor requirements. It has also been agreed to use consultants for expert advice where necessary.
3. The LAT can and does suggest projects for proposals and draws the LRC's attention to the requirements of the donors. Most donors expect UK charities to share and discuss their grant making guidelines with the local organisation they work with. This means that the application and budget has been jointly agreed and there is a clear way of working together.



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4. The successful receipt of a grant from a major donor leads to a detailed agreement between our two organisations in which all the grant conditions including monitoring, evaluation and reporting schedules are agreed. *(These conditions can be found in this Strategic Document on page 11).*
5. When a grant agreement is signed, the LAT is aware that it is under a legal obligation to the donor to responsibly see that implementation takes place and reporting schedules are observed and that the required monitoring and evaluation procedures occur.
6. Reports are written by the relevant project lawyers in South Africa and transmitted to the LAT. We ensure that monitoring and evaluation systems are operating successfully and that targets are being met. We also travel to South Africa annually.

Donor history

There is a long history of receiving significant grants from major UK donors: **Comic Relief** has been one of our most important supporters and the first grant in 1990 provided support for the LRC's Candidate Attorney Programme. Others followed for Development, Housing and Pastoralism. The most recent grants from Comic Relief are for an HIV/AIDS grant: £600,000 over five years, Women & Girls: £567,000 over three years and for Housing in Urban Areas: £955,903 over five years.

Other major donors include: **Oxfam, The Rowntree Trust, The Joel Joffe Foundation, The Barings Foundation, ODA (now DFID) and The Atlantic Philanthropies**. The latter sent money over a period of eleven years to the LRC, through the LAT, amounting to £2.5m.

All these donors have supported the development initiatives carried out by LRC lawyers in South Africa and which particularly coincide with the purposeful objectives of the LAT

In addition to raising money, the LAT has been successful in raising public awareness in the UK. There have been two **BBC Appeals** and one **ITV Appeal** and the LRC has been featured in two **Comic Relief Red Nose Day Appeals (including the Millennium Day Appeal)**. The LAT has published information about the LRC in its pamphlets and its annual Newsletter and has organised fundraising events in London: 3 at South Africa House and 3 at Lincoln's Inn.

The achievements of the LRC lawyers and their work for the poor have earned them and the LRC great respect not only in South Africa but also worldwide.

*Major UK donors include:
Comic Relief,
Oxfam,
The Rowntree Trust,
The Joel Joffe Foundation,
The Barings Foundation,
ODA (now DFID) &
The Atlantic Philanthropies*



UK benefits to the LRC

1. The LRC cannot apply directly for funds from certain major donors in Britain, for example Comic Relief, DFID or the Big Lottery, but are required to apply through a registered British Charity. That is why the presence of the LAT, a British registered charity is of essential importance to the LRC's fundraising objectives.
2. We have a long history of involvement with important donors in the UK. They know our work and trust our abilities. We can contact them easily and keep abreast with new strategies, ask advice or question them, for the LRC, about issues or problems.
3. LAT is in contact with other donor agencies, the media and development publications and is able to keep abreast with initiatives relevant to LRC projects. This enables both organisations to learn from each other and to extend their knowledge into a wider world.
4. Networking in the UK is one of the LAT's great strengths and in particular, our Board members are in contact with members of the British legal, business and media fraternity as well as members of international legal networks focussing on rights based strategies. Through this interaction the LRC has consistently been able to draw on Britain's substantial legal and developmental experience in order to tackle some of South Africa's most pressing problems.
5. In return, LRC publications, distributed in the UK, have provided excellent background information to a wide audience while LAT publications have also highlighted the importance and extent of the LRC's work. The LRC has benefited by gaining an insight into the thinking of UK donors and an international perspective on South Africa's problems. Please refer to the LRC website www.lrc.org.za and the LAT website www.latforsa.org.uk to access copies of our publications.

A recent mailing to our UK donors informing them of the LRC's fundraising website Art Auction entitled "Justice for All" highlights the sort of successful co-operation which the LAT and LRC have jointly pursued over many years.



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The Financial Strategy of the Trust

- The Trust has undergone a detailed Financial Management Assessment facilitated by The MANGO Consultancy, which has provided detailed financial and strategic advice. See www.mango.org.uk
- We hope that by applying to a number of new major donors new funding sources will be found.
- By contacting the media and sending out publications and mailings we hope to attract new donors, including smaller donors and individuals.
- It is important to point out that we receive funds from large donors, under grant conditions, to use for administration, travel and the monitoring of their grants.
- We also intend to widen our fundraising drive into new areas possibly through the corporate world and a legacy drive.
- Raising money from individual donors who receive our annual Newsletters and other mailings provides an important source of unrestricted funding which in turn helps with administrative running costs.
- We have recently updated our website and hope to raise awareness and further funding through social networking activities such as Facebook and Twitter.
- Publications from the LRC, including their Annual Report and other specialised publications, are also circulated which helps to raise awareness and support. Please refer to the LRC website www.lrc.org.za
- The Trust has always made attempts to keep administration costs down to a minimum and these levels are noted in our audited Annual Accounts.

Financial Forecasts

The LAT's audited income for the year:

1st April, 2009 to 31st March, 2010 is: **£268,144**

The projected income for the year:

1st April, 2010 to 31st March, 2011 is **£550,869**

It is the policy of the trust to keep administration expenses to a minimum.
(For details please refer to the LAT Audited Accounts available on request)

Reserve Fund: The Trustees have given careful consideration to the question of reserves. Having regard to all the circumstances facing the charity (including the wishes of the donor) the Trustees consider it appropriate that the amount of £175,000 should be treated as designated funds, designed to be kept as a reserve for specific, LRC projects chosen by the Trustees.



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Grant Making Policy

The Trust's fundamental grant-making policy is that funds derived from grants are principally made available to the LRC. The LRC's National Office is in Johannesburg and it has regional offices in Johannesburg, Cape Town, Durban and Grahamstown and supports a staff of 65 lawyers, with paralegals, candidate attorneys and administrators. The current annual budget of the LRC for the years 2011/12 is £2.67m. Money is raised by the LAT for certain specific projects as agreed and requested by the LRC. Expenditure, in accordance with grant agreements, is monitored by the LAT by way of regular reports and annual visits.

In addition to the special partnership agreement between the LRC and the LAT, the Trust has formed an alliance with FARM-Africa, a UK registered charity, and in the past has held joint fundraising events with FARM, the Bar Human Rights Committee of England and Wales and the London Law Firm, Berwin Leighton Paisner to pursue its charitable objectives.

Investment Policy

The Trust's investment policy is reviewed regularly by the Trustees who have the power to invest in assets as they see fit. Preference is to keep funds in low risk investments where cash is readily available. Current investments are listed in the LAT Audited Accounts available on request.

Equal Opportunities

If the Legal Assistance Trust were considering recruiting new staff in the United Kingdom we would be keen to see applications from both men and women, from a variety of age groups, from people with disabilities and those with diverse social and economic backgrounds including members of ethnic minority communities. Candidates may come from a wide range of backgrounds and experience, although the successful candidates will need to have a successful track record in one or more areas outlined in the job description advertised.

Risk Management

The Trust has a Risk Assessment document which is to be reviewed annually on the basis of the MANGO Consultants' assessments: (Registered Charity: No.108 406).



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The story of the railway line residents



After waiting 10 years (see front page picture and the case report below) the railway line residents in Khayelitsha began dismantling their shacks. Thanks to the Legal Resources Centre and Comic Relief.



They moved lock, stock and barrel onto their new sites, approximately 5 kms from Cape town at Bardale, where they began reconstructing their homes that same day.
Please see page 14 for the complete story.

The story of the Khayelitsha railway line residents

The housing crisis has been on the agenda in South Africa for many years. For the Government, in the courtroom, for NGO's, and of course, for the millions who still don't have adequate access to shelter or basic services. As migration continues to bring more and more people to the cities, the system is struggling to cope with those in need, and the promise of an inclusive constitution is being compromised as different levels of government try and find a way to house the millions living in the most difficult of circumstances. But communities all over the country are fighting back. And the LRC is there helping them hold the government to a higher promise.



NEW HOMES FOR THOUSANDS!!

For 10 years over 5,000 impoverished people, including women, children and the elderly lived in desperate danger and abject poverty in shacks on either side of the main railway line in a Khayelitsha squatter camp North of Cape Town. During that time many people were seriously injured and a number of children killed or maimed.

In 2003 the owners of the railway land, the South African Rail Commuter Corporation, launched an application in the High Court seeking the eviction of the residents.

The LRC was instructed to represent two of the committees to prevent the eviction. The case was based on the precedent of the Constitutional Court “Grootboom” judgment of 2000 which held that there was an obligation on the State to provide for those (like the railway line residents) who are desperately in need. When the case failed to come to Court a settlement was reached on the basis that land would be made available for families to settle on under the emergency housing programme (a consequence of the Grootboom case).

The process became bogged down because of difficulties in finding land, meeting environmental challenges, and settling agreements and disagreements about entitlements to the land. The difficult task of setting up services such as water, sewerage and electricity, due to be delivered by different organisations and other agencies, also held up the process.

In 2007 it became possible to move families but it was considered too dangerous because of a lack of electricity. Also, the new arrivals had to be protected from shack-dwelling neighbours, jealous of the newcomers’ sites, toilets and taps. Mediators and a substantial police presence with armoured cars kept a wary eye on the neighbours who had previously greeted newcomers with an unwelcome shower of rocks and stones.

The first of the families numbering between 50 to 70 finally moved in April 2008. They began dismantling their railway line shacks, neatly stacking their walls, doors and windows onto the back of city authority trucks and were transported with their belongings to the new sites where they began reconstructing their homes that same day.

These sites, which provide security of tenure, are located approximately 5 kms from Cape Town at Bardale. Each family has been given a pegged plot and every five plots share water and ablution facilities.

Today these families have established their homes and gardens and the State has built a large preparatory school, while the residents have built a nursery school.

Comic Relief provided the funds and featured the story in their Red Nose Day film.



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THE LAT'S STRATEGY IN LOGFRAME

Activities	Outputs	Outcomes	Impact
To research for and identify new donors and to raise funds.	To send new proposals to new major donors and existing donors.	To receive the grant requested.	The money raised will enable the LRC to meet the needs of their client base, the poor and disadvantaged.
To raise awareness for the LRC's work.	Publish news-letters and pamphlets, send out mailings to donors and to interact with the media.	We will identify new individual donors, receive donations and make new contacts.	People in the UK become aware of the needs of the poor in South Africa and learn about the LRC's work.
To network for the LRC in the UK.	To work with known legal organisations who are interested in the LRC's work e.g. BSALA, the Law Society, the International Bar Association and the Bar Human Rights Council.	Legal organisations are interested in hosting LRC candidate attorneys. Identify new legal approaches to development law.	Candidate Attorneys gain new knowledge to use in South Africa. LRC benefits from research done in the UK and puts it to practice in South Africa.
Monitoring and Evaluation of LRC work.	To work with major UK donors who require specialised monitoring and evaluation systems to identify consultants to assist LRC and to learn about new trends.	LRC prompted to set up new monitoring systems with assistance from consultants and LAT become educated in new monitoring and evaluation practices.	LRC puts into practice new monitoring and evaluation systems to identify base line needs of clients. Also shows the success of the work in practice.
To raise funds for LAT's core funding.	To send general proposals to new sources, including Corporate organisations with some donations for training, administration & database work and for training new staff.	Money raised from new corporate sources for administration, training and expansion of database.	LAT expands and becomes more efficient and cost effective.



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PLEASE SUPPORT OUR IMPORTANT WORK

LAT Contact Details

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