

A SUBMISSION TO THE
ASSOCIATION OF LAW SOCIETIES
ON THE PARA-LEGAL TRAINING PROJECT
AND THE ROLE OF COMMUNITY BASED

PARA-LEGALS GENERALLY IN SOUTH AFRICA

AS

LAWYERS FOR HUMAN RIGHTS

A SUBMISSION TO THE
ASSOCIATION OF LAW SOCIETIES
ON THE PARA-LEGAL TRAINING PROJECT
AND THE ROLE OF COMMUNITY BASED
PARA-LEGALS GENERALLY IN SOUTH AFRICA

MZ AMM. BF |

~N

THE PARA-LEGAL TRAINING PROJECT

AND THE ROLE OF PARA-LEGALS GENERALLY IN SOUTH AFRICA

A SUBMISSION BY LAWYERS FOR HUMAN RIGHTS
TO
THE ASSOCIATION OF LAW SOCIETIES

INTRODUCTION:

The lack of legal services and access to justice amongst the impoverished population, in particular rural communities, is of major concern within Lawyers for Human Rights (LHR). Generally, people do not know of the laws enacted for their benefit and protection and moreover, they do not have access to assistance which would enable them to challenge abuses of their rights and secure the protection to which they are entitled. Without such mechanisms gross abuses of peoples rights will continue and respect for the rule of law and the fundamental rights of the individual will remain abstract and alien concepts.

Approximately half of the population live in the rural regions of our country of which the vast majority are marginalised and disempowered as a result of apartheid policies. The legal system, represented by the police and the court system, is perceived as repressive rather than acting in protection of peoples' rights. This has led to a general mistrust of the law and the legal system. Legal services have been inaccessible either due to the vast distances involved in traveling to access the services of lawyers or the costs involved in acquiring such services.

Para-legals can be seen to be playing a valuable role both in South Africa and in other parts of the world making the law and legal service available to rural poor in an accessible and highly cost effective way.

HISTORICAL DEVELOPMENT OF COMMUNITY BASED PARA-LEGALS:

Due to the restraints on the legal profession to provide services effectively in poor rural communities a range of community based para-legal initiatives have sprung up around the country. Although the first were established in the early 80s due to intense political and social conflict, mass mobilisation of communities around issues relating to their rights and a corresponding increase in rights awareness, para-legal activity reached a peak in 1988/89. Due to a change in the national funding situation which took place in 1990 as well as lack of effective training and support, a substantial amount of projects collapsed. However, many have managed to adapt their role to meet the changing needs in their communities and have developed from strength to strength.

Community based para-legals could be described as people equipped with basic legal knowledge who work to empower their communities through operating a free educational, advice and referral service. Para-legals see themselves as community workers working to enable people to handle the problems they experience by themselves, and not merely as low level technical legal advisors.

They therefore, as well as handling individual cases, work with community organisations and the broader community as they work for change.

Presently community based para-legals can be seen working in a variety of initiatives such as Advice Centres/Offices, Civic organisations, service organisations and Non-Governmental Organisations (NGOs) focusing around issues such as Human Rights and community development. It can be estimated that there are presently 1200 para-legals operating in 400 organisations and projects around the country.

Their primary functions can be described as follows:

i] Community Rights Education - workshops are run for interested community groups to educate people about their basic legal rights and how they can be asserted and defended. Community education campaigns are embarked upon, pamphlets are made and distributed, community and organisational meetings are addressed as people are informed of their rights and the law and empowered with skills and knowledge.

8] Case work - free advice and assistance is given to individual members of the community with socio-legal problems including: difficulty obtaining social pensions, minor labour matters such as unfair dismissals and Workmen's Compensation claims, housing problems, consumer matters, Unemployment Insurance Fund claims, insurance claims as well as minor civil dispute matters. Various methods such as representation and mediation are employed to effectively resolve disputes. Clients are assisted in cases where legal representation was not intended such as the Small Claims Court and are advised how to represent themselves. In the industrial courts para-legals are called upon to appear on behalf of their clients. Trainees of the Para-legal training project have been found to be able to resolve up to 90% of the cases brought to them without having to refer the matter for litigation.

iii] Liaison and Referral - a working relationship is developed with lawyers, government departments and NGOs. Where appropriate matters are referred to them and links are established.

Due to the fact that para-legals work in close proximity with their communities and the consequent level of trust that develops, para-legals are frequently called upon to play a role as mediators in general community matters.

From the above it can be seen that typically the kinds of matters brought to para-legals are not those often taken to members of the formal legal profession. However such services are extremely valuable for the communities concerned. In our experience we have found that with proper training and support community based para-legals are able to operate an effective service which has the support of the community and the co-operation of lawyers, employers and other organisations.

N.B. For further and more precise information about the work done by community based para-legals we refer to the attached case studies.

THE PARA-LEGAL TRAINING PROJECT:

The para-legal training project is a national development project of Lawyers for Human Rights. The primary role of the project is to extend the availability of legal services and assistance to poor rural communities. This is achieved through co-ordinating four programmes through our regional projects, namely:

a] The training and development of Community based para-legals: This programme develops independent, effective para-legal services in disadvantaged rural communities.

Training is run over a three year period at the following levels:

i] Training - non-formal training courses are run for community representatives using highly participatory methods of training for those newly exposed to para-legal work. Two week courses are run regionally roughly every three months and trainees are visited at least once in every two months to evaluate progress and assist with establishing and operating the service.

ii] Intermediate Training - more advanced courses for trainees operating an established service are run involving more theoretical and learning intensive input. Trainees are also offered placements in established services for practical experience.

iii] Certified Training - a one year formalised course based at a University in the region is run for experienced community based para-legals, providing advanced training and qualification. The course is moduled in four units and runs throughout the year to allow for assignment and project work to be conducted in between units. The course is presently being piloted in the Eastern Cape. The course has been received positively in many quarters and we intend exploring the merits of establishing the programmes at universities in other regions during 1993.

Training is developed around the appropriate requirements of our trainees and their communities and covers a range of appropriate legal, administrative and organisational skills. A variety of organisations and individuals with specific areas of experience and/or expertise are invited to present certain sections of our courses. In drafting the curriculum of the above courses we are

mindful of the rules and norms of both our substantive and procedural law.

b] Para-legal training for union officials: Courses are run for union representatives to further equip them with legal skills which will in turn increase their ability to deal with the minor legal problems experienced by workers in their organisations.

c1 The training of non-professional staff in law firms: Courses are to be run for non-professional staff in law firms to increase their effectiveness and participation in the office. This programme aims to increase the ability of the firm to deal effectively with clients from disadvantaged communities as well as foster an understanding of the work being done by para-legals in rural communities and encourage and understanding of how a mutually beneficial relationship can be developed between rural para-legals and lawyers. Clearly this programme will be drafted and run with the co-operation with the law firms involved.

d) "Know your rights" - education campaign: Educational material such as posters and pamphlets are produced to inform people generally about their legal rights. These are to be used by our trainees in their community education campaigns. Workshops are also run for interested community groups on request.

The project presently has two regional projects working in the Eastern Cape and Western Transvaal as well as a national office based in Pretoria. We are currently training and supporting approx. 140 community based para-legals who operate from about sixty eight projects and are involved in a variety of activities under our other programmes. We are presently establishing three new regional offices in the Transkei, Western Cape and Northern Transvaal. At the end of the year we intend further establishing

in the Orange Free State/Northern Cape, Midlands (Natal) and the Central Transvaal.

RECOMMENDATIONS :

The Para-legal Training Project aims to, in conjunction with other organisations, establish a network of para-legal services which will be available to the majority of the population and will operate in harmony with the formal legal profession. We believe this could be achieved within a three to five year period. This will provide a bridge between communities and the legal profession by making available user friendly and cost effective basic legal services. Inherent to such an approach would be the broadening of the client base of lawyers and the development of a mutually beneficial lawyer/community relationship.

We would propose that the Association of Law Societies as

representative of the legal profession give consideration to the following:

1. Recognition and support for the work being done by community based para-legals. This could include a joint education campaign aimed at promoting an understanding of the mutually beneficial relationship that could be developed between the profession and operational para-legals and bi-lateral support for their distinctive roles. Support from the legal profession would increase the ability of para-legals to operate an effective service. Para-legals would be accorded status which would prove useful when their work required dealing with employers, government officials and the like. A further spin-off would be that the image of the legal profession would be enhanced, particularly in communities where para-legals were active.

Zh Endorsing the training programme and qualification received by community based para-legals and investigating linking this with the training and qualification provided for the formal legal profession. Consideration could be given to the adaptation of the curriculum of the Certified Course of PLTP if this is desirable to make the linking effective.

3. A process of consultation and information exchange be established between the ALS and the paraâ\200\224-legal movement that would ensure that the views of the para-legal are adequately considered when recommendations are made concerning the restructuring of the provision of legal services.

ROB WATSON
DIRECTOR
PARA-LEGAL TRAINING PROJECT

14 September 1992.

CASE STUDIES

COMMUNITY BASED PARA-LEGAL SERVICES

The six case studies of community based para-legal services included herein, three from the Central Transvaal and three from the Eastern Cape, were compiled by Laura Best and Penny Geerds respectively at the request of Lawyers for Human Rights. Data for the case studies were gathered during in-depth interviews with the people responsible for the running of the different para-legal service projects.

We believe that the case studies provide further insight into a number of issues relating to community based para-legal work.

SEPTEMBER 1992

â\200\224

be covered by the UIF.
However, there are some
people who do not get
UIF. 2

The company must
then send the money it

has taken off you wages,
plus the money it has to

your blue card. Make
sure all these things are

written correctly on it:
Â® your name

ities

The UIF will pay you
45 percent of what you
were earning in the last
13 weeks of your job.

The work of advice officers and the practice of law as we know it today
is quietly undergoing drastic changes.

Training
programme
for community
based
para-legals

â\200\230Prepared by: Sam Pre-

sent, Regional Co-ordina-
tor of PLTP-LHR. -
PLTP training is con-
ducted on three levels
viz:

1. Basic Training Course
We use highly participa-
tory methods of training
for those newly exposed

-to these issues. We con-
â\200\234ducted our first para-le-
â\200\234gal training course on the
â\200\2303rd - 13th August 1992 at

Rabbuni Conference
Centre in Klerksdorp.

The duration of such a
course will be one week
or two weeks. This will

be going on for three-six

Tg

wt

HE 2 men

EE

months.

2. Intermediate Training
More and advanced theoretical training for established and experienced para-legals.

3. Placement Training
Para-legal trainees will be placed on existing legal service organisations to gain practical experience

. Certified Training
Negotiations will be held with universities to provide an advanced training and qualifications. Training covers a range of appropriate legal, administrative and community educational skills

For a detailed account about the present and future role of para-legals watch this space in our next issue. Sam Present, regional co-ordinator of PLTP-LHR will be discussing this topic.

A national initiative to take the understanding and practice of law into the hands of grass-root communities is currently

being undertaken by the .

Lawyer for Human Rights through its Para-Legal Training Project.

The Para-Legal Project aims to help community workers or volun-

teers to develop skills so as to

serve their communities as legal advisers or educators. This project was recently started in the Western Transvaal with a workshop held on August 3 - 13. 38 participants in the region took part. According to regio-

nal co-ordinator, Sam
Present, the regional
training project is divided
into 3 phases. The
first phase, which is to
provide basics was incorporated
in the two week session
which ran in August. Another
two week session will be run

this month of September
and it is to be followed by
the other in November.

The second phase, the
intermediate will be run
from April next year to
August in three separate
two week sessions. The
final phase will possibly
be sometime in September
next year. According to
Mr Present, this phase
will be followed by sending
participants for placement
in various LHR offices to
acquaint them with the
professional working environment
of law offices, financial
administration, filling,
and such other practical
skills and assist in
empowering the underprivileged.

It is hoped that by
January 1994 a fully-
fledged certified course
will have been evolved to
be undertaken by current
participants. According
to Rob Watson,

The amount you will
if de-

get from the
depends on how long you
worked: you will be paid

national Director of the
Para-Legal Training
Project negotiations with
the University of Potchefstroom
are currently under way to
offer such a certified course.
Para-Legals is not a new
world phenomenon. In India,
the Philippines and parts of
Africa, ordinary community
members were working as
barefoot lawyers because of
great shortage

of legal services, especially in rural areas. They went from village to village seeing to the needs of their people. In this way they worked like and thus supported

you will be paid almost nine weeks of UIF benefits. These payments will be spread over the six

and extended legal services to areas where they are needed most.

Even with lawyers around, however, there is still an important role for para-legals to play in supporting lawyers and carrying on with work within their communities in an empowering mannerâ\200\231, said Mr Watson. Mr Rob Watson sees the future legal system of the country evolving and being changed to accommodate the practice of para-legals. Negotiations are also being undertaken by the LHR with liberation movements in this regard.

Street or the Thusanong Advice Office at the Jkageng Shopping Centre, office No.5. ~ ~ -.-

Legal services go to grass roots
â\200\230communi

eid â\200\230By Dilindile Maphosa

Participants at the regional workshop were enthusiastic about their future role in their communities. Being independent from the state or any political organisation, participants appealed to communities to support para-legal training and work so they can be empowered. â\200\230The future of para-legals is bright, their need is obvious and therefore para-legals will continue to grow from strength to strength because they are rooted in communitiesâ\200\235, said one partici-

pant Kgotsa Mmadi of
Bloembhof.

Diary

of events

Please send your announcements and messages to: Diary of Events, P.O. Box 4080, Ikageng, P.O. Lesedi 2525.

This column has been reserved for community members and organisations to make announcements. We invite all community or church organisations and individuals to send church or organisational announcements.

Personal or family occasions such as the unveiling of tombstones, wedding dates birthday wishes, etc may also be announced.

xk kk Rk

The People's Cultural

Organisation will hold its Annual General Meeting on the 13 September at the Ikageng Stadium.

x kk kk

The Diocese of Klerksdorp Servants' Guild of the Anglican Church will hold a conference at the Ikageng Anglican Church from the 25-27 of September. ~

kk Sr

The Ikageng Youth Centre Project will hold a Drama Competition at the Ikageng New Hall on the 10 of October.

a

nN

The aims of setting up the Centre were:

to teach people, especially blacks, about laws affecting their lives;

to render free advice to people experiencing any of a range of problems;

to organise workshops, seminars and the like so as to promote "discussions" to ensure a better understanding amongst people of the issues affecting their lives;

to encourage the establishment of self-help projects in an attempt to fight poverty and hunger.

To get the project off the ground, two members of the community were selected to attend a four month training course at the Black Sash Advice Office in Johannesburg. Equipped with para-legal skills, they returned to Dennilton and opened the advice centre in January 1987 in a hostile political environment. Police harassment was intense and eight months after opening, the Centre was forced to close when both para-legals at the Centre were detained and all documents confiscated. Upon their release one year later, the workers re-opened the Centre. One of these workers today still serves as the Centre's co-ordinator.

Since its opening, the Centre has been plagued by funding problems. At one point, the situation was such that closure seemed imminent, as there was no money for rent and the telephone. A community meeting was called to discuss the situation. So vital did they regard the services rendered by the Centre, that community members, many of whom could ill afford it, donated money and the Centre continued to function. Funding remains a problem. Money received from Kagiso Trust is used for basic running costs such as rent, telephone and stationery. There is not enough for salaries, so the three workers at the Centre - the co-ordinator, a para-legal, a second para-legal and the typist/bookkeeper are unpaid. This they are prepared to do because of their commitment to the community that they serve. The co-ordinator is in the process of applying to various donor organizations for funding for 1993. It is hoped that these will be favourably received.

The Centre is housed in a small office in a shopping complex adjacent to a sprawling informal sector market. Between 180 and 200 people approach the Centre every month for assistance. In a rather cramped working environment, with basic furnishing, a telephone and a typewriter, the co-ordinator attends to clients from Monday to Friday.

Midst these constraints, the Centre continues to operate, largely due to a remarkable level of commitment on the part of the workers, the management committee and community members.

THE ROLE PLAYED BY THE CENTRE

The Centre was described as 'the life support of many people in the area'. Without access to it, these people would have no recourse to alternative avenues to address the problems they face and injustices they have suffered, particularly since very few households have telephones, there are no lawyers in Dennilton and the few in Groblersdal were regarded as unaffordable. The Centre deals with both individual clients as well as community education initiatives.

Case-work

During the planning of the project, 25 potential areas of work were identified. These included the various state social welfare grants; labour related issues such as UIF, workers' compensation and unfair labour practices; housing issues; consumer matters; tax problems; ID document problems; citizenship; insurance problems; personal concerns such as family and religious problems; education and relief and welfare work. Due to lack of knowledge about certain of these matters, the Centre has not been able to assist clients experiencing certain problems. Conversely other types of issues have been added to the list, such as child abuse, witchcraft and police harassment.

Most of the Centre's work concerns UIF, state old age pensions and disability grants, ID documents and paternal maintenance problems. The methods used to resolve cases vary according to the nature of the problem. Thus should the case involve a dispute between two parties, the para-legal will act as mediator, either by getting them together at the Centre or telephonically if one party is an employer, for example. In other instances, the para-legal will act as a negotiator, such as has been happening recently in an attempt to avert a 'taxi-war'. Other case-work involves assisting clients to access state bureaucracy. The principle that underlies every method is that it is the client's decision how to proceed with the case. The para-legal's role is to sketch the available options and advise which might be the most appropriate, whilst refraining from imposing any decision on a client. It is hoped that this principle acts to empower clients rather than foster a feeling of dependency on the para-legal to get problems sorted out. Clients are also encouraged to use the knowledge they have gained, from working through their problems with the assistance of a para-legal, to advise other people how to resolve similar problems.

Community Education Initiatives

This Advice Centre works particularly hard at spreading information about people's rights in the broader community. Different educational activities are organized. Examples include workshops and seminars on topics such as old age pensions, health issues and different laws that govern people's lives; campaigns such as encouraging and assisting people to get ID documents for voting purposes and organizing meetings with groups of clients experiencing similar problems such as paternal maintenance so

that research can be conducted and strategies for addressing problems jointly sought. Where necessary, organizations with requisite knowledge and skills are approached for assistance.

It was: also felt: that it was very important: that the Centre remains accountable to the community and that the community play a role in directing the work undertaken. To this end, the Centre co-ordinator organizes regular community meetings where the Centre is evaluated and ideas for improvement and new areas of work solicited.

The co-ordinator defined the overall role of the Centre as that of being at the forefront of the people's struggle for their rights and in so doing teaching them about democratic values and norms. All the work done by the Centre is geared to achieve this.

SUPPORT SERVICES AND NETWORKS

The Centre co-ordinator interviewed for this case-study was of the opinion that advice centres should develop links with a range of organizations and institutions. Different structures would fulfil different functions. Access to lawyers and legal service organizations were necessary for advice, client referral and training of para-legal workers. Good relationships with government departments facilitated efficient over-coming of bureaucratic obstacles. Union members who approached the Centre needed to be directed to union offices for assistance. Welfare agencies were needed for relief work. However, the interviewee cautioned against relationships of dependency, adding that because the Centre was in an isolated area, it was essential that it be as self sufficient as possible.

In the past an advice centre association, Transvaal, OFS Advice Centres' Association (TOACA) existed. This structure had brought centres together for training and strategising around different ways to approach case-work. The respondent felt that it would be very useful if a similar structure could be set up so that Centres could work together to strengthen each other.

An additional area where support was needed was training para-legals. As mentioned previously, the Centre's co-ordinator attended in-house training at a Black Sash advice office. Subsequent to that, he has attended sessions and workshops organized by the Legal Resources Centre and TOACA. While this training was good, he expressed a need for regular briefings from the legal profession so as to be kept up to date regarding new and amended legislation. The Centre also needed access to resources such as para-legal training manuals and government gazettes.

It is worth noting that the respondent has experienced difficulties when trying to deal with the Legal Aid Board and with public prosecutors. Thus while certain networks were found to be operational, others needed to be improved.

THE POTENTIAL FUTURE ROLE OF THE CENTRE

To ensure that the Centre continues to contribute to the education and development of the community in which it is based, the lack of funding and training needs of the workers need to be addressed. The relationship between the Centre and the legal profession could also be broadened and strengthened. It was felt that particularly community oriented legal agencies like Legal Resources Centres should evaluate and guide the Centre's work on a regular basis, with a view to improving the standard and quality of the work. Information exchange should also happen. Independence should, however, be maintained.

The fact that para-legals are not recognised within the current structure of the legal profession, limits the efficiency of para-legals' work. A ceiling exists, beyond which para-legals cannot move, irrespective of how well they perform their jobs. Important aspects of para-legal are also overlooked by the profession, namely that most para-legals conduct case-work in the client's home language while this is often not the case with lawyers. As a result, clients feel more comfortable with para-legals and a relationship of trust develops. Many people appear to have lost faith in the legal profession as a result of various disappointing experiences in the past. People seem to be able to identify more easily with para-legals. Thus para-legals could play a valuable role in making the legal system and the profession as a whole less alien to people. The respondent was confident that there is a lot of scope for the expansion of para-legal work now and in the future.

His final comment was that even under a democratic government, advice centres need to exist, to act as watchdogs to ensure that exploitative practices by employers or any other body did not go unchallenged. His long term vision, however, was to build a society in which people knew their rights, accessed them and no longer needed to turn to para-legal workers to assist them in this process.

Compiled by Laura Best

September 1992

ENNERDALE LEGAL ADVICE CENTRE COMMUNITY PROFILE

This advice centre is located in Ennerdale, which is a small rural community approximately mid-way between Johannesburg and Vereeniging. The immediate community in which the Centre is located is relatively well serviced in terms of schools, churches, clinics, community centres and sporting facilities. However, no government departments have offices in the area, there is no magistrate's court and very few lawyers have established their practices in the area. People residing in the area who need to make use of such services have to travel for at least 20 minutes, using public transport with the concurrent costs, to either of the urban centres mentioned above.

Ennerdale offers very few job opportunities, informal sector activity is limited and unemployment rates are reported to be high. While most housing in the area consists of block and brick structures, and sites are serviced with water and electricity, the housing was described as inadequate, both in terms of size of housing units and number of houses available.

The Centre also services a number of neighbouring communities, including squatter camps, where conditions are evidently even less favourable.

Thus the Advice Centre provides para-legal services to communities that were described as economically and socially disadvantaged. The para-legal service offers assistance to people who would otherwise find themselves in a vacuum regarding access to state administrative services and legal facilities.

HISTORICAL DEVELOPMENT OF THE PROJECT

The project was initiated by the current Advice Centre director. Being an active member of his community, he became aware that many people were experiencing problems of a legal nature. They did not know who or where to turn to for assistance, particularly because many found lawyers services inaccessible, either financially or geographically. It was also found that people generally were unaware of their rights and how to assert these. To address these concerns, he decided to establish a legal advice and education service in the community. Going from door to door, volunteers were recruited and community support elicited. Together, they formed a committee which found the basic resources needed to set up the project. A pre-fabricated unit was constructed, which today still houses the Centre. The Ennerdale Legal Advice Centre opened its doors in September 1991.

To date, the Centre is still run by volunteers. It is managed by a committee of volunteers from the immediate community. The director works a full day with no remuneration. Despite numerous appeals to businesses and development agencies, no funds have been forthcoming. It relies on donations (cash and in-kind) and the generosity of individuals for services needed such as typing and photo-copying. A telephone is the only office appliance. The

Centre thus operates with minimal resources. The Centre has applied for a fund raising number in the hope that this will help to attract the support of business.

THE ROLE PLAYED BY THE CENTRE

The main objective of the Centre was described as 'first and foremost to educate and thereafter to develop the community and subsequently the beautiful town called Ennerdale'. The Centre seeks furthermore to play a vital role in the upliftment of the community. How are these objectives realised? The activities of them Centre provide insight. The bulk of the Centre's work involves assisting clients who approach it in an attempt to find solutions to the problems that they are experiencing. This is referred to as case-work. For the rest, the Centre works to educate the broader community about their rights. This is approached in a variety of ways. Case-work and the community education initiatives are discussed below.

Case-work

Every month, about 120 people visit the Centre for assistance. The types of issues dealt with are numerous and include labour related matters such as pay disputes, unfair dismissals, domestic worker issues, unemployment insurance claims and workers' compensation; state old age pensions and other grants; voluntary distribution of debts; evictions and housing matters; family and personal problems, including divorce; third party claims; and the administration of deceased estates. The workload leans toward debt/consumer issues; evictions; labour matters and divorce counselling.

What is done to resolve each specific case, obviously depends on the nature of the problem. There is, however, consistency regarding the method used to address all cases. Once a client has explained the problem to the para-legal, the para-legal outlines the (different) procedures that may be necessary in order to arrive at a solution to the problem. At all times, it is the client's decision as to whether and how s/he wishes to proceed. The reasoning behind this is to allow the client to develop an understanding of what their rights are (or aren't). In this way, it is hoped that the Centre plays some role in educating people as to the systems and laws that govern their lives. Should a stage be reached where the para-legal can take the case no further, the client is referred to an appropriate agency, such as the Legal Aid Board or social workers or to private lawyers, as the case permits.

Apart from clients actually visiting the office, written and telephonic requests for assistance are also responded to. Often the working hours of the para-legal extend beyond office hours, including people contacting him at home. There have also been numerous times when arrestees have requested the SAP to contact the para-legal to come and consult with them at the cells. A rather unique situation also exists at this Centre, in that the para-legal will, if deemed necessary, actually go, for example, and see employers involved in disputes with the Centre's clients. Where necessary, the para-legal also travels to either of the

neighbouring urban centres to visit government departments and the like, should a client not be in a position to do this themselves.

The primary role played by the Centre in terms of individual community members is therefore to assist them, in as empowering a way as possible, to resolve their particular problems. Success is deemed to have been achieved if the client in future feels able to tackle a similar problem themselves, without the assistance of the para-legal services project.

Community Education Initiatives

The Centre's constitution states that the Centre must aim to play an educational role in the community. This process must be undertaken in such a way as to inform people about their rights. To this end, the Centre has hosted a number of workshops and seminars around issues such as labour law, consumer matters and divorce. The director also publishes informative articles in the local press on a bi-weekly basis. Each article focuses on a specific topic, such as unfair dismissal or unemployment insurance. The Centre sees outreach as accessing all sectors of the community. Seminars are therefore also organized at schools and a career expo is going to be held in the near future. A longer term goal is to look into ways of working with lawyers in an attempt to encourage a more positive understanding about community concerns amongst them.

The work and activities of the Centre are aimed at educating people about their rights both at the level of the individual (case-work) and at community level (education initiatives). So vital did the director regard the work done by the Centre, that he equated the closing of the Centre with a community crisis. His perception was that without the Centre, the community would be "lost", essentially because it serves as the only agency they have access to when faced with problems.

SUPPORT SERVICES AND NETWORKS

Without access to support services, para-legals would be hampered in the carrying out of their work. While certain agencies, such as Lawyers for Human Rights, and Legal Resources Centre are proactive in the servicing of advice centres, many of the other services that para-legals tap, result from inter-personal networking and initiative on the part of the individual para-legal. This study suggested that much work was facilitated on the basis of personal relationships between the Centre's director and people working at various government departments and social agencies. On the other hand, it was reported that many institutions and organizations, such as churches, the nearby university, industrial councils and welfare agencies were very co-operative when approached by the Centre.

The Law Society and the Legal Aid Board were mentioned as useful resources in terms of referral of clients. One possible cause for concern was that in instances where clients did not qualify for legal aid, lawyers fees were unaffordable for many clients. This

was compounded by the fact that very few private lawyers made their services available to the Centre's clients at reduced rates or appeared reluctant to provide any other advice and assistance. Creative ways of responding to this situation may need to be looked into in the future.

One such response could be formal training for para-legals. This need was highlighted by this case-study. The director reported that he had limited training. Much of his insight regarding how to proceed with clients' cases was gleaned during his years of employment as a clerk at a magistrate's court, as a crisis clinic worker and as a theologian, rather than through formal training. In this respect, the only formal training the respondent had received was a three week course on aspects of para-legal work run by the Legal Resources Centre (dnh). Other more theoretical aspects of para-legal work were self-learned, using the LEAP/Black Sash Para-Legal Manual. One serious constraint was mentioned by the respondent, namely that it would be extremely difficult to find the time to attend formal training courses, particularly while there are no other members of staff at the Centre.

THE POTENTIAL FUTURE ROLE OF THE CENTRE

During the interview it became clear that there were great constraints on the ability of the Centre to run an effective service for the community. These were recognised as the lack of formalised training of staff, the lack of sustained funding for the operations of the Centre and proper recognition and support from the legal profession. It was felt that if the above could be addressed the Centre would be able to increase the effectiveness of the service offered to the community. Outer lying areas around Ennerdale would also be able to be accessed by the Centre.

It was felt that formal recognition and support from the legal profession would not only assist the project to increase its efficiency and effectiveness but would also enable lawyers in the area to establish a client base in these communities. Lawyers would further benefit by having trained people in the community who would be in a position to gather initial information and do the ground work that precedes litigation. The community on the other hand would benefit in that they would have a more accessible and direct link to lawyers.

For the long term future of the project to be secured the project needs to address and overcome the constraints as outlined above. Through this, the work of the Centre can continue to play a valuable role.

Compiled by Laura Best

September 1992

I+

-VOL13 NO.21'

. . your family paper, now weekly!
THE ONLY NEWSPAPER CIRCULATED FREE TO HOMES IN:

*NEWCLARE *WESTERN Â«BOSMONT *RIVERLEA Â« HORSESHOE Â« WESTBURY <ENNERDALE
*CORONATIONVILLE eFLEURHOF KLIPSPRUIT WESTeELDORADO PARK ALSO BUSINESSES IN LENASIA
*NANCEFIELD Â« FORDSBURG MAYFAIR Â© SOUTHGATE Â¢ HIGHGATE eNEWLANDS *KLIPTOWN Â«JHB CBD
.

TELEPHONE NO. 857-1591

11-21 JUNE 1992

FAX: 857-2053

~ CENTRE FORMED TO FIGHT

~~ COMMUNITY PROBLEMS

oH oy

THE Pi: Legal
â\200\234Advice Centre, anon profit-
~ making organisation, was

â\200\234launched last year to fight =

= community problems.

The Centre caters for the
~ surrounding areas: Lawley,
~ Eldorado Park, Lenasia, Se-

_ bokeng, Evaton and Orange

~Farmland2.Â©- = = :

~The Centre, now seek-

ing sponsorship, was offi-

cially opened last Septem-

â\200\234ber, but it has gained mo-
mentum.

The director is Pastor J
G Ruiters and the chairman

â\200\234is Mr D C Eksteen. ~

The problems the Centre
deals with include: unem-
- ployment: claims, - work-

man's compensation,

SA

â\200\234missal),

labour disputes (unfair dis-
pension and grant

â\200\234difficulties, administration,

administration and volun-
â\200\234tary distribution of debts,
evictions and housing prob-
lems, family and personal
problems, third party claims
(motor accidents), admini-

stration of deceased estates,

criminal matters, collec-
tions and divorce cases.
One of the most com-
mon problems handled by
the Centre is pay disputes

â\200\234between servants and their

employers. A case in point
was that of a builder and his
employees.

Explains Pastor

Ruiters: "This incident hap-
pened on the Thursday be-

fore Good Friday where we
at the Centre were forced in
co-operation with the bank
to freeze a substantial
amount of the employer -
R15000- in order to pay his
workmen, otherwise these
people could have faced a
very bleak Easter week-
end.â\200\235

Mr Eksteen

adds:"However, in order to
render any of the above-
mentioned services to our
community, costs money,
especially at the time when
economic conditions
throughout the country are
not at all favourable.

â\200\234Until now the Centre
has managed:by the grace
of God to keep our doors

open and again would ap-
peal to the business com-
munity and residents to
assist us.

CENTRE

With a projected budget of R114 000 for this year, the Centre is still battling to find adequate sponsorship in order to run workshops, seminars and to cover transport costs.

The objective of the Centre is first and foremost to educate and thereafter to develop the community and subsequently this beautiful town called Ennerdale. Mr Eksteen goes on: "We believe the Centre thus far is playing a vital role in the upliftment of the

community. It is a non-profit and non-political and ready to be of help to anybody who walks through its walls.

Since we opened our doors ten months ago, more than 1 200 have obtained legal advice and our latest figures show that more than 120 people visit the Centre on monthly basis.

Furthermore, the success rate of the Centre in helping people, solving problems has also risen and now stands at plus minus 90 percent.

The Centre also finds itself in the happy position to note that where-as the divorce rate in Ennerdale

had reached alarming monthly proportions, this trend seems to have been curbed. The reason could mainly be ascribed to the fact that the policy at the Centre with regard to divorce is firstly to: bring together rather than to put asunder.

Pastor Ruiters takes on: "We at the Centre wish therefore to emphasise the importance of conducting educational seminars and workshops. This makes the task of para legals so much easier to make people aware of their rights, to make people feel more secure as a result and to make the com-

munity aware of the real

including
para-legal
services

problems f
in that community.

Anyone able to assist the
Centre is asked to contact
either Pastor Ruiters at 855
9753 (O/H) or 855 2537
(A/H) and Mr Eksteen 855
7016 (A/H) .

aced by people

KEMPTON ADVICE CENTRE

COMMUNITY PROFILE

Kempton Park (is. an industrial city approximately thirty (30) kilometres from the centre of Johannesburg, and has sufficient facilities and services for its immediate inhabitants. However, most of the clients who make use of the Kempton Advice Centre live in the township of Tembisa about 7 kilometres away from the city. About 400 000 people live in Tembisa in four-roomed houses or backyard shacks. While all sites have running water, only two sections of the township have been electrified. All of the inhabitants have to rely on one hospital, one library, one technical college and one other advice centre in the township itself. Many churches are run from schools, the only facility of which there were reported to be sufficient.

The advantage of running the Centre from a city base is the accessibility of government departments, industrial councils, a small iclaimsicourt ,alawyersh and a host of similar resources. Also, being located near to the station and the taxi rank it is very accessible to workers, most of whom are dependent on these public transport systems.

Thus the Centre functions in a more conducive environment than many other similar centres.

HISTORICAL DEVELOPMENT OF THE CENTRE

The residents of Tembisa have built a strong civic association toniorganize and! run the: townshipâ\200\231s local: affairs. Part of the Tembisa Civic Associationâ\200\231s (TCA) task has been to take up matters of concern to all or at least groups of residents, such as rates and taxes or the lack of facilities in the area. The TCA was seen to be successful in a number of circumstances. Community members started to bring problems of an individual nature, such as furniture repossessions, to the TCA. Since these problems could not be effectively dealt with by the TCA, the idea of an advice centre was discussed. A TCA sub-committee was elected to draw up a project proposal. This was done under the guidance of the Johannesburg Legal Resources Centre (LRC), who had been involved with the community around rates and tax issues. A meeting between the TCA, LRC and the local business association, East Rand Industrialists (ERIN) was set up to discuss the advice centre proposal. The outcome of the meeting was that some of the bigger industrialists agreed to provide funding for the project, while others donated office equipment and furniture. A management committee, comprising two representatives from TCA, two from ERIN and two of the Centreâ\200\231s workers, was formed. Suitable premises were sought, staff employed and the Kempton Advice Centre was up and running.

At ithe â\200\234ime that the case study was conducted, the Centre had four paid employees, namely two advisors, a receptionist and an office assistant. The Centre assists approximately 32 clients per day, although this number decreases on Saturdays because the Centre only opens for two hours.

THE ROLE PLAYED BY THE CENTRE

The Centre's primary role is to educate people about their rights. It is there to help people fight back and to challenge those found to be transgressing other people's rights.

The work-load as a result of the large numbers of clients assisted has meant that time for community education initiatives has been limited. Despite this, the Centre has hosted a seminar on housing and responds to requests to give input at meetings and workshops. Community-based work is guided by the types of cases taken up by the Centre. These include consumer matters such as reposessions; housing issues such as contractors deserting people once they have paid a deposit; labour matter such as UIF, pension fund refunds, domestic worker ceases and dismissals/retrenchments; state welfare grants and pensions; maintenance cases and so forth.

Concerning case-work, a dual-pronged approach is used. On the one hand, the methods used when responding to client's problems aim to build and strengthen the client as a person. The Centre's advisors endeavour to make clients feel as comfortable as possible. Thus discussion is conducted in the language preferred by the client. Advisors concentrate on being able to speak as many languages as possible, so that a range of preferences can be accommodated. Time is always taken to explain to clients which procedures are at their disposal to address their problems so that clients are in a position to make informed choices. This method often involves educating clients about legal remedies such as conciliation boards, about how the courts function, for example the small claims court, and about the roles played by lawyers. In many instances, the advisors arrange meetings between the two parties so that clients have the opportunity to present their cases themselves. This is an empowering learning experience.

On the other hand, the advisors work so as to educate the people party to disputes or matters raised by the Centre's clients. These 'respondents' are always given the opportunity to tell their side of the story. The underlying rationale is "let's first establish the facts so that the matter can be resolved in the fairest manner". This approach has led to people the Centre have dealt with, such as local employers, government officials and lawyers, regarding the Centre and its workers with respect. Workers have often been congratulated on their professionalism, skills and abilities.

It was felt that without the Centre, many people would remain ignorant about their rights and how to enact these.

SUPPORT SERVICES AND NETWORKS

As mentioned above, the Centre has access to large networks of organizations, institutions and government offices because it is in a relatively large city. Kempton Park's proximity to Johannesburg also allows access to the Legal Resources Centre, who visit the Centre monthly, accept client referrals and offer training to the advisors. Similarly, the Centre has developed

links with the legal aid clinics at Wits and at RAU. The Centre also has good working relationships with a number of private lawyers practising in Kempton Park. Where formal legal representation is needed, clients are referred to lawyers, together with letters detailing the progress of the case to date. It was felt that this method of referral has led lawyers to regard the Centre as fair and non-threatening. Lawyers are glad to be increase their client base through such referrals.

THE POTENTIAL FUTURE ROLE OF THE CENTRE

The advisor interviewed saw the Centre as continuing to play a direct role in educating people about their rights and responding to community needs. She saw para-legals as playing an increasingly important role in assisting lawyers with ground-work such as statement taking. She felt that para-legals could help lawyers to streamline their jobs by assisting people with cases where legal representation was not necessary, such as UIF cases, industrial council and conciliation board representation and teaching people how to make use of the small claims court. Thus para-legal work would not infringe on the legal profession's client base.

Two issues that need to be addressed were mentioned as training for para-legals on a regular basis about legislative developments and changes, and more security concerning funding. This results from the fact that annual applications for funding have to be made to ERIN and it is not certain whether or not these will be successful.

The Centre intends to remain as busy and relevant as it is at the moment.

Compiled by Laura Best

September 1992

Zid

DORDRECHT LEGAL ADVICE OFFICE

COMMUNITY PROFILE

The small town of Dordrecht is situated approximately eighty-five (85) kilometres east of Queenstown in the North-eastern Cape. It is surrounded by "white" farming areas, with the Transkei border further to the east, Lady Frere being the closest centre.

Centred, in the town of Dordrecht, the Legal Advice Office is easily accessible to those who make most use of its services, namely those of the township of Sinako and, to a lesser degree, residents of the "coloured" area. Farm workers and Transkeian village dwellers, however, commute by bus or taxi.

Sinako (with a population of about ten thousand people) comprises an "old location" and a more recently established section of self-help housing. Few houses have electricity, and most obtain water from communal taps. All roads are gravel and in poor condition. Formal education is limited to the: lower primary, higher primary and high school levels, all schools being housed in one complex. One creche operates in a community hall. A residents' clinic provides inadequate medical facilities, and the District Surgeon has proved obstructive.

The majority of households in Sinako are poor; sources of income are mostly pensions, and wages from earners locally employed in paid domestic work or by Spoornet, Telkom, businesses and the

government. The contribution of migrant remittances has decreased in line with the retrenchment of mine-workers nationally. Salaries are generally low; for example, paid

domestic workers earn on average R35 to R250 per month. Employment opportunities are limited by the lack of industry and the little economic expansion of the area, and self-employment is inhibited by insufficient financial assistance.

HISTORICAL DEVELOPMENT OF THE ADVICE OFFICE

A representative from Lawyers for Human Rights (LHR) visited the Dordrecht Residents' Association (DORA) in early 1991 and informed members of the civic of his organisation's role in providing assistance to advice offices. After consultation with the community, the need for such an office became evident, particularly: in the light of police harassment and problems retrenched mine workers were experiencing in obtaining their full benefits. At a public meeting, two voluntary workers and a management committee were elected to set up such an office. Before opening, the workers attended a three-week basic para-legal training session in Queenstown conducted by the Para-legal Training Project of LHR, with two representatives of the management committee participating in the final two days.

Now more formally established, and funded by the Social Change Assistance Trust (SCAT), a Cape Town-based development agency, with a budget of R2 225 per month supplemented by donations given by the community at monthly meetings, the advice office has three full-time paid workers, all holding equal status. An administrator does administrative work, including typing and

bookkeeping. Two workers deal with case-work; a case-worker (with a Standard 9 education and basic training as a child educare worker), and a fieldworker (with Std. 10) who works primarily:-rout of the office, monitoring court â\200\230procedure â\200\230and assisting people with legal aid, and taking up cases with relevant government departments.

The management committee, comprising seven to eight members elected by the community once a year at an annual general meeting, sees to the smooth running of the office, Mensuring â\200\230that the work is done and that the People are served properlyâ\200\231. It calls a meeting with the workers at least once a week when, amongst other things, difficult cases are discussed. It also meets separately and, if necessary, asks a worker to attend to give input about the office. The committee submits reports at regular community meetings held by DORA.

Housed in two rooms of an old hospital now owned by a private doctor, the office has limited resources - a table made from planks, two chairs donated by an employer, benches borrowed from a school, a telephone and a typewriter. As the municipal library in town is the sole provider of resource material for residents of Dordrecht, the advice office has made applications from Mobil Foundation for funding and AFESIS, an East London community-based advice and resource centre, for training to establish a resource centre of its own. At present, pamphlets from Legal Education Action Project (LEAP) are used and distributed.

THE ROLE PLAYED BY THE ADVICE OFFICE

The advice officeâ\200\231s role is, according to the worker interviewed, "to assist the community, to make people aware of the things that they donâ\200\231t know; to advise clients on procedures to follow with employers and government departments." Methods used to fulfil such a role include case-work in and outside of the office, rand the provision of information through meetings and report-backs with the community.

Caseâ\200\224work

The office, open Mondays to Fridays from 09:00 until 16:30, sees on average thirty people per week. The majority of cases are labour-related (paid domestic work, farm work, retrenchments, unfair dismissals and Workmenâ\200\231s Compensation); housing-related; involve identity documents (such as incorrect dates-of-birth); unemployment benefits; private pensions and provident funds; state pensions; family disputes and motor vehicle accidents. Disability and maintenance grants are referred to a social worker.

Most requests for assistance are through clients going directly to the office. When approached, one of the paraâ\200\224legal workers takes a statement from the client, opens a file and follows through. Action taken depends on the nature of the case, although much communication is through letter-writing. Mediation and face-to-face negotiation are used as methods of resolving disputes with employers, and employees are encouraged to ask for re-instatement rather than lose their jobs. Self-empowerment is

encouraged by showing clients the step-by-step procedures on how to tackle his or her problem.

Support structures in Dordrecht are minimal; for example, there are no private lawyers in the town. Advice is sought occasionally from the Legal Resources Centre (LRC) in _ Grahamstown, some 300 kilometres away, and LHR in East London. Applications for Legal Aid are made through the Magistrate's Court, particularly in criminal cases, although the clerk of the court has not been co-operative. If a lawyer is needed, use is mostly made of a lawyer in Queenstown, who charges a fee. A case in hand is that of the children of workers of a farmer, who had an accident while he was giving them a lift. The lawyer has been approached to make Motor Vehicle Accident claims on their behalf.

Apart from a Cape Provincial Administration (CPA) office in Sinako (with which the advice office has little communication) and the Dordrecht Magistrate's Court, a representative from the Department of Manpower and a social worker from Queenstown visit the town once and twice a week respectively. Other organisations and government offices are in Queenstown itself, such as National Union of Metalworkers of South Africa (NUMSA) and South African Commercial, Catering and Allied Workers Union (SACCAWU), Masifundisane, the TEBA office and the Department of Home Affairs. Communication with these bodies is therefore limited, and usually restricted to correspondence by post. Close ties are maintained with the Indwe Legal and Community Advice Centre, which is a neighbouring community about forty (40) kilometres east of Dordrecht.

Community Education Initiatives

As stated, there is a close relationship between the advice office and the community of Sinako. There are regular reports and sharing of skills at meetings of local structures (for example, DORA and the National Education Crisis Committee (NECC)), and training is given around particular issues such as the Unemployment Insurance Fund, pensions and housing. The effect of empowering in such a way has been a reduction in the number of people seeking advice on such matters directly through the advice office.

In addition, the office joins residents in local campaigns, as part of the community. Presently they are assisting DORA around an education campaign. In 1989 an inspector from the Department of Education and Training promised that a new and separate building would be provided for the high school. The inspector concerned went on retirement, and the matter was not followed up by his replacement. Memoranda have been written and delegations sent to the department concerned.

THE POTENTIAL FUTURE ROLE OF THE ADVICE OFFICE

In general, when asked how the community would be affected if the advice office was to close, it was stated that people would suffer as they would not know their rights. The office acts as a safety net against victimisation and exploitation; employers and government agencies know that, with the existence of an

advice office, workers will be informed of irregularities or non-payment of benefits due to them.

The advice office fulfils a need by offering a service which is accessible and free. Even with the major difficulties experienced (shortage of equipment, limited funding, unfulfilled training needs, negative attitudes on the part of some employers and officials of state departments, lack of support services and

police: harassment), --and: given : that ' there i are no other organisations or individuals available in Dordrecht to offer the necessary: service, through â\200\230the office the ..community. has

assistance which it would not otherwise have.

In terms of the relationship between para-legals and the legal profession, the worker interviewed believed that the advice office does a lot of the work which would otherwise be done by lawyers. This might create negative feelings from some lawyers, "especially those who are after money'" as they might perceive their work as being taken away from them 'particularly those working for the government, that is, lawyers chosen by Legal Aid â\200\224 the state is losing support and people would prefer a para-legal to help them if they were recognised to do the job." As is happening now with "more progressive lawyers',6 para-legals can "help the law profession by working hand-in-hand with them'. However, recognition through more training and the issuing of certificates is required to make this possible.

Compiled by Penny Geerds

September 1992

2S

MATATIELE ADVICE CENTRE

COMMUNITY PROFILE

Matatiele is a rural farming town in Natal, close to the Lesotho border and cupped by areas of the Transkei. The advice office is housed in an Anglican church in the town itself, being centrally situated for people living in the immediate vicinity. However, the advice centre as a larger body primarily provides assistance to rural communities in the Transkei; Makhoba (approximately thirty-five (35) kilometres away), Mzongwana, areas close to Maluti village (Sibi and Queency Mercy), Lupindo, Magadla and Ludidi (all between twelve to fourteen (12-14) kilometres from Matatiele), and Mvenyane (some seventy-two (72) kilometres to the south of the town). To a lesser extent, residents in the Mount Fletcher area seek advice from the centre.

All the rural villages can be described as disadvantaged, with few resources and an inadequate provision of basic services. Nevertheless, communities have taken the initiative in self-development, involving themselves, for example, in the erection of schools aided by grants from the Transkei government, the setting up co-operatives such as sewing, knitting, chicken farming and brick-making, the development of water schemes, the building of roads, and the planting of vegetable gardens. However, the flow of cash is limited, and the primary sources of household income are pensions and migrant remittances. People who are able to find work are employed as farm workers, or in the service and the retail sectors in Matatiele.

Support structures here too are inadequate. Although some local Transkeian government representatives such as social workers, agricultural officers, education officials, the police and personnel attached to the Magistrate's Court, are based in Maluti, communication with those from development organisations in Umtata (such as Transkei Education and Development Organization (TRANSEDO) and Transkei Appropriate Technology Unit (TATUY)): is restricted. The traditionally powerful position of chiefs imposes its own set of limitations; the advice centre's initial contact with communities had to follow a process of negotiation around the setting up of committees, and education about what the centre could offer.

HISTORICAL DEVELOPMENT OF THE ADVICE CENTRE

The Matatiele Advice Centre was officially opened in December 1989, after a period of ground work that took more than eighteen months. A community advice office had been established in Queency Mercy in response to the need for some para-legal service, and with the assistance of a Botswanan development expert who was working for the Anglican church. The latter office has since closed.

The structure of the Advice Centre

The Matatiele Advice Centre, sponsored by OXFAM, INTERFUND, a

Johannesburg-based development funding organization, and SCAT, is an association consisting of a committee of representatives

elected annually from different localities (Makhoba, Mzongwana, Sibi, Queency Mercy, Lupindo, Magadla, Ludidi and Mvenyane) . They meet as and when required, and represent their respective communities.

The management committee consists of eight members, including a chair, a secretary and a treasurer. This management committee is appointed by the committee of representatives, and reports to them on issues such as finance, administration and legal matters.

Workers in the advice office are appointed by the management committee and are answerable to that body. There are four paid full-time workers based in the office:

iT9) The co-ordinator who does mostly case-work and itsâ\200\231 related activities, and some administrative tasks.

2) The administrator, who performs secretarial tasks and does

book-keeping and case-work.

3) A workersâ\200\231 advisor and fieldworker.

4) A community representative organiser, who assists in development and co-operative activities.

In addition, six fieldworkers work directly in the areas, doing para-legal work, identifying the needs of the community and arranging workshops around problems, and co-operating with other local individuals and organisations. They are elected by the communities.

Different levels of training have been given to the workers; for example, some have attended the basic and intermediary para-legal training courses offered by LHR in East London, and the administrator participated in a two-week Community Law Centre workshop in Durban.

THE ROLE PLAYED BY THE ADVICE CENTRE

Caseâ\200\224work

The advice centre is open during weekdays, to provide assistance to local clients experiencing problems (over thirty-five people are seen each day). Fieldworkers deal with cases in their communities as much as possible so as to limit the number of people going to the office. Clients who arrive at the office from areas serviced by fieldworkers, are encouraged to preferably liaise directly with the respective fieldworker. The office does not have the capacity to deal with all the problems as space is limited and equipment inadequate (a fitted desk, benches, two filing cabinets, a telephone and facsimile machine, a photocopier, and typewriter).

The main issues which are dealt with include unemployment

insurance benefits; state pensions (particularly in the Transkei); labour-related issues (retrenchments and dismissals); private pensions and motor vehicle accident claims. The

occurrence of some problems, such as old age pensions, is decreasing in number as people are educated around how to demand their rights. This has been achieved through the distribution of information (articles in the local newspaper and pamphlets) and through workshopping (the centre has a video machine, portable television set and suitable cassettes).

Apart from government departments, there are few local support services to which the centre can refer. Trade unions such as NUMSA, National Education and Health Workersâ\200\231 Union (NEHAWU), South African Railway and Harbours Workersâ\200\231 Union (SARHWU) and Food and Allied Workersâ\200\231 Union (FAWU) have office bearers as representatives in the region, and there is an Industrial Council for service stations. On legal matters, the office communicates with LHR (Durban and Umtata), and a "progressive" law firm in Durban which takes up certain cases free of charge. There are two private law firms in Matatiele; the centre held a workshop with a lawyer from one regarding problems of the provision of Legal Aid at the Maluti Magistrateâ\200\231s Court.

Community-based initiatives

The advice centre's objects, as stated in the constitution, include:

- * to liaise with the community with a view to eliciting support and assistance in itsâ\200\231 work
- * to sensitize the community to the need for it to get involved in the welfare of its people
- * to promote and co-ordinate with other self-help committees around improvement of the general welfare of the community
- * to provide legal resources, information and advice to

members of the community

The structures of the centre are strong and have the full support of the community. They have been set in place to the extent that, if funding were to dry up and the advice centre were to close, a para-legal service would still be able to operate to some extent through voluntary workers.

The task of each fieldworker includes teaching communities to work for themselves and find solutions to their own problems (to "attract, enlighten and empower" people). For example:

- * people are assisted in starting their own co-operatives and raising their own funds through credit unions
- * communities are encouraged to form committees to pressurise

the government into action, for example with regard to unemployment benefits and the setting up of clinics

Resources from other organisations are drawn upon to assist the fieldworkers in their tasks. Consultations were held with LEAP and the Farmworkers Research And Resource Project over issues affecting farmworkers, such as untimely practices), evictions, and assault. In addition, the centre sought advice from the Rural Advice Centre (RAC) in Umtata, who advised communities on how to improve water supplies (drilling bore-holes and protecting springs for tap water) and roads.

THE POTENTIAL FUTURE ROLE OF THE ADVICE OFFICE

The majority of people who seek assistance from the Matatiele Advice Centre are poor, illiterate, and disempowered. Through the services offered by the centre, individuals and communities have easy and affordable access to advice and legal resources, and they are informed of their rights and the laws of the country.

In the future,withere! shouldbe: greater sharing of skills,
knowledge and experience between the legal profession and para-
legals, "rather â\200\230than antagonism. Each hag a place to fill in
South African society.

Compiled by Penny Geerds

September 1992

INDWE LEGAL AND COMMUNITY ADVICE CENTRE

COMMUNITY PROFILE

Like Dordrecht, Indwe is a small rural town in the North-eastern Cape, set amongst farmland. It was described by an observer as "a one-horse town, isolated from the rest of South Africa". Apart from agriculture, there is little industry; shops, petrol stations and other small businesses comprise most economic activity.

Racial segregation is evident, with separate communities living in distinct residential sections. The advice centre is centrally situated, within walking distance of these communities. However, the majority of the clientele come from the "black" township of Mavuya with a population of approximately fifteen thousand.

Houses in Mavuya are mostly of the standard two-roomed municipal type, although more variation is occurring through self-build housing. Households who can afford to pay for water and the installation of electricity, do so. Others rely on other energy sources, and on communal water taps. The bucket system is used for sanitation. all roads are gravel.

The schools, one primary and one high, form one establishment. A few residents attend the Model B school in Indwe. The Roman Catholic Church has a creche, and a community-run pre-school has

opened recently. Medical services are limited to Indwe (a private hospital, two clinics and a private doctor) as there is no clinic in Mavuya. The mobile clinic, which serves the

surrounding farming areas daily, does not visit the township.

The Indwe Residents Association, launched in March 1990, is the recognised local civic structure in Mavuya. They work together with the administrator; there are no black local authorities.

Mine workers' retrenchments have contributed to the increase in unemployment. Locally, most work offered is in the domestic, farm, and retail sectors, usually at minimal wages. Mavuya's informal sector is underdeveloped, and largely confined to fruit and vegetable vending, small shops, and shebeens. There is also a small informal sector. There is also a project in the township "the 'a' form" of 'a' brick-making enterprise. Many households are largely dependant on pensions and other social grants as the primary source of income.

The Transkei borders the farmland to the east, and the advice centre's fieldworker services the rural communities of Mhlanga, Macubeni, Mgwelana, Guba, Lupapasi, Mceula and Mtyatya. Other Transkeian residents travel to the advice centre by bus, there being no other forms of public transport.

HISTORICAL DEVELOPMENT OF THE ADVICE CENTRE

In 1988 the rent for housing in Mavuya increased from R16 to R26. Five community members began organising a campaign around a rent boycott. Black Sash in Johannesburg was contacted; as a result the Black Sash East London advice office's fieldworker paid the community a visit and informed them of the Queenstown Community

Centre (QCC). OCC subsequently put them in contact with AFESIS, and in 1989 two members attended a one-monthâ\200\231s training course Int East London. On return, volunteers worked from a private home, referring cases to QCC when necessary. Int 990 0Ce recommended them to OXFAM, an international development funding agency. As a result, funding was provided to open an office in Indwe. The interim committee of five was dissolved and the community elected an executive committee to run the centre.

The executive committee comprises a chairperson and a vice-chair, a secretary, a vice-secretary (a worker from the advice centre), a treasurer and five others. Members are mostly from the African National Congress (ANC) and the Civic Association. They meet once a month and are re-elected annually.

The executive committee "works hand-in-hand" with the residentâ\200\231s association. For example, the latter call monthly public meetings on their behalf when reports from the centre are read out, and the executive committee gives advice to the residentâ\200\231s association regarding campaigns. However, the relationship of the committee with the advice centre appears to be strained due, primarily, to lack of managerial skills.

Two full-time paid workers work at the centre. The administrator is responsible for book-keeping and other administrative tasks, and case-work. The fieldworker travels to the Transkei, operating without transport and thus allocating a week at a time to stay in these outlying areas. He assesses the needs of the community and runs workshops on those categories of problems experienced most, such as state pensions and unemployment benefits. He also works with farm workers around Indwe, although gaining access has proved difficult.

The paid workers have attended para-legal training courses and workshops organised by AFESIS, LHR, LEAP, the Border Advice Office Forum and the Black Sash. The fieldworker spent one year with LRC in Cape Town getting hands-on experience in labour law. However," for both workers additional training seems to be required, particularly for office and financial administration, typing, and counselling.

Three volunteers assist the centre, doing mostly case-work. One, however, gets paid a monthly allowance. After receiving funding from the British Embassy for the purchase of a computer, he offers training to people at a competitive price.

All workers meet twice a week to share skills and discuss cases.

The advice centreâ\200\231s office consists of one room, divided into sections for waiting and for consultation. It is equipped with a filing cabinet, a desk, typewriters, a photostat machine and a computer with printer. Funding still comes from OXFAM, who give around R40 000 per annum.

THE ROLE PLAYED BY THE ADVICE CENTRE

Case-work

Individual counselling takes place at the centre, which is open all day Monday to Friday and on Saturday mornings. On average twenty-five cases are handled each month. Most relate to the Unemployment Insurance Fund, pensions and disability grants, Workmen's Compensation, housing, rental and service charges, claims against the police, farm and paid domestic worker issues, and notice pay. Unfair labour practice is also rife, compounded by poor representation by trade unions and their failure to service their membership. Issues involving IDs are taken up by the clerk at the Magistrate's Court.

A successful case reported is that of Mr. X., diagnosed as being 50d sablled. In 038M. YX. applied for a disability grant through the clerk of the Magistrate's Court, there being no CPA Offices in Indwe at the time. After not having received his money for four years, Mr. X. approached the advice centre. On enquiry, the CPA in Cape Town stated that no application had been submitted. A copy of the original application and the doctor's medical report were sent off directly, leading to the payment of Mr. X.'s grant with back-pay.

Success of cases is made possible through a good working relationship with 'progressive' lawyers from The National Association of Democratic Lawyers (NADEL), LRC (Grahamstown) and LHR (Umtata), and with organisations such as the Grahamstown Rural Committee (GRC), LEAP and AFESIS. As an example, residents of a farm who were threatened with eviction when the land was incorporated into the Transkei, were granted rights to remain after joint intervention by the advice centre, GRC and LHR.

There are few representatives of government departments in Indwe:

- * the Magistrate's Court has provided Legal Aid, mostly in criminal cases; however, no choice is given in the selection of lawyers

- * the CPA employs a social worker, assisted by voluntary health workers

- * a representative from the Department of Manpower in

Queenstown (some 120 kilometres away) comes to Indwe each month end

The resolution of problems is made more difficult by the limited access to officials concerned.

Community Education Initiatives

As there is only one municipal library in Indwe, the centre plans to open its own resource section. A worker has been trained to set it up, and Mobil Foundation has been asked for financial assistance. At present, a limited supply of books, magazines and newspapers are available. Workshops on study methods, and group discussions around school subjects, encourage debate and the sharing of skills amongst students.

In addition, workshops with the community cover topics such as unemployment benefits, local government, state grants and legal aid. The centre also participates in community-based initiatives; for example, they helped re-establish a sewing group. Through education and participation, the centre's goals of self-reliance and self-empowerment can be achieved.

THE POTENTIAL FUTURE ROLE OF THE ADVICE CENTRE

Previously the people of Indwe have been disadvantaged through ignorance of, and lack of channels to assert their rights. The advice centre has begun to meet this need, and can continue to do so given solid structural and financial backing.

Compiled by Penny Geerdt

September 1992

