

Annual Report 2011

Centre for Applied Legal Studies



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MISSION STATEMENT

*CALS remains committed to its mission of
“Ensuring human rights and sustainable justice for all communities”*

DIRECTOR'S NOTE

It is a unique pleasure to write a Director's note for the Annual Report for CALS for the year 2011. Indeed, it is only since I had the pleasure of adding the portfolio of Acting Director for CALS to that of the Head of the School of Law for the period in between the Directorships of Professors Keightley and Meyersfeld (September 2011 to March 2012) that I am in a position to pen this note.

As detailed elsewhere in this 2011 Report, CALS accomplished much during the year reported on. This is due primarily to the time, energy and effort of all the staff employed at CALS. From the point of view of the CALS Acting Director, I would like to particularly thank Lisa Chamberlain for taking on the task of Acting Head of Programmes during this year.

One of the most exciting achievements during this period was the launch of the Rule of Law Programme, conducted under the directorship of Prof. Keightley. This Programme joined the four CALS Programmes already in existence as a further organisational manifestation of the CALS mission of strategic litigation, research, and advocacy: Basic Services, Education, Environment, and Gender. The Rule of Law Programme immediately launched a case concerning the constitutionality of section 8(a) of the Judge's Remuneration and Conditions of Employment Act. The specifics of that case are discussed elsewhere in this Report. What is appropriate to mention here is the launch of the Rule of Law Programme and this case both drew on and advanced the longstanding CALS tradition of defending and advancing human rights in South Africa through use of the law.

Prof. Jonathan Klaaren, Acting Director

ACKNOWLEDGEMENTS

Our work would not be possible without the financial support of our partners in the donor community. In particular, we would like to thank the following organisations for their continued support:

The Raith Foundation
 The Ford Foundation
 Atlantic Philanthropies

In addition, we would also like to thank the many advocates who have assisted us and generously given their time in court.

CALS STAFF AND INTERNS

STAFF

Prof. Raylene Keightley	Director
Prof. Jonathan Klaaren	Acting Director (from October 2011)
Vandana Cowley	Head of Programmes
Lisa Chamberlain	Attorney; Acting Head of Programmes (from October 2011)
Mary-Anne Munyembate	Head of Litigation
Darlington Mushongera	Economist
Kathleen Hardy	Attorney
Morgan Courtenay	Attorney
Bekezela Moyo	Researcher
Blessing Mushohwe	Researcher
Makwatla Pale	Candidate Attorney
Tahera Timol	Operations Manager
Nazreen Sacoor	Finance and Project Co-ordinator
Anneline Maasdorp	Administrative Assistant
Duduzile Mlambo	Administrative Officer
Sibongile Ncube	Administrative Assistant
Wendy Anne van Lingen	Financial Consultant

INTERNS

Danielle Purifoy	Intern (Harvard University)
David Kurczewski	Intern (University of Chicago)
Sonali Maulik	Intern (University of Chicago)
Ben Pulliam	Intern (University of Virginia)
Ori Ben-Zeev	Intern (Wits University)

FINANCIAL STATEMENTS

CALS' 2011 financial statements can be found in the Annexure at the end of the report.



CALS staff members

BASIC SERVICES PROGRAMME

With the spate of mass forced evictions precipitated by the 2010 Soccer World Cup well behind us, 2011 presented the CALS Basic Services Programme with an opportunity to reflect on its work and begin producing research outputs. These outputs sought to document the advancements and pitfalls currently associated with the realisation of poor and vulnerable people's right to housing in South Africa, and complement the litigation and advocacy strategies employed by CALS in 2011. This year, the Basic Services Programme handled 21 litigious cases, most of which revolved around CALS' commitment to ensuring meaningful engagement with the state, and to enforcing the state's duty to provide suitable alternative accommodation in the event of homelessness ensuing from an eviction.

Major Projects

The Blue Moonlight case

The highpoint of the year was undoubtedly the resounding victory for the urban poor in the case of *City of Johannesburg v Blue Moonlight Properties 39 (Pty) Ltd and Others* in which CALS represented the residents of an abandoned textile factory in Berea, Johannesburg.

To give some background, the *Blue Moonlight* matter arises from an eviction application by a private landowner. The occupiers, with the assistance of CALS, successfully brought an application in 2008 which sought to join the City of Johannesburg as a party to the proceedings and declaring that the City has a constitutional duty to provide alternative accommodation to residents who would be rendered homeless through an eviction. On 12 September 2008, Masipa J ordered that the City be joined and further that it was to file a report with the Court within two months detailing compliance with its constitutional obligations. This matter was subsequently related in the South African Law Reports at 2009 (1) SA 470 (W). On 4 February 2010, the main application was heard before Spilg J. The judge held that the City has a constitutional and statutory duty to provide satisfactory emergency accommodation to the occupiers of both government buildings and *privately owned property*, who would be rendered homeless should an eviction order be granted.

The matter was taken on appeal and heard before the Supreme Court of Appeals (SCA) on 18 February 2011. The SCA confirmed the unconstitutionality of the City's housing policy and ordered the City to provide alternative

accommodation to the occupiers. The City, aggrieved with the decision, took the matter on further appeal to the Constitutional Court. The matter came before the Constitutional Court on 11 August 2011. The appeal similarly dealt with the City's obligations to provide emergency housing to occupiers evicted at the insistence of a private landowner. The Constitutional Court judgment was handed down on 1 December 2011 and found that the City's housing policy was unconstitutional insofar as it excluded occupiers like those in the present matter from consideration for temporary accommodation. Moreover, the judgment held that the City was to provide temporary accommodation to the occupiers of Saratoga Avenue on or before 15 April 2012 – the date on which the occupiers are to vacate the property.

This judgment is both a landmark legal precedent and the result of years of partnership between CALS and this community. Thanks must go to the string of attorneys, candidate attorneys and researchers who have worked on this case over the years, as well as to the community leaders who have played a seminal role in this victory. The outcome of this case will undoubtedly have an impact on many of the other housing cases we have taken on, as well as those with which our partner organisations are involved.

Masonwabe

In 2011, CALS intervened as *amicus curiae* represented by the Legal Resources Centre (LRC) in the case of *City of Cape Town v Hoosain NO and Others* (Masonwabe). This case involved a group of approximately 300 residents who

were living in a block of flats in Gugulethu. The building was owned by the Western Cape Development Trust (the Trust) and the residents had been living there since 1988. The Trust went bankrupt and the building had not been maintained. The parties agreed that the flats should be demolished because the building was in a dangerous condition and could not be repaired. The City sought to evict the residents by issuing a notice in terms of section 12 of the National Building Regulations and Building Standards Act 103 of 1977. The residents refused to leave, and the City applied to Court for an eviction order.

CALS made submissions to the Western Cape High Court on the constitutionality of section 12 of the Act. The essence of our argument was that section 12 cannot be read to permit evictions in circumstances where the minimum requirements of procedural and substantive protections on the right to housing, embodied in international law, are disregarded. In particular, CALS relied on South Africa's obligations under the African Charter on Human and People's Rights, the Commission on Economic, Social and Cultural Rights as well as the African Commission's guidelines on socio-economic rights and the Kampala Declaration. The matter was heard in November 2011 and judgment was reserved.

Launch of Research Report – 'A Face and a Name: City Gentrification and the Urban Poor'

This research report sought to critically analyse the phenomenon of forced eviction within the context of the state's duty to meaningfully engage and to provide access to suitable alternative accommodation. Emphasis was placed particularly on the City of Johannesburg's obligations as

they appeared from a case study of the occupiers in the case of *Chestnut Hill Investments v Maite and Others*. The report proceeded from an understanding that the consequences of apartheid for housing in Johannesburg remain readily apparent, making it of critical importance that the right to access adequate housing is employed in a constructive manner in order to remedy this legacy of inequality. The report further drew from the extensive involvement that CALS has had in eviction-related litigation within the inner city of Johannesburg, exploring the disjuncture that exists between the constitutional, statutory and jurisprudential obligations of the City on the one hand, and the lived realities of inner city occupiers on the other.

Workshop on Access to Adequate Housing: 'Inner City Living in the City of Gold'

On 25 March 2011, CALS hosted an experiential workshop, which brought together interested stakeholders from the public, private and NGO sectors to discuss issues surrounding access to adequate housing. Presentations given by CALS, the Legal Resources Centre and Médecins Sans Frontières (Doctors Without Borders) sparked useful debate and the workshop provided a platform for an open dialogue with the stakeholders present on the challenges currently faced within the housing sector.

SALGA Conference

CALS was invited to present on the legal landscape governing revenue and debt collection at the annual SALGA budget week in Pretoria on 15 April 2011. The presentation, entitled 'Municipal Services, Revenue and Debt Recovery: The Legal Landscape', sought to build capacity at municipal level regarding the regulatory system applicable to municipal service provision.

EDUCATION PROGRAMME

The Education Programme works on projects that seek to ensure that the right to education is fully realised by all South African children, especially those from disadvantaged communities. The Programme adopts an impact-oriented approach where research activities and outcomes aim to empower both education service providers and beneficiaries with relevant information, to improve not only access to quality education, but also to produce an educated citizenry which is self-reliant.

Major Projects

Gauteng Department of Education Research Audit Project: Phase 3

In 2010, CALS conducted the first two phases of the Gauteng Department of Education (GDE) Research Audit Project. These phases of the Project involved the identification and analysis of all education-related research relevant to Gauteng in line with the four Key Strategic Goals of the GDE. The aims of this process were to:

- Enable the GDE to identify gaps in research, plan their use of resources and prioritise their research agenda into 2014; and
- Enable the GDE Knowledge Management & Research Directorate to become a repository for all external or internal education research done in Gauteng.

Phase 1 involved the production of a list of research material on various aspects of education conducted in Gauteng. A list of 600 education research outputs was compiled. Phase 2 involved an analysis of the research identified in Phase 1 in line with the GDE's four Key Strategic Goals. This culminated in the formulation and design of an Analysis Tool and Recommendations Summary Tool for the Phase 2 Report. These Tools were designed to ensure that the research done in the province by a variety of stakeholders is coordinated, hence guaranteeing that research output which is relevant for policy formulation is accessible to policy makers and other research entities. Making use of the Tools and building an accessible database of knowledge within the GDE Knowledge Management & Research Directorate will provide direction on how education policy and programmes can be improved and changed.

These two Phases led to Phase 3, conducted in 2011, which involved a similar analysis but this time of research conducted in-house by the various directorates within the

GDE. The analysis involved interrogating the content of each research article and capturing information such as the Key Strategic Goal addressed by the article, the relationship to other Goals, the methodology applied by the researcher, and the findings and recommendations of the research. In the process of the extensive audit of research material, CALS identified knowledge gaps that exist in the current research database and recommended themes for research priorities in line with the GDE's Key Strategic Goals. Phase 3 of this Project is captured in a research report titled '*An analysis of the existing internal research carried out in the field of education in Gauteng Province since 2004*'.

The Hostel Schools Project

The aim of the Hostel Schools Project was to interrogate the benefits of rationalising small and non-viable farm and deep rural schools by creating merger schools, some with hostel facilities. The objectives were to:

- Scope the complex factors involved in the relocation of the learners from their homesteads into the new hostel schools; and
- Monitor and evaluate aspects of these hostel schools to ascertain successes and gaps in the benefits outlined by government in the proposal statement.

Three hostel schools in three provinces, namely Msinga High in KwaZulu-Natal, Jagersfontein Middlebare in the Free State and Onkgopotse Tiro Comprehensive School in the North West, provided real life case studies to investigate the functionality of hostel schools. The Education Programme team conducted action-based research by conducting site visits and interviews at hostel schools, villages surrounding hostel schools, learners' homes and the offices of Provincial Departments of Education.

The findings of this research are overwhelmingly positive. Despite some identifiable gaps and several challenges of resource provision and supply chain management, the hostel schools project is opening up educational opportunities in terms of access to quality education for most learners who would otherwise have ended their schooling at Grade 7 or lower. The school environment provided by hostel schools exposes learners to a wide curriculum of both academic and extracurricular activities which enhances their employment opportunities.

Some of the key recommendations that came out of the report are as follows:

- Plan and implement the extension of the hostel schools project to ensure that the benefits are spread to all affected learners as quickly and as practicably as possible.
- Revive the Directorate of Rural Education (DRE) to ensure that the focus of rural education and development is retained. The DRE should act as a focal point for the various state education agencies in the ongoing planning and implementation of the hostel schools project.
- Develop a national hostel school policy that will form the basis for implementation and facilitate continuous M&E of the hostel schools project and related government agencies such as the Supply Chain Management System to ensure the sustainability of the project.
- Address the overcrowding trend to ensure that the quality of teaching and learning in hostel schools is not compromised; otherwise the initial success of the project will be undermined in the longer term.
- Research the post-school trajectory of hostel schools learners to find out whether they are truly benefiting from the improved quality of education and are accessing better employment opportunities, or simply returning to rural poverty after school.

This research is captured in a research report titled *From Farm Schools to Hostel Schools: A Lived Reality*.

Advocacy

In 2011 the Education Programme engaged in a number of workshops and seminars. These were used to advocate and empower education providers and other interested and affected parties with information to improve policy and programme formulation to ensure the provision of quality education for all. Examples include:

- A training workshop for the GDE Knowledge Management & Research Directorate on how to use the Analysis Tool and Recommendations Summary Tool developed by CALS during the project and how to use the information in these strategic tools to achieve their Key Strategic Goals.
- A dissemination workshop on the GDE Research Audit Project: Phase 3 held at Sci-Bono. The objective of the workshop was to share priority recommendations that would help chart the way forward in managing research and improving education in the province.
- A dissemination workshop on the *'From Farm Schools to Hostel Schools: A lived Reality'* Report. This workshop was used to advocate for the extension of the project by highlighting its proven benefits and also making constructive suggestions for how address some of the identified challenges. The research findings were well-received, particularly by other provinces looking to implement hostel schools policies.
- Blessing Mushohwe and Bekezela Moyo attended a seminar on 'Leveraging Access to Information in Pursuit of Quality Basic Education' hosted by the Institute for Democracy in Africa (IDASA). The participants and presenters at the seminar discussed the importance of access to educational information for all interested and affected people. It was shown that making information available, not only to providers of education but also to learners and parents, is essential in ensuring the involvement of all in the education of learners. Likewise, CALS projects and advocacy programmes will also keep on emphasising that information on education-based issues should be made available to disadvantaged communities around the country.
- Bekezela Moyo and Blessing Mushohwe attended a seminar on 'Youth who are not in Education, Employment or Training (NEETs): Whose problem is it?' hosted by the Wits School of Education and the



Centre for Education Policy and Development (CEPD). The seminar dealt with the challenge of NEETs, a result of government's focus in increasing enrolment in schools without adequate emphasis on what the learners will do after completing school or when they drop out. The discussion centred on the effectiveness of some strategies that have been formulated to reduce the number of NEETs in South Africa. The seminar

was especially relevant to CALS' recommendations for further research on hostel schools regarding the trajectory of hostel school graduates.

- Blessing Mushohwe and Bekezela Moyo participated in the tentative formation of an Education Coalition in South Africa, hosted by the Community Initiative for Social Enhancement (CISE) and IDASA at Sci-Bono.

Legal Advice

The Education Programme provided advice to individuals on school fee exemption issues as a way of furthering the Programme's aim of enhancing access to improved educational opportunities and quality education for school children.



ENVIRONMENT PROGRAMME

The Environment Programme at CALS works towards making the environmental right contained in the Constitution a tangible reality for all who live in South Africa. The Programme adopts as the basic premise of its work that a healthy environment is critical for the development of all people, especially poor and marginalised communities who have limited options in terms of choosing the environment in which they live. In keeping with CALS' history of rights-based research, advocacy and strategic litigation, the Environment Programme seeks to engage with all those charged with the implementation of the environmental right, as well as those affected by the failure to adequately give effect to it. The work of the Programme is driven by the need to facilitate access to the processes through which communities can be involved in combatting unacceptable environmental degradation. Throughout 2011, the CALS Environment Programme has been involved in four major projects.



Pictures in this section taken by Mapungubwe Action Group members, Nick Hiltermann and Venessa Bristow

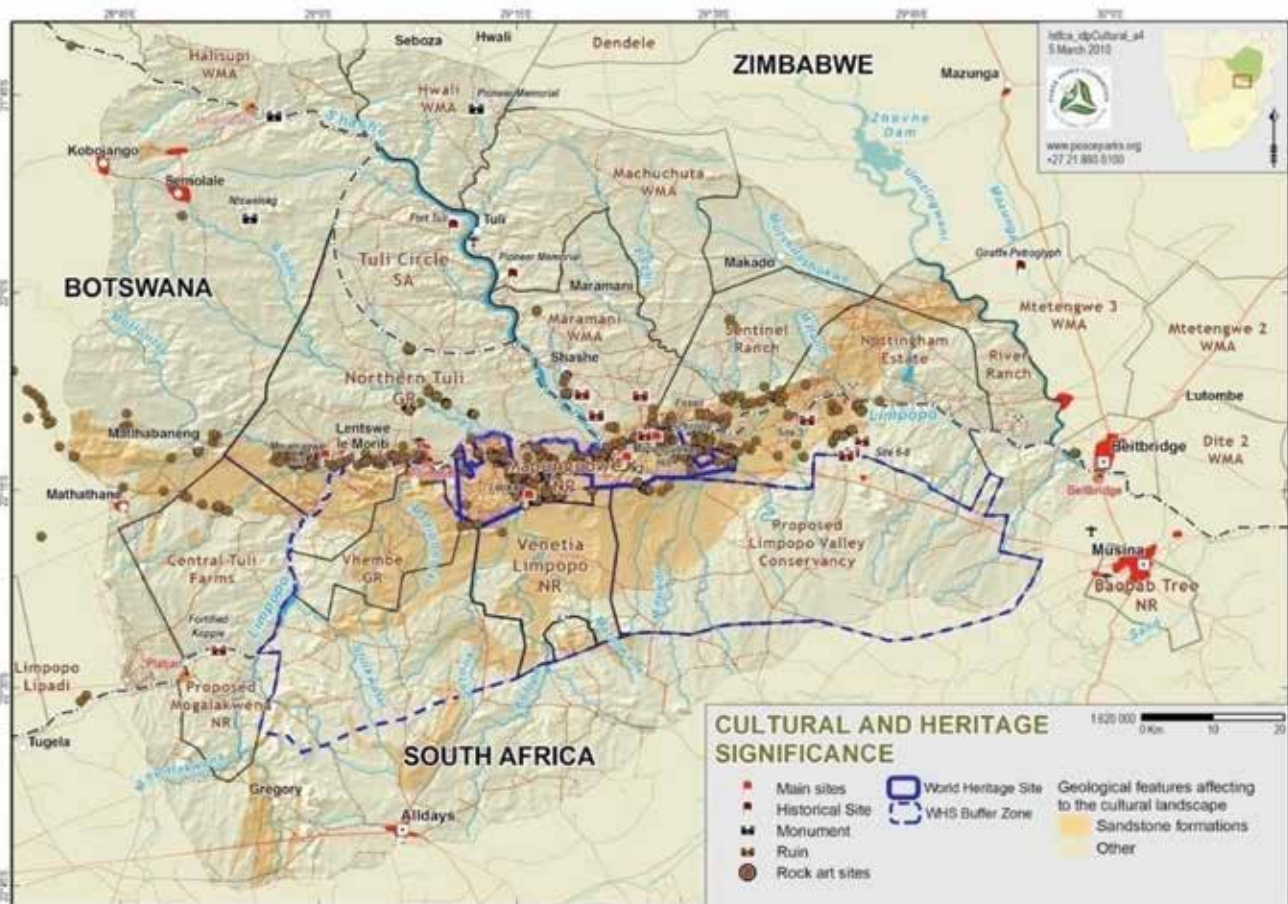
Major Projects

Vele Colliery Project

The Vele Colliery Project has been the flagship project of the Environment Programme since its inception in 2010. The Project developed in response to the construction of a coal mine a few kilometres away from Mapungubwe – South Africa's premier World Heritage Site. The mine (Vele Colliery) is owned by an Australian company called Coal of Africa Limited (CoAL). CALS, together with our partner, the Centre for Environmental Rights (CER), represents a coalition of civil society organisations who are committed to protecting the integrity of Mapungubwe and its surrounding area. This Coalition consists of the

Mapungubwe Action Group, the Endangered Wildlife Trust, the Association of Southern African Professional Archaeologists, BirdLife South Africa, the Wilderness Foundation and the World Wide Fund for Nature South Africa.

The Mapungubwe Cultural Landscape (MCL) is an area in northern Limpopo that was home to the first African state. In 2003, the MCL was declared a World Heritage Site by UNESCO on the basis of its immense archaeological and cultural significance. The MCL also forms the South African core component of the Greater Mapungubwe



Trans-frontier Conservation Area which is the result of a trinational agreement between South Africa, Zimbabwe and Botswana. Despite the sensitivity of the area, the Departments of Mineral Resources, Environmental Affairs and Water Affairs have all granted CoAL various permits and licenses which have facilitated their activity on site.

The key issues in dispute concern the nature of development which is appropriate in this particularly sensitive area, and the form such development should take. An important feature of the Project has thus been to interrogate whether it is appropriate for industrial activity like coal mining to take place so close to a World Heritage Site.

Our broad objectives in this Project are the following:

- To examine non-compliance by stakeholders in the particular case of Vele Colliery.
- To use specific examples of defects in:
 - Implementation: to prevent mining activities that do not adhere to the current regulatory framework; and
 - Design: to advocate for a change in the law and regulatory process which govern these activities.
- To use the Vele Colliery Project to build and strengthen measures for the Mapungubwe area and similar regions

to ensure sustainable mining and the protection of the Mapungubwe region.

- To build the jurisprudence on the environmental right as enshrined in section 24 of the Constitution.

2011 was an extremely eventful year for this Project. CoAL paid an administrative fine of over R9 million following on from its non-compliance with the National Environmental Management Act (NEMA) discovered by the Green Scorpions, and lodged an rectification application under section 24G of NEMA. This provision effectively allows companies who have engaged in unlawful conduct and been exposed, to apply for retrospective authorisation. The Department of Environmental Affairs later granted CoAL authorisation under section 24G. In addition, CoAL was granted a water use license by the Department of Water Affairs. The Coalition appealed that decision in the Water Tribunal, which effectively suspended the operation of the water use license. CoAL responded by petitioning the Minister of Water Affairs to lift that suspension. After extensive submissions filed on both sides, the Minister did indeed lift the suspension – the first time she has exercised her discretion to do so as far as we are aware – thus enabling CoAL to proceed with activity on site.

The challenge to the Vele Colliery has had far-reaching positive consequences that go well beyond this one mining development. For example:

- A clear message has been sent to the mining industry that civil society will not allow poor permit applications with limited or no public participation, bad permitting decisions and slow enforcement action by authorities to continue. Interested and affected parties, including public interest organisations like the Coalition members, have legal remedies and will not hesitate to use them again in future. Attempts to shortcut the regulatory requirements will come at great cost to companies and their investors, as has been powerfully demonstrated in the case of the Vele Colliery.
- The Coalition's challenge has highlighted the inappropriateness of a fragmented regulatory system in which one government department (the Department of Mineral Resources) wields disproportionate power. It not only ignores the concerns of other departments and agencies, but makes it near impossible for those departments and agencies to fulfil their mandates towards the environment, water and heritage resources in a responsible way. This case demonstrates the need for an integrated permitting system.
- The Coalition's challenge has highlighted the urgent need for authorities to agree on and demarcate areas of importance and value concerning heritage, ecology, biodiversity, culture and hydrology where no mining should be allowed, or allowed only under certain conditions. This is particularly important in order to avoid a situation where mining companies are allowed to invest significant capital in an area where mining

should never have been permitted to take place in the first instance. A proposed list of such areas of critical biodiversity and hydrological value and sensitivity, based on extensive scientific research and consultation with a wide range of affected parties and authorities, was submitted to the Minister of Mineral Resources in February 2011 by a group of thirteen civil society organisations.

Towards the end of 2011, the Coalition resolved to commence direct formal negotiations with CoAL, taking into account the results achieved to date through the Coalition's interventions, as well as the extraordinary burden these on-going legal challenges places on civil society. The purpose of these negotiations is to address outstanding concerns about the impact of the Vele colliery on the environment, water and heritage resources through, *inter alia*:

- a. Further research, monitoring and modelling into the potential impacts of mining at the Vele Colliery; and
- b. Amendments and improvements to Limpopo Coal's approved Environmental Management and Programme Reports and water use licence to be agreed.

The overall aim of these negotiations, as agreed by both the Coalition and CoAL, is to set a benchmark for best practice in relation to managing and mitigating the impacts of coal mining and related activities on the environment. This specifically includes the impact on water and heritage resources, not only for the Vele Colliery but for all future coal mines. A formal memorandum of understanding between the Coalition and CoAL was signed in November 2011.



We look forward to constructive engagement with CoAL in 2012 as we explore ways for the mining industry and civil society to work together to protect the environment. CALS remains committed to using this Project as a basis for knowledge-building around the issues involved, as well as engagement between all stakeholders to find practical solutions to the problems posed. We hope this will also develop capacity-building among communities and public interest organisations whose concern is the protection of sensitive areas from unsustainable mining activities.

Coal Mining and Communities Project

This project follows on from a pilot study CALS conducted in 2009, in collaboration with the School of Law at the University of the Witwatersrand. The pilot project assessed the impact of coal mining activities on the Wesselton Community near Ermelo in South Africa's Mpumalanga Province. In a dissemination workshop held in January 2010, representatives of a cross section of stakeholders including government, affected communities, civil society organisations, representatives from mining houses, and academics engaged with environmental issues raised by this project. Many of the stakeholders present began to realise the extent to which coal mining and its associated activities disproportionately impacts poor and vulnerable communities. The plight of these communities is further compounded by the fact that they struggle to have their voices heard and to participate in decision-making in the mining industry.

The study of the Wesselton Community culminated in

a research report that contained a number of policy and practical recommendations. One of these recommendations was that there was a need to replicate this study in additional provinces where coal mining is reported to be taking place. The primary objective of extending the study was to map the trends of the impact that coal mining is having on adjacent communities.

During the course of 2011, the Environment Programme engaged in field research in a number of communities affected by coal mining activity. This phase of the Project highlighted that the main impact of coal mining seen in all three communities is social in nature. It is interesting to note that these social impacts and the various degrees of social divide within the communities are present across the 'lifetime of a mine'. The impact of coal mining on communities is not limited to active coal mines only. In KwaZulu- Natal, the community is still impacted by previous coal mining activity that has left behind little social benefit and large environmental issues. This has resulted in mixed feelings about possible future mines in the area. In Limpopo, the community is torn between possible economic growth and development, on the one hand and fears of negative social and environmental impact on the other. In the Free State, the social and environmental impact and divide is present in a community living in close proximity to an active coal mine. The recommendations of the outcomes of this research relate to issues such as the role of civil society and Chapter 9 institutions, the value of community exchange, problems associated with bulk sampling and government engagement.



South / South Learning Exchange

This is an initiative of the Ford Foundation to get all its grantees in Latin America and southern Africa who are working on issues concerning the extractives industries together, in order to learn from each other's experiences. The main purpose of this initiative is to learn from the impact of extractive Industries in Latin America and southern Africa, through designing and implementing two Learning Routes and establishing an intra- and inter-regional online community of practice.

Kathleen Hardy attended the first Learning Route on behalf of CALS, which took place in Peru and Colombia from 18 – 29 September 2011. Participants from a number of NGOs travelled together to six case study sites. Participants spent many hours sharing information and debating strategies used by the organisations involved, both successfully and otherwise. The idea is that all participants take this learning back to their organisations, which can then reflect and innovate around their organisational practices and methodology. The second Learning Route in southern Africa is planned for March 2012.



AgriSA v Minister of Mineral Resources

This case is about the interpretation of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) and, broadly speaking, whether the MPRDA amounts to state expropriation of mineral rights. A secondary issue is, if it is decided that the MPRDA does constitute expropriation, what is a just and equitable amount of compensation?

The facts of this case are broadly that a company called Sebenza Mining (Pty) Ltd held certain mining rights to coal which they had bought for R1 million, although they had never actually done any mining. The MPRDA then came into effect on 1 May 2004 and replaced the previous regime with a new system with detailed transitional provisions allowing for conversion of old order rights to new order rights. Sebenza's rights were classified as "unused old order rights" under the MPRDA. In terms of the transitional provisions of the MPRDA, holders of unused old order rights were given one year in which they enjoyed the exclusive right to apply for a prospecting or mining right. If a right was granted, the right-holder would be in the same position as someone who had converted an old order mining right (i.e. a used one) to a new order mining right.

Sebenza went into liquidation in September 2004 and the mineral rights were valued at around R700 000. Sebenza accepted an offer of R750 000 for the rights but the sale fell through. In March 2006, Sebenza lodged a claim with the Department of Mineral Resources, alleging expropriation and claiming R780 000 in compensation. This claim was rejected, and in October 2006 Sebenza ceded its rights to AgriSA who paid R250 000 for them. AgriSA bought these rights with the purpose of using this case to test the argument of expropriation. AgriSA claimed compensation of R750 000.

While the case is a dispute between AgriSA and the Minister of Mineral Resources, CALS (represented by the Legal Resources Centre) has been admitted as *amicus curiae*. CALS seeks to assist the Court in the interpretation of the MPRDA. Given the potential of this case to result in a flurry of other claims, CALS is concerned that the issue of expropriation should be properly interpreted within a constitutional and human rights paradigm.

The matter was heard in March 2011 and judgment was handed down by the North Gauteng High Court in April 2011. The Court found that the plaintiffs' mineral rights had indeed been expropriated – within the meaning of section 25 of the Constitution – through operation of certain provisions of the MPRDA. Moreover, that flowing from such expropriation, the plaintiffs were entitled to compensation in the amount of R750 000. The Minister has since appealed to the Supreme Court of Appeals.

CSO and Community Advocacy

Foundation for Human Rights Policy Dialogue

On 1 February 2011, the Foundation for Human Rights hosted a policy dialogue in Berea. Lisa Chamberlain (Attorney) presented on the Vele Colliery case with a particular emphasis on the implementation of integrated environmental management principles in the mining context.

CSO Alliance

CALS is a member of the Civil Society Legal Strategy to Promote Environmental Compliance, Transparency and Accountability in Mining (The Alliance). The Alliance is a civil society network consisting of various organisations and community members with the aim of promoting Environmental Compliance, Transparency and

Accountability in mining, and hosts bi-annual meetings with all members. The Alliance is spearheaded by the Centre for Environmental Rights (CER).

On 15 – 16 March 2011, CER hosted a workshop which sought to provide a platform for the Zimbabwean Environmental Law Association to exchange information and ideas with the South African organisations and communities present. Lisa Chamberlain presented on the litigation aspect of the Vele Colliery Project under the theme of case-based interventions that are setting precedents. A follow-up meeting was held on 20 October 2011, attended by both Lisa and Lerato Thekiso (Attorney: Environment Programme). Lisa presented an update on the Vele Colliery case.

Legal Resources Centre Water Workshop for African Lawyers

On 7 April 2011, the LRC hosted an African Lawyers Water Workshop. Raylene Keightley (Director) and Vandana Cowley (Head: Environment Programme) presented a discussion on the Coal Mining and Communities Project.

Participating in the Wits Community: Wits Energy Forum

In 2011, the Vice Chancellor of the University of the Witwatersrand, Prof Loyiso Nongxa, established an energy forum. The essence of the invitation was to call anyone involved in energy-related work at Wits to a forum for discussion around a co-ordinated institutional response to energy issues, envisaged as the creation of a Wits Energy Initiative which will adopt a four-pronged approach:

- Research;
- Curriculum development;
- Efficient use of energy ‘at home’; and
- Awareness.

A forum meeting was held on 20 May 2011, with the purpose of creating a platform through which the future of energy in South Africa could be confronted. The invitation was also based on a need to urgently develop a comprehensive strategy, which cuts across all disciplines, to address the looming energy crisis and for those involved in energy-related work to come together to develop a plan for the future.

CALS has much to offer this initiative as great interest was expressed in shifting the paradigm from understanding energy as a ‘regulation’ issue to understanding it as a rights-based issue. Much of the current research seems to be focused on the technical/scientific aspects of energy-related issues. Our rights-based approach to the human side of these issues would thus be of immense value and we will continue to feed into these discussions.

Conference on Sustainable Utilisation of Aquatic Resources

On 26 June 2011, a conference on Sustainable Utilisation of Aquatic Resources was hosted by the School of Environmental Sciences and Development, North West University and the Centre for Aquatic Research, University of Johannesburg. Kathleen Hardy attended the conference and presented on the standards of proof and expert witness responsibilities in environmental litigation.

Government Advocacy

One of the critical development issues currently facing South Africa is how to navigate competing land-uses where their co-existence is debatable. There is growing sentiment that some areas of the country should be declared off limits for mining activity, or at the very least that certain areas of particular sensitivity should be regulated in a nuanced way allowing, for example, for only limited kinds of mining activity. Section 49 of the MPRDA allows the Minister of Mineral Resources to prohibit or restrict the granting of mining rights in certain areas, having regard for national interest and the need to promote the sustainable development of the nation’s mineral resources. However, to date this power has not been exercised.

A coalition of civil society organisations, of which CALS is a part, has developed a proposal for the exercise of the Minister’s powers under section 49. The proposal delineates three categories:

- Existing no-go areas (in terms of other legislative instruments such as the National Environmental Management: Protected Areas Act of 2003);
- Areas that it recommends should be declared no-go zones for prospecting and mining operations in terms of section 49; and
- Areas in which special restrictions on mining activity should be imposed under the section 49.

Areas were listed for their biodiversity and hydrological value, following extensive scientific research. Suggested no-go zones included mountain catchment areas in terms of the Mountain Catchment Act, sites recognised under the RAMSAR Convention on Wetlands and recognised endangered and critically endangered ecosystems. Proposed restrictions included making all documents submitted in licensing applications publicly available and including civil society organisations on the list of interested and affected parties.

This proposal was submitted to the Minister of Mineral Resources on 1 February 2011 and a follow-up letter was sent on 21 September 2011. To date no response has been received from the Minister. A response was received from the Chamber of Mines and we have engaged with them in this regard. Thanks and credit for driving this initiative must go to our partner the Centre for Environmental Rights. We look forward to continuing to work with them on this initiative (and trying to elicit a response from the Department of Mineral Resources) in 2012.



GENDER PROGRAMME

During 2011, the Gender Programme has lain somewhat dormant due to the fact that it has been neither staffed nor funded. Nevertheless, some gender-related activity has continued. On 9 November 2011, CALS co-hosted a seminar with the Medical Research Council of South Africa. The topic of the seminar was *'The Role of Men in Transactional Sex: Does the law have a role in regulating this behaviour and if so how should it do it?'* This seminar followed on from the 2010 seminar hosted by CALS which dealt with feminist approaches to prostitution.

South Africa has been reviewing its legislation on prostitution and there has been considerable research and debate regarding the intersection between the sex industry, the law and its impact on the health and human rights of women in the sex industry. However, there has been significantly less research, and debate, regarding the role of men as consumers in the sex industry, and the intersections of economic exchange, masculinities, crime, violence and sex.

This seminar served as a platform for the dissemination of research conducted in part to start plugging this gap. The research involved an extensive household survey in the KwaZulu-Natal area of South African men between the ages of 18 – 49 regarding their engagement in the sex industry. The seminar explored issues such as the boundaries between transactional sex and prostitution, the role of the State and the law in mediating these relationships and the possible impact of law reform on men who pay for sex, and men more generally.

RULE OF LAW PROGRAMME

At the centre of the CALS Rule of Law Programme's work is the notion of holding state institutions, including the judiciary, executive and legislature, to account. Many civil society organisations (as well as other Programmes within CALS) are challenging government's work in various sectors, such as housing or the environment. The Rule of Law Programme does not, however, address a specific subject area. Instead, it targets systemic government issues, holding the three arms of government to their constitutional and legislative mandates. The Rule of Law Programme recognises that South Africa is founded on the supremacy of the Constitution which obliges the state to respect, protect, promote and fulfil the rights contained in the Bill of Rights. The failure in the exercise of public power by the State and private bodies to respect and protect these rights, however, is a well-known phenomenon that exacerbates inequality and perpetuates the apartheid regime's legacy of economic inequity.

Major Projects

Case concerning the extension of the tenure of the Chief Justice

In 2011, the President sought to extend the tenure of the then Chief Justice, Sandile Ngcobo, for an additional 5 years, in terms of section 8(a) of the Judge's Remuneration and Conditions of Employment Act (the Act). Without extension, Chief Justice Ngcobo's term of office was due to expire on 14 August 2011. Relevant here is section 176(1) of the Constitution which provides that a Constitutional Court judge holds office for a non-renewable term of 12 years or until he or she reaches the age of 70 years, whichever is the sooner, except where an Act of Parliament extends the term of office of a Constitutional Court judge. Section 8(a) of the Act allows the President to request a Chief Justice who is about to be discharged from active service to continue in office as the Chief Justice for an additional period determined by the President if the Chief Justice accedes to that request.

This was the first time that section 8(a) had been used. Concerned about its constitutionality, CALS wrote to the President and the Minister of Justice and Constitutional Development setting out our concerns. After receiving a delayed response on behalf of the Office of the President and the Minister confirming the extension, CALS, together with our partner the Council for the Advancement of the South African Constitution (CASAC) launched a High Court application challenging the constitutionality of section 8(a) mentioned above.

Subsequently, a number of other parties applied directly to the Constitutional Court on an urgent basis for clarity on the issues, and CALS followed suit. All of the applicants asked the Constitutional Court to declare section 8(a) of the Act inconsistent with section 176(1) of the Constitution on the basis that section 176(1) only allows for an "Act of Parliament" to extend the term of office of the Chief Justice and, therefore, to the extent that section 8(a) gives this power to the President, it is an unlawful delegation of a legislative power. The parties varied in the views as to whether the term of particular categories of Constitutional Court judge could be extended or not.

The Constitutional Court delivered judgment on 29 July 2011. The Court emphasised that section 176(1) must be interpreted against the background of the constitutional imperatives of the rule of law, separation of powers and the independence of the judiciary, and that a non-renewable term of office is an important feature of these constitutional imperatives. It held that because section 8(a) permitted the President to extend the term of office of the Chief Justice, it usurped the power of Parliament and therefore amounted to an unlawful delegation of a legislative power. The Court held further that the term "a Constitutional Court judge" in the second half of section 176(1), properly interpreted, meant that section 176(1) does not permit the singling out of any one of the Constitutional Court judges for the extension of their terms. Section 8(a) and all conduct pursuant to it, was thus declared unconstitutional. Accordingly, the

extension of the term of office of the Chief Justice was of no force and effect.

By the time this case was before the Constitutional Court, there were many organisations involved. However, given the political sensitivity of the challenge, in the early stages very few organisations were prepared to come forward. We would like to thank our partner, CASAC, for having the courage to stand with us in this regard. In addition, we would like to reiterate what we have said repeatedly in the media coverage which followed the case: this

challenge has always been about the constitutionality of the mechanism used to extend the term of the incumbent of the Office of the Chief Justice. It has never been about Justice Ngcobo himself or his suitability for that office. Justice Ngcobo has played a significant role in building South Africa's democracy and in upholding our treasured Constitution. It is that Constitution which we all serve and this case has highlighted the important role that an active civil society can and should play in holding government to account and ensuring that our democratic foundations are not weakened.

Remand Detainees Project

The Remand Detainees Project focuses on the conditions under which those awaiting trial are held in South African prisons. Remand detainees endure high rates of overcrowding in our correctional centres which has serious consequences concerning social wellbeing, health and often physical safety. Compounding this problem is the fact that large numbers of remand detainees spend years in detention pending finalisation of their trials and many are ultimately acquitted, often having spent more time in detention than the standard sentence for the crime of which they were accused. CALS took on this Project in order to test the practical implementation of a regulatory framework that seeks to strike a balance between the rights of remand detainees, the administration of justice, the rights and protection of the public at large, state obligations and the ability of the courts to secure this balance.

The Project speaks to CALS' methodology of simultaneously working to advance the human rights of the individual beneficiaries involved (in this case remand detainees) but also to bring about systemic change (in this instance taking the form of law reform in the criminal justice system). The Project is also designed to adopt an inter-disciplinary approach, utilising a combination of law and journalism to achieve its goals. The Project commenced with our attorneys building relationships with those working in the sector, some initial interviews with remand detainees and the initial stages of strategic planning. We look forward to taking a more in-depth approach in 2012.

The Hlophe Case

This case originates from the now well-known complaint laid by the Justices of the Constitutional Court to the Judicial Service Commission (JSC) against Judge President John Hlophe. The complaint related to allegations that the Judge President had approached two Justices of the Constitutional Court in an attempt to influence them in a case pending before the Constitutional Court at the time. The Judge President lodged a counter-complaint alleging that his rights had been violated when the Justices published a media release about their decision to lodge the complaint. The JSC considered these complaints in 2009 and decided to dismiss both the initial complaint and the counter-complaint.

The Premier of the Western Cape, Helen Zille, subsequently instituted urgent motion proceedings in the Western Cape High Court seeking an order that the decisions of the JSC were not taken by the required majority and were therefore invalid. The High Court granted the order sought and set aside the decisions of the JSC. The JSC took the High Court decision on appeal to the Supreme Court of Appeals (SCA). The SCA delivered judgment in March 2011, dismissing the appeal. At about the same time, Freedom Under Law brought an application in the High Court to review and set aside the JSC's decision on a number of grounds. Their application was unsuccessful in the High Court and partly successful in the SCA when the decision of the JSC was partially set aside.

Hlophe subsequently appealed to the Constitutional Court. Because a number of the members of the

bench appealed to are parties to the original complaint lodged with the JSC, a debate arose as to whether these complainants should recuse themselves from the Constitutional Court bench, and if so, whether an alternative appropriate forum could be constituted to consider the appeal. For example, would it be proper for acting judges to be appointed to the Constitutional Court for the sole purpose of hearing this appeal?

The Court itself issued a series of directions calling for submissions on these issues. Given the possible impact of these issues beyond the confines of the particular dispute at hand, CALS intervened as amicus curiae in the Constitutional Court application. We sought to assist the Court in resolving this practical and principled dilemma through reliance on the doctrine of necessity and a survey of local and foreign case law.

CALS considered that the questions raised by the Court, and the issues presented by such questions, had significance beyond the confines of the dispute before the Court. These questions would affect various future cases, especially those concerning judicial independence. The Constitutional Court delivered its judgment on 30 March 2012 and held that section 175(1) of the Constitution does not allow for the appointment of individual acting judges to hear a specific case when serving Constitutional Court judges recuse themselves from hearing a matter. The Court further held that the leave to appeal should be refused, taking into account that fact that the SCA had considered both matters and that the threat of injustice was therefore mitigated.

PUBLIC INTEREST LAW GATHERING

In December 2011, the public interest law community launched the first Public Interest Law Gathering (PILG) which took place at the School of Law at the University of the Witwatersrand from 1 – 3 December 2011. As co-hosts, CALS was pleased to be a part of this initiative which brought together public interest legal practitioners and organisations, law students, paralegals, social movement leaders and legal academics to share and develop knowledge in this area. Focusing on public interest litigation on socio-economic issues, the gathering was a collaborative knowledge-sharing exercise, as well as an opportunity to promote networking in the public interest community.

CALS hosted three panels at PILG:

The story of civil society participation in the Vele Colliery / Mapungubwe saga and efforts to protect the integrity of the area

The panelists were Lisa Chamberlain, Melissa Fourie (Executive Director of the Centre for Environmental Rights who are also attorneys of record in the case) and Carina Du Toit (Attorney at the Centre for Child Law, who have applied to intervene as amicus curiae). The panelists aimed to demonstrate how the delicate balance between the sustainable use of natural resources on the one hand, and the need for economic and social development on the other is sought in this case, while demonstrating from experience how achieving this balance in practice is a complex and difficult process. The purpose of this panel was mainly to ‘tell the story’ of the Vele Colliery Project and how civil society has joined together from the beginning to date in addressing key issues. Three key areas were addressed as the themes for this panel namely:

- The civil society experience in the case;
- The intergenerational equity aspect and the attempted amicus intervention; and
- The achievements attributable to the civil society collaboration to date.

Extending the Chief Justice’s Term: A Constitutional dialogue on the selection process of the Chief Justice – where executive and judicial powers meet

Prof. Raylene Keightley presented on the decision taken by CALS to challenge the President’s decision to extend the tenure of the former Chief Justice. She discussed the political sensitivity in matters such as this where pressure was applied by government and civil society organisations alike not to proceed. Jonathan Berger (Senior Researcher

and Head of Research at SECTION27) discussed the interview process of the President’s nominee for the position, Chief Justice Mogoeng. He discussed submissions made by SECTION27, the process that was followed and lessons learnt by civil society through this process. The main discussions after the panel presentations were centred on the importance of civil society in rule of law matters. The often-found political sensitivity of these matters and the appropriate response of civil society created a lively debate among participants and the audience.

A critical review of the Department of Basic Education’s Hostel Schools Project vis-à-vis children’s right to access quality education in farm and deep rural communities

In this panel, Bekezela Moyo and Blessing Mushohwe presented the findings of CALS’ Hostel Schools Project. Input was also provided from government officials and school principals who had participated in the research for the Project (Gadiel Boafo, Senior Education Specialist in the Free State and Edwin Kgonothi, Principal at Onkgopotse Tiro Hostel School respectively). The panel highlighted the major positive impact of hostels especially with regard to the provision of quality education. Three main issues dominated the discussion:

- The need to incorporate care and protection issues when deciding on the extension of the hostel schools project to other places and provinces;
- The need to formulate a long term solution to access to education in farm and rural communities since the highly expensive hostel schools project seems unsustainable; and
- The need to invite officials from other departments such as Transport or Social Development to be present when discussions about the hostel schools project take place.

We also participated in a housing panel hosted by the Socio-Economic Rights Institute of South Africa (SERI):

Right to Housing panel which dealt with the latest judgments regarding section 26

The panellists were Stuart Wilson (Director of Litigation at SERI and member of the Johannesburg Bar), Morgan Courtenay (Attorney in the Basic Services Programme at CALS), Sheldon Magardie (Attorney at Lawyers for

Human Rights) and Sbu Zikode (former President of Abahlali baseMjondolo Movement South Africa). The panel was facilitated by Heidi Barnes (member of the Johannesburg Bar) and sought to explore the most recent developments in housing rights jurisprudence, including the evictions jurisprudence developed over the past several years, and the extension of section 26(1) protection to defaulting bondholders. It also sought to speculate on the future development and application of the jurisprudence on the ground.

AN ATTORNEY ABROAD

During the months of January to April 2011, I had the opportunity to serve as an intern at the United Nations Counter-terrorism Committee Executive Directorate (CTED) in New York. CTED was established by the Security Council in 2004 to assist the Counter-terrorism Committee, which comprises all 15 members of the Security Council. Support is rendered through strengthening and coordinating the process of monitoring the implementation of resolution 1373 (2001). This resolution was adopted by the Security Council in the wake of the terrorist attacks of 11 September 2001, and requests countries to implement a number of measures intended to enhance their ability to counter terrorist activities.

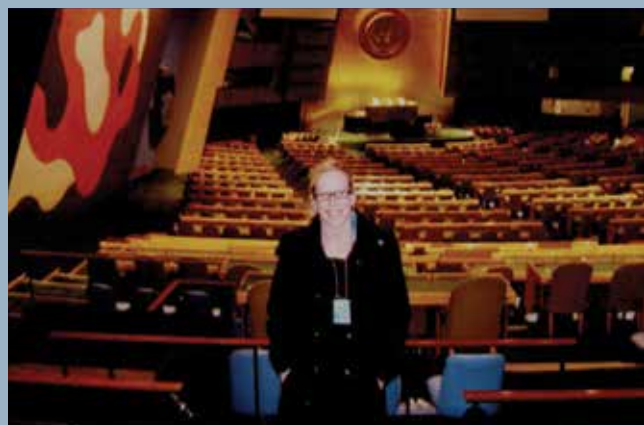
In fulfilling its mandate, a broad range of activities are undertaken by the small body of professional and highly-skilled staff members at CTED. They work closely with a wide range of international organisations, regional bodies and other institutions to foster cooperation and promote assistance to countries in the implementation of the relevant Security Council resolutions on counter-terrorism.

During the internship I participated at a high level, both internally and in CTED's dialogue with the Security Council. I undertook a vast array of activities and some of the highlights included coordinating the participation of civil society in the special meeting of the Counter-Terrorism Committee with international, regional and sub-regional organisations. This was the first time that the inclusion of civil society was considered by the Committee. I prepared reports which were submitted to the Security Council for consideration and which created lively debate amongst the members. I drafted the opening address of the Executive Director of CTED and prepared his talking points for the special meeting. In addition, I prepared preliminary assessments of Member States' implementation of counter-terrorism measures. I undertook legal research and analysis of counter-terrorism measures and related aspects, such as central authorities, extradition and mutual legal assistance.

I had a wonderful experience working at the United Nations and living in New York. Not only was this an opportunity to develop professionally, but it was just as much of an opportunity for personal growth. I survived temperatures of -18°C, learnt how to live as a New Yorker, developed warm relationships with people of different nationalities, and experienced the internal workings of the United Nations.

I highly recommend opportunities such as these to all law students and professionals alike as a platform to represent not only South Africa but the wider African community. I also wish to thank CALS for their unwavering support in allowing me the opportunity to fulfil this personal goal.

Kathleen Hardy, Attorney in the Rule of Law Programme



TEACHING

Part of the benefit of working for an organisation like CALS is the fact that we can teach that which we are experiencing and learning in practice. Likewise our engagement in the classroom can inform our work in practice. In 2011, the following CALS staff were involved in teaching activity:

- Raylene Keightley (Director) taught the constitutional property law segment of the LLB Property Law course;
- Lisa Chamberlain (Acting Head of Programmes) taught a full semester LLB course of Administrative Law, and guest-lectured in the Environmental Masters Programme in the Wits School of Law on the interface between environmental compliance and enforcement and administrative justice.

SAJHR

The South African Journal of Human Rights continues to have its home at CALS with the Director playing a role on the Board of Editors.

CONCLUSION

CALS has accomplished much during the year 2011, with staff continuing to work as a team using the tools of research, advocacy and strategic litigation to advance human rights in South Africa across our Programmes. Perhaps the most exciting development this year is the introduction of our fifth Programme, Rule of Law, which has already had an opportunity to launch a case concerning the constitutionality of the Judge's Remuneration and Conditions of Employment Act. CALS' four other Programmes, Basic Services, Education, Environment and Gender, have also continued to make use of these tools.

Our research outputs for the year range from extensive research reports, such as *A Face and a Name: City Gentrification and the Urban Poor* and *From Farm Schools to Hostel Schools: A Lived Reality*, to presentations at conferences such as SALGA. Workshops and seminars have once again formed the core focus of our advocacy work. These include dissemination workshops for our research reports, as well as seminars on topics as far-ranging as adult prostitution, housing, access to information, education, and coal mining. In our advocacy work, we have strived for meaningful engagement with stakeholders, including our clients, partner organisations, academia, government and other public interest groups.

Finally, we have continued to make use of strategic litigation, particularly in the Basic Services and Rule of Law Programmes. These include landmark cases such as *Blue Moonlight* and *Masonwabe*, and the Hlope case, as well as intervention in the form of an *amicus curiae* in *Agri-SA vs the Minister of Mineral Resources*.

Though our use of these three tools, CALS has remained dedicated to the advancement of human rights in South Africa. We look forward to next year and continuing our work promoting social justice for all.

CENTRE FOR APPLIED LEGAL STUDIES - FINANCIAL MANAGEMENT REPORTS

For the period 1st January 2011 to 31 December 2011

	Total Actual	INCOME AND EXPENDITURE BY FUND						
		CALS General Admin	Directors Sundry	Atlantic Philanthropies #19123	Ford Foundation #565	Vele Consortium	Raith Foundation	SAJHR
TOTAL INCOME:	2,365,005	304,188	296,867	-	-	50,000	1,500,000	213,949
Donations	1,500,000	-	-	-	-	-	1,500,000	-
Royalties	205,424	-	-	-	-	-	-	205,424
Sundry Revenue	346,867	-	296,867	-	-	50,000	-	-
Interest	312,713	304,188	-	-	-	-	-	8,525
TOTAL EXPENSES:	3,355,198	489,959	934,676	715,426	629,386	849	437,804	147,099
Human Resources	2,196,260	433,310	724,655	305,955	448,769	-	255,840	27,731
Programme costs	853,344	-	210,020	318,541	122,102	849	82,464	119,368
Administration costs	305,594	305,594	-	-	-	-	-	-
Allocations to Admin costs	-	(248,945)	-	90,930	58,515	-	99,500	-
SURPLUS/(DEFICIT) FOR THE YEAR	(990,193)	(185,771)	(637,808)	(715,426)	(629,386)	49,151	1,062,196	66,850
BALANCE OF FUNDS B/FWD 1/1/2011	5,986,069	1,958,471	1,318,918	852,995	1,045,311	27,292	-	783,081
BALANCE OF FUNDS AT END OF YEAR	4,995,876	1,772,700	681,110	137,569	415,926	76,443	1,062,196	849,932

CENTRE FOR APPLIED LEGAL STUDIES

BALANCE SHEET AT 31 DECEMBER 2011

	Note	2011 R	2010 R
ASSETS		6,315,952	7,289,722
Current assets		6,315,952	7,289,722
Accounts receivable		30,580	30,580
Cash and cash equivalents		6,285,372	7,259,142
Total assets		6,315,952	7,289,722
RESERVES AND LIABILITIES		6,315,952	7,289,722
Accumulated funds		6,315,952	7,289,722
General funds		5,377,908	6,368,101
CALS General fund		4,995,876	5,986,069
Capital equipment replacement fund		10,274	10,274
Retrenchment reserve fund		371,758	371,758
Current liabilities		938,044	921,621
Accounts payable		913,075	896,652
Leave pay provision		24,969	24,969
Total reserves and liabilities		6,315,952	7,289,722



Centre for Applied Legal Studies