

# LRF

**The report of the  
Legal Resources Foundation  
for the period ended  
30 June 1985**

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**Trustees of the Legal Resources Foundation**

Professor R.H.F. Austin

Mr I.A. Donovan

Honourable Mr. Justice E. Dumbutshena, Chief Justice

Honourable Mr. Justice I. Ebrahim

Professor W. Kamba

Mr P. Machaya

Mrs E.M. Sawyer

**Auditors**

Pim Goldby Chartered Accountants (Zimbabwe)

**Bankers**

Standard Chartered Bank Zimbabwe Limited

**Legal Resources Foundation**

**P.O. Box 918**

**Harare**

**Zimbabwe**

**Telephones: 728212/3**

**W.O. 41/84**

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# Report by the Executive Trustee of the Legal Resources Foundation for the period ended 30 June 1985.

## Introduction

The Legal Resources Foundation came into being on 10 July 1984. Its establishment was the result of several years of informal discussion on the role such an organisation should play in a developing country and the form which it should take. A summary of the steps in the establishment of the LRF is annexed to this report.

## Concept of the LRF

The aim of the LRF is to promote the development of legal resources in Zimbabwe and to facilitate the realisation of the social, economic and legal rights of the population as a whole. Limited financial resources and the small size of the legal profession in Zimbabwe make it impossible to embark upon an expensive and ambitious national scheme to provide every accused person with a lawyer to defend him and every aggrieved person with a lawyer to pursue his legal remedies. The LRF seeks to implement innovative projects designed to make the best use of the limited financial and legal resources in Zimbabwe to improve the accessibility of legal remedies to less privileged members of our society.

## Structure of the LRF

The LRF is a charitable and educational trust which enjoys tax exempt status and has been duly registered under the Welfare Organisations Act. Its trustees are the Chief Justice of Zimbabwe, a High Court Judge, the Vice-Chancellor of the University of Zimbabwe, the Professor of Law and Chairman of the Law Department at the University of Zimbabwe, a social worker and two practising lawyers. Provision exists for the appointment of four further trustees.

Projects approved by the LRF trustees are implemented by a Legal Projects Centre, using funds made available by the LRF. It is envisaged that a series of projects centres will be established in different parts of Zimbabwe.

## Harare Legal Projects Centre

The first Legal Projects Centre has been established in Harare. With effect from 1 July 1985, it is sufficiently well staffed and well equipped to begin work on the first projects approved by the LRF trustees. It is envisaged that most projects will be tackled by a project team, led by a suitably qualified volunteer who will direct the efforts of the lawyer and administrator appointed from the staff of the Centre to implement each particular project. The Centre will provide the secretarial

facilities which are required for each project. It is anticipated that in some cases, project teams will be enlarged to include other persons who are able to make a particular contribution to the project. It is pleasing to report that well qualified and experienced members of the private profession have responded enthusiastically to invitations to lead the first projects to be tackled by the Harare Legal Projects Centre.

### **Projects**

The trustees have approved the adoption of the following projects by the Harare Legal Projects Centre:—

- (i) the preparation of a discussion paper on a para-legal scheme. This paper (which will be presented at a workshop to which all interested persons and agencies will be invited) is the first step towards the implementation of a para-legal scheme in Zimbabwe;
- (ii) the production of a manual to be used to train and assist para-legals;
- (iii) the preparation of an index to the Zimbabwe Law Reports;
- (iv) the revision of the specimen indictment book used by prosecutors;
- (v) the revision of the handbook used by prosecutors;
- (vi) the convening of magistrates' workshops on problems being faced by courts, and in particular to discuss ways to overcome the delays experienced in the completion of criminal and civil litigation;
- (vii) the investigation of the feasibility of a reprint of the early law reports of this country which are now out of print; and
- (viii) the establishment of practitioners' law library.

### **Funding**

A grant by the Delta Corporation in the latter part of 1984 went a long way towards meeting the initial expenses of the LRF. In June 1985, the Ford Foundation provided substantial funds to set up and equip the Harare Legal Projects Centre and to meet part of its operational expenses until June 1986. The Joseph Rowntree Charitable Trust, has made a grant towards the salary of the person employed to prepare a para-legal manual.

Additional funding will be required during the forthcoming financial year for the implementation of the various projects which have been adopted by the LRF, to permit further projects to be undertaken, and to build up essential reserve funds. The LRF is in contact with several organisations in Europe which may be prepared to provide some of the funds required. However, a part of these funds will have to be raised from within Zimbabwe and a fund raising campaign will be mounted in the course of the coming financial year. It is particularly important that the LRF build up reserve funds to avoid the possibility of having to terminate any valuable project prematurely through a lack of funds at any particular time.

In the longer term, the survival of the LRF and its legal projects centres will depend upon its ability to secure meaningful support from domestic sources and to meet a significant part of its original expenses from its own resources. In this context, the project to establish a practitioners' law library, ideally to be housed in premises owned by LRF, assumes a great importance, not only as a resource in its own right but also a source of income for the LRF.

### **Indication of support**

The composition of the LRF's board of trustees indicates that the aims of the LRF enjoy meaningful support amongst members of the judiciary, the institution which is responsible for training lawyers in Zimbabwe, and practising members of the profession. This has been borne out by favourable contact with the Law Society of Zimbabwe and the Bar Council of Zimbabwe. Both the Minister of Justice, Legal and Parliamentary Affairs and the Permanent Secretary in that Ministry have been supportive of the LRF and the Attorney General has welcomed projects which will assist members of his staff.

### **Auditors**

The LRF and the Harare Legal Projects Centre have been fortunate to have the professional services of Pim Goldby as their Auditors.

### **Conclusion**

In conclusion, I wish to pay particular tribute to Dr. Goran Hyden, who was the representative of the Ford Foundation based in Nairobi. To him must go much of the credit for the establishment of the LRF and the Harare Legal Projects Centre. I would also like to thank the three trustees, Judge Ebrahim, Professor Austin and Mr Machaya, who have spent much of their valuable time assisting me in the difficult process of selecting staff for the Harare Legal Projects Centre.

**I.A. Donovan**  
14 August 1985

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## **A short resume of the steps to establish the Legal Resources Foundation**

The idea of a publicly funded organisation tasked with improving the accessibility of legal remedies to disadvantaged members of our community grew out of a small gathering of lawyers at the law department of the University of Zimbabwe in October 1981. Those present agreed on the need for such an organisation but not on the form which the organisation would take. Efforts were initially directed to finding and persuading a suitably qualified Zimbabwean lawyer to head such an organisation, and it was envisaged that this person would be primarily responsible for deciding the form which it should take. These efforts were not successful, despite an indication that the Ford Foundation would be willing in principle to provide the substantial funding to get the organisation established.

Renewed efforts to set up the organisation were made after a further meeting of interested persons in February 1982, culminating in the circulation of a working paper which outlined a structure and budget and made recommendations for the functions of the proposed organisation. The ideas expressed in this working paper represented a considerable advance on the ideas which had been held the previous year and to a significant degree this was attributable to insights gained from a visit to the Legal Resources Centre in Johannesburg. The working paper was circulated to persons who had previously shown an interest in the concept, but nothing came of this and the ideas were not implemented.

The concept was then left in abeyance until the latter part of 1983, when the idea of holding an international workshop on legal aid at the University of Zimbabwe was conceived. This workshop represented an ideal opportunity to subject the working paper produced in 1982 to critical scrutiny, and in addition, the director of the Johannesburg Legal Resources Centre was invited to present a paper on the role of his organisation and evolution of para-legal aid. Regrettably, he was denied permission to attend the workshop which was held in his absence in February 1984. Nonetheless one of the recommendations of the participants at the legal aid workshop was that the delivery of legal and information services to the rural areas be improved. They recommended that urgent steps be taken to seek funds for the establishment of legal resources centres to operate in addition to the proposed legal aid scheme, which had been outlined at the workshop. They endorsed the development of a public interest law group associated with such centres and also recommended the training of para-legals.

In the meantime, contact with the Ford Foundation has been renewed and its positive response led to the formation of the Legal Resources Foundation on 10 July, 1984.

**I.A. Donovan**  
14 August 1985

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## **Report by the Director to the First Annual General Meeting of the Harare Legal Projects Centre held on 14 August 1985.**

### **Introduction**

The Harare Legal Projects Centre became a reality on 16 April with the formal adoption of its constitution. The trustees of the Legal Resources Foundation have appointed me to discharge the functions of the director of the Centre on a part-time basis until a suitably qualified and experienced person is appointed to the position on a fulltime basis. Eileen Sawyer has been appointed the secretary of the Centre, until the First Annual General Meeting. Pim Goldby have been appointed as auditors to the Centre for the financial year ending 30 June 1985.

### **The establishment of the Centre**

#### **Staff**

Advertisements in the national press attracted 30 applicants for the post of administrator with the Centre. There were two outstanding applicants, Eileen Sawyer and Sethu Sibanda. The Centre is very fortunate that both have joined our staff.

The posts of director and legal practitioners were also advertised in the national press and attracted a total of 29 applications. Two qualified lawyers joined the Centre with effect from 1 July 1985. They are Kathy O'Meara and Wilson Manase.

Typing work has been dealt with on an ad hoc basis pending the appointment of a full time receptionist/typist, and my thanks go to the persons who have done this work.

#### **Premises**

Until suitable premises were located, the Centre operated from a room made available by the Advocates Chambers Association, which was also kind enough to allow the Centre to make use of its secretarial facilities. With effect from 1 June 1985, premises have been leased at 142 Victoria Street, Harare. Eileen Sawyer (despite a fractured leg) and Sethu Sibanda have made a great effort to properly furnish and equip the Centre as quickly as possible and the pleasing appearance of the premises after a mere two months is ample testimony to their efforts. Mention must also be made of the invaluable help of Beverley Hargrove in the establishment of the Centre.

## Projects

Eileen Sawyer has started to prepare a discussion paper on a para-legal scheme for Zimbabwe. Now that the Centre has suitable premises and a professional staff, it is in a position to embark upon the other projects which have been nominated by the trustees of the Legal Resources Foundation.

## Staff Development

Sethu Sibanda has attended a 6 week programme on Human Rights and Development, Legal and Social Justice held at The Institute of Social Studies in The Hague from April to June 1985. This was possible through the efforts and financial assistance of the Royal Netherlands Embassy and the representative of NOVIB, to whom our thanks are due.

## Conclusion

The year ahead represents a great challenge to the staff of the Centre. Much is expected of us. Donors expect us to make efficient and productive use of the funds which they provide. Various Government Ministries expect us to contribute meaningfully to the process of making legal remedies more accessible to the less privileged members of our society. The legal profession, both public and private, expects us to play a significant role in improving the quality of legal services in Zimbabwe. There will be other organisations which expect yet more of us. It is our task to fulfil these expectations and to justify the confidence which the trustees of the Legal Resources Foundation have placed in us.

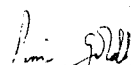
**I.A. Donovan**  
14 August 1985.

## AUDITORS REPORT

TO THE TRUSTEES

LEGAL RESOURCES FOUNDATION

In our opinion the financial statements on pages nine to eleven are properly drawn up so as to give, under the historical cost convention, a true and fair view of the state of affairs of the Foundation at 30 June 1985 and its surplus and source and application of funds for the period ended on that date.

  
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CHARTERED ACCOUNTANTS (ZIMBABWE)

HARARE  
8 August 1985

LEGAL RESOURCES FOUNDATION.

INCOME STATEMENT  
FOR THE PERIOD FROM 16 OCTOBER 1984 (DATE OF REGISTRATION)  
TO 30 JUNE 1985

	<u>Note</u>	<u>1985</u> \$
INCOME		
Donations	2	163 925,59
Income from investments	3	32,35
		<u>163 957,94</u>
EXPENDITURE		1 045,98
Establishment costs	4	55,00
Operational costs	5	790,98
Audit fee		200,00
		<u>162 911,96</u>
SURPLUS FOR THE PERIOD		17 882,32
TRANSFER TO LEGAL RESOURCES CENTRE		<u>17 882,32</u>
UNEXPENDED FUNDS AT 30 JUNE 1985		\$145 029,64 *****

LEGAL RESOURCES FOUNDATION  
BALANCE SHEET AT 30 JUNE 1985

	<u>1985</u>
	\$
FUNDS EMPLOYED	
UNEXPENDED FUNDS	\$145 029,64 =====
REPRESENTED BY :	
CURRENT ASSETS	
Savings account	148 343,94
CURRENT LIABILITIES	3 314,30
Bank overdraft	3 114,30
Creditor	200,00
	<hr/>
	\$145 029,64 =====

*M. Donovan* )  
*G. Samungu* ) TRUSTEES  
 8 August 1985  
 HARARE

LEGAL RESOURCES FOUNDATION

SOURCE AND APPLICATION OF FUNDS  
FOR THE PERIOD FROM 16 OCTOBER 1984 (DATE OF REGISTRATION)  
TO 30 JUNE 1985

	<u>1985</u>
	\$
SOURCE OF FUNDS	
Net surplus for the period	\$145 029,64 =====
APPLICATION OF FUNDS	
Increase in working capital	\$145 029,64 =====
INCREASE/(DECREASE) IN WORKING CAPITAL	
Cash resources	145 229,64
Creditor	(200,00)
	<hr/>
	\$145 029,64 =====

LEGAL RESOURCES FOUNDATION

NOTES TO THE ACCOUNTS  
FOR THE PERIOD FROM 16 OCTOBER 1984 (DATE OF REGISTRATION)  
TO 30 JUNE 1985

1. ACCOUNTING POLICIES

Accounting convention

The financial statements are prepared in terms of the historical cost convention and no additional information is given to reflect the effect of changing prices.

Donations

Donations are brought to account as and when received.

Investment income

Income on investments is accounted for on the accruals basis.

2. DONATIONS

	\$	\$
Local		
Delta Corporation Limited	2 000,00	
I A Donovan	100,00	2 100,00
	<hr/>	
International		
Ford Foundation	157 319,87	
The Joseph Rowntree Charitable Trust	4 505,72	161 825,59
	<hr/>	
		\$163 925,59 =====

3. INCOME FROM INVESTMENTS

	<u>1985</u>
	\$
Interest	\$ 32,35 =====

4. ESTABLISHMENT COSTS

Advertising	45,00
Registration of trust deed	10,00
	<hr/>
	\$ 55,00 =====

5. OPERATIONAL COSTS

Bank charges	32,50
Postages and telephones	83,08
Printing and typing	327,60
Stationery	347,80
	<hr/>
	\$790,98 =====

6. COMPARATIVE FIGURES

There are no comparative figures as the Foundation was only registered on 16 October 1984.

LEGAL PROJECTS CENTRE (HARARE)

In our opinion the financial statements on pages twelve to fifteen are properly drawn up so as to give, under the historical cost convention, a true and fair view of the state of affairs of the Centre at 30 June 1985 and its surplus and source and application of funds for the period ended on that date.

Im GDI  
 CHARTERED ACCOUNTANTS (ZIMBABWE)

HARARE  
 8 August 1985

LEGAL PROJECTS CENTRE (HARARE)

INCOME STATEMENT  
 FOR THE PERIOD FROM 10 APRIL 1985 (DATE OF FORMATION)  
 TO 30 JUNE 1985

	<u>Notes</u>	<u>1985</u> \$
INCOME		
TRANSFER FROM LEGAL RESOURCES FOUNDATION		17 882,32
EXPENDITURE		16 937,35
Audit fee		400,00
Depreciation		383,27
Establishment costs	3	3 114,61
General expenses	4	446,83
Postages and telephones		148,58
Printing and typing		691,94
Rent		1 475,79
Salaries		8 323,90
Staff development		940,19
Stationery		1 012,24
UNEXPENDED FUNDS FOR THE PERIOD		\$ 944,97 =====

LEGAL PROJECTS CENTRE (HARARE)

BALANCE SHEET AT 30 JUNE 1985

	<u>Notes</u>	<u>1985</u> \$
FUNDS EMPLOYED		
UNEXPENDED FUNDS		\$ 944,97 =====
REPRESENTED BY :		
FIXED ASSETS	2	3 216,09
CURRENT ASSETS		1 381,92
Sundry debtors		68,80
Deposits		200,00
Prepayment		1 075,79
Cash on hand		37,33
CURRENT LIABILITIES		
Creditors		3 653,04
NET CURRENT LIABILITIES		(2 271,12)
		\$ 944,97 =====

..... )  
 ..... ) MEMBERS  
 ..... )

HARARE  
 8 August 1985





LEGAL PROJECTS CENTRE (HARARE)

SOURCE AND APPLICATION OF FUNDS  
FOR THE PERIOD FROM 10 APRIL 1985 (DATE OF FORMATION)  
TO 30 JUNE 1985

	1985
	\$
<b>SOURCE OF FUNDS</b>	
Surplus for the period	944.97
Decrease in working capital	2 271.12
	<u>\$3 216.09</u>
	=====
<b>APPLICATION OF FUNDS</b>	
Purchase of fixed assets	\$3 216,09
	=====
<b>DECREASE (INCREASE) IN WORKING CAPITAL</b>	
Sundry debtors	(68.80)
Deposits	(200,00)
Prepayment	(1 075,79)
Cash on hand	(37,33)
Creditors	3 653,04
	<u>\$2 271.12</u>
	=====

LEGAL PROJECTS CENTRE (HARARE)

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE PERIOD FROM 10 APRIL 1985 (DATE OF FORMATION)  
TO 30 JUNE 1985

1. ACCOUNTING POLICIES

Accounting convention

The financial statements are prepared in terms of the historical cost convention and no additional information is given to reflect the effect of changing prices.

Depreciation

Depreciation is calculated on a straight line basis at rates calculated to write off the cost of fixed assets over their estimated useful lives which are as follows :

Furniture and fittings	- 10 years
Library books	- 3 years

2. FIXED ASSETS

	Cost	Depreciation	Book value
	\$	\$	\$
Furniture and fittings	3 499,36	349,94	3 149,42
Library	100,00	33,33	66,67
	<u>\$3 599,36</u>	<u>\$ 383,27</u>	<u>\$3 216,09</u>
	=====	=====	=====

3. ESTABLISHMENT COSTS

\$

Establishment costs include the following :

Crockery and cutlery	180.15
Furniture transport charges	15,00
Office supplies	426,22
Staff recruitment expenses	1 196.88
Telephone installation charges	1 296.36
	<u>\$3 114,61</u>
	=====

4. GENERAL EXPENSES

General expenses include the following :

Cleaning materials	222,42
Staff refreshments	10,80
Travelling expenses	213,61
	<u>\$ 446.83</u>
	=====

5. COMPARATIVE FIGURES

There are no comparative figures as the Centre was formed on 10 April 1985.