

Foreword

An organisational review of the ALP: July 2007 - December 2008

By Vuyiseka Dubula, Chairperson of the Board of Directors

In July 2007, at the time of the publication of its last 18-month review, the ALP was still in its infancy. It had just re-fashioned itself as an independent not-for-profit organisation, having separated itself from the University of the Witwatersrand, moved offices, registered as a law clinic, complied with a range of corporate law requirements, appointed a Board of Directors, and commenced upon a new organisational life whilst pursuing essentially the same mission.

In November 2007, the ALP commissioned an independent evaluation to examine the organisation and report to the Board on its findings. The evaluators interviewed over 92 people, studied documents and publications of the ALP, conducted a careful review of legal files and interviewed current and previous members of staff.

The evaluation found that the ALP faced a number of internal challenges, in particular the need for better communication between staff and the need to reduce staff turnover. Importantly, however, it also praised the ALP's legal strategy and case management, the quality of its written submissions and noted that the UNAIDS Human Rights Adviser had described the ALP as "one of the three best [organisations working on law and human rights] in the world."

In the intervening year I am pleased to report – and I trust that that this review bears this out – that the ALP has improved its internal systems and that its output and impact have increased. There are a number of factors that have contributed to this:

The ALP's Board of Directors: The ALP's Board met five times between July 2007 and early 2009. The Board has been actively involved in providing oversight of the ALP's work, and in addition has served as a valuable sounding board to debate and fine-tune ALP strategy.

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response to AIDS in the business sector, to name but a few – contained within the Board has proven to be invaluable.

The relationship with the University of the Witwatersrand: Although the ALP has left Wits University, it retains a formal association with its School of Law. Ironically, this relationship has improved since

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“independence”. The ALP conceptualises, coordinates and teaches several courses, and has also participated in a range of seminars organised by the Law School – including an important one in October 2008 to honour Justice Edwin Cameron, the founder of the ALP.

In this regard, it is also significant that despite leaving academia in the formal sense, the ALP has continued to publish widely, including articles in peer-reviewed journals and chapters in academic books. In the period under review, members of staff published one book, three peer-reviewed journal articles, six book chapters and 11 opinion pieces in the popular media.¹

The Relationship with the TAC: The ALP was instrumental in founding the TAC in 1998 and has worked closely with it ever since. There is an organisational and personnel overlap between the leadership of the two organisations, which occasionally leads to uncertainty externally about the lines between them. However, both organisations remain functionally separate with different management systems, funding streams and modes of operation.

In reality, the close relationship is greatly beneficial to both. The advantage occurs in part through the TAC’s first-hand connection to affected communities, which brings issues and immediacy to the ALP, as well as its pioneering combination of social organisation and mobilisation, human rights advocacy and litigation. From the ALP’s side, the organisation is able to collaborate with TAC on materials development, training, litigation and other forms of legal support, and combined advocacy that targets the Department of Health, Parliament and the South African National AIDS Council.

Recently, both organisations were nominated for the Gates Award for Global Health – “established by the Bill & Melinda Gates Foundation to reward and exemplify organizations which have developed processes for improving health, especially in resource poor settings, with measurable results.” The award, which “recognizes past achievements and the promise of continuing activity and improvement”, will be presented in Washington DC in May 2009.

The ALP’s donors: During the period under review, the ALP received support from the following donors: The Atlantic Philanthropies, the Embassy of Belgium, the Ford Foundation, HIVOS, the Levi’s Foundation, the Royal Netherlands Embassy and the Swedish International Development Agency. Our financial statements for 2007 and 2008 are included in the appendices to this review.

Improved internal systems: The transition from Wits University has allowed the ALP vastly to improve its financial management and associated policies. By early 2009, the ALP’s financial department was able to provide balances that were up-to-date. It also provides up-to-date reports to every meeting of the Board. There has also been improved communication within the organisation. In 2008, for example, there were 19 staff meetings.

The ALP’s staff: During the period under review, the ALP’s staff complement ranged between 14 and 19 members. The ALP is not an easy organisation to work for. Its desire to meet the needs of poor people, defend human rights and promote constitutionalism mean that pressure and stress are almost a constant. There is also an unpredictability to its work, which is often linked to the need to respond to key issues or crises that fall within the ALP’s ambit but are not necessarily part of its formal work-plan.

To achieve its work, the ALP depends upon maintaining a core of committed staff with skills, conscientiousness and reputations. However, as identified in the independent evaluation, staff retention is not easy. The two core disciplines the ALP depends upon are legal researchers and attorneys. Both

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1. The journal articles and three of these chapters are forthcoming in 2009.

are sought-after positions in the open market that can command high levels of remuneration. In addition, the new South Africa has not established a tradition of social justice work, meaning that the best and brightest are often drawn out of public service. This affects the ALP, which is unable to compete with private sector salaries. One result is a high turn over of attorneys as members of staff leave for more lucrative positions in the corporate sector.

Importantly, however, the ALP has managed to retain a core group of senior staffers who have proven their dedication to social justice by remaining with the ALP for over five years. In particular, I would like to acknowledge the contribution made by senior attorney Fatima Hassan. Fatima first joined the ALP in 1997. Apart from a two-year period when she worked as a clerk at the Constitutional Court and then completed an LLM at Duke University, Fatima worked tirelessly to advance the mission of the ALP. In November 2008, she resigned to take up a position as Special Adviser to Barbara Hogan, the new Minister of Health. This is a tribute both to her and the ALP. She will be missed.

The ALP also benefits from new employees who joined in 2008, expressly because of their desire to use law to protect human rights. Yet in the course of the year, they have learnt how depressing it sometimes can be in dealing with the casualties of a failing health system, particularly in the context of the twin epidemics of HIV and tuberculosis.

In conclusion, it is important to note that 2008 was the 15th anniversary of the ALP. In recognition of this the Board of Directors and staff of the ALP have undertaken a retrospective analysis of the project's work and outcomes. Since 1993, the ALP has published three books, numerous peer-reviewed journal articles and book chapters, and tens of brochures, pamphlets and posters; and has also influenced the development of key policies such as the national *HIV & AIDS and STI Strategic Plan for South Africa, 2007-2011*. In addition, the organisation has continually been involved in litigation that has led to successful judgments and settlements in all but a handful of cases.

On this foundation, we have thought deeply about what the ALP's focus and objectives should be going forward. Some of our ideas are reflected in the pages ahead. I hope that you find them both informative and thought-provoking.

Thank you.



Vuyiseka Dubula (TAC General Secretary and ALP Chairperson) addresses delegates at the 4th TAC National Conference, Ekurhuleni, 14-16 March 2008(Reproduced with kind permission of CHMT



Fatima Hassan (appointed Special Advisor to the Minister of Health in November 2008)