

# **The Southern African Legal Information Institute at Crossroads**

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**LVI Conference  
Hong- Kong  
8-10 June 2011**



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## 1. Introduction

- Author: Paula Rainha<sup>o</sup>
- Discusses recent changes faced by SAFLII and strategies implemented to address the changes



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## 2. Background

- Started in 2003 by Wits university Law School & Australian Legal Information Institute (AustLII)
- 2006 became a project of the Constitutional Court Trust
- Currently housed at the South African Constitutional Court premises
- Embracing SAFLII fits well with the Constitutional Court Trust's mission as stated in the Trust Deed:

**"...to promote democracy, constitutionalism and judicial independence in RSA by enhancing and furthering the non-judicial activities of the Constitutional Court of South Africa and other courts in the region..."**

- SAFLII has remained a Constitutional Court project to date
- This gives the Institute a good standing
- Allows SAFLII the honour of sharing a powerful mission with the Constitutional Court



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## 3. Funding

The Trust has so far refused to accept grants from South African organizations or individuals. Hence from inception exclusively and generously funded by foreign donors

- Carnegie
- Mellon
- Ford Foundation
- Freedom House
- Open Society Initiative (OSISA)
- USAID



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## 4. Staff

- Initially (prior 2010) comprised a team of 8 full-time professionals
  - Director
  - Head of Legal Informatics
  - Head of IT
  - Regional Content Coordinator
  - Content Specialist (x2)
  - Software Developer
  - Web Developer
- Currently comprising of 4 operational and 1 acting director (PT)



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## 5. SAFLII's Activities

- SAFLII collects different types of materials from Southern Africa, covering most member countries to the Southern African Development Community (SADC)
- SAFLII assisted in the setting-up of
  - MalawiLII in Malawi
  - MozLII in Mozambique
  - SwaziLII in Swaziland
  - ULII in Uganda
- Still providing training and technical support to some of these teams
- Host the Law Via the Internet conference was a success and closed 2009 in style



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## 6. SAFLII at the Turning Point

- The beginning of 2010 SAFLII faced a severe financial crisis
- Resulted in downsizing of staff and departure of its four managerial staff
- Four operational team members remained without formal management
- Physically moved office and return to the institute's original premises at the Constitutional Court for management and cost minimising reasons
- Operations reduced to a minimum for the Trust and team to at least fulfill its fiduciary duties towards its donors and users
- Former management started AfricanLII - raised concerns among the Trustees around the sustainability of SAFLII



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## 7. SAFLII's Future Focus

- Will continue to promote and provide quality free access to primary and secondary legal material from its member countries
  - either centrally or
  - through a federated approach
- Will continue to contribute in establishing national LIIs or maximizing local control over the local content published on SAFLII.
- Will continue to engage the public, institutions and partners in policy and standards matters for sustainable free flow of African legal information





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## 8. Challenges

- 1<sup>st</sup> weeks of 2011 were difficult for operational junior staff and management with limited technical skills and knowledge to effectively carry out tasks
- Due to absence of a proper handover there was a lot of time spent in finding information
- While capacity building is an obligation in South Africa, there were no proper filing or recorded guidelines and manuals for training



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## 9. 2011 – Breakthrough

- Received funding from Mellon and OSF
- Freedom House also funded project specific activities and personnel time
  - Swaziland and Zambia
- The Trust hired management to build the morale of the remaining operational staff
- New systems put in place
  - Sound financial controls
  - Funding progress reports
  - Ongoing communication with donors and other stakeholders
  - HR and team building systems
- Assessed SAFLII origins, mission and existence
- Clarified matters around the creation of AfricanLII



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## 10. Change Initiative – The Early Stages

Most works on the topic of “change management” take an empirical approach to find the common elements to successful change initiatives. SAFLII identified elements to successful change initiatives

- factors that are usually pointed as essential:
  - Clear vision
  - Crisis/Sense of Urgency
  - Capable and motivated team and leadership
  - **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime based. (SMART) goals
  - Communication



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## 10.1 Clear vision

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- Rephrase to **“To be the largest free online source of curated legal materials from Southern Africa”**
- Will keep on collecting and publishing material from Southern Africa due to SAFLII’s important role in the region.
  - number of unique visitors has grown from 720,126 in 2009 to 867,789 in 2010
  - number of hits from 14,394,633 in 2009 to 18,166,472 in 2010
  - Only in the first 4 months of 2011 we received 300,187 unique visitors and 8,230,291 hits
- AfricanLII guarantees to keep all data produced by different national fully open and usable
- SAFLII will devote time to South Africa but still assist in the success of new LIIs
  - Linking and returning search results to foster usage on national LIIs website
- Content and technical collaboration with LII’s
- Developing Federated search in collaboration with AfricanLII



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## 10.2 Curated Legal Information

- We have added to our mission that SAFLII's objective is
  - to offer selected and relevant legal information
  - to add value to our collections through automated and manual means
- Curation is one of this year's buzzwords in the information business
- we subscribe to curated by adding value to our collections and improve its presentation especially in qualitative terms
- This is a huge task, less visible and thus typically underfunded
- We hope to be able to spend some time in
  - content audits
  - redefining collaborations, processes, standards, structures, workflows, layouts
  - quality control



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## 10.3 Capable and motivated team and leadership

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- The Trust hired capable and motivated team leaders to work together with Trustees and the team in accomplishing SAFLII's mission
- SAFLII was only able to hire the Project Director in a part-time position - not the ideal arrangement, but expects to address this matter in due time
- SAFLII will work in strengthening its collaborations and partnerships with other members of the FAL Movement and other stakeholders
- There is often an inverse proportionality between a team's expertise and its size
  - SAFLII is a small team but with insufficient high-level technical expertise and skills to work at a small but highly productive scale
- The team needs to gain expertise directly or through hiring and partnerships
- The Introduced performance management program will address the team's needs in terms of soft and formal skills.
- In the meantime our original founders AustLII's offers technical assistance



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## 10.4 SMART Goals

- Assessing SAFLII's standing and operations in detail would be resource consuming
- Embarking on a proper diagnosis we would have little time initially for devising and implementing a formal business plan
- The whole transition process at SAFLII is bound to be complex and lengthy
- We plan to work in phases and will set milestones and short term wins to avoid slipping back into complacency.



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## 10.5 SMART Goals – Cont

- Within the bigger picture we have therefore set goals to be prioritized after a drill down and putting them in SMART terms.
  - Implement collaborations and partnerships
  - Implement South Gauteng High Court scanning and advocacy project
  - Publish South African legislation
  - Improve quality and usability of data at source in South Africa
  - Revise SAFLII funding model





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## 11. Lessons learned

- One should not underestimate the time it will take for new & junior staff to start being productive
- There is an even higher duty than usual to train people on the job and to create materials and set procedures that facilitate the learning and integration of new staff
- It is of paramount importance for businesses and nonprofits alike to be extremely cautious about budgeting and forecasting, spending money and documenting all expenses
- We found reporting, as one of the most essential areas of a business and way to reinstate donor confidence, especially in what relates to financial management and accounting



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## 12. Conclusion

- This presentation was a very particular account of SAFLII's recent past and an incomplete narrative of a lot of work in progress
- We trust that we will be here again in 2012 in front of our partners, peers, critics and supporters to talk in detail about the goals we successfully implemented within the year



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## 13. Acknowledgements

- We thank the support of Freedom House/US Aid – funding for the conference
- The Board of Trustees of the Constitutional Court for their vision and continued endorsement.
- Kevin Daly and to Karen Shear and Sheryl Luthuli of the Constitutional Court for generous and too often unnoticed contributions
- The SAFLII project.



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**THANK YOU**

