

**2ND ZAMBIA NATIONAL PARALEGAL MEETING
REPORT**

14TH – 15TH SEPTEMBER 2005

PALMWOOD LODGE – LUSAKA

Legal Resources Foundation
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EXECUTIVE SUMMARY

The Legal Resources Foundation under the auspices of the Netherlands Institute for Southern Africa (NiZA) hosted the 2nd National Paralegal meeting held from 14 -16 September 2005 at Palm Wood Lodge, Lusaka. The meeting was attended by 42 participants drawn from the Ministry of Justice, Law Association of Zambia and Legal Aid Department, Institutions of Learning and Non-Governmental Organisations among others.

The meeting was a follow up to the implementation and resolutions of the 1st National Paralegal Meeting that took place in August 2004, and to appreciate how that fed into the programme of the 2nd National Paralegal Meeting, under the theme 'Consolidating a shared Vision and Plan of Action for Recognition and Support of Paralegals in the Southern African Region,' to realise the perceptions of legal practitioners and the judiciary towards paralegalism through achieving consensus on the campaign for national recognition of paralegals.

The meeting was no doubt significant with the presence and participation of the Permanent Secretary in the Ministry of Justice, President of the Law Association of Zambia, Legal Aid Board Chairman and the Director of Legal Aid Department. Seven papers were presented by representatives of institutions perceived as vital for the aspirations of the participants at the forum.

The Chairman of the Legal Aid Board and Director of the Legal Aid Department's assertion and conviction was that paralegals were plugging the inadequacies in the existing legal aid setup and that their services were complementary rather than antagonistic to the government efforts to promote access to justice.

The Legal Aid Bill passed by parliament to turn the Legal Aid Board into an autonomous board is a step in the right direction to the furtherance of legal aid in Zambia. The new Bill has a provision entrusting the government's Legal Aid Department to employ paralegals. The campaign for the recognition is not distant with prominent indications such as this positive advancement that awaits the President's assent.

The Law Association of Zambia acknowledges the role that the paralegals are playing in ensuring social justice. The Association also raised its concern surrounding identified unfavourable laws needed to be addressed, and reiterated the need to harmonise the provision of legal aid.

On the side of educational institutions, the Zambia Open University (ZOU) and National Institute of Public Administration (NIPA), observed the excessive demand for legal based education and the inability of existing institutions of higher education to fulfil this demand.

The transformed is the response to offer specialised technical training such as paralegal training in its centres countrywide. The pledge from the education sector to offer quality legal training to harmonise the standards of legal training and qualifications awarded to law students is welcome.

The assurance of all the speakers from the government, the Permanent Secretary and the president of the Law Association of Zambia to give their institutions' support and commitment to paralegal work is no doubt a welcome aspect.

In view of the assurances and commitment received from these institutions, the challenges to be considered are not only those hindrance to their drive for recognition, but formulated strategies, both structural and policy, that they would assume in order to realise their ambitions of national recognition. The outcome of the meeting was a unanimous agreement on a roadmap to lobby for the recognition of paralegals in Zambia.

Second National Paralegal workshop- Palm Wood Lodge, Lusaka. 14-15 September 2005

DAY I

14 September 2005

Opening Remarks

The opening remarks were delivered by the Projects Officer of the Legal Resources Foundation; Mr. Robby Shabwanga who welcomed the participants to the meeting and thanked them for their resolve and commitment in the quest to ensure recognition of paralegals in Zambia.

He mentioned one of the aims of the meetings as the follow up on the implementation of the objectives of the first meeting, and requested them to contribute actively to ensure that the gathering benefited from their wealth of experience and ideas as they sought to curve a way to ensure the recognition of paralegals in Zambia (*Annex II*)

Introductions and Expectations

After the opening remarks, the facilitator, Mr. Fanwell Hibajene requested the participants to introduce themselves, which they did orally. The Organisations and Institutions in attendance included Ministry of Justice, Legal Aid Department, Legal Resources Foundation, the Human Rights Commission, SALAN, Zambia Law Development Commission, and National Legal Aid Clinic for Woman and LADA, among others. (*Full list of participants- Annex III*)

The facilitator requested the participants to articulate expectations of the workshop. The expectations expressed were as follows:

- To make a follow up on the recommendations of the first paralegal national meeting. This relates to implementation, and how the outcome of those recommendations is affecting the present meeting.
- Understand whether paralegalism is perceived as a threat to the legal practitioners or to the judiciary by the particular persons or institution.
- Be able to appreciate what the general public opinion on paralegals and their work is.
- Achieve consensus amongst themselves on the campaign towards national recognition of paralegals.
- Agree on the roadmap that they will assume as a vehicle to lobby for the recognition of paralegals in Zambia.

The Role of NiZA

The role of NiZA was given in a brief introduction as a merger of three former anti-apartheid and solidarity organisations founded in 1997 as an independent institute out of an institutional history of over 35 years, each focusing extensively on human rights issues in Southern Africa.

NiZA's general objective is the advancement of democratic processes in the Southern African Region through three thematic programmes in six countries chosen on the basis of trends and development and priority needs in Zimbabwe, Zambia, South Africa, Mozambique, Malawi and Angola. The programmes seek to contribute to the promotion, and delivery of access to justice. Partner organisations play an important role in development of lobbying and awareness activities and substance of the society organisations capacity to reach their goals at Individual, National and Regional level (*Annex IV*)

Objectives of the Meeting

In view of the role of NiZA and the expectations of the participants listed, the facilitator requested Legal Resources Foundation - Assistant Projects Officer, Mary Chisanga, to explain whether the expectations listed met the Meeting objective.

Consolidating a shared Vision and Plan of Action for recognition and support of paralegals in the Southern African Region.

The objective drew concerns from one of the participants, who sought clarification as to whether there were any representatives from other countries in Southern African, other than Zambia, to justify the wide ambit of the objective. It was expressed that the objective be limited to paralegal recognition within Zambia, as some Southern African Countries had already succeeded in gaining miles towards recognition of the paralegals. In agreement, the Southern African Legal Assistance Network (SALAN) Co-ordinator who attended the meeting as an observer reminded the participants of the significance of their resolutions to other counterparts in the region who were also holding national meetings.

To marry the different views, the facilitator opted to leave the objective unchanged on the premise that though the Zambian context was being discussed at the forum, the impact if successful would register on the entire Southern African region.

Review of the 1st National Paralegal Meeting Report

The review of the last report was done by LRF paralegal Owen Simeza who stated that the 1st National Paralegal Meeting took place in August 2004, attended by 22 participants from the state and non-state actors with interest in paralegal work. The aim of the first meeting was to launch the campaign for paralegal recognition in Zambia and to identify the strategies required for its realisation. The expectations at that meeting were to pursue recognition and support for a (national) paralegal policy and to set professional standards for paralegals and code of conduct.

The 1st Meeting deliberations were guided by the Mary Ndlovu Survey Report, a study and analysis of the paralegal concept in a number of Southern African Countries.

The history, prospects and challenges of paralegals in Zambia were elaborated in a keynote presentation by Geoffrey Mulenga a lawyer. The main presentation was that paralegals were a very vital component that would supplement the service delivery efforts of the government, particularly in ensuring access to justice for the majority of poor persons in Zambia. The Director of Legal Aid Department in his presentation explained the challenges of legal aid in Zambia, including the reasons for its non-peak performance. He concluded his presentation with support to paralegal work.

The president of the Law Association of Zambia dealt with the constraints of integrating paralegals in the Zambian legal system. The presentation cited lack of agreement on universally accepted minimum training for paralegals, compounded by the fact that the law does not accord paralegals audience before courts of law or permit them to charge service fees.

A SWOT analysis conducted identified the needs for paralegals to training, accreditation, non-accessibility to legal materials, lack of publicity for paralegal work, and no common definition of a paralegal.

During the meeting, a number of partners were identified as crucial to the realisation of paralegal recognition; these included the Media, Ministry of Justice, Law Association of Zambia, Churches, Traditional Chiefs, Members of Parliament and the Human Rights Commission.

At the end of the meeting, a general priority was given to standardisation of training and definition of a paralegal. The meeting outlined a work plan with advocacy strategies and delivery methods.

Presentation of Keynote Paper

After the review of the 1st National Paralegal Meeting, the facilitator recognised the presence of imminent presenters and invited the Permanent Secretary, Ministry of Justice to make the first presentation.

The functions of the Ministry of Justice-Mrs. Getrude Imbwae-Permanent Secretary

Mrs Gertrude Imbwae, Permanent Secretary, Ministry of Justice, in her presentation “on the role of the Ministry of Justice,” stated the mission of the Ministry, as “to effectively and efficiently facilitate the administration of justice and promote the observance of the rule of law in order to enhance good governance for the benefit of the people of Zambia, and the international community.”

She explained the operations, linked with the office of the Ministry of Justice being the Director of Public Prosecutions, Attorney General, the Solicitor General as well as the national legislature. For purposes of administration all the departments are under the office of the Permanent Secretary.

She mentioned the departmental structures; below the office of the Permanent Secretary include Legislative and Law Revision Department headed by the Chief Parliamentary Counsel, charged with law revision and drafting of Bills and Cabinet Memorandums. The Public Prosecutions’ Office is charged with the administration of Criminal Justice while the Civil Litigation Department is tasked with defending or instituting civil proceedings on behalf of the government.

The Legal Aid Department’s role is to provide legal representation at a reasonable fee to the poor persons. Other departments are the office of the Administrator General and office of the Official Receiver, which manages estates of deceased persons and estates in bankruptcy. The Zambia Law Development Commission (ZLDC) is mandated to initiate and undertake legislation for law reform in line with International Law. On the other hand, the Zambia Institute for Advanced Legal Education (ZIALE) provides postgraduate legal education to legal practitioners and conducts demand based legal training. The Judicial Complaints Commission task is to enforce the judicial code of conduct to ensure transparency and accountability in the judiciary.

In conclusion, the activities of the Ministry of Justice serve the government, the public and the international community. (*Annex V*)

Clarification and Comments

A clarification was sought why departments such as that of the DPP did not have offices countrywide. The response was that the office has not yet been decentralised, but its lawyers always attend to court cases in all provincial towns. She informed the meeting that there is a pending arrangement to make the DPP’s office and that of Legal Aid Department autonomous.

Asked whether the Ministry had engaged more paralegals in its Debt Collection Department since last year, the Permanent Secretary said the Ministry had maintained four paralegals, as the structure of the Ministry cannot easily be restructured, coupled with budgetary constraints.

In reply to the question whether she supported the paralegals in the quest for recognition, she answered in the affirmative, that hope for advancement of paralegals lay with the decentralisation of the DPP and the Attorney General’s Offices, which most definitely will translate into support for paralegalism.

Asked whether government paralegals were treated differently from the rest of the paralegals, she said it was not true as paralegals in the Ministry were treated just like any other civil servants who if they failed to deliver could be cited for professional negligence.

A query was raised on the delay by Zambia to domesticate international instruments, as opposed to countries like Tanzania where ratification of an international covenant is automatically domesticated; the Permanent Secretary said that the policies of governments differ, and that of Zambia was that after ratification, the government had to domesticate the covenant, and that takes time. She said that among the instruments being domesticated now were the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Answering a question on the decision to merge the office of the Minister and that of the Attorney General, she said the decision really depends on the government of the day. The rationale was to avoid a scenario where the Minister of Justice and the Attorney General would differ on an official matter. It was better to make the Minister and the Attorney General one person.

In conclusion, she said that by virtue of the fact that her Ministry was employing paralegals and planning on expanding avenues for paralegals, she was in support of the initiative to achieve national recognition for paralegals. To counter the argument that paralegals are not permitted to charge for their services, she informed the meeting that as long as they were employed by organisations like Legal Resources Foundation, they would definitely receive remuneration for their work.

The Role of the Legal Aid Board in the Legal Aid System in Zambia – Director Capt. Nanguzgambo (Rtd)

The presentation on “the role of the Legal Aid Board in the legal aid system in Zambia” was presented by the Director of the Legal Aid Department, Captain F B Nanguzgambo who conveyed apologies on behalf of the Chairman of the Legal Aid Board, Judge Chulu who was held up by other official duties.

He said that legal aid in Zambia was pioneered by the first Republican President Kenneth Kaunda in 1967, whose prior prison terms awoke him to the fact that Africans had no legal representation. The Legal Aid Act stood for 33 years, and was only amended by an Amendment Act in 2000, which for the first time made provision for the Director of Legal Aid Department to be answerable to the Board.

He said that in line with the 5th National Development Plan of the Department 2006-2011, the new Legal Aid Bill is awaiting the Republican President’s assent. The Bill makes the Legal Aid Board autonomous, and eligible for donor funding. It is intended to enable the department deliver better services, to maintain the legal aid fund, operationalise countrywide offices, decentralise legal aid to the districts, and to formulate a national legal aid policy.

The roles of the Legal Aid Board redefined in the new bill include:

- Administer and manage the legal aid fund
- Undertake representation of persons accorded legal aid.
- Assign legal practitioners to these persons. (If the lawyers contracted are not employed by the Department)
- Act as technical advisors to the government on legal aid issues.
- To perform any other related lawful activity.

With the above provisions in the Legal Aid Board Act, he hoped that the issue of insufficient funding would be addressed, to ensure that the Board is effectively functional. (*Annex VI*)

Clarification and Comments

Clarifying the issue of financial sustainability of the Board, he said that since parliament had passed the bill, he most definitely envisaged adequate funding for the Board, and the bulk of financing would come from the government.

Asked whether the Department could take a leaf from the defunct legal services Corporation, he said that the organisational structure of the corporation was not sustainable, and the lawyers were overworked, and as such its demise was imminent.

Answering a question whether the Bill contained a provision for paralegal work, the response was in the affirmative, that there would be a paralegal for each district, making a total of 60 paralegals, with an annual budgetary allocation of K1.6 billion (US\$320,000) intended to fill the lacunae between the people and the Departmental lawyers.

Challenges of Legal Aid in Zambia: Is Paralegalism an alternative? -Director Capt. Nanguzgambo (Rtd)

The Director of Legal Aid Department Captain Nanguzgambo (Rtd) in his presentation on the challenges of legal aid emphasized that paralegalism is not a threat, but an alternative and should not be perceived that way.

He said that the colonial masters were aware of the need for legal aid, since they enacted the Poor Prisoners Defence Ordinance in 1945, managed by the then Registrar of the High Court with the Law Association of Northern Rhodesia. This was followed by the Poor Persons Defence Ordinance of 1957, which extended the ambit of the initial Ordinance and allowed more individual actors to take part in provision of legal aid. The ordinance was initially limited to certain grave offences but with the advent of issues like human rights, there was need to widen the focus of legal aid services.

He mentioned that the position has greatly changed and was of the opinion that the initial structure of legal aid in Zambia was overtaken by developments, and paralegals should help fill the gaps because at the time, legal aid was sufficient for a population of just 3.5 million people. The economy was booming, and there was less rural-urban drift, crime rates were very low and the concept of human rights was still limited.

Currently, the population has increased and the economy is bad, resulting into increased rural-urban drift and increase in crime rates, compounded by poor education standards, poverty, the complex nature of crimes, long recruitment procedures in the government setup as well as brain drain. Considering the fact that the Legal Aid Department is only operational in four towns, Lusaka, Kitwe, Livingstone and Ndola out of the nine provinces of the country, the gap in service delivery is very evident. The paralegals are a perfect solution to bridge the gap. The advantages are the existing goodwill from politicians and funding partners.

He recognised the fact that paralegals are able to ensure coverage of the entire country as opposed to other existing interventions as they are cheaper than conventional lawyers. The paralegals are not aloof from the basic problems of the population, and are better at dealing with community issues than conventional lawyers.

He however noted that paralegals do not have adequate training to enjoy audience before the courts, and lack regulatory mechanisms and formal recognition.

In summary, he maintained that paralegals are complementary and not adversary to the legal aid initiative, and are crucial in filling the gap between the litigants at the grassroots and the law. (*Annex VII*)

Clarification and Comments

Clarifying whether the new Legal Aid Bill will benefit other paralegals outside those the Legal Aid Department employs, he said that the bill is a big step forward in the legal recognition of paralegals.

When asked whether non-lawyers are allowed under any statute to appear on behalf of any person in courts of law, he said the law only allowed lawyers without practising certificates or learner legal practitioners to do so, under the Legal Aid Department, but it must be under the guidance of a supervising lawyer.

Asked a situation where a learned counsel would despise a lay magistrate that he was appearing before, he mentioned that all lawyers were bound by the Professional Code of Conduct to respect all the courts they appeared before, and so it did not matter.

The president of LAZ, William Mweemba however informed the meeting that at a recent ceremony to appoint State Counsels, the Chief Justice reminded them to refrain from appearing in Magistrates Courts and Chambers. This will create a lot of opportunity for paralegals as assistants, and the Association was considering implementing the advice of the Chief Justice, which might provide avenues for paralegals to be infused in the legal fraternity.

The Role of Law Association of Zambia - Is Paralegalism a Threat? -Edgar Lungu- LAZ Legal Aid Committee member

The role of the Law Association of Zambia was presented by Senior Advocate, Edgar Chagwa Lungu, a member of the Legal Aid Committee, accompanied by the president of the Law Association of Zambia; William Mweemba. He expressed appreciation for the invitation extended to LAZ, to share the important views on paralegal work.

He introduced LAZ as a creation of statute, whose responsibilities are listed under section 4 of the LAZ Act. Of particular interest was section 4 (a), which was 'to further development of law as an element in social order'. He declared that LAZ has an interest in all stakeholders pursuing social development and access to justice, a slot that paralegals would fit so well.

He said that LAZ would want to encourage many interest groups to participate in ensuring that access to justice is realised, but there were a number of statutory limitations curtailing this desire. The law was stringent on who could appear before courts of law, and the other possible inlet would have been through the provision for an outward clerk, but this was also restrictive and did not accommodate paralegals.

He said the Association is in support of integration of paralegalism into the legal system as they are already serving as assistants in law firms. He emphasized that the way forward is to look at the laws and address the limitations within the provisions.

In conclusion, and answering whether paralegalism was a threat to LAZ, he said there was no problem with the paralegals, since the relationship between LAZ and paralegalism has already been explained. (*Annex VIII*)

Clarification and Comments

A concern was raised around complaints instituted against lawyers that are never addressed. He replied that if a paralegal institutes a complaint against a lawyer, he should ensure that it is properly lodged with the office of LAZ and should also follow it up. He assured the participants, with the approval of LAZ president that no act of professional misconduct from a lawyer will go unpunished.

Questioned whether there were any practical attempts to recognise paralegals, he said that their initiative was just like that of the doctors and medical assistants. There was need for them to regulate themselves and to provide acceptable standard, as it will be the entry point in the quest for such recognition.

In responding to the current position of the law that an organisation providing legal services should not represent clients in court, LAZ president said they had realised that it was bad law and were trying to find a way of changing this provision of the law.

In conclusion, LAZ president called upon the organisers to ensure that they take up the resolutions with the necessary stakeholders. He said that had the Association been informed of the resolutions of the first national meeting, it would have considered the concerns of the paralegals and progress would have been made.

Progress Review of the 1st National Meeting Resolutions

The afternoon session resumed with a review of the work plan generated at the 1st national meeting. Out of the nine items developed at the 2004 National Paralegal Meeting attempts, only production of a documentary on paralegal work was done through the Paralegal Training Alliance.

The reasons cited for the non-execution of the activities were lack of funding, and the policy makers targeted were not sensitised about paralegals. The fact that the roles in the work plan were not assigned to specific persons and the initial structures that would have encouraged donors were lacking. The very purpose the figureheads, representatives of the Ministry of Justice, LAZ, Legal Aid Department and Legal Aid Board, had been invited to present their views on perceived possible obstacles in the quest for the recognition of paralegals before engaging in serious dialogue with them.

It was later resolved that a more concrete approach on the way forward be adopted on the second day of the meeting following the assurance from the Permanent Secretary, LAZ president and the Legal Aid Department's pledge to support the campaign for the recognition of paralegals.

Swot Analysis

The facilitator Fanwell Hibajene basing on the positive affirmation views that came from stakeholders in the legal aid sector suggested a shift from analysing weaknesses to consider the threats since most of the weaknesses previously cited are not weaknesses but strengths. The participants were divided into groups, and questions given to each group to provide feedback on the consolidation of lobbying strategies in relation to transforming threats identified at the 1st National Paralegal Meeting into strengths as follows: (*Annex IX, SWOT Analysis: 2004*)

THREATS -(Lifted from the 2004 Report)

➤ ***Lack of national policy on paralegals***

Paralegals need to lobby for development of a national paralegal policy in order that Government's position on the recognition of paralegals may acquire the status of planned legislative reform.

➤ ***Absence of standardised training and qualifications for paralegals***

Paralegals will be recognised if improvement in the standard of training and qualifications are made.

➤ ***Little or no support from legal practitioners and other government institutes for paralegal work***

Lawyers and government institutions should be made to appreciate paralegal work and support the campaign for paralegal recognition.

➤ ***Lack of sustainability for paralegal work***

If paralegal work continues to be supported through donor goodwill it will not be sustained. Government and other institutions should support paralegal profession.

➤ ***No clear understanding on paralegal work by certain sectors of society***

Lawyers fear that paralegals will soon start charging fees for their services. It must be made clear that services provided by paralegals are free of charge no matter what the situation may be.

➤ ***Non-recognition of paralegals***

Paralegals need to be recognised by law. Should paralegals continue to operate without any legal back up their services will be rendered irrelevant as they will continue to face the same problems of resistance.

➤ ***Donor dependence***

The good will of donors is dictated by their government's political will and cannot be relied on forever. Other sources to generate income must be explored.

1. *What would you like to see to be satisfied that the work of paralegals has attained the desired recognition?*
2. *What tasks ought to be nationally accepted as the work of paralegals? Justify.*
3. *Defining mechanisms for the operationalisation of the campaign for the recognition of Paralegals.*
4. *'For efficiency, effectiveness and maintenance of paralegal recognition in the country, how should paralegal work be organised and coordinated? What are the implications?' Or stated in another way, 'How can we, as paralegals, make ourselves more attractive'*
5. *Turning the weaknesses into strengths and countering the threats: What would you propose for action to turn about the current weaknesses of paralegal work in Zambia? How should these threats be addressed?'*

Groups Report Back

The Groups came up with the following.

Group One

The 1st Group looked at question one and two

- 1a. What would you like to see to be satisfied that the work of paralegals has attained the desired recognition?*

For question 1, they outlined the following

- That there should be statutory instruments enacted regulating and providing for the operations of paralegals.
- That learning institutions such as UNZA, NIPA, and ZOU should assist in developing a standardised certified curriculum for paralegal training.
- That an ethical Code of Conduct for paralegals be instituted with the assistance of LAZ.
- That there should be increased participation of paralegals in the judicial process, by both state and non-state actors.

- That there is need to have Paralegal representation on existing fora charged with regulating the legal profession in Zambia, such as LAZ, and the Ministry of Justice.

1b. What tasks ought to be nationally accepted as the work of paralegals? Justify.

In response to the second question, the group felt that paralegals should be recognised as sources of legal provision and advisory services, conducting community outreach awareness programmes, as well as the management and administration of the legal advice centres except court representation.

The justification;

- Paralegals promote access to justice and social development.
- They supplement the professional capacity of the legal fraternity in fulfilling its mandate to the general population.
- They ensure the promotion of good governance through encouraging participatory justice and empowering the community.

Group Two

2. 'Defining mechanisms for the operationalisation of the campaign for the recognition of Paralegals'

The group proposed to work through:

- Holding Meetings with stakeholders providing training such as ZIALE, NIPA, Zambia Open University.
- Holding meetings with Ministry of Justice, LAZ and Zambia Law Development Commission with a view to establishing legislation and a regulatory board.
- It was also agreed that the organisations should first establish consensus, and present a concerted interface with the stakeholders, who should also include the national legislature.
- The idea of inviting the policy makers to the fora, such as the present one, was also identified as a good strategy.

On who should carry out the activities, the group felt that a joint committee should be appointed to assume the roles, which it should complete within three years 2006-2008. The breakdown of the three year period as against the activities would come up in the work plan.

Group Three

3. 'For efficiency, effectiveness and maintenance of paralegal recognition in the country, how should paralegal work be organised and coordinated? What are the implications?' Or stated in another way, 'How can we, as paralegals, make ourselves more attractive'

In their reporting, the group felt that for efficiency and effectiveness of paralegal work, there was need to;

- Develop terms of reference for paralegals so that they can have a kind of reference tool.
- Harmonise the training of paralegals.
- Standardise the qualifications required for one to qualify to attend a paralegal course.
- Draft a Code of Conduct for paralegals.
- Form a paralegal Association at the national level to look into the affairs of paralegals.
- Initiate a dress Code for paralegals, just like the lawyers have.

- Ensure the extension of the offices of the Paralegal Association into the nine provinces of Zambia.
- Establish regional and international links with other organisations dealing with paralegal work.

The group felt that if the above were implemented, it would go a long way in ensuring the recognition of paralegal.

Implications

The group suggested the implications to the implementation as follows:

- There was need to have consultative meetings amongst paralegals in order to develop terms of reference.
- There was need to meet with the relevant educational and training institutions to develop a harmonised paralegal curriculum.
- Agree on a universal achievable training, preferably a Diploma –one year.
- The activities of the paralegals will be regulated by the code of conduct.
- The dress code will institute a sense of identity and professionalism.
- There will be increased access to justice by the public due to the increased activities of paralegals.
- There should be a forum where the public can complain in case they have been professionally wronged by a paralegal.
- There will be an opportunity for paralegals in Zambia to share experiences and ideas with other paralegals at the regional and international level.

Group Four

4. *Turning the weaknesses into strengths and countering the threats: What would you propose as action to turn the current weaknesses of paralegal work in Zambia? How should these threats be addressed?'*

Group four, identified the following weaknesses, and proposed the corresponding solutions.

- There was a general lack of information in the public domain on the work and status of paralegals, for which they proposed that they should embark on publicising their activities in the media.
- There was poor coordination and networking amongst the organisations that are engaged in paralegal work, and it was proposed that they should explore avenues of closer coordination amongst themselves.
- That there is a general lack of harmonisation in standards relating to paralegals in Zambia, necessitating the urgency to obtain consensus amongst themselves of these various aspects.
- That paralegals generally have limited access legal materials, and it was proposed that they should try to maximise usage of those resources that they have limited access to.
- That most of the training conducted for paralegals by the organisations were too short, and it was proposed that the duration of paralegal trainings be increased (will liaise with learning institutions).

The group identified the following threats, and proposed solutions they felt would check these threats

- The first threat was the lack of a national policy relating to paralegal(s) (work). The solution proposed was starting an intensive lobbying campaign with the national policy makers to try and secure a policy for themselves.
- That the paralegal fraternity enjoys little support from the Ministry of Justice and the legal practitioners. This necessitates the need to establish avenues of interface with these agencies,

and it was noted that evident from their participation at the workshop, institutions such as LAZ, and the Ministry of Justice were clearly ready and willing to work with the paralegal initiative.

- There was the threat of funding and donor dependency, for which the members sought the intervention of the other members on possible avenues of how to raise finances.

DAY TWO

15 September 2005

Facilitator Fanwell Hibajene introduced the presenters from the learning institutions involved in the provision of legal studies in Zambia. He emphasised that the invitation of the educationists was to establish whether there was the possibility of collaboration in strengthening the paralegal training curriculum. He invited Professor Dickson Mwansa from Zambia Open University to make a presentation.

The Motivating factor behind the introduction of Distance Legal Studies in Zambia-Professor Dickson Mwansa

Professor Dickson Mwansa, Vice Chancellor at Zambia Open University said the institution was registered in 2002, but only started operations in January 2005 due to start-up operational requirements. It has a four-year renewable memorandum of understanding with UNZA under which ZOU uses the UNZA educational curriculum and lecturers to conduct its programmes. By January 2006, ZOU will be offering eight Degree Programmes, from the five it started with.

He emphasized that the rationale behind the introduction of long distance education in Zambia was to increase access to higher education in the country, in view of the fact that the existing Universities cannot accommodate the post secondary school demand for higher education. By way of example, UNZA only accepts about 2000 of the 10-20,000 students who apply for admission.

He said that distance education is a cost effective alternative to conventional education and it is reliable and not constraining. He cited examples of open Universities, with the biggest being the Hindra Ghandi Open University which has an enrolment figure of 1.5 million students, which no conventional University has attained. The Open University initiative enables education providers to avoid the constraints of conventional providers. ZOU for example uses modules, weekend lectures, residential tutorials of 5-14 days, DVDs and Videos of presentations to reach out to their students.

The rationale for the introduction of legal education at ZOU was;

- The high demand by students for the LLB course. The number of school leavers who want to join UNZA law school has increased, while entry into the UNZA law school is not direct for them. ZOU permits direct entry into its law school, and the professor maintained that the existing structures at UNZA are just intended to limit entry level, but the demand keeps increasing. The main reason that students are so interested in law is because they want to obtain legal careers, as well as to use it to defend themselves and others.
- With so many institutions offering legal education and training at professional and paralegal levels at Diploma or Certificate levels, the demand for higher legal education.
- The new government policy under which the government is no longer sponsoring working students on full time study. So these are looking for alternative avenues for higher education.
- ZOU's ideal is that exposure of persons to higher education will create a better informed society, raise the knowledge base and will inevitably contribute to the promotion and strengthening of democracy (*Annex X*)

Clarification and Comments

Responding to a question on what ZOU was doing towards the standardisation of paralegal training. He said that ZOU is not yet involved in paralegal training, but has already received invitations to start and is studying the scenario in order to respond.

In replying to a query on the introduction of distance study, he said a survey revealed that some paralegals in Southern Africa find being taught by law lecturers a challenge, he said that maybe there was need to develop a course for trainers of paralegals.

Asked whether the LLB degrees awarded by ZOU will be recognised by ZIALE, he said that they were in the process of harmonising the issue since the ZOU curriculum and lecturers involved were from UNZA, as such it will not create any divisions.

The Role of National Institute for Public Administration NIPA in the promotion of Legal Studies-Raphael Mungole

Lecturer Raphael Mungole in giving the background of NIPA informed the participants that the Institution has been associated with paralegals for some time now. The institution was opened in 1964 when Zambia had a limited number of graduates immediately after the colonial government, and NIPA embarked on a programme to train professionals for the central government. The institution has trained a wide variety of professionals, from lawyers to magistrates. The institution is contributing towards the promotion of the legal profession in Zambia, in response to the public demand for development and contributing to the rule of law.

The institution was made autonomous in 1998, and awards Diplomas and certificates in Law. Its law and human rights courses were inspired by general lack of legal knowledge amongst the population and the complicated legal language. NIPA endeavours to equip people who cannot afford to enter the university degree course.

He concluded by assuring the participants that NIPA recognises the initiative for the recognition of paralegals and shall consider offering training (*Annex XI*)

Clarification and Comments

A question was posed on the type of law qualifications awarded by NIPA, and Mr. Mungole said that the institute awards Certificates and Diplomas in law. The institute also offers specialised training to other professionals like the Military personnel.

On how long the ideal paralegal course should be, he said that it should range from six months for a certificate and eight months for a diploma.

He also said that there was need to harmonise the standards of training in the various institutions such as UNZA, ZOU and NIPA, so that these institutions may recognise certificates awarded by each other to encourage those that want to pursue further studies in law.

Significance of the Law course offered- University of Zambia Adult Education and Extension Studies: Anolt Moonga-Lecturer

Lecturer of law Anolt Moonga highlighted the history of the University Adult Education and Extension Studies Department, traceable to the establishment in the mid 1960s. The findings of the Lockwood Commission in charge of the process recommended, among others, that there was need for the country to establish a programme that would maintain a strong link with the community through the provision of a mature entry education to the community. The response was the establishment of the Department of extra

Mural Studies whose main function was to run evening classes programmes in areas of knowledge demanded by the people.

The colonial education system had denied a lot of locals a chance for good education, and so the initiative was also intended to bridge this gap in subjects like maths and English, among others to help them find employment. With time, the demand for these changed into that for professional courses, such as business management and law, and the introduction of evening classes, to include others particularly the civil servants to benefit from the department.

The reasons for the significance of the law course offered by the Department include;

- A forum for the sensitisation of the public on legal issues in the country.
- A platform for persons who want to launch their careers in the legal profession. They proceed to institutions like UNZA after they are trained by the Department.
- The fees are affordable, and the demand for legal education is high.
- An increasing culture of human rights violations
- The high legal fees demanded by professional lawyers.
- The countrywide network of centres run by the Department has been offering training in various studies (*Annex XII*)

Clarification and Comments

Asked whether the certificates offered by the Department are considered as an entry qualification if one applied for LLB, he said the certificate is only meant assist people who want to aspire for specialised training. Those who intend to enter the law school should attain the necessary entry qualifications without compromise.

The Department offered the most accessible legal training institute in the country, and upgraded its qualifications for the law course to a Diploma. This will help paralegals in their attempt to attain higher qualification.

Video Feature on Paralegal Work

After the presentations, the participants watched a 15 minutes edited version of the video documentary on Paralegal work in Zambia produced by the Paralegal Training Alliance comprising Legal Resources Foundation, Catholic Commission for Justice Development and Peace, Zambia Civic Education Association, and Young Women Christian Association .The video was produced to publicise the work of paralegals in Zambia. The full one-hour long documentary was twice screened on Zambia national television.

The documentary among other things depicted the appreciation the paralegals were receiving from the beneficiaries and other stakeholders. The participants that had not watched the documentary commended the network for producing the documentary.

Formation of the Steering Committee

After watching the documentary, the participants proposed to form a steering committee to spearhead the process of national paralegal recognition, comprising of YWCA, ZCEA, CCJDP, LAZ, and LADA with LRF as the lead organisation.

Further Group Work

The participants were divided into three groups to deliberate and report back on three questions considered to be issues relating to monitoring (nurturing) the implementation of the campaign for recognition of paralegals.

1. *What will you do to ensure that the campaign strategies and planned activities associated to standardisation and establishment of source of recognisable paralegal training are successfully carried out? Remember also resource mobilisation requirement.'*
2. *What concrete actions should we carry out to have in place standardised training for paralegals, and the institutions to offer this training?' They were also to consider what the minimum qualifications should be for one to be recognised as a paralegal.*
3. *'What concrete actions should we take to have the paralegal work win accommodation in the legal system?'*

Group One

'What will you do to ensure that the campaign strategies and planned activities associated to standardisation and establishment of source of recognisable paralegal training are successfully carried out? Remember also resource mobilisation requirement.'

The other question for the group was what they would propose as a Code of Conduct for paralegals.

The group made some recommendations (*Annex XIII*)

On the proposed Code of Conduct, the group felt that the Code should emphasize:

- Confidentiality
- Honesty
- Impartiality
- Empathy
- Smart and presentable dress Code.

Group Two

The second group considered the theme of standardisation of training and establishment of institutions to offer it. The two particular questions were *'What concrete actions should we carry out to have in place standardised training for paralegals, and the institutions to offer this training?'* They were also to consider what the minimum qualifications should be for one to be recognised as a paralegal (*Annex XIV*)

With regard to the course content, the group members proposed that the course should emphasize on Procedural and Substantive law, Alternative Dispute Resolution techniques, Document drafting, Counselling skills and Paralegal ethics.

Group Three

The third group were considering the theme relating to the campaign of accommodating paralegals within the existing legal regime in Zambia; with the particular question *'What concrete actions should we take to have the paralegal work win accommodation in the legal system?'* In their deliberations, they were also asked to consider who the stakeholders should be (*Annex XV*)

After the groups report back exercise, the facilitator reminded the participants of the general implications of their resolutions, which now required that;

- All the organisations involved in paralegal work must integrate this plan of action into their daily activities and programme.
- The steering committee must translate all the ideas generated at the forum into a work plan. The participants then mandated the steering committee to do so.
- There was need for resource mobilisation by all the affected organisations if they are to realise the activities in the work plan.

Meeting Resolutions

The resolutions of the 2nd National Paralegal Meeting were;

- That while paralegal activities were appreciated in Zambia, there was need for recognition and integration into the legal profession sphere.
- That there was need to bring on board the various stakeholders, such as LAZ and the Ministry of Justice to campaign for paralegal recognition.
- That there was need to standardise and harmonise the training of paralegals, as well as the institutions or persons who actually conducting the training.
- That there is need for consensus on who qualifies to be a paralegal. i.e. the minimum qualifications for one to be a paralegal.
- That in order to ensure the progress of the initiative for paralegal recognition, there be constituted a steering committee consisting of LRF as the lead organisation, CCJDP, ZCEA, YWCA, LAZ and LADA.
- That in the campaign for recognition, there was a need to put in place a monitoring mechanism to ensure that the initiatives were progressing. This task was accorded to the steering committee, and it was agreed that in the interim, the contact person of the committee should be Robby Shabwanga, LRF Projects Officer

2006-08 Work Plan

Item	Activity	Responsible	Time Frame	Target Group	Resource Mobilisation
1	Conduct a Needs Assessment Study	Steering Committee	30 September 2005		
2	Compile training needs	Steering Committee	October 2005	Paralegals	
3	Meeting with the course providers and education regulators	Steering Committee	Mid November 2005	NIPA, UNZA, ZIALE, ZOU, TEVETA	Paralegal Training Alliance Network
4	Agree on minimum qualifications. At least Grade 12, with 5 credits including Maths and English	Steering Committee	January 2006	Trainee Paralegals	
5	Compile core courses for training	Steering Committee	February 2006	UNZA, ZIALE, NIPA, ZOU	
6	Air documentary on Paralegal work	Steering Committee	March 2006	Community	Paralegal Training Alliance Network
6	Liase with the Legal Aid Board on the strategy of integration	Steering Committee	April 2006	Ministry of Justice, Zambia Law Development Commission, Law Association of Zambia, Legal Aid Board	
7	Hold consultative meetings on the integration of paralegals in the legal system	Steering Committee	May 2006	Ministry of Justice, Zambia Law Development Commission, Law Association of Zambia, Legal Aid Department, Legal Aid Board	Paralegal Training Alliance Network
8	Research/ Develop a Code of Conduct	Researcher Steering Committee	April 2007	Zambia Law Development Commission, Law Association of Zambia	NiZA
9	Drafting	Draftsperson	February 2008	Ministry of Justice	
10	Review Work Plan	Steering Committee	Mid term	Member organisations, LAZ, Ministry of Justice	NiZA
11	Hold National Meeting	LRF-Zambia	Yearly	Stakeholders	NiZA
12	End of Project Evaluation Workshop	Independent Monitoring/ Evaluation Consultant	June 2008	Stakeholders	NiZA

Conclusion and Recommendations

The 1st National Paralegal Meeting report formed the basis of the meeting agenda as it contained all the necessary information concerning paralegal work in Zambia. The report was circulated to all invited participants prior to the meeting and they had the time to read the report in full. The participants came to fully participate in building on the vision without diverting from initial campaign plans.

Although the Action Plan developed at the 1st meeting was not implemented, the whole process was not wasted as the publicity part was adequately covered with the production of the documentary on paralegal work under the auspices of the Paralegal Training Alliance Network, an alliance that trains paralegals in collaboration with the University of Zambia-School of Law.

The motive to invite the policy implementers to the National Meeting was a well thought approach that paid dividends as it brought a lot of hope beyond doubts harboured by those involved in promoting paralegal work. The Ministry of Justice should be commended particularly for support accorded to the meeting by sending the Permanent Secretary to share the government's position in promoting access to justice. A forum aimed at bringing stakeholders to exchange views should be encouraged at all future gatherings.

The presence of the LAZ president demonstrates the Association's commitment to the promotion of legal aid in Zambia. The support and assurance declared by a member of the LAZ Legal Aid Committee spells specific challenges that will bring about full recognition of paralegals if followed. The Legal Practitioners Act is very elaborate on what the legal profession entails and as such paralegals are not a threat but subordinate to the lawyers, just like is the case with the medical profession (doctors and paramedics). The initiative to bring together stakeholders to share their views cleared the element of mistrust and speculations to reach consensus. The identification of two key stakeholders drawn from the legal fraternity and institutions involved in conducting legal studies was a major break through as they provided valuable information and willingness to strengthen paralegal work. While paralegals are grappling with the issue of accreditation as a vehicle to attain recognition, the institutions provide certified courses and awards and accredited certificates. They are the most immediate avenue to interact with if recognition is to dawn in the immediate future.

The open arms of the Ministry of Justice and the Law Association of Zambia should be courted to assist in drafting the Code of Conduct to regulate paralegals and to draw specific confines of paralegal work to avoid elements of professional misconduct and impersonation. LAZ appreciates the advancement of legal aid by paralegals; as such endeavours are supplementary work to the lawyering profession.

The changing of the Legal Aid Board into an autonomous wing that will advance the provision of legal aid in the country is the best gift the government of the day will give to this nation, where legal aid is not adequately provided due to lack of funding. The Ministry of Justice should be commended for passing the Bill without wasting time. The inclusion of paralegals in the employment of the Legal Aid Department is a step in the right direction, and the Department recognises their potential. Besides NGOs, the Ministry of Justice, LAZ and Zambia Law Development Commission benefit from services rendered by paralegals.

Presently some of the paralegals are furthering their studies through distance learning with the Open University. It won't be long before most of the paralegals elevate their status to lawyering through qualifications.

The pledges from by the institutions of learning to assist standardising training can be a long lasting solution to the difficult of receiving conventional education. The distance learning approach introduced by the Zambia Open University and the part-time classes conducted by NIPA will definitely accommodate the paralegals seeking accredited qualifications.

Paralegals do not need to be taught how to do the work because they have better experience, but lack recognised certified qualifications and recognition.

In conclusion the 2nd National Paralegal Meeting was indeed a successful meeting that left paralegals with no doubt but urging them to debate on two issues of paramount importance; empowerment on training and the enactment of a law to recognise paralegals. The other resolutions were considered secondary. The three years plan of action as the period to achieve the full attempts towards the attainment of the thought as opposed to being over ambitious, but practical.