

EVENT

Inception meeting on Research on Community Paralegals in Africa in Kigali, Rwanda, 21–22 February 2020

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In partnership with the African Centre of Excellence for Access to Justice (ACE-AJ), the Socio-Economic Rights Project of the Dullah Omar Institute hosted its first event of the year on 21–22 February 2020, in Kigali, Rwanda – an inception meeting on research on community-based paralegals (CBPs) in Africa. ACE-AJ is a continent-wide network of African civil society organisations focused on working together to promote human rights, access to justice and legal aid for poor and marginalised communities.

The meeting examined the nature, types and dynamics of CBPs, with particular reference to six selected countries, namely Ghana, Mozambique, Nigeria, Tanzania, Uganda and Zambia. In each case, barring Mozambique, a delegate gave a presentation on the status of paralegals in the country. The discussion centred on the legal recognition and regulation of paralegal activity, and looked at the lessons, challenges, and evolving practices. The aim of this meeting was to contextualise the research project with emphasis on the rationale, objectives, and methodology.

At present, Zambia and Tanzania are the only two listed countries where paralegals are legally recognised. While Nigeria has some formal recognition, there is an ongoing process determining the extent of recognition, leaving some CBPs to informally self-regulate. In Ghana, there is no legal recognition of CBPs, leaving them to informally regulate how paralegals operate. In Uganda, the recognition of paralegals enables them complete training, leading to a diploma in law. People who complete the course can work as clerks in law firms. The diploma is also used a qualification to enable the holders to join universities to study for a law degree.

This research project is aimed at gathering empirical data from the six African countries regarding the role of CBPs in Africa. It will document the findings concerning the historical evolution of paralegals, their position in international and regional laws, and their contribution to access to justice in light of the challenges they face. It will draw on the available literature, policies and empirical data collected through focus group discussions and semi-structured interviews.

While most of the legal profession is still sceptical about the work of CBPs, they have proven very effective in furthering access to justice in Africa by providing appropriate and accessible legal services. In their deliberations, participants looked at the available solutions and the possibility of having mutual benefits for both CBPs and lawyers. Participants also discussed how paralegals could work more effectively alongside the formal justice system.

The stakeholders noted that this research project is a beginning in the selected countries, but would extend to the entire continent. The participants agreed that this problem had to be tackled collectively with all the stakeholders. They were elated about the potential growth and possible impact of this project.

It was evident that this research is an opportunity for community-led solutions that equip people to solve their own problems – a skill desperately needed in Africa.

Over the two-day meeting, participants identified many challenges and lessons learnt. The legal systems that were handed down by the colonial masters to Africa did not speak to African problems or communities. This has led to today's disconnect between Western and traditional mechanisms. The official recognition of CBPs remains a major issue for most of the countries, where there are many definitions of who CBPs are and attendant gaps in education, skills, and training. The lack of formal recognition has also meant that most countries have little or no regulation, leading to a lack of protection, self-regulation, inconsistency in training and services, and generally scattered access to justice systems.

The participants also deliberated on the issue of funding. It was highlighted that the aim of this research is to identify ways in which to bridge these gaps, solidify paralegal structures and provide them with the protection necessary to continue promoting access to justice. Participants discussed the benefits of paralegal work in Africa. These included the transfer of the law into accessible information and provision of legal assistance that allows marginalised people to have legal services in their communities. The CBPs also help build trust between the community members and the legal system. It was also noted that CBPs greatly reduce the burden of costs usually associated with legal services.

The most illuminating part of the meeting was when delegates presented on the status of paralegal work in their countries. Each looked at the recognition and roles of paralegals, the challenges faced, and lessons overcome. Across the board, the countries referred to the lack of recognition of paralegal work and the complications that arise from this. As such, some countries have developed their own curricula specific to the needs of people in their communities. Delegates shed light on how legal skills, training and education are structured, how courses are developed, and how paralegals are selected.

A recurrent theme was the issue of no regulation and the wish not to be over-regulated. There was, however,



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consensus on the need for uniformity regarding who and what CBPs are, their role regarding access to justice, and what the curriculum should entail. Participants acknowledged that regulation should allow for governmental and other financial support to improve the overall functioning of CBPs, but called for the matter to be treated with caution, with recognition and regulation being considered separately.

A key take-away from the presentations was the importance of actively promoting meaningful and inclusive access to justice in the light of the international obligation imposed by SDG 16. The participants underscored the fact that CBPs are there to serve the most vulnerable in society, and that due consideration should be given to those who have the least access to justice, to the need for gender considerations, and to the meaning of justice in both the traditional and the Western sense. This discussion highlighted many gaps in the justice system and areas for further research.

While country delegate all identified shortcomings in their legal frameworks, they also described the various ways in which they have overcome these challenges. To date, the most effective method has been the use of referral when one is unable to assist. This practice supports the bigger objective of serving others and creating better access to justice for all. The participants then discussed the details of the research project, activities, outcomes, and the importance of partnerships and a collaborative approach going forward. The inception workshop showcased an exciting opportunity to create African-centred solutions aimed at providing better access to justice in Africa.

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