

## EVENT

# Meeting on ‘Research on Community-Based Paralegals in Africa’ Preliminary Findings 6-7 May 2021

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*The Socio-Economic Rights Project of the Dullah Omar Institute in partnership with the African Centre of Excellence for Access to Justice (ACE-AJ), hosted a meeting on the Research Study of Legal Recognition of Paralegals/Community-Based Paralegals in Africa, at the Lake Heights Hotel in Entebbe, Uganda, on 6 – 7 May 2021.*

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, and promotes the work of community justice institutions on the African continent.

The stakeholders were largely drawn from ACE-AJ, with other participating organisations, who acknowledged that in many African countries, paralegals have assumed an important role in providing legal support and realising access to justice for disadvantaged groups. Paralegals in Africa bridge the gap between access to justice on one hand and indigent and marginalised people on the other. However, their work is hindered by the inconsistent recognition and regulation of their activities by the State – while international and regional laws recognise the role of paralegals. This has led to a parallel regime concerning the recognition and regulation of paralegals and related services.

As such, the study on the legal recognition of paralegals/ community-based paralegals (CBPS) in Africa is a two-year research project which aims to document the roles, functions, challenges and implications of paralegals in the following selected African countries – Ghana, Nigeria, Mozambique, Zambia, Tanzania and Uganda. This research will inform a collection of data on the best practices of paralegals across Africa, that can be replicated in other countries.

This meeting focused on the preliminary findings from three countries, namely, Uganda, Tanzania and Zambia. It sought to evaluate the legal recognition of paralegals/CBPs in Africa, drawing on the lessons, challenges and good practices that accrue therefrom in the respective countries.



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The stakeholders that engaged in this fruitful discussion included Primah Kwagala - Women’s Probono Initiative (WPI) - Uganda; Christina K Ruhinda of the Tanzania Network of Legal Aid Providers (TANLAP) - Tanzania; Clarisse Munezero of the The Legal Aid Forum (LAF) - Rwanda; Phillip Sabuni of the Paralegal Alliance Network (PAN) -Zambia; Clifford Msiska from Paralegal Advisory Service Institute (PASI) and Chairperson of the ACE-AJ -Malawi and the Socio-Economic Rights Project of the Dullah Omar Institute (DOI).

Clifford Msiska delivered the welcoming speech and opened the floor for discussion by emphasising the importance of conducting this research, even amidst the unprecedented COVID-19 pandemic. Mr Msiska also presented on the ACE-AJ's history, current activities and plans for expansion.

From DOI, Dr Robert Nanima presented an overview of the study, including the research design, methodology, data collection and workplan. He highlighted the core objectives of this research, the information it intends to collect and why it is important in furthering access to justice. Dr Nanima noted that the preliminary findings show that the respective countries dealt with different issues in terms of recognition and regulation of paralegals/CBPs which allowed for the collation of data to show the best practices in overcoming the various obstacles. He also contextualised the data collection process and acknowledged the flexibility of the project and partners involved in having to adopt a hybrid research approach, as the initial research and data collection plans was hindered by the pandemic.

During the Q & A that followed, stakeholders were able to actively engage on their experiences of conducting research of this caliber and in particular, the many lessons learnt. The preliminary findings seemed to indicate central challenges under the following themes – obstacles surrounding ethical clearances and permits; the importance of a contingency plan regarding the actual data collection process; the capacity of the organisations involved to conduct the research; and the sensitivity surrounding the regional representation of paralegals/CBPs in Africa.

The stakeholders from Tanzania, Uganda and Zambia then had the opportunity to share their experiences of the data collection process in their respective countries.

Their presentations covered the logistics involved, the participant selection process, challenges and obstacles faced and subsequently - how they overcame those hurdles and the lessons they learnt.

In Tanzania, there were a number of issues that arose. Namely, the political climate, further permits for the research conducted and logistical difficulties during the data collection process (transportation challenges and language barriers). However, TANLAP relied on existing working relationships within its network to provide solutions and ensure that the quality of the research gathered. It was also highlighted that it is important to put a policy in place to deal with unforeseen circumstances such as the pandemic.

In Uganda, there were similar challenges faced, but one of particular importance was the ongoing hostile and political climate. The Ugandan government heavily regulates the information that leaves the country and so attention should be given to the ethical approvals and clearances needed to conduct a research activity of this nature. WPI also encountered logistical challenges but similarly worked hard to complete the research activity and beyond that reported how much it expanded on their understanding of the recognition of CBPs within their country.

In Zambia, it was reported that the biggest challenge faced was the time constraints during which the data had to be collected, further complicated by the pandemic. PAN also noted the importance of financial support in bringing people together to conduct this research. However, for the most part the data collection process went smoothly as they also relied on working relationships, as well as the current policy framework which regulates CBPs.



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Each of these presentations were followed by a Q & A session which allowed for the stakeholders to actively engage each other and discuss the details of their respective experiences and recommendations for future studies of the same nature.

The second day of the meeting provided the opportunity to critically analyse the preliminary findings of the research study. Dr Nanima presented an in-depth analysis of the data collected including the demographics of participants, notably the gendered dimensions, the context of dispute resolution within communities, the types of cases dealt with and the various forms of recognition and regulation. These findings allowed for the development of recommendations toward the enhancement capacity of the work of CBPs as well as good practices for other countries to learn from.

The open discussion that followed allowed for all the stakeholders to engage with and draw insights from the preliminary findings - which enriched the content of research and will be further developed in the final report of the project.

To conclude, while it must be noted that the participants carefully deliberated physically meeting during the pandemic, it successfully provided meaningful engagement on the research study, which was already adapted to accommodate certain restrictions. It also allowed for a comprehensive dialogue on how to best expand this research, being cognisant of the challenges faced. Most importantly, the outcome of this meeting was realistic recommendations on how best to support the sustainability of paralegals and CBPs in Africa, promoting the realisation of access to justice for all Paula Knipe is a doctoral researcher at the Socio-Economic Rights Project, Dullah Omar Institute, University of the Western Cape..

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