



Legal Services in Rural Areas in Africa



International Commission of Jurists

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Geneva, Switzerland



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PREFACE

In the last decade the International Commission of Jurists (ICJ) has organised a series of enlightenment workshops and seminars to encourage the development of legal services in rural areas in Asia, Africa and Latin America.

In Africa, training programmes focused on promoting the concept of paralegals in East, West, Central and Southern Africa. These programmes generated interest among the participants and led to the need to provide support for the development of legal services projects over the same period. The primary objective of these projects was the training of paralegals to act as a bridge between lawyers (who are usually based in the towns and cities) and the urban and rural poor. A manual for paralegal trainers was published by the ICJ in 1994.

It is worth recalling that the role of paralegals includes; informing people about their rights under the law, helping them to assert and obtain these rights, negotiating on behalf of the people and where necessary, contacting a lawyer to assist in this process. Paralegals are trained to have recourse to litigation as a last resort and are encouraged to use other methods of dispute settlement in their work.

Given the growth in the number of organisations now training paralegals and providing various forms of legal services, the evaluation was inspired by the need to take stock of what has been accomplished so far so as to assist the ICJ in determining its focus for the future. Three consultants, Ms. Amy Tsanga, Mr. Moussa Sogo and Ms. Kafui Adjamagbo-Johnson were engaged to carry out the evaluation in Benin, Burkina Faso, Ghana, Kenya, Mali, Nigeria, Senegal and Togo.

To round-up the evaluation, the ICJ organised a three day retreat in Saly, Senegal at the end of July 1996. The retreat brought together paralegals and trainers alike from the countries visited in the review process. The experiences related at this meeting by both trainers and paralegals shed further light on the development of the paralegal movement and are also a basis of the analyses covered by this report.

The evaluation findings are presented in two separate sections. The first section gives an overall assessment of the developments and outlines areas of need, whilst the second part is an outline of the activities of each of the organisations visited. The far-reaching recommendations which have been made to the ICJ will guide the organisations activities in this sphere in the near future.

The ICJ is extremely grateful to its donors, in particular SIDA, the European Union, EKD Germany and the Government of Luxemburg, whose generous contributions over the years has made it possible to embark upon the legal services projects. It is our hope that they will continue to support the local initiatives generated as a result of this effort.

December 1996

Adama Dieng
Secretary-General

Evaluation Methodology

The evaluation was carried out through visits to on-going programmes primarily those which had received financial support from the ICJ, as well as some others which have acquired experience in the field of legal services independently of support from the ICJ.

The on-sites visits to each country were conducted over a period of three to five days.

The evaluation team visited the following organisations:

BENIN

Association pour le développement des initiatives villageoises
(ASSODIV)

Association des femmes juristes

Institut des droits de l'homme

BURKINA FASO

Mouvement Burkinabé des droits de l'homme et des peuples
(MBDHP)

Groupe de recherche, d'études et de formation "Femmes Action"
(GREFFA)

Association des femmes juristes

CAMEROON

Association des femmes juristes

GHANA

FIDA/ Ghana

The WiLDAF/SNV Legal Awareness programme in Takoradi

The Ghana Legal Resources Foundation

KENYA

FIDA/Kenya

Kituo Cha Sheria

ICJ Kenya Section

Legal Resources Foundation (LRF)

Institute of Education in Democracy (IED)

MALI

Association malienne pour le développement (AMADE)

Association des femmes juristes

Muso Yiriwa

NIGERIA

The Legal Research and Resource Development Centre (LRRDC)

The Constitutional Rights Project (CRP)

FIDA/ Enugu and Anambra

Institute of Human Rights and Humanitarian Law (Port Harcourt)

SENEGAL

Réseau africain pour le développement intégré (RADI)

Comité africain pour le droit et le développement (CADD)

TOGO

Groupe de Réflexion et d'action femme, démocratie et développement (GF2D)

Data was collected through interviews, the review of written records including evaluation reports and group discussions. The interviews were useful in obtaining data on the background of the various organisations, their objectives and their activities as well as in getting a perspective of projected needs. The review of written records such as reports by paralegals and, in some cases, evaluation of reports provided valuable insights into monitoring mechanisms as well as a perspective of the programme from a different viewpoint. Group discussions were held with paralegals as well as women lawyers. They were especially useful in giving a collective view of the development of the programmes.

PART ONE

A Critical Analysis of the Development of Legal Services Programmes in Africa

Prime Movers in the Development of Legal Services Programmes

The present development of legal services in Africa has not been the result of benevolence on the part of the State through adoption of active State policies aimed at increasing access to justice. By legal services is meant more than just legal aid. The term encompasses training of paralegals, the production of simplified legal materials and information dissemination, counselling, mediation and negotiation. The remarkable growth in the number of organisations carrying out legal services in the last ten years owes itself to a variety of prime movers at the local and international level. At the local level, individuals concerned with various forms of injustices have adopted a critical and practical approach to addressing perceived injustices and have been a driving force in the establishment of organisations providing legal services. Also of significance, has been the influence of organised bodies such as lawyers associations and development organisations and in some countries, institutions such as the Church.¹ International organisations have also had a significant impact by providing ideological frameworks for the development of legal services. The role of international donor agencies and foundations in providing financial support to such organisations is also of significant importance.

The major vehicle through which concerned individuals and bodies have sought to address identified concerns has been through the establishment of non-governmental organisations (NGOs) which

1 For example, women lawyers in Mali, Togo, Ghana, Nigeria and Kenya have been influential in the development of legal services. Of the countries reviewed, the role of the Church was particularly evident in Kenya as a channel through which programmes are implemented.

carry out specific activities aimed at assisting disadvantaged groups. It is not in all cases that organisations have been set up. In some, cases existing organisations, such as professional lawyers' associations have undergone a shift in emphasis in favour of people-oriented programmes. The implementation of programmes through the intermediary of NGOs has to be understood within the wider global movement which has laid emphasis on non-governmental actors as having a positive role to play in the development process.

Particularly striking are the similarities in the organisational forms of the NGOs. Most NGOs have a Board which acts in an advisory capacity to the operative arm of the organisation which is responsible for running specific projects. In most cases the executive consists of a director and support staff who often include lawyers and non-lawyers as well as secretarial and administrative staff.

These NGOs are often, though not always located in a major town, whilst their legal services programmes are generally carried out within or on behalf of rural and urban communities. Community controlled organisational models are less common.² For most organisations, the target group participates in the decision making process through needs assessment programmes which are increasingly carried out as a prelude to the specific activities. A study of the community is generally carried out to assess the needs of the target group and also to allow for a better understanding of the social environment in which the programmes are to be implemented. In some cases, the needs assessment exercise is a fully fledged social study backed by resource people and is done through meetings between the programme initiators and the beneficiaries in order to identify what their needs are. The community problems are listed and analysed. The resulting programmes are thus tailored to

2 Of interest in this regard is the model being pursued by ICJ Kenya Section.

meet the specified needs and the issues are taken into account when activities are being planned.

Feed-back from monitoring is also another avenue for target group input. Monitoring strategies adopted include refresher programmes, visits by lawyers to the communities concerned, the sending in of reports by paralegals as well as overall yearly reports by the organisations involved.

Issues, Objectives and Activities

The issues being focused on under the broad rubric of legal services can be said to fall into four broad though overlapping categories. These are:

- General legal rights; encompassing the overall nature of the legal system and criminal and civil law and the procedural aspects related thereto.
- Women's legal rights; canvassing issues such as inheritance, and gender violence.
- Human rights; mainly founded on Constitutionalism, the Universal Declaration of Human Rights,
- Civic education; canvassing issues such as democratisation with emphasis on voter education, participation in decision-making and good governance.

The focus on these issues has been influenced by specific social, cultural, legal, political and economic realities in the different countries. For instance, the dual nature of the legal system which exists in most African countries has largely resulted in people not being aware of their rights under the mostly received State law as compared to knowledge of customary or religious law. Further, the problem of lack of awareness has been exacerbated by limited

resources for legal services programmes. This reality has led to the growing desire to raise people's awareness about their rights.

The concern about women's issues which emerges as a key concern for most groups has to be understood in the general context of broad social practices and the patriarchal nature of most societies which sanctions the subordinate position of women. The priority being accorded to women's issues at the global level also explains the predominant concern with this issue.

The growing focus on human rights in civic education is partly explained by the intolerant nature of most African governments. Whilst varying in their degrees of intolerance, the reality within Africa has been that most governments have stifled the right of their citizens to fully participate in issues relating to the governance of their country. Concern with this reality has added impetus to the focus of legal services within the human rights framework. However, the focus on these issues also has to be understood in the context of dominant global discourse, which emphasise rational choice, institutionalism, and good governance strategies through the promotion of civic associations.

The services are aimed at various categories of people such as women and men, school children, prisoners, and law enforcement agencies. In most cases organisations target the above within a specific geographical locality. Rural areas emerge as priority localities as part of an effort to address the inequities which rural communities face in the provision of services despite the fact that most of Africa's population lives in the rural areas.

The provision of legal services are based on several objectives. Those which focus on the dual legal system often have as their immediate objective, improving people's knowledge and access to the law and in general bridging the gap between the law and the people. Those focusing on women's legal rights intend to improve the position of women in society by stimulating an increase in the

level of awareness amongst women and the wider society in general on the problems affecting women. Those working on issues of democracy and human rights aim at greater awareness of human rights and responsiveness and accountability on the part of governments.

Interventionist Strategies

Despite differences in the level of development of the legal services programmes amongst countries and within countries, there are similarities in the initiatives which justify a collective assessment of strategies and emergent concerns.

Three intertwined strategies are being utilised to achieve the objectives behind legal services programmes. These are training, the provision of legal aid and information dissemination. Most organisations adopt multiple strategies. For instance, training is at the centre of both legal aid and information dissemination. Each strategy is examined singularly below in order to capture its characteristics.

A – Training

Training, as part of legal services programmes takes place at different levels. At one level it is targeted at community-based workers as part of building a multiplier effect by ensuring that intermediaries with a good knowledge of the environment are available in the community and in specific groups and associations. At another level, training is targeted at law enforcement agencies such as the police. However, the major concern here is with the training of community-based intermediaries, the trainers involved, the content of training and the perception by the trainees of the overall training programmes.

The training of community-based intermediaries

Different names have been adopted to describe the community-based intermediaries. These range from paralegals, to legal literacy volunteers or simply field officers. Whilst there is a general consensus amongst organisations on the need to enlist the support and services of persons who are not lawyers to make law more accessible, there are divergencies in nomenclature stemming from the role that the lay person is expected to play and consequently in the development of the concept of paralegalism. In practice, there seems to be a distinction, at least at the level of activities they undertake, between training of lay persons as legal literacy workers and training them with the aim of rendering legal aid. In the case of the former, the expectation is that they will help to promote the understanding of the law within the context in which people live, and in the latter case, the expectation is that they will assist individuals more actively with some form of legal advice other than referral and will also act as intermediaries between the beneficiaries on the one hand and the appropriate referral agencies on the other hand.

As one organisation put it:

"Whilst our trainees are called paralegals, there are in-house discussions on the issue of the point at which one becomes a paralegal. Some feel that you become a paralegal by demonstrating an ability to effectively render assistance and the community may be the external examiner of that."³

3 Legal Resources Foundation, Kenya.

The experiences therefore range from those countries where the term paralegal has been used to describe both categories of people⁴ to those where expectation is that the term paralegal should be confined to those trained with the intention that they will carry out more specialist functions which are akin to those of a lawyer.⁵

The trainees are in most cases men and women, young and old who have experience in community work as well as the potential to carry out interventionist work. Those targeted as trainees include women leaders at the community level, extension workers, traditional rulers, teachers, evangelists, assembly men, health project leaders, leaders of cooperative and local associations.

Passing an interview is one of the criteria used to select the paralegals. Varying emphasis is also placed on academic qualifications. However, in most cases, the trainees do not have a high level of education specially where the major thrust of their work is popular grassroots awareness. However, where the programmes expect people to render legal assistance, some minimum educational qualifications have been stipulated. Voluntarism in carrying out the work is yet another selection criteria in some programmes. Whilst some organisations employ full time salaried paralegals, most organisations have limited financial resources and cannot engage full-time salaried employees, therefore as a cost saving measure, they utilise people who are already in paid employment and whose work puts them in touch with a wide range of members of the target population. The expectation has been that people will generally view the goals behind the programmes as being sufficiently noble to merit their voluntary services. However, there have been problems with this assumption some of which are dealt with later in addressing emergent concerns.

4 This is the more common interpretation.

5 As is the case in Ghana where legal literacy volunteers have been trained within defined parameters which distinguish them from paralegals.

The trainers

Trainers are in most cases lawyers or legal professionals. These lawyers are either employed by the organisation providing legal services or they are resource persons from private legal practice or other organisations with specific expertise on an issue. In addition to lawyers, organisations also make use of expertise from other professions. For instance social workers, sociologists and psychologists, adult educationists have played a crucial role in training. Training thus reflects a multi-disciplinary approach to law. The reasoning is that in order to give effect to the law or to promote a better understanding of its role in people's lives, it needs to be approached from a holistic angle which acknowledges the impact that other semi-autonomous social fields such as the family, cultural beliefs and practices have on the efficacy or otherwise of the legal strategy. Both legal and non legal professionals avail their services for little or no remuneration.

ICJ training programmes, in which quite a few of the trainers interviewed in this evaluation process participated, involved lawyers and non-lawyers alike. The programmes emphasised the need for paralegals as a bridge between lawyers and those who require their services but are not able to secure them particularly due to a lack of financial means. There was also an emphasis on the voluntary nature of the services to be provided by the paralegals and their trainers. The programmes sought to impart skills which are useful for reaching a consensus and avoiding litigation, they relied on the African notion of reconciliation in the resolution of conflicts.

Outside those organisations whose staff members have benefited from the ICJ training workshops, or the Women in Law and Development in Africa (WiLDAF) workshops, few trainers have attended "train-the-trainer" programmes nor have had easy access to training materials such as manuals. Outside the ICJ manual which

appears to have met with varying degrees of accessibility, WiLDAF has also been instrumental in producing training manuals for trainers in the area of women's rights. For most trainers learning has come from on the job experience. As one trainer explained:

"The expertise of the trainers has been borne more out of experience. The biggest challenge was having to tone down the lawyers training to the level of the participants."⁶

Trainers often emphasise the need for "train-the-trainer" programmes encompassing the overall development of paralegal programmes.

One trainer had this to say:

"The major lessons learnt have been that there is a need to be guided by a clear curriculum. We generally started from the unknown. Whilst some of the staff members had attended the workshop on paralegal training which was hosted by the ICJ in 1992 and found it extremely useful and inspiring in how to carry out this work, much has had to be learnt in the process of doing the work. The basic problem stems from the fact that whilst the lawyers know the law, they do not know how to impart it to different categories of people outside the framework of those whom they are trained to serve. Another challenge is how to develop a sustainable programme. There is a need for resource persons on the continent who can help with the training of trainers."⁷

6 Interview with staff at Kituo Cha Sheria.

7 Interview with Jean Kamau, Director of FIDA/Kenya.

Content, Methodology and Length of Training Programmes

Whilst the training programmes vary from country to country and from organisation to organisation, they have common features in all cases. The content of the training is partly determined by local concerns which emerge from needs assessment programmes but is also often reflective of the expertise and ideological concerns of the organisation providing the training. The training is both theoretical and practical. In terms of content, in just about all of the programmes are to be found model courses on topics such as the Constitution and human rights, the courts and the procedures in accessing justice, family law matters such as maintenance, divorce, marriage, inheritance and custody, abuses such as gender violence and child abuse, and property law.

At the practical level, depending on the objective of the training programme, emphasis is placed on issues such as communication skills, office management, and popular education methods. The methods adopted by the trainers combine lectures and audio-visual means such as case studies, films, role-plays, dramas, posters and pamphlets.

In some countries such as in Nigeria and Kenya,⁸ some organisations have developed manuals targeted specifically at paralegals. However, in French speaking Africa there is no manual or guide book available for trainees. Recently, some women's organisations, in collaboration with Canadian CIDA, were producing a methodological guide for paralegal trainers emphasising the kind of problems which women encounter and the technical skills required of a paralegal.

8 For instance the LRRDC in Nigeria and the LRF in Kenya have produced a manual for use by paralegals.

The length of the training courses generally ranges from one to four weeks. However, one week training programmes appear predominant. In addition to the initial training programmes, most organisations also hold refresher training programmes which are usually of one to three days duration. There are variances in the frequency of the refresher programmes and in some cases they have been held as late as one year after the initial programme.

Trainees Perceptions

Some useful insights into the weaknesses and strengths of the training programmes was gleaned from interviews with the paralegals themselves. Generally, paralegals expressed the need for more practical training as they often find that people expect them to do a little more in relation to their problems. Some felt that it would be useful to be attached to lawyers offices.

Another recurrent suggestion was the need to increase the frequency of follow-up programmes to at least twice a year. It was also felt that training programmes should also aim at strengthening particular skills such as communication skills particularly in relation to sensitizing communities on cultural problems. Paralegals also emphasised the need for mediation skills. In many cases the length of the training programmes was also deemed to be too short with a minimum of ten days being suggested as optimum rather than the predominant one week training programmes.

B – Information Dissemination

Information dissemination is undertaken as a direct response to the need to raise legal awareness within the society in general. Popularising the law is also a way of getting people's opinions about the law so as to direct their concerns to legislators. To facilitate

the process of information dissemination, organisations produce a wide range of educational materials such as pamphlets, flyers, posters, audio visual cassettes. However, there is unevenness in the extent to which organisations have managed to come up with educational materials. Whilst some have made substantial progress and have adapted their materials as a result of learning experiences, others have centred their dissemination of information on the knowledge acquired by the Paralegal at training workshops. Consequently, the area of materials production was often cited as one in which further networking and cooperation is needed.

In those instances where materials have been produced, lawyers are largely responsible for writing the materials, increasingly with input from the target group in the drafts. Illustrators and translators also play a part in the process. Consequently some of the written materials are in user-friendly language and have been translated for the different target groups. However, it is not always an easy thing to translate concepts into the vernacular and it is also in this regard that testing has become a useful strategy. The materials produced are either given free of charge or are sold for a nominal fee. Often demand exceeds supply as most people want to have some materials. Given the lower levels of literacy among rural communities and the predominance of oral cultures, use is also made of participatory methods such as drama and role plays in the dissemination process. The issues addressed vary, but widely coincide with those covered in the training workshops for paralegal workers. In the majority of cases the content of the message being disseminated is somewhat analogous to legal aid and is designed to equip the individual with some knowledge of the expectations of the law in specific types of cases.

Whilst the methods used to disseminate information such as drama, songs, role plays and pamphlets reflect a welcome movement away from legalistic approaches and a sensitivity to

cultural and contextual realities of different target groups, the overall content is largely reflective of orthodox and individual centred legal aid concerns. This is not to say that the problems addressed are not important. In countries where the majority of people have no access to lawyers or to legal information as a whole, this emphasis on increasing people's awareness of the law is understandable. In many respects, the approach to the issues addressed has been influenced by traditional theoretical frameworks for the provision of legal services.

C – Legal Aid

Whilst information dissemination generally serves the purpose of enhancing knowledge of the law on various aspects impinging on people's lives, legal aid permits individuals and groups to assert their rights and to practically respond to difficulties so that in the end the Rule of Law prevails. Legal aid programmes are also a way of informing people about their rights. A striking feature in the provision of legal aid is the role played by paralegals alongside lawyers who either work for NGOs or volunteer their services outside their other commitments. Legal aid is generally provided through legal aid centres, legal information centres, legal advice centres or legal aid clinics. Legal aid is mostly provided on a gratuitous basis although in some cases beneficiaries are asked to pay a small sum towards the filing of court processes and incidental administrative costs.

Despite the variety of terms commonly used to describe the institutions, the legal aid procedures are virtually the same. A file is opened on the client which specifies his or her identity and marital status, the facts of the case, and the suggested legal solutions to the problem. The maintenance of records allows for the collection of data on the type of cases brought to the centre as well as the number of people seeking advice. On the whole, the cases handled

by the centres relate to family law, property law, labour law, registration of associations such as cooperative associations. Consultations are generally given in the local language, English or French depending on the circumstances. A specific problem highlighted by paralegals was that of transportation. It was stated that it is difficult to reach certain areas and that establishing advice clinics or centres in remote areas would be beneficial.

The legal assistance provided to the beneficiaries prioritises negotiation, mediation and conciliation as means of settling conflicts in which they are involved. However, if this approach fails to bring about a solution which grants to the beneficiaries the benefit of the violated rights, there remains the possibility of initiating legal proceedings. Then it is often a matter of having the means to pay for legal counsel and legal costs. It is when cases require legal counsel because of their complexity that the limits imposed on the actions of paralegals become apparent. The monopoly which lawyers have with regard to legal representation becomes a stumbling block in the quest for justice. This raises the fundamental issue of the scope and training which should be accorded to paralegals and whether there should be a move towards their official recognition and certification so as to enable them to take on certain types of cases. This issue is examined in greater detail in this report when addressing emergent concerns.

A few organisations have begun to adopt the test case strategy in the provision of legal aid. Albeit useful, the strategy is, however, not without its difficulties and limitations particularly where government interference and intransigence pervades the court process: In one interviewee's assessment:

"A test case is a case which you file in court knowing that you will lose but that the principle you stand for is important. The major intention is to draw publicity to

the issue you are suing on and sometimes you get government to react.”⁹

Emergent Concerns

In implementing the legal services programmes, initiators are confronted with several difficulties. Most are related to the status of paralegal workers, some are linked to the impact of the activities within the legal aid service schemes whilst others are related to the impossibility of ensuring that legal services get to all intended beneficiaries.

Paralegal Related Problems

a - Problems of Non-Payment of Paralegals

The voluntary nature which is supposed to underlie the activities of paralegals is contentious. Whilst in some cases paralegals are reimbursed travelling and incidental expenses in connection with this work, in other cases, they cannot even expect to be reimbursed for these operational costs. Despite the commitment of some of the trained paralegal workers, most organisations do not have the resources to take advantage of their efforts on a permanent and steady basis. Yet the tasks at hand in most communities are such that paralegals have a primary role to perform. Because they are not remunerated, they are bound to the initiating organisation by a moral contract only. As such, in those cases where paralegals are not as effective, the organisation cannot compel them to do better. The issue of payment is generally at the heart of this lack of interest

9 Clement Nwankwo, Director of Constitutional Rights Project, Nigeria.

although in other cases it is also a question of conflicting views on relevance and priority.

As one interviewee explained in relation to training link persons on voter education:

“One of the challenges has been to get people to see the value of these activities. For example, if you are not paying, people do not want to work with you. You have your project plan but they also have their own goals and how to harmonise these is a problem. Everybody wants money because you are asking them to give time.”¹⁰

The issue of payment has in some cases resulted in programmes beginning with enthusiasm only to gradually die away. The alternative adopted by other organisations of employing full-time personnel ensure continuity but raises problems of limited outreach since most organisations can only employ so many paralegal workers within the parameters of their resources.

b - Difficulties in the Recognition of Paralegals

The other major difficulty encountered by organisations training paralegals and the paralegals themselves is their recognition and their acceptance by the community and the local authorities.

An interview with Kituo Cha Sheria in Kenya captured the essence of this problem:

“The paralegal concept is still very new and paralegals still have to be accepted by people as being at the

10 Interview with Wambui from the Institute of Education in Democracy, Kenya.

middle level. Paralegals have pointed out that the police, for instance, want to know in what capacity they are intervening. Further, paralegals require the assurance that they can fall back on the initiating organisation in carrying out their work. It must also be appreciated that there is a lot of fear in the community and that there is a need to build trust in order to deal with these internal fears".

Again, as one paralegal put it:

"In most cases people ask what is a paralegal. People easily accept lawyers but they do not seem to understand that a person can be trained as a paralegal."¹¹

The problem of acceptance, therefore, manifests itself at different levels. Even though paralegals often share a common background with members of their community, there is still the problem of the signal by which paralegals are to be recognised and the overall problem on the part of the community of perceiving the authority under which paralegals place themselves forward as advocates of other people's rights. The paralegals, as volunteers and above all human rights militants, do not have an official status.

Since in many cases paralegals have to liaise with the authorities in order to deal with disputes or alleged violation, paralegals generally see the cooperation of authorities as being vital to their task. Sometimes, local authorities and other government agents cooperate out of political self-interest or for electoral purposes. In such cases, they often pose as a necessary intermediary between the paralegals and the target populations, rendering accessibility by paralegals to these populations impossible. This problem is

11 Paralegal from Enugu.

especially acute when paralegal workers want to intervene in a community to which they do not directly belong.

Accepting paralegals as a viable channel of dispute resolution is sometimes complicated by the existence of traditional channels of dispute resolution. However, as some of the paralegals interviewed pointed out, despite the existence of traditional channels, there has been a break down in family ties and paralegals have an increasingly important role to play especially since their expertise transcends both state and customary forms of dispute settlement.

Some of the paralegals suggested having some form of physical identification such as badges, as a solution to the problems of recognition and identification. However, wearing badges is not necessarily a conclusive solution where the aim is to foster a community programme. Badges may link the paralegals too closely to an organisation and leave people in doubt about the volunteer status of the paralegals in relation to the organisation. Furthermore, badges have been used by impostors to deceive rural communities. A more apt suggestion made by the paralegals with regard to dealing with the problem of acceptance was that initiating organisations should do more in the way of publicity and locating the programme firmly within the community right at the onset. The problem of acceptance raises questions as to the degree of thoroughness with which organisations have introduced their programmes to the communities at the onset. It also raises fundamental concerns of community control and participation and the need to be alert to the dangers of programmes remaining as outside initiatives.

The Impact of the Services

At a cursory level, legal services appear to have had an impact, especially if one uses quantitative indicators such as the number of

people who attend the meetings organized in order to disseminate legal information, the steady increase in the volume of cases handled which would appear to indicate greater awareness of one's rights, and the number of pamphlets printed and handed out.

However, a critical analysis also reveals that quite often, people's survival and material needs are viewed as having priority over their need for legal services. The challenge posed is that of developing legal services to deal with pressing collective problems which are presented by African realities. These are often problems which lawyers with orthodox training have not been trained to handle although lawyers who have been working with grassroots communities, increasingly recognise the challenges poised by the contextual realities of their target groups. One interviewee rightly emphasised the need to take cognisance of these realities in the development of legal services programmes when he said:

"It is difficult to mobilise people only around traditional legal problems. Problems of development and of survival have to be integrated into programmes of this nature. It is also important to take into account the political situation in our countries and in particular the movement towards democracy and to adapt the content of the programmes to reflect these growing needs.¹²

Whilst paralegals and others involved in field work make a point of referring target populations to appropriate agencies on developmental issues, not all organisations are in agreement that their message would get across even better if legal services were combined with income-generating activities or other actions aimed at addressing the immediate material needs of the people.

12 Interview with lawyer from CADD Senegal.

In another lawyers view,

"The term legal poses a problem if paralegals are to play a wider role than the law. If paralegals are to do more than just disseminating the law then the terminology has to change to reflect this role. For instance paramedics limit their role to health issues and legal services should be primarily address legal concerns...."¹³

This statement is reflective of the traditional framework within which lawyers in Africa have been schooled to view legal issues which is often outside and apart from their developmental context.

Whilst it can be argued that with the pro-democracy movement, organisations have also begun to address issues such as civic and human rights education which are outside traditional legal services, the point of departure in the approach to these issues has often not been problematised. Understanding the reasons for violation of rights has significant implications on the strategies that are to be adopted and also on where the emphasis is to be placed. Thus, for instance, the repressive nature of some African governments has inculcated a spirit of fear within the people. Their ability to organise themselves into specific interest groups has been stifled. Therefore information dissemination cannot just be about their freedom of assembly or expression but it has of necessity to involve a process of deconstructing those factors that have given rise to oppression and suppression. It is also a process which involves the reconstruction of the potential to mobilise for change.

13 Interview with lawyer in Ghana.

Difficulties in providing legal services

Most organisations operate within limited geographical entities. Further, there are also difficulties of providing legal aid to all needy individuals due to limited financial resources and the limitations placed on the role of paralegals. Whilst in many countries the laws provide for legal aid for the needy, the relevant provisions are not effectively implemented. Lawyers are also often not willing to take on cases on behalf of poor clients as they do not consider it economical to do so.

The difficulties of accessing legal services in general to needy communities raise the fundamental question of the role of Governments in programmes of this nature. Whilst there is no consensus amongst organisations on pressing for governmental support for legal services programmes, in reality an examination of the nature of most programmes being carried out reveals that they are acting in substitution of the government. Moreover, others have, in the nature of their work, challenged government excesses and in so doing have put themselves in direct confrontation with the government. Government support for such vital watchdog activities is not seen as desirable. Those who fear governmental involvement in such programmes argue that this will make it impossible to challenge governments who are often at the centre of violations of human rights.

Those who favour governmental support for legal services programmes argue that it is the duty of the Government to make justice accessible and that they have to be conscientised on the role of paralegals. The fact that governments will be scrutinised, should not absolve them from supporting such programmes. They should not be excused from channelling resources towards legal services programmes.

If legal services programmes are to be beneficial to societies as a whole, they have to have a wider coverage than is presently the

case. The issue of how to ensure widespread coverage, with or without governmental resources needs to be addressed in greater detail in the future.

Recommendations

In addition to the foregoing, this review also focused on areas where collaboration and networking is needed among the various organisations engaged in legal services so as to reinforce their potential for action.

Whilst the paralegal movement is undoubtedly gaining ground in many parts of Africa, and some efforts at collaboration have manifested themselves through the attendance of common seminars, training programmes or staff internships in organisations having similar concerns and activities, on the whole the movement appears to be lacking in unity. At the local level, organisations often work in isolation, often unaware of what their counterparts are doing. Organisations almost never collaborate towards the accomplishment of their activities even within the same country where two bodies involved in complementary activities could very well benefit from collaborative strategies. Even where there are efforts at networking, as is the case in Kenya where human rights organisations have an informal network, a sustainable agenda is absent as is an effective secretariat to implement common needs. The result has been that meetings have often been no more than tea gatherings.

Issues on Which Collaboration Is Needed

The issues which clearly emerge as transcending most organisations can be summarised as:

- The quality and depth of training which is being given and should be given to the paralegals and legal literacy volunteers.

- The related issue of systematic follow-up of the initial training programmes and sustainability of such programmes.
- The need to strengthen the development of the concept of paralegals.

The training of trainers, development of educational materials, development of monitoring mechanisms, skills enhancement and promotion of research were mentioned as some of the issues for regional collaboration.

Those who had the opportunity to attend some of the ICJ workshops on training felt that this is an area where the ICJ could continue to play an important role. In terms of the future role of the ICJ various options present themselves.

One would be to help to setting up of a common fund which could be used to reinforce the institutional capabilities of organizations implementing legal services programmes.

Secondly, ICJ should also continue to give ad hoc seminars on areas of need.

Thirdly, the ICJ should assist in the establishment of an Institution in Africa which could service the collective needs of organisations implementing legal services programmes on the Continent.

The major problems to be addressed by such an institution are those of developing the capacity of the emergent organisations in terms of training of trainers, paralegals, development of training materials and impact assessment as well as in developing skills and a body of knowledge on how to tackle non-traditional legal problems. The need for these skills transcends individual organisations.

The major activities which would be undertaken by such an Institute would include:

- Organising training workshops which will enhance the skills of trainers of paralegals. The one aspect which particularly stands out as needing attention is that of curriculum development.
- Organising workshops on research, materials development and communication skills which would enhance skills in information dissemination in multi-cultural and pluralistic societies. It is vital that materials are not developed solely within a "know your rights" framework divorced from the reality of people's lives. For example, concepts of customary law on different issues also need to be taken into account. Materials production is in itself a challenge, societies where there is a dual system of law and where in reality one system of law may in fact continue to offer the most viable alternatives. Whilst there is obviously merit in alerting the community to the possibilities of choice, there is also the need to guard against the danger of messages being illusory and rhetorical when they emanate from a general law or internationalist perspective only.

There is also the challenge posed by literacy levels and the need to give careful attention to issues such as language, translations and illustrations.

- Organising workshops geared at developing the skills of paralegals / community based workers in dealing with specific types of problems. There is merit in enhancing the skills of paralegals working on specific issues. For example, as the concept develops, some paralegals will concentrate on rendering advice through advice centres, whilst others will be basic legal literacy volunteers disseminating information around specific issues. It would be worthwhile to get paralegals to learn from each other in terms of strategies as well as the overall challenge of being a paralegal and gaining acceptability .

- Organising workshops on the use of different action strategies and monitoring and evaluation mechanism in legal services programmes.
- Organising specific issue seminars. There are marked similarities in some of the issues which the various organisations are addressing. It is imperative that opportunities be provided for bringing the collective experiences together.

As part of contributing towards gender justice, skills enhancement seminars and workshops targeted at NGO's and others should be held on issues such as:

- Gender analysis
- Litigating test cases
- Data collection skills
- Lobbying and advocacy
- Mobilisation

Conclusion

An analysis of the development of the paralegal movement indicates that the movement has an important role to play in the future development of legal services in Africa. However, if a strong paralegal movement is to develop, there is a need for continuous introspection and innovation on the part of implementing organisations.

As one interviewee aptly summarised:

"The primary concern should be not to lapse into a situation where paralegals are being churned out without assessing their real impact. There is a need to

be guided by a plan of action, and for effective monitoring and evaluation mechanisms, and in general for sustainable strategies. Whilst paralegals are presently doing the work one cannot be too sure whether or not they will continue to be committed. There is also the issue of legitimacy which has to be addressed. The paralegals have already raised the issue of "who are we" and there are under currents that the issue of legitimacy will continue to be at the forefront."¹⁴

The problems which are being encountered by the paralegal movement are far from being unhealthy. The implementation of paralegal programmes needs to be viewed from the perspective of action research. Strategies need to be continually assessed and remodelled on the basis of grounded experiences – that is, actual experience of strategising different approaches, monitoring their effect and adjusting the approaches accordingly. The content of training programmes also needs to be re-defined and adapted as the contextual needs and realities of target groups manifest themselves. There is a need to pay attention to organisational forms and to grapple more thoroughly with conceptual frameworks for implementation so as to effectively put in place organisational models that are community based, sustainable and reform oriented.

14 Interview with Mburu Githu, Director of LRF, Kenya.

PART TWO

Selected Country Programmes

1. Benin

Two interesting experiences are being carried out in Benin. One is being undertaken by the Association for the Development of the Initiatives taken by Country Women (ASSODIV) and the other is being carried out by the Association of Women Jurists of Benin. There is also the experience of the Institute of Human Rights and the Promotion of Democracy which is worth mentioning.

1.1 Association pour le développement des initiatives villageoises (ASSODIV)

ASSODIV became operational on the 12th of September 1987.

The ASSODIV case is typical in that it sums up problems encountered in some of the programmes of this nature, namely enthusiasm and retrogression. The Association started its legal services programme with support from the ICJ. The programme generated enthusiasm and hope amongst the rural population in Benin.

The Association trained paralegals who put themselves at the disposal of the deprived populations. At the time of this review, the programme has been frustrated because of a lack of financial resources. However, the members continue to multiply their efforts to achieve financial self-sufficiency and to do without the assistance that alienates and dominates.

1.2 Association des femmes juristes

The Association des femmes juristes is a member of the African Network of Legal Clinics. It first opened its legal aid centre in Cotonou in 1990. It has taken on an important part in the task of

building awareness on women's rights and the general rights of women in particular to have access to the law. The Association has already trained women paralegals.

1.3 The Institute for Human Rights and the Promotion of Democracy

The Institute's approach is similar to traditional university education with the exception that the courses are directed and given at different levels. The instruction is provided in units addressing human rights and democracy on a daily basis and is spread over a period of three years. The Institute has benefitted from ICJ support for its paralegal training programme.

2. Burkina Faso

2.1 Mouvement burkinabé des droits de l'homme et des peuples (MBDHP)

In Burkina Faso, the MBDHP pursues objectives which are common to organisations striving for the promotion and protection of human rights. It was founded in 1989 and maintains 26 provincial offices throughout the country. It attaches much importance to education and training activities.

Training for trainers has followed the creation of Provincial sections throughout the country. The organisation is considering training paralegals to operate "Human Rights Shops" and this will be a novel experience for the MBDHP.

2.2 Groupe de recherche, d'études et de formation "Femmes action" (GREFFA)

GREFFA was established in 1993 and is a network of women from Mali, Niger and Togo which seeks to give effect to the recommendations made at the ICJ Seminar on Legal Services and the Status of Women, held in Ouagadougou in July 1993. It has contributed to bringing about a new consciousness in women through an awareness of their rights. It is preparing the first training seminar for women paralegals and is hoping for a dynamic partnership with the other organizations involved in legal services projects.

2.3 Association des femmes juristes

Recently formed, its programme of legal services is still on the drawing board. It has the chance of being able to take full advantage of the various past experiences of other organisations and to adopt an even more successful strategy by taking note of the factors which have proved to be stumbling blocks in programmes of this nature.

3. Cameroon

3.1 Association des femmes juristes (AFJ)

As its name reveals, this is a non-governmental organization created in 1980 at the initiative of women lawyers. It initiated its legal services programmes in 1992. Its members consist of women legal practitioners, University professors, judges, bailiffs, scholars, company lawyers, and police superintendents. Men and women

who are not legal experts, national women's associations and legal associations can join as associate members.

The organisation operates through four main organs, namely: the General-Assembly, the National Office, Committees which specialise in various legal issues and local branches in different parts of the country such as Yaoundé, Douala and Bamenda,

Its objectives are *inter alia* :

- to contribute to the law-making process in Cameroon, especially the elaboration of the laws governing the status of women and children;
- to fight against and denounce any discrimination against women or children; and,
- to gather and disseminate all the information on the legal, economic, social and cultural status of women and children.

The activities carried out are all aimed at achieving these goals. The activities are mainly targeted at women as major beneficiaries. They can access the services provided individually or as a group. The reason for the emphasis on women is because one of the main goals of the Association is to fight discrimination against women. Further the Association is also convinced that the development of human rights in Cameroon entails a special focus on women as they are in African society, the primary source of education for the population.

Legal Aid Services

AFJ has opened two legal clinics in Yaoundé and in Douala to facilitate its activities. These legal clinics are run by a woman coordinator who is a lawyer by training. She is assisted by other women lawyers who volunteer their time and this ensures that there is someone on duty to give legal advice.

The legal clinics have various types of activities. Legal advice and consultation is given after work hours. AFJ members also visit other local communities apart from the ones where the clinics are located. Mobile clinics are also run during which women and the population in general receive guidance on legal matters. Beside legal advice, the AFJ also disseminates information on various legal topics such as international and national legislation and regulations, lectures are also given followed by a debate, and radio and television programmes are also presented.

Another activity carried out by the Association is the publication of brochures for the general public and these are used during public and private information sessions. In particular the AFJ has prepared and circulated in French and in English a series of simple fact sheets on topics such as the right to bring legal proceedings, family law issues such as marriage, cohabitation, divorce, admission of paternity with respect to an illegitimate child, the right of women to inherit on intestacy, alimony, adoption, wills, and marital property. They are written in simple language intelligible to the lay reader. All the material provided by the legal clinics or by the paralegal workers is free of charge.

Paralegal Training

The AFJ started its paralegal training programme in 1996. Those trained are women volunteers recruited from among leaders who are fluent in the local language. Another criteria emphasised in their selection was that they should be able read and write and should have an educational qualifications up to GSCE which is acquired after approximately sixteen years of schooling.

4. Ghana

Three initiatives are examined from Ghana, namely the experiences of FIDA-Ghana, the WiLDAF/SNV Legal Awareness Project and the Ghana Legal Literacy and Resource Foundation. The first two are reflective of the predominant concern with legal services from a gendered perspective.

4.1 FIDA-Ghana Legal Aid Centre

Objectives and Activities

FIDA-Ghana was established in 1973 and officially inaugurated in 1974. It is affiliated to the International Federation of Women lawyers. As such FIDA Ghana shares the same broad aims and objectives as the International body. These are:

- to promote the principles and aims of the UN in their legal and social aspects;
- to enhance and promote the welfare of children realising that the home and strength of society is dependant on women and children's well being.

FIDA-Ghana originally started off with a focus on law reform by examining laws affecting women and children and initiating legal amendments. The organisation's focus was broadened to include the provision of legal aid in 1985. With some assistance from the Christian Council of Ghana which enabled the organisation to rent premises, members commenced the legal aid initiative by volunteering their time and money. Much of FIDA's work is still done by volunteer lawyers, although the organisation now employs one full time lawyer who also serves as administrator. FIDA-Ghana is a membership organisation with an executive which is led by an

elected president and other office bearers such as the secretary and the treasurer. It also has specific committees to facilitate its work and these include the legal services, welfare, fund-raising and the conventions committees.

FIDA's activities include the following:

- legal advice, counselling and representation in court;
- legal literacy programmes aimed at simplifying and translating laws into local languages, particularly those which affect women and children;
- advocacy for both the amendment and passage of gender sensitive legislation which advance the status of women and children;
- research into socio-legal issues affecting the status of women;
- establishing networks and linkages with other developmental and women's groups for the advancement of women; and,

The legal aid and legal literacy programmes are examined below as they reveal features of interest to programmes of this nature.

Legal Aid Programme

There are about 15 lawyers who volunteer their time and receive a small allowance for their services. The legal aid programme also benefits from the services of recently qualified lawyers on national service. Apart from providing legal aid services at the office in Accra, lawyers also run mobile clinics and a pilot project is being run in three areas. The work at the clinic is done on a day's trip and the files are brought back to Accra to be worked on by the lawyers. FIDA tries to settle cases out of court because of the indigent nature of its clientele. The procedure is to first invite the other party for a discussion before taking a case to court. Types of cases handled by

the clinic include maintenance, custody, paternity suits, marital problems, and property disputes.

The Legal Literacy Programme

The legal literacy programme has been operational since 1990. It started as a result of the realisation that women and the public in general lack awareness about their rights.

The focus has been on simplifying four basic laws into English and the local languages and on disseminating information through workshops and seminars. The laws simplified include the law of intestate succession, Marriage, Wills, and the Maintenance of Children. The pamphlets produced are sold to the public for 300 cedis. There is a two-pronged approach to the seminars and workshops run by lawyers. The first involves lawyers going out to give talks and to respond to people's questions. The second approach which emanated from limited human and financial resources to enable lawyers go out to give seminars, concentrates on the dissemination of information through link persons called "queen mothers". These are women in leadership positions to whom people generally go for advice. They are seen as appropriately placed to deal with problems involving the law.

The "queen mothers" are not trained as para-legals but as link persons with a limited role of identifying problems and referring individuals to appropriate institutions. They may also help by accompanying the women to the police and describing the nature of the problem which the woman is encountering. Their level of training is therefore minimal and is limited to two days duration. Sketches and role plays are used to illustrate what happens in certain types of cases. The "queen mothers" have not raised any problems with regard to payment mainly because this work is in synchrony with their general activities. Although they are not paid, incidental costs are reimbursed. However, not all areas have "queen

mothers" as they tend to be found in District capitals. Furthermore, some areas do not have tribunals which hear cases and, therefore, there is a need to train people in such areas to be able to give substantial aid rather than merely identifying the problem.

The training of "queen mothers" is undertaken in house by lawyers. Various training programmes have been made available to the trainers. For instance a few of the members have attended the WILDAF "train the trainer" programmes. Whilst the ICJ manual has been made available, it has not been used in training for a number of reasons. Firstly, the people trained have not been trained as paralegals and FIDA regards its training as not really being paralegal based in the sense that it understands the term. FIDA has not concentrated on training fully fledged paralegals for a number of reasons. The first hinges on problems of working out the qualifications of who should be trained and the second is centred on the debate of how far paralegals can be expected to go in their operations. There is a fear that paralegals may pose as lawyers but at the same time there is also a view that the term paralegal should be limited to people with more specialised training. The overall concern has been with the low level of literacy.

Monitoring and Evaluation

The annual reports continuously give FIDA insight into its activities. FIDA's activities were evaluated in 1994. One of the recommendations was that more offices are needed in other regions and that there is a need to train paralegals who will work in the advice centres. The seminars and workshops were found to have increased expectations beyond the capacity of FIDA. A specific recommendation was that the legal services should be split into two separate activities, namely clinics and legal literacy programmes. In terms of focus a recommendation was also made that FIDA should address some of the underlying issues contributing to problems such as inadequate housing and employment. Another

recommendation was the need for a strategic plan and time frame for achieving specific objectives specified.

4.2 WiLDAF/SNV Legal Awareness Programme

The WiLDAF Legal Awareness Centre started in 1993 is sponsored by the SNV of Netherlands. WiLDAF/Ghana is part of the regional network on women law and development which was established in 1990 and whose basic aims are centred on improving the position of women through legal awareness. WiLDAF/Ghana has a national coordinator answerable to the regional office. A lawyer has been employed by the SNV to execute the programme.

Under the programme, the Centre trains community based workers called legal literacy volunteers. These are drawn from the non formal education division, teachers from the Ghana education service, evangelists, and assembly men and women. The basic aim is to train community based workers who have links with the community. Initially, 42 people were trained in 1993 but of these only 25 remain, amongst whom five are men. They were trained for five days with the expectation that they would go back into the field and incorporate legal awareness into their daily or community activities. They were basically trained in four areas of the law using FIDA pamphlets on succession, wills, marriage and maintenance. A further 28 were trained following a review meeting where the legal literacy volunteers pointed out the need to have more of them trained. The legal literacy volunteers cover 11 districts. Their work is voluntary although their transport costs are reimbursed. The training is done by WiLDAF staff who have training in adult education. Since some of the people have not been in public speaking, training emphasises leadership skills. Role plays are also used to assess how they would perform in practice. However, the overall emphasis is to get them to know the content of the laws.

They have not yet been trained on gender specific issues but the aim is that this will be incorporated at a later stage. Each volunteer receives a set of pamphlets which act as their guide. The input of the legal literacy volunteers is indirect through the suggestions which they make on how the programme should be run.

Presently there are no satellite offices in the Districts. All problematic cases are referred to the Centre or handled during monitoring visits.

Monitoring and Evaluation Activities

The legal literacy volunteers are expected to send in quarterly reports stating the activities they have been engaged in. The lawyer responsible for running the programme undertakes visits to two districts every month. There has as yet not been a detailed evaluation of the activities but the intention is to have an evaluation done at the end of 1996.

One of the important lessons which have emerged from the WiLDAF experiences is the need to address priority problems in the country. The organisation is not directly involved in poverty alleviation but cooperates with other organisations such as the National Council on Women and Development. Areas for major cooperation for WiLDAF include the exchange of materials, activities in law reform, and "train the trainer" workshops.

4.3 Ghana Legal Literacy and Resource Foundation

The organisation was started in 1994 by the Ghana Bar Association which had a Committee on legal literacy and women's rights. As the Bar had previously been accused of being engaged in politics it decided to establish a new and independent body which would not be directly run from the Bar.

The objects for which the foundation was established are:

- to undertake legal education of non-lawyers with a view to eradicating negative attitude and improving on their traditional and cultural beliefs;
- to simplify laws and related materials for the better understanding and assimilation by non lawyers and to encourage legal research and publications;
- to create a basic awareness of the laws that affect the lives of the citizenry;
- to facilitate and encourage non-lawyers to take steps to exercise their rights;
- to initiate and support projects which promote the development of legal resources in Ghana;
- to train paralegal personnel and to provide them with support;
- to initiate law reform; and,
- to engage in or provide assistance for any related activities which in the opinion of the trustees are likely to further the interests of law and justice in Ghana.

The Foundation has a Board of Directors responsible for making policy decisions. The Board includes among others a Judge, the head of the Institute of Adult Education, the Project Director of non-formal education and a representative from the Federation of Women Lawyers (FIDA).

Presently, the Foundation has a part time Secretariat consisting of an Executive Director assisted by lawyers also on a part time basis.

Activities

The Foundation has organised a seminar for the police, focusing on the treatment of prisoners and convicts.

Future projections include the use of seminars as a way of disseminating information. The Foundation would also like to carry out legal education on topics such as the Constitution, arrest, and landlord and tenant matters. The Foundation is not yet involved in paralegal training as it would like to start this when it has sufficient resources to sustain the programme. It is envisaged that the paralegals will be involved in information dissemination and that they will be full time employees as it will not be realistic to retain them on voluntary basis. It is hoped to target people such as teachers, chiefs and leaders of religious organisations. The organisation also envisages going into test case litigation.

In terms of areas of cooperation the Foundation would specifically like support in the training of paralegals.

5. Kenya

The experiences of five organisations in Kenya are examined. They are those of FIDA-Kenya, Kituo Cha Sheria, the ICJ Kenya Section, the Legal Resources Foundation, and the Institute For Education in Democracy.

5.1 FIDA-Kenya Chapter

FIDA Kenya was established in 1986 and started off operating on a voluntary basis with members providing legal assistance to needy

women. A full time secretariat was established in November 1991 as a result of the increase in demand for legal services. Whilst initially the ambit of its operations was not clearly defined, FIDA now has a clear focus on women's issues. The overall goal of FIDA is to improve the general situation of women although strategies have a wider scope than just women.

FIDA's major activities include providing legal assistance in individual cases, assisting clients to file their own claims, sensitizing members of the law enforcement agencies on gender issues. The work is carried out by three full time lawyers as well as a network of paralegals. Use is also made of resource persons with different fields of specialisation.

The overall formulation of policy is done by FIDA members who are responsible for electing the Board every two years. The Board in turn oversees the running of the Secretariat. The Secretariat consists of an executive director who is a lawyer and two other full time lawyers as well as administrative and support staff. The Secretariat has three major divisions, namely, the legal services division concentrating on legal aid and counselling, the programmes division which focuses on para-legal training, research and publication, and thirdly, the finance and administration division. Input by the target group into the affairs of the organisation takes place through their participation in the different programmes.

Legal Aid

FIDA handles over 1000 cases per year and of these 300 to 400 involve active litigation. FIDA is also involved in litigating test cases/public interest cases and has looked at issues such as enforceability of decisions in custody matters, abuse of domestic workers, and violence against women.

Paralegal Training

After the Secretariat was established, FIDA organised a mobile advice Clinic which entailed lawyers going into the Districts and rendering assistance on the spot and as well as taking details of needy cases. This was seen as not being practical. There was a need to train locally based people with direct links to the community. It was in this context that FIDA decided to embark upon paralegal training.

Paralegal training has taken place in Taita Taveta District. The process started off in 1993 although active training started in 1995. To date, 60 paralegals have been trained from a wide range of professions such as teachers, chiefs, youth leaders, councillors and members of women's groups amongst others. There are almost as many male paralegals as there are women as it was thought not feasible to train women only.

The selection and training of the paralegals was preceded by a needs assessment exercise which was carried out by a staff member and a consultant who spent three weeks in the District asking people about their experiences, issues of priority concern, and whether they wanted to have a programme in their community. A core committee of 11 people was set up to help establish the scheme and to select the paralegals. The selection criteria was that the potential paralegal should be staying in the community, be accessible to the people, and be willing to do this work voluntarily. Whilst the paralegals are not paid they are reimbursed for any expenses which they incur.

The paralegals attended a three week training programme which was carried out by in-house staff as well as resource persons with various expertise. The training covered aspects such as matrimonial matters, the penal code, gender justice, and human rights. The primary objective of the training was to provide the trainees with skills which would enable them to render assistance in individual

matters and also to carry out education activities such as giving talks at "Chief's Barazi's". A manual has been developed which paralegals refer to for all aspects of their work. Monitoring of the paralegal activities takes place every two months, it involves the lawyer responsible for an area spending up to four days with the paralegals in the area.

Areas in which further networking and cooperation is needed include curriculum development and how to develop a sustainable programme.

5.2 Kituo Cha Sheria

Kituo Cha Sheria was established in 1973. It did not start off as an NGO but as an organisation of lawyers providing free legal assistance to individuals on a voluntary basis. In 1988 funding was received from the Ford Foundation to employ full time staff. Kituo Cha Sheria became an NGO in 1992 and changed its focus and direction from mere provision of legal aid and advice to active participation in human rights education, advocacy, and law reform. Kituo's mission statement is:

- to provide legal advice and representation to the poor, empower them to know, demand their legal and human rights through legal and human rights education advocacy and law reform.

Its aims and objectives are:

- to provide legal services completely free of charge or at very reduced cost to disadvantaged people in Kenya who cannot otherwise afford to pay for the services of a lawyer;
- to assist the disadvantaged people in acquiring a basic knowledge of the laws affecting them in their daily lives;

- to publish legal and educational materials and otherwise to assist in enhancing the level of literacy; and
- to enhance the democratic process and promote the Rule of Law.

The organisation has a Board of Directors, while the day-to-day running is done by a team which consists of a Director who is a lawyer and three full time lawyers. Also on staff are two educationists as well as administrative and support staff.

Activities are carried out through three main departments, namely the legal services department with its focus on legal aid and advice, the out-reach programme which encompasses paralegal training, the schools education programme and media section, and thirdly the accounts and administration department. Kituo also takes up test cases and is also involved in civic education.

The Paralegal Scheme

The paralegal programme was started in 1992 in Korogocho slum area about 15 km out of Nairobi at the request of the Catholic church which requested for legal awareness activities in the area. Seven people, mainly teachers were identified for training as paralegals, the justification for their selection being that they are always there. A legal clinic was opened at the school where people could go with their problems. The paralegals were trained for one hour, two days per week, over several months. The experience with the initial seven paralegals has given new insights into the development of the programme. An additional five paralegals were identified in 1995 and the training was also re-scheduled to take place over weekends. Furthermore, the five paralegals were selected by the people and not just by the church as it was felt that the initial paralegals were not very representative of the people and had been mainly selected through the church rather than the community. The new paralegals are mainly community leaders. These paralegals operate from their

homes whilst the initial group continues to operate from the school.

The content of the training programme has largely focused on those problems outlined by the community such as family issues, labour matters, harassment by the police administrative agencies and ruling party officials, understanding the court process, landlord and tenant matter and general problems related to insecurity. The course content has also unfolded with the development of the paralegal programme. A paralegal manual has not yet been produced but the contents of training workshops are made available to the participants as resource materials.

The paralegals are trained with the objective that they provide counselling, use alternative means of dispute settlement other than the courts, and that they also refer cases to appropriate agencies. They are seen as people who can give legal first aid. They are called "Washauri washaria Kilijin" which means advisers working in a slum area.

The training is done by a multi-disciplinary team which includes lawyers, sociologists and educationists. Where relevant the ICJ manual has been relied upon as well as the local manual produced by LEAP in Kenya.

There has been an evaluation of Kituo which resulted in reformulating the direction which the programme was taking. It is partly a result of the evaluation that Kituo has moved from an organisation giving handouts to one which seeks to promote self-reliance.

5.3 The ICJ Kenya Section (ICJ/K)

The ICJ/K was started in 1959 as an offshoot of the British Section of the International Commission Jurists. The organisation became a national section of the ICJ in 1965.

As stated in its constitution its objectives are :

- to develop strengthen and protect the principles of the Rule of Law in the Republic of Kenya and in particular without prejudice to the principal object to:
 - (a) develop, maintain, strengthen and protect the independence of the judiciary and the legal profession;
 - (b) protect and promote the enjoyment of human rights as defined in the Universal Declaration of Human Rights (1948) for every person in Kenya. To keep under review all aspects of the Rule of Law and human rights within the Republic of Kenya and take such action as will be of assistance in promoting or ensuring their enjoyment and;
- to promote the provision of legal services in the rural areas.

The ICJ/K is a membership organisation drawing its members from the judiciary, law lecturers, legal practitioners, and other members of the legal community. It has a Council which is elected by the members which comprises the chairperson the vice-chairperson, the secretary treasurer and three other members. The day to day administration is conducted by a Secretariat consisting of permanent staff members, including a director, a legal officer, secretaries and an accountant. The secretariat became operational in 1987.

Paralegal Training

The training of paralegals has been one of the activities undertaken by the organisation. Forty paralegals have been trained in the Embu District which is about 100 km from Nairobi. The paralegal programme was initiated in conjunction with the Anglican and Catholic churches. People understood that the project belonged to them and that they would have responsibility for its

sustainability. The selection of the paralegals was done through the "prayer houses". Each house was asked to recommend four people for training. The Parish also chose a District Committee which was responsible for vetting the nominees and which continues to take responsibility for the scheme. By working with members of the Church, it was hoped to maximise on the volunteer spirit within the Church. Further, it was felt that the Church had good community networks. Another reason for working with the Church was that it does not require a permit to hold meetings because if one wishes to talk to villagers as a group it is necessary to get a permit from the District Officer.

In selecting the paralegals, the Committee put emphasis on people who already had responsibility within the Church. Those selected for training as paralegals included teachers, government employees, catechists and self-employed persons.

The paralegals were trained through two workshops of one week each. Thereafter a legal clinic was established in the community which is run by five paralegals. These five paralegals have been paid by ICJ/K but the intention is to wean them off and to let the community take full responsibility for the programme. The five paralegals also coordinate the activities of the other 35 paralegals. The local centre tries to deal with most problems and difficult ones are referred to the secretariat of ICJ/K in Nairobi. The main cases brought to the centre include land, inheritance disputes as well as cases of harassment by officials.

The training has mainly been carried out by in-house lawyers. Some have attended "train the trainer" programmes especially on gender issues. The workshops organised by the international secretariat of the ICJ laid the foundation for the programme being carried out by the Kenya Section.

Legal aid is also provided from the main ICJ/K's office in Nairobi. The ICJ/K itself does not take cases to court but these are

referred to individual lawyers. Consequently, one of the major limitations felt is the inability to follow needy cases to their logical conclusion.

Educational Seminars

Another activity undertaken has been the holding of seminars to discuss issues concerning the Rule of Law encompassing issues such as treatment of the public by the police, the rights of suspects before the court, delays in trials, the prison system and the treatment of prisoners. The seminars have been facilitated by judges, lawyers and officials from the prison department.

5.4 Legal Resources Foundation (Kenya)

The Legal Resources Foundation is a project of the Kenya Human Rights Commission. It began operations in 1994 and is not yet registered as a separate entity. It seeks to promote citizens' knowledge of basic legal and human rights by developing non traditional educational media and methods which challenge the critical and problem solving faculties of participants.

Its overall goal is to create and promote user friendly educational materials using participatory educational methods. The resources will then be shared with other legal and civic organisations working at the grassroots level.

Its specific objectives are :

- to create and promote rights awareness among the young, the under-privileged and the less advantaged members of society;
- to foster a belief in equality for all with special emphasis on gender rights;
- to promote democracy and the Rule of Law;

- to promote Kenyans to become better citizens and participants in the newly found democracy;
- to promote a culture of non-violent conflict resolution.

The Foundation has a board of advisers composed of five persons, including lawyers and other educationists. There is also a Management Committee made up of three full time lawyers as well as administrative staff.

Activities

The major activities are centred around organising workshops, paralegal training, publications, use of drama and audio visual resources. Most of the work has been educational rather than legal aid.

The Workshop Series

The workshop series has focused on visits to schools, colleges and churches to sensitize participants on the law. Topics covered during these workshops have included the Constitution and human rights, gender violence and inheritance, to mention a few. The schools' legal education programme is carried out in collaboration with the law faculty using students who operate on a voluntary basis. Legal education and human rights are still seen as subversive by some people so it is not always easy to get into schools. Approximately 40 schools were visited in 1995.

Drama

Theatre has also been used for communication. Two scripts on theatre have been printed: one on domestic violence and another

one on legal environmental issues. These are distributed to grassroots theatre groups who are encouraged to adapt the stories to their situation. The organisation has also utilised radio theatre in disseminating information.

Publications

A paralegal training manual and a small booklet on the Constitution, entitled *Reforming our Constitution* have been produced.

The Paralegal Programme

The Paralegal Programme was started in 1994, although approximately about a year was spent on sensitisation. The programme has been developed within a community-based framework. The programme operates in Kangemi which is a dormitory town within Nairobi for factory workers. Trainees were drawn from existing structures within that community which include church organisations, credit schemes and women's organisations. In the selection of paralegals the leaders of these various groups were called to develop a selection criteria based on literacy, availability of time to do this work, background in community work, and voluntarism. Nineteen paralegals have been trained, of whom half are women. The training commenced in 1996 with paralegals receiving three days training spread over four months. The major objective in the training of paralegals has been to enable them to carry out educational work and also to refer people to appropriate agencies. They are not paid although they feel they ought to get out of pocket allowances.

The topics taught to the paralegals include landlord and tenant matters, family law and succession, employers and employees and accidents and compensation matters. It is anticipated that with the

initial training, the paralegals will find ways of focusing on wider issues which cut across the community such as sanitation. For example, in Kangemi there are groups which deal with the environment and work could be done with these groups.

Areas of need are skills in mobilisation and in changing attitudes. People see issues as personal and there is a need to get them to see issues beyond themselves.

5.5 Institute of Education in Democracy

The Institute of Education in Democracy is a public non-profit making organisation registered in 1993 to promote and further democracy through education of society on rights and responsibilities of both leaders and citizens. Its goal is to realise the evolution of a mature democratic society, resulting in enhanced social responsibility, welfare and economic development.

Its objectives are:

- to strengthen institutional mechanisms involved in the democratisation process;
- to enable the common person to access useful and relevant information, knowledge and education on his /her rights in society and in building the nation;
- to foster networking among groups involved in shaping democratic structures and processes for effective participation by all people.

The Institutes' organisational structure consists of an International Advisory Council Board of Directors and Secretariat. The Board members are involved in other non-governmental organisations relevant to the Institute's work. All Board appointments are based on a gender balance of 40% and non partisan character of the individual candidate.

Activities

These include election monitoring, civic education, human rights and the good governance project.

The Institute's main strategy has been to train key people from other non-governmental organisations on issues such as gender and democracy with the hope that they will go out and train others. In 1994, 23 people were trained. However, it has not been easy to ascertain whether the training has had the intended "cascade" effect particularly since feed-back is often poor.

Voter education is also being undertaken and the course content has been drawn from the data gathered during previous election monitoring exercises.

The Institute is hoping to strengthen its research capacity on the basis that there is only so much that an organisation can do if it is not informed by the reality on the ground.

In terms of areas of cooperation the Institute has identified the needs assessment process as one area for cooperation with particular regard to the issue of relevance. This interest stems from observations made in working on civic awareness where it has emerged that people do not necessarily see the relevance of these programmes.

6. Mali

Two experiences of legal services are in progress in Mali: that of the Association malienne pour le développement (AMADE) and that of the Association des femmes juristes. However, another one which was interrupted but deserves to be mentioned is the experience of Muso Yiriwa.

6.1 Association malienne pour le développement (AMADE)

The AMADE experience is of special interest with regard to how the organisation, in its dedication to development, came to set up legal services programmes and the actual conduct of its related activities.

The AMADE was established in 1983. Its purpose is to contribute to the socio-economic development of Mali by bringing support to the disadvantaged populations through a participatory approach to self-development.

In terms of organisational structure it is composed of a General Assembly as its main body, and an Executive Office and Secretariat. Its membership includes persons from various professions such as agronomists, foresters, hydrologists, jurists, civil servants, agro-economists, midwives and community development workers.

AMADE incorporated legal services in its development activities in 1993, when it reformulated and reoriented its general objectives within the context of a five-year development plan. Among other objectives, it was decided to reinforce community-based institutional capacities. Thus, legal services in favour of the communities and of their individual members are intended to facilitate the accomplishment of this mission.

Legal services are undertaken alongside other activities in favour of the communities such as health, literacy programmes and income generating activities.

Legal Services Programme

Subsequent to the reorientation of its objectives in 1993 after its participation in the ICJ seminar on legal services, a programme was effectively commenced in the same year. A legal services division was established and entrusted with the legal services project in rural

areas. A full time coordinator who is a lawyer was employed for the project.

The target group of the project is made up of men and women in the rural communities that it oversees, in particular at Kaye which is located 450 km from Bamako, as well as at Koulekoro.

Activities focus on the production of educational material, training of paralegals, disseminating legal information and providing legal advice.

Remarkable efforts have been made by the organisation in conceiving educational materials which are understandable by people living in rural areas who have no legal training. The AMADE has audio-video cassettes recorded in Banama, the language spoken in the area where it operates its programme. The audio-visual cassettes address topics pertaining to the law of marriage, land law and electoral law. Drama and role plays also used to get the information across. A practical guide for non-lawyers has also been written in French and translated into Banama. This was the outcome of a lengthy process where by associated jurists, development agents and the beneficiary populations, all participated. Collectively these tools are designed to help the paralegals in popularising the law and in organizing lectures.

Paralegal Training

Forty-one paralegals have received formal training. They were selected from within the communities and work on a voluntary basis. AMADE has also adopted a training system targeted at different levels and in this regard has trained women leaders to oversee the paralegals at the regional level. They are trained in French whereas the paralegals receive training basically in Banama.

More formal training took place in March 1996 and was targeted at women who came from mixed groupings. Whilst women have

not been chosen specifically as a target group AMADE seems to have decided to count on them as agents and beneficiaries of the legal services project. The trainers are lawyers and non-lawyers from AMADE. The paralegals play the traditional roles of disseminating legal information and providing legal advice. The dissemination of information is facilitated by the educational tools mentioned above and is also realized through broadcastings on rural radio channels and weekly meetings with the rural groups.

6.2 Association des femmes juristes (AFJ)

Created in January 1988, the AFJ is made up of women lawyers but it also accepts as associate members men who adhere to its goals.

The Association aims amongst other things aims to:

- contribute to the development and progress of legal sciences and especially to the development of family law;
- guarantee the training of its members;
- inform women on the different branches of the law; and,
- provide assistance to minors and needy women.

It was, therefore, quite natural that in the realisation of its goals, AFJ opened a legal clinic in 1993 which allows it to provide legal services to needy people.

Legal Services Programme

The Association started to provide legal services in Bamako in 1993. The legal clinic in Bamako is used for the various activities of the AFJ. It is staffed by a woman coordinator who also has an assistant coordinator. The activities of the legal clinic are targeted at

men and women from urban and rural communities. Prisoners also constitute a specific target group of the Association. The services provided to the various target groups centre mainly on the provision of legal aid and in disseminating legal information. With regard to legal aid, it consists of providing legal advice and legal representation. However, legal advice is not entirely free. The beneficiaries are asked to pay a contribution of 500 CFA francs. Judicial assistance is possible due to the collaboration of its network of lawyers who are remunerated a lump sum of 20,000 CFA francs per case. Legal representation is accorded only to women and minors, and covers both civil and penal matters. However, legal representation is coming to an end because the funds provided for this purpose are running short.

Apart from the persons that come for consultation at the legal clinic, the AFJ makes visits to prisons and offers its assistance to detainees.

The AFJ also has a unit which supports women in the exercise of their civic rights. This unit organizes meetings for the dissemination of legal information and has printed materials on civic rights which it circulates widely.

The training of paralegals is scheduled to begin sometime in 1996.

6.3 Muso Yiriwa

With the aim of contributing to development, this women's organization had perceived the importance of legal services for women and initiated legal information dissemination activities. Two paralegals were given informal training. The legal services programme was linked to a development project that was underway in the area of Nara located in the region of Koulicoro.

Unfortunately, upon completion of the project, the new financial partners of Muso Yiriwa did not agree with the strategy of incorporating the legal services into the projects they were sponsoring. The members of the organization were divided and were not able to convince their partner to include the legal services on their list of priorities.

7. Nigeria

The experiences of four organisations from Nigeria are analysed. They are those of the Legal Research and Resource Development Centre, FIDA-Enugu and Anambra, the Institute of Human Rights and Humanitarian Law and the Constitutional Rights Project.

7.1 Legal Research & Resource Development Centre (LRRDC)

The LRRDC was established in 1990 with the primary aim of promoting human rights through education and advocacy, research and the initiation of projects. It has a Board of Directors and its activities are carried out by a management team consisting of an Executive Director and full time personnel including lawyers, social scientists, educationists and a librarian.

The Centre's activities legal services programmes include a paralegal training scheme, the provision of legal aid through clinics and a comprehensive human rights awareness programme for students and young people called the Street Law Programme.

The paralegals make an indirect input into the decision making process through their experiences which are taken into account in shaping the programme.

The Paralegal Training Programme

The first paralegal training was carried out in 1993 following a seminar on legal services in rural areas which was organised in collaboration with the ICJ. Subsequently, two markets were identified in the slum areas of Lagos in Daleko and Awolowo markets for pilot projects. A needs assessment was carried out using a questionnaire which revealed that women are largely ignorant of their legal rights, and even where they have some knowledge, they frequently do not use the legal system.

The aim of the pilot projects was, therefore, to provide women with access to legal services. The training was supposed to have been carried out twice a week for one and a half hours over a six months period. The political crisis in 1993 disrupted training in one of the markets. In 1994 a legal advice centre was opened in Daleko market to assist the market-based paralegals in carrying out their activities. The centre was opened with the full cooperation of the market's executive committee and is run by a full time paralegal paid by the LRRDC. Other paralegals who have been trained also operate at the centre on a roster basis.

Apart from the Legal Advice Centre operating in Lagos, another centre has been established in Benin-City. The intention is to open up four other centres. The training of paralegals has expanded to centres outside Lagos. As at March 1995 over 450 paralegals have been trained in Maiduguri and Jos in the north, Benin, Enugu and Port Harcourt in the east and south and in Ijebu-Ode in the west. In each of these towns a contact person has been identified to assist in the identification of potential trainees and those selected have mainly been community activists, teachers and non-governmental workers.

The paralegals are trained to be legal first aid workers in their various communities. The initial training programme is usually carried out over four days whilst the follow up programme, some

six months to one year later, takes place in three to four days. Pamphlets have been used as the main resource on legal content during the training and at the end of the training each of the participants received five pamphlets. A paralegal manual one for trainers and another for trainees ("Paralegal's Companion") have also been developed. The paralegals manual is aimed at assisting paralegals with skills in running a workshop, while the "Companion" is a reference handbook for the paralegals to consult when the need arises.

Whilst some of the trainees are genuinely interested in human rights education and awareness-raising some have not been that active since their training and this may have to do with the lack of financial benefits. Another reason may be the pressure of work as most have other full-time activities.

Some of the major lessons learnt reflect the need to carry out a thorough needs assessment and also that it is not easy to maintain the momentum of the paralegals especially when they are not paid. Paralegals have generally complained about the problem of lack of recognition. Continuing challenges are posed by cases which require legal assistance. Whilst recognising the potential role of paralegals, the Centre has been alert to the dangers of creating more problems for society. Paralegals have been insisting on identification badges on the basis that these are necessary for effective mediation and acceptability by the community. The Centre has however been reluctant to grant these on the basis that the Council of Legal Education might not approve and more importantly because giving the paralegals badges would link them too closely with the Centre as opposed to the community.

The training of paralegals itself has continued to present its own challenges. An identified area for cooperation and networking is to get paralegals themselves to share experiences with others about their work and how they have managed to address problems such as those of acceptability.

Legal Aid Scheme

The Legal Aid Scheme developed as a result of the need to provide paralegals with a back-up mechanism to complement their activities. The scheme serves as a means for further promoting human rights and for developing human resources. The clinics established under the scheme are designed to provide free legal assistance to persons with a genuine claim to the existence of a right or a denial thereof. Presently, LRRDC has opened clinics and counselling centres in Lagos, Benin, Ijebu-Ode, Port-Harcourt, Enugu and Jos. These centres and clinics are manned by full-time paralegals who have the responsibility of referring complex and other deserving cases to LRRDC's lawyers or *pro-bono* counsels in the various zones. The Benin and Lagos clinics have handled a good number of cases which were settled out of court.

Over 250 individuals benefitted from the scheme since it started in 1995. More than 20 of these cases obtained free legal representation in law courts and probate registries, while about 100 had free representation at police stations and other detention venues. Three cases were instituted in court by the LRRDC on behalf of victims of human rights abuses, while others which had been referred to *pro-bono* counsel were effectively monitored through correspondence, reports and other feedback measures.

Street Law

This programme was designed to educate people (especially the young) about the basic aspects of law which affects them in their every day life. The programme is run primarily in secondary schools, at the present time it is being undertaken in six schools each in Lagos and Ibadan. In most of these schools it is being run through clubs with students participating on a voluntary basis. In one private school, the Vale College in Ibadan, the programme is incorporated into the school's curriculum.

To facilitate easy understanding of the subjects being discussed, LRRDC has produced four books : (a) *Law, the Nigerian Legal System and Human Rights*, (b) *Criminal Law and Juvenile Justice*, (c) *Torts, Housing and Consumer Law*, and (d) *Family Law*. Each book has an accompanying Teachers Manual.

Monitoring and Evaluation

The LRRDC carries out an evaluation of each of its programmes on a regular basis. The exercise involves the beneficiaries of each programme, the staff and in some cases the funder of the programme. A major evaluation of the paralegal training scheme is to be done later in 1996.

7.2 FIDA Enugu/Anambra

The FIDA branch in Enugu was inaugurated in 1982.

The reasons behind its formation were:

- to provide a much needed information for female lawyers to meet and discuss common problems facing women;
- to enhance and promote the welfare of women and children in line with their their rights under the law;
- to create awareness in women of their legal rights and obligations; and,
- to provide free legal aid and counselling services to indigent women and children.

The ultimate goal of the organisation is to make women aware of their rights, to get them to enforce these rights and to redress any infringement of those rights. The organisation is run by an Executive Committee comprising of a chairperson and a vice chairperson, a secretary and assistant secretary, a treasurer and a publicity officer.

Projects are coordinated and supervised by committees which have a coordinator, a secretary as well as other members. The project committees report to the Executive Committee which in turn reports to the General Meeting of members.

The target groups input into the decision-making process within the organisation by providing information regarding problems affecting them. For example, before members undertake any outreach or legal education assignment they endeavour to find out through local officials the key issues affecting the people in that area. Efforts are also made to invite traditional leaders who also make their contributions.

Activities are mainly centred around the provision of legal aid and community legal education.

Legal Aid

Between 1982 and 1988, FIDA acted as a professional body for women to meet and discuss common interests. However, due to the general ignorance of women about their rights a Family Law Centre Project was started to provide free legal aid services for women. Initially, reliance was placed on young lawyers who were on national service as well as volunteer lawyers to take on cases on behalf of needy women. Some funding was received in 1991 which facilitated the employment of two full time lawyers. Another FIDA centre was set up in Anambra State and is also staffed by two full-time lawyers.

The Centres provide free legal assistance and this includes representation in Court. Whilst the main focus is on family law matters, some assistance is also provided in criminal matters. FIDA also provides counselling services to children in a remand home. The number of cases coming to the centres are used as a yardstick to evaluate the progress of the programmes.

FIDA would like to have its advice centres staffed by paralegals but this is seen as a costly exercise as there will be a need to pay salaries and other costs.

Community Legal Education

In realisation of the need to cater for women who cannot come to the centres, it was decided to embark on an awareness programme dealing with those problems which women encounter such as early marriage, female genital mutilation and the treatment of widows amongst others. Six or seven FIDA members go out to the villages to talk about these practices and their impact on women. These sessions are generally carried in one day.

Legal education is also targeted at school children, for example, a children's Parliament is held where children ask questions about the law.

In general, the lessons learnt with regard to implementing the awareness programme have been that resistance is to be expected particularly from the perpetrators of harmful practices. There is therefore a need to strategise around that resistance. Further, there is a need to involve the target group and traditional rulers in the planning and implementation stages of a programme so as to avoid future problems. There is also a need to network with organisations doing similar work so as to avoid duplication.

FIDA is also engaged in the publication of pamphlets and has produced materials on the following on topics:

- Rights of Widows in Ibo Society;
- Juvenile Delinquency;
- Dangers of Drug Abuse;
- Society and the Child (compilation of seminar papers on topics

such as Prostitution, Juvenile delinquency, Domestic Violence and Rape);

- Law and the Family (a compilation of seminar papers on topics such as adoption and custody, succession rights, crime within the famil;
- Guide for the Family of the Drug Abuser;
- Marriage;
- Child Abuse; and,
- Women and the Law.

In producing educational materials, topics are thrown open for members to research and write on. Drafts are read at the general meeting and are then used and tested during legal education /out-reach programmes. The necessary adjustments are made and they are re-read at the general meeting before final approval. The relevant project committee supervises the production.

Training

Training has been limited to members with the major objectives of enhancing the delivery strategies in information dissemination and of strengthening trainees' capacity on programme development and management.

7.3 The Institute of Human Rights and Humanitarian Law (IHRIP)

The Institute was established in 1988. It is engaged in human rights education and research. Its major activities are public education / paralegal training, public interest advocacy and social action litigation. It employs seven lawyers.

Its activities are mainly targeted at rural communities although the urban population as well as professionals are also covered. The organisation started off by giving public education talks and it was from this that the idea of paralegal training came up. It was found that the seminars left people in need of more information.

Paralegal Training Programme

So far, the Institute has trained 18 paralegals who are full-time employees of the Centre. The trainees are generally people who have passed through secondary school, although some of them are retired teachers and headmasters. Some of the trainees are also people who have the diploma in law. It is envisaged that in the future more trainees will be university graduates because of the problem of unemployment for graduates.

The role of the paralegals is to give advice. They also negotiate and mediate on behalf of clients. Their training has been mainly done by lawyers and has been for an initial period of one week with follow-up programmes held every three to four months. The paralegals are paid. Initially the organisation used to train volunteer community legal educators but this did not work out as they were not paid.

Presently, the organisation operates 10 advice centres although the target is 24 centres. The Institute itself also acts as an advice centre. Approximately 60 cases are handled by each of the Advice Centres.

Materials

The organisation has a *Know Your Rights* series and eight sets of pamphlets have been produced.

The major lessons learnt have been that most of the knowledge is

existent in the community, that people often do not need anyone to tell them what to do and that the participatory approach is very important.

Monitoring and evaluation in the case of the advice centres mainly takes place through responses from the community by looking at cases handled by advice centres as well as the number of people coming to ask questions and seek help.

7.4 Constitutional Rights Project (CRP)

The Project was started in 1990 to deal with Constitutional rights and to provide legal assistance.

The Board of Directors is the policy-making body. There is also a managing committee made up of the Executive Director, departmental heads of the publications and research projects and the litigation department. Other staff members include the administration and support staff.

Whilst the goals have not changed, the strategies emphasised by the CRP have altered. Up until 1993, it was still possible to use the courts for the defence of human rights even if not successfully. Using the courts as a strategy is now extremely difficult because the military government selectively obeys the courts. Education and conscientisation have become crucial given the political scenario, in which the government does not seem to want to restore democracy. Education is even made more important given the atmosphere of fear which pervades all institutions which protect rights, for example, even judges are afraid of losing their jobs.

CRP's activities are centred around litigation and education.

Legal Education

In the East of the country, programmes have been arranged where lawyers go into rural communities and educate people on rights. T-shirts have been produced as well as posters on women and children's rights. The intention is also to produce pamphlets on the following topics:

- Bail;
- Arrest and Arraignment Procedures;
- Police Powers;
- Right to Participation in Government; and,

It is also hoped to train paralegals.

A weekly column is also run in one of the newspapers. In addition, radio broadcasts are used, although in Lagos these have been stopped by the government after the protests concerning the murder of Ken Saro-Wiwa. A quarterly journal which focuses on current human rights issues and problems confronting the judiciary is also produced.

Litigation

Most cases handled have been those of people detained for long periods without trial as well as cases of illegal detention and police harassment, unlawful evictions, dismissals or threats thereof. Decisions of military tribunals have also been challenged. For example, one case involved a complaint filed with the African Commission. The Commission was asked to declare a judgment as having been in violation of the African Charter. The Commission did this. The case was taken to the High Court after filing the complaint for an order restraining the carrying out of the order of the military tribunal and the Court made the order. The organisation has also been engaged in social impact litigation.

Human Rights Education through University Students

University students have also been targeted. Human rights seminars have been held with University students. The programme basically selects 3/4 student from 20 Universities. The aim of training the students is that they should be vehicles for targeting rural communities. Most of the students take posters to distribute in their areas during holidays. The major constraint has been materials but the process of producing materials is on-going. It is ultimately hoped to introduce human rights education into University teaching.

8. Senegal

The first experience with legal services in Senegal was initiated by the Réseau africain pour le développement intégré, (RADI) in 1985. Another initiative was set up with the establishment of the Comité africain pour le droit et développement (CADD).

8.1 Réseau africain pour le développement intégré (RADI)

RADI is a non-governmental Pan-African organisation created in 1985 to serve the cause of development by promoting socio-economic activities. More precisely, the RADI objective is to promote integrated, participatory and democratic development. With the encouragement from the ICJ to execute a legal services project in a rural area of Senegal, the national office of RADI in Senegal initiated a project in 1985. A presentation of how the organisation developed its interest in legal services and how it gathered important lessons from the first experience is useful for understanding its present orientation.

Legal Services Programme

The national office of the RADI in Senegal was entrusted with the execution of the first legal services project in a rural area of Senegal from 1985-1989. This project involved the training of paralegals recruited from amongst agents of non-governmental organisations working with local communities. The trained paralegals were volunteers. Follow-up was carried out through progress reports sent periodically by the paralegal workers.

While the experience was generally successful, those responsible for the programme recognized that the project had some shortcomings. There was a decline in the programme which was partly due to the fact that the paralegals were not consistent in sending in their reports. Moreover, since the paralegals were not remunerated, it was difficult to place any requirements on them. Consequently, the project came to an end in 1989, when RADI had respected its commitment to carry through the project within the given timespan. However, RADI did not believe that it was appropriate to put an end to the legal services experience altogether. The imprisonment, for political reasons, of the organisation's President made him realise that the majority of the prisoners were ignorant of their rights and did not have access to any legal services. This reinforced his conviction that legal services had to be maintained, and that a clear understanding by the population of its rights and duties was a prerequisite for their participation in the development process.

Paralegal Training Programme

RADI has since 1992 established three legal information centres located in Dakar, Kaolack and Saint-Louis. The objectives of establishing these legal information centres is to help people know their rights and duties and facilitate access to the law in defending their rights. The legal information centres popularize legal

information and are also engaged in the training of paralegals. Particularly noteworthy in the RADI activities is the concept of legal aid provided through the centres as well as the general status of the paralegals. The legal aid provided by the Association's information centres can be classified into two categories: legal advice and legal representation. Legal advice is not provided on a gratuitous basis. A contribution of 1000 CFA francs is requested from the beneficiaries and if they want to have access to the pamphlets on legal matters they must also pay a contribution of 100 CFA francs.

The beneficiaries are also reached through the organisation of mobile clinics by the staff of the Centres. The Centres have at their disposal a network of legal experts to whom the defence of the persons who qualify for assistance is entrusted. Legal representation is given to needy individuals selected on the basis of defined criteria. For example, priority is given to minors, women and first-time offenders.

The training of paralegal workers was initiated in 1992 in the aftermath of seminars organised by the ICJ on women's rights. These were a crucial factor in the decision taken by RADI to train only women as paralegals. Taking into account past experience, paralegals are not employed as voluntary workers but as full-time salaried employees. Their salary varies from 35,000 to 63,000 CFA francs depending on the legal information centre that employs them. The women paralegals also have identification badges. RADI requires that the paralegals have a certain minimum level of education that corresponds to the fifth form and they must pass a written and oral test before training. Paralegals are expected to organize at least four talks per month particularly on matters affecting women. Apart from women's issues RADI also deals with young people and prisoners who more often than not are victims of long detentions.

8.2 Comité africain pour le droit et le développement (CADD)

Established in 1990, CADD started to conduct activities in 1992.

CADD aims to close the gap between justice and those who are subject to the jurisdiction of the courts, to allow citizens to have access to the law and to participate in the education of the population so as to reduce the discrepancy between law in the books and law in action. In terms of organisational structure it has a General Assembly, an Administration Council and a Consultative Council in which both professionals and trained paralegals take part. CADD also has a department for women that allows it to deal with their specific needs.

Paralegal Training

The CADD activities are essentially aimed at rural communities. Activities include legal aid and the training paralegals as well as follow-up and back-up services for the paralegals. The profile of the paralegals trained by CADD has evolved since the project began. The first paralegals to be trained were NGO representatives dedicated to development. After an initial assessment, CADD concluded that the trained individuals did not pass on the information to the grassroot population. It therefore changed its strategy and now recruits trainees from amongst men and women who are in committees at the community level such as village development committees. No educational qualifications are stipulated for selection. For example, CADD has trained non-literate paralegals who have links with grassroots communities. The trained paralegals are located in the regions of Saint-Louis, Ziguinchor, Tambacounda and Kolda. They are grouped into units at the level of each region. They also have a centre where they listen to and advise the local population.

The follow-up of the paralegal training is also ensured by CADD through a system whereby the paralegals are required to send in progress reports every three months. The reports incorporate details on the topics covered during legal information dissemination as well as the types of cases handled. The paralegals are provided with guidelines on the issues to be canvassed in their reports. The content of these reports is verified during periodic monitoring visits to their localities.

9. Togo

The legal services programme in Togo is embodied in the experience of the Groupe de réflexion et d'action femme démocratie et développement (GF2D).

Togo hosted a seminar in 1987 on the legal services in rural areas. Five years after that meeting, which was to be the starting point of the paralegal movement in French-speaking Africa, GF2D was created.

9.1 Groupe de réflexion et d'action femme démocratie et développement (GF2D)

GF2D is made up of women from various professions, including judges, lawyers, civil servants, university professors, social workers, physicians, sociologists, economists, university students and shopkeepers. Its goal is to contribute to giving full effect to the law on women's rights and to women's participation in public affairs.

In terms of organisational structure, GF2D is comprised of a General Assembly as its decision-making organ, an Executive Office as its executive arm and specialized committees.

The organization has undertaken legal services activities in its first action programme and these services have specific characteristics in relation to their target group and the general organisation of the services.

Legal Services Activities.

GF2D conducts its legal services activities through its Centre which has been operational since April 1994. This is called "Centre de recherche d'information et de formation pour la femme", CRIFF, (Centre for the Research of Information and Training for Women)

Its terms of reference are:

- to provide legal advice to women and assist them in their relations with the various public and private bodies;
- to train women on legal matters;
- to inform women and the public on the issues pertaining to the status of women; and,
- to promote research on real-life experiences of women and to set up a documentary fund on women.

The mission assigned to the Centre indicates that the GF2D has chosen to adopt women as beneficiaries of its activities. The legal services constitute for the organization a major way by which it seeks to ensure the development of women. The challenge of effectively promoting the rights of women in Togo, which have today remained theoretical, is being met through the provision of legal services. The services must also be seen from a perspective of women taking up the challenge to improve their condition through legal services.

The Centre is run by volunteer members of the GF2D assisted by support personnel. The three support staff are the only salaried employees. The executive team includes a woman director and

committee leaders who are each responsible for one of the sectors of action.

In Lomé, the capital city, the Centre operates a legal clinic on a roster basis thereby ensuring that there is someone on duty on all working days to receive and advise women on legal matters. Activities are also carried out through trained paralegals.

Paralegal Training

From 1994 to 1996, paralegals have been trained in the 30 prefectures of Togo. The training programme includes a civic education component that deals with the organisation of the State, the right of every citizen to be involved in issues pertaining to local government, as well as civic rights in general. Also covered in the training, especially from a women's perspective, are issues relating to family law, the right to credit, debt collection, the organization of the judiciary, criminal law and property rights. In turn, the paralegal workers popularise the law and give legal advice to the women in their own communities.

A fortnightly bulletin, *Femme Autrement*, keeps paralegals updated on the law and it is at the same time a tool that they use to popularise the law. The centre monitors and provides follow-up to the paralegals through periodic on-sight visits which also serve to verify the content of the quarterly reports which they forward to the Centre.

Legal information dissemination takes place through talks and conferences. GF2D produced, in collaboration with 59 other women's organizations in Togo, a guide intended to raise public awareness of the status of Togolese women. It also contains proposals for action. It was published under the title *Femmes Togolaises, aujourd'hui et demain*, (i.e. "Togolese women, present and future"). It is the basis for information dissemination.

PART THREE

Annex

Legal Awareness / Legal Advice Programme Survey Questionnaire

Name of Organisation :

As we would like to have detailed answers to the questions, please feel free to use a separate answer sheet to answer any of the following questions. Where appropriate, please return answer sheet with relevant materials.

PART A – Organisational Structure/Models

- Outline the reasons behind the formation of your organisation in so far as they relate to legal awareness/Legal Advice programmes (Give date of formation etc.)
- What is your organisation's ultimate goal?
- Have these goals undergone any changes since the organisation was formed. If so, what has prompted the change?
- What activities are you engaged in meeting your objectives? (Tick the applicable)
 - a) Training paralegals
 - b) Information dissemination
 - c) Giving legal advice
 - d) Other (specify)

- What name do you use to describe your activities (Please tick the applicable)
 - a) Human rights education
 - b) Paralegal training
 - c) Legal literacy /awareness
 - e) Legal aid
 - f) Women's rights awareness
- Who are the targets of your activities? (Please tick the applicable)
 - a) Urban Communities
 - b) Rural Communities
 - c) Schools
 - d) The Police
 - e) Women
 - f) Other (specify)
- By whom are these activities carried out? (Tick applicable)
 - a) In-house Staff only
 - b) In-house Staff and part-time staff
 - c) In-house Staff and community extension workers (Specify)
 - d) Paralegals
 - e) Other (Specify)
- Describe your organisational structure in terms of management/decision making/e.g. (Do you have a Board, do you work through committees and what is the role of each?).

- How does the target group input into the decision making process within your organisation and if so explain how this is done or achieved.
- Which professions are represented in your organisation (specify the professional disciplines, their numbers and roles).
- What is your source of Funding? (Specify approximate percentage)
 - a) Overseas donors only
 - b) Overseas and local donors
 - c) Local donors
 - d) Government

PART B – Planning and Implementing Legal Awareness / Services Programmes

- If you have engaged in a needs assessment exercise, describe your model of research or needs assessment exercise
- If not, describe how you have defined the needs of your target group?
- Training (ie. provision of skills as opposed to education)
- If you are engaged in training whom do you train? (Specify different categories where applicable)
- Do you use a special name to refer to your trainees? if so, state the name used
- What are the learning objectives in your training programme?
- What is the length of your training programme?

- How many people have you trained since you started?
 - Are the trainees paid? (Tick the applicable)

YES ☐ NO ☐
 - If so by whom?
 - What are the salary scales?
 - a) Below US \$ 50
 - b) \$ 50 - \$ 100
 - c) \$ 100 and above
 - Who are your trainers in terms of professional qualifications or expertise?
 - What has been the reaction of the Administrative and Judicial Authorities to your programme?
- Are they :
- a) Supportive ?
 - b) Against ?
 - c) Other

Dissemination of Information and Evaluation

- Have you produced any educational materials e.g. pamphlets as part of the legal awareness exercise? Please list materials produced and make available
- Describe the processes involved in the material production (ie. who is involved in writing, testing mechanisms etc.)
- Describe the dissemination process of the materials produced

- How do you evaluate your activities?
 - a) Cases successfully handled
 - b) Pamphlets distributed
 - c) Number of groups addressed
 - d) Participatory feed-back (if so describe)
- What general lessons have you learnt about the planning and implementing of your type of activity?

“Networking”

- What other organisations are engaged in legal awareness activities in your country? Please give details and contact addresses where possible
- Describe whatever networking activities already exist in your country
- What areas would you like to see cooperation on in a regional context?
 - a) Training
 - b) Material production
 - c) Research
 - d) Other (Specify)

Paralegals Retreat Saly, Senegal 29 - 31 July 1996

Report

The International Commission of Jurists (ICJ) organised a retreat for paralegals and trainers as part of an evaluation of its Legal Services in Rural Areas (LSRA) programme. The retreat which was held from 29-31 July 1996, in Saly, Senegal brought together 19 participants from 10 African countries and two resource persons.

In her opening remarks, the ICJ legal officer for Africa gave a brief historical overview of the organisation's involvement in the LSRA programme in the past ten years. She stated that the evaluation was necessary to assist all persons involved in the programme in determining the activities to be carried out in the future.

Paralegals in Action

The introductory session was followed by three oral / audio-visual presentations by the participants from Burkina Faso, Ghana, Senegal and Nigeria. In his presentation, the representative of Burkina Faso identified the need to promote knowledge of the law among NGOs, so that through them, everyone can understand and eventually have access to the law. He stated that in Burkina Faso, paralegals assist the less privileged to know their rights and to try and enforce them. The participants from Senegal and Ghana presented some training materials which they were using in their respective countries. These materials had been simplified and translated into local languages to ensure easier understanding by the users.

The Nigerian participants presented a video showing the activities of some of their paralegals. They also presented training and educational materials developed to assist their legal services programme.

The participant from South Africa gave an insight into his role and experiences as a paralegal working in his country in the current period of political transition. He demonstrated the need for paralegals to be able to adapt to changes in their society without losing sight of their primary function. He also raised the issue of the role which governments should play in the support of paralegals.

A "brainstorming" session was undertaken on the role of paralegals following some suggestions by participants that this needed to be clarified. The following were highlighted by participants as representing their role in actual practice:

- (a) drafting affidavits
- (b) preparing court documents
- (c) organising seminars and disseminating information
- (d) explaining the law
- (e) reconciling parties in conflict
- (f) referring people to appropriate organisations
- (g) giving legal advice on specific issues
- (h) sensitising the public on specific issues

Furthermore, participants identified some of the skills which paralegals need as :

- (a) legal skills
- (b) ability to work with people
- (c) communication skills

- (d) writing and drafting skills
- (e) development of educational materials
- (f) administrative skills
- (g) ability to conduct research
- (h) counselling skills
- (i) negotiating skills
- (j) evaluating skills

The Paralegal in Our Society

Paralegals from Kenya, Nigeria, Senegal and Togo, shared their experiences on how they had been operating in their respective countries. These presentations covered issues such as :

- problems relating to acceptability by the authorities, law enforcement agencies and the general public
- relationship with members of the legal profession
- the need for them to be identified as part of the societal structure
- problems relating to mobility within their countries
- financial sustainability i.e should paralegals be paid employees or volunteers
- problems relating to insufficient training and follow-up support by the training organisation

Developing and Running a Legal Services Programme

Trainers from Ghana, Mali, Senegal and Zaire also shared their experiences on developing and running a legal services programme.

Participants noted the need for an interdisciplinary approach in carrying out training. They emphasised the need for lawyers, sociologists, educators or animators to work together in developing and implementing training programmes. The need to involve influential members of the local community such as traditional chiefs was noted.

Sharing Training Methods

Participants had a brainstorming session on methods used by trainers and paralegals alike. The following methods were identified:

- use of local languages
- audio-visual material
- cartoons
- role plays
- songs
- case studies
- use of questions and answers
- discussion sessions
- use of flipcharts and posters
- lectures

Factors taken into account in deciding which method to use include:

- knowledge of the participants
- language
- literacy level

Participants discussed other factors which ought to be taken into account before deciding on methods to be used in a training programme such as the objective of the training, subject matter, time of the day or period of the year, the cost involved in choosing a particular method e.g. when considering the use of videotapes.

A practical session was conducted demonstrating the use of some of these methods.

The Paralegal as a Popular Educator

Discussions on the role of the paralegal as a popular educator centred around the essential attributes he/she must possess. It was agreed that the paralegal should:

- have the ability to communicate effectively
- be humble
- have a minimum level of education
- be respectful and be respected by the community
- be familiar with the laws and the legal system
- make him/herself available to the community
- have the ability to listen
- be impartial
- be familiar with the local customs, practices and traditions
- be honest and patient

Coping with Acceptability

A case study from Senegal was presented on the relationship between paralegals and members of the legal profession and with

the law enforcement agents such as the police. Participants were enjoined to endeavour to open lines of communication with these groups of people as it is useful for the success of their activities in the society. A general lack of understanding of the paralegals' role and intention was identified as the primary reason for the reluctance to accept them as partners. Efforts should be made to involve representatives of these groups in training programmes and they should be targeted for the awareness programmes conducted by paralegals.

The Draft Evaluation Report

The resource persons presented a synopsis of the draft evaluation report which is being prepared by the ICJ. In the discussions that followed participants welcomed the work done so far by the resource persons. They discussed the need to ensure there was a recommendation to ensure follow-up of the LSRA programme by the ICJ. The participants endorsed the recommendation that the ICJ set up, or be involved in, a process leading to the establishment of an institution or other mechanism which will continue the work that it has started and further the development of the capacity of paralegals and their trainers in Africa.

Follow-Up and Financial Sustainability

Participants discussed the need for follow-up and financial sustainability as the backbone of any LSRA programme. They stressed the need for trainers and institutions training paralegals to ensure that adequate provision for follow-up courses, supervision and monitoring of paralegals activities are made before embarking upon the initial training. Trainers and organisations were enjoined to think beyond the initial training costs when preparing their budgets for their programmes. Participants were also encouraged to

look inwards in their fundraising activities and rely less on external sources of funding in order to ensure long-lasting programmes.

Conclusions and Recommendations

1. There is a need to continue to promote the use of law as an instrument for development by ensuring access to law and legal services for all persons in society. The introduction of paralegals as a tool for bridging this gap has contributed towards ameliorating this problem. The development of the concept and training of paralegals should be encouraged and supported all over Africa.
2. There is a direct link between the enjoyment of human rights, democracy and development in Africa. This principle must be kept in mind when developing and implementing paralegal training programmes. NGOs should endeavour to work with institutions involved in development activities and governments to ensure success of these programmes.
3. There is a need to develop close relationships between governments and non-governmental organisations at the national level to ensure effective creation of awareness of the law, particularly at the grassroots level.
4. NGOs working on LSRA programmes should participate in the process of legislative reform at the national level.
5. The ICJ is enjoined to continue its support for the training of paralegals and the development of LSRA programmes in Africa.

In his closing remarks, the ICJ Secretary-General thanked participants for their rich contributions to the debate which took place during the retreat. He reiterated the need for African NGOs

and organisations to work towards building self-sustaining programmes using local funding. He pledged further support from the ICJ to the LSRA programme, stressing that the recommendations of the evaluation report will form the framework on which its future strategies and activities in this sphere will be based.

List of Participants Paralegals Retreat 29-31 July 1996

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