

XN-ABM-947-B

ISN 80242

LEGAL EDUCATION ACTION PLAN

Prepared by:

Hunter Fitzgerald

October 21, 1992

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND BACKGROUND	1
II. PRIORITIZED NEEDS ASSESSMENTS AND PLANS	3
A. Options Available to USAID/Maputo	3
B. Suggested Actions for USAID/Maputo	6
C. Suggested Prioritized Target Groups for A.I.D.	10
D. Programs in Process and Proposed by Other Donors	12
E. Discussion of Relationships:	12
. Legislative reform	
. Institutional strengthening	
. Efforts to improve the law faculty	
F. Preliminary Estimates of Inputs	12
III. THE JUDICIAL EDUCATION CENTER (CEJ)	14
A. The Judicial Education Center (CEJ) - a Description	16
B. The Scope of CEJ Activities	17
C. Coordination of Training Activities Including Completion of Needs Analyses and Multi-year Training Plans	20
D. Training of Instructors	20
E. Participant Training	20
F. In-Country Training for the Sector's Personnel	20
G. Development and Production of Instructional Materials	27

Table of Contents.../...

	<u>Page</u>
H. Institutionalization of a Training Capability	27
1. Persons To Be Trained	
2. Composition and Cost of In-Country Training Program	
3. Expected Outputs	
IV. SUGGESTED UNITED STATES TRAINING ORGANIZATIONS	31
V. SUMMARY OF TRAINING ACTIVITIES	34
VI. CONCLUSION	37

Annexes:

- 1. List of Persons Contacted**
- 2. International Seminar on Juridical Training in Mozambique (Informal Translation)**
- 3. Terms of Reference for Technical Assistance - Legal Education**

af

Chapter I

INTRODUCTION AND BACKGROUND

Mozambique has suffered from underdevelopment, poor policy planning, adverse elements such as drought and a prolonged insurgency. It has been estimated that over 50 percent of the Mozambican people live in absolute poverty.

Recently the Government of Mozambique (GRM) instituted an economic reform program which involved changes to an emerging private sector and movement towards political liberalization. Nevertheless, the country still is one of the world's poorest countries (per capita income of \$80-100 per annum) with almost 35% of grains in the markets coming from aid programs.

The objective of this consultancy was to facilitate legal sector reform by providing specialized technical assistance to the GRM and other entities involved in the provision of legal services and administration of justice. It was designed to undertake a sector survey and develop action plans in the areas of legal education and legal reform. This is the legal education action plan section.

A legal system established by the Portuguese prior to independence still functions under a civil law code. The economic reform program has brought about an acute awareness of the need to reform the law and restructure the legal system. Furthermore, the problems are exacerbated by the severe shortage of trained legal personnel, low levels of education, and almost a complete lack of basic materials required for the administration of justice. Within the context of the current situation the legal profession is not, and probably will not be able, to meet the needs of the populace in terms of adequate justice sector services.

The contractor's scope of work states (see Attachment A):

"The general objective of the legal education action plan will be to assist the Ministry of Justice, Supreme Court and other entities involved in the provision of legal services to develop an overall action plan to meet immediate legal education needs in Mozambique."

This report is organized to present the following:

- . **Prioritized needs assessments and plans**
- . **A Description of the Judicial Education Center**

- . Selected United States organizations suggested to participate in the program
- . Identification of specific training activities to begin participation.

The contractor's methodology utilized to arrive at suggested actions involved:

- . Review of documents from the GRM, A.I.D., other donors, and private sources
- . Interviews with GRM and U.S. government officials and private sector individuals (see Attachment ?)
- . Analyses and interpretations of data and statistics provided
- . Site visits to actual training courses and institutions, including roundtable discussions with students
- . Observations of tribunals in operation
- . In-depth interviews with other donor personnel
- . Preliminary Mission/World Bank meeting in mid-June 1992 to discuss tentative findings and suggestions to USAID
- . Mission and counterpart debriefings prior to departure
- . World Bank debriefing in Mid-July 1992.

The report presents some suggested prioritized needs assessments and plans. It provides options; suggests actions and target groups; discusses other donor programs; suggests possible USAID inputs; discusses legislative reform training, other donor training programs and law faculty improvement; and estimates A.I.D. technical assistance needed and sources of participant training. In Chapter III, further concepts and information about the establishment of a Judicial Education Center (CEJ) are presented to clarify this proposed system to deliver training to the appropriate target groups. Chapter IV suggests some United States organizations to help provide technical assistance, develop U.S. university linkages and information exchange mechanisms. Chapter V identifies about ten possible training activities the Mission may wish to consider in the short, medium or long term. Attachments are included which list persons contacted, an informal translation of a GRM February Seminar Summary, the Seminar Schedule and other pertinent documentation.

Chapter II

PRIORITIZED NEEDS ASSESSMENTS AND PLANS

This chapter discusses four options in training available to USAID/Maputo and goes on to suggest some seven possible actions for USAID to follow. Then it proposes a tentative prioritized list of target groups and reviews other donor programs with a brief discussion of relationships.

A. Options Available to USAID/Maputo

1. Direct assistance (gap filling) to planned project - start early 1993.

This would be the easiest option since the Working Group (WG) has put together a very ambitious training plan with the World Bank (WB) funding some \$240,000 per year from 1993-1997. About two years ago justice sector organizations were asked to submit their training needs and requirements. This was consolidated into a large proposal and then was redesigned after the February Seminar (see Appendices C and D). The Mozambicans are to be congratulated on their progress so far. They have identified the individuals in the appropriate organizations who need training. The plan has several problem areas such as:

- a. High unit cost per person month of training (see part 4 below for an analysis).
- b. Lack of any setting of priorities.
- c. Training was apparently proposed for a large number of persons not yet hired, nor was money budgeted to fill those positions. Based on subsequent statements from the MOJ, this proposed training appears to have been dropped, at least in part. (GRM performance in this area of new personnel is slow and fiscally conservative, and constrains planning for training).
- d. The training planned does address some of the constraints caused by unqualified personnel but still places high emphasis on increasing the numbers of lawyers (licenciados).
- e. In 1995 the Judicial Education Center (CEJ) appears in the plan but its development and funding are not covered in depth. Chapter IV of this final report provides an overview of such a center.
- f. The GRM feels the WB funded program has excessive TA for implementation and wants to cut the TA and spend the money for local training. This is a sensitive issue.

- g. Some limited training TA is included in the WB funded program but the contractor feels it is not enough since the program will be mainly local training.
- h. Another \$1.155 million, with \$160,000 funded by the WB has been proposed to send persons to Portugal. Some of this training is already in protocols agreed upon between the GRM and Portuguese Ministries of Justice. There are conflicting claims about this program and the MOJ, WB, and Portuguese embassy are in the process of working these out currently. The MOJ's view is that funding for these trainees is inadequate.
- i. Up to now other donors have not confirmed an interest in contributing to the WB funded plan.
- j. There continues to be rivalry between institutions and a reluctance to turn over the training responsibility to the MOJ. Part of this is historical.
- k. The MOJ will be responsible for coordinating training but to-date the director's position of the Training Division is vacant and the Minister has not appointed a person yet. This will be a crucial appointment. Additionally if CEJ is to function it will need at least 2 more professionals - a business manager and an academic coordinator (see Chapter IV). The funding for, selection of, and training of these three key individuals will be of paramount importance.

Conclusion: The proposed program as outlined attempts to train a large number of individuals at a relatively high cost. There are many important areas to be decided in the near future. Further analysis and careful planning are needed.

Suggestion: A.I.D. should not attempt to fill the funding gaps in the suggested program.

- 2. Provide limited TA and training for remainder 1992 and into early 1993 (see B below for suggested actions).

The purpose of the A.I.D. Mozambique Democratic Initiatives Project is to facilitate increased Mozambican understanding of strategic options and related implementation requirements for democratic initiatives in the areas of multi-party elections, the institutionalization of an independent judiciary and the decentralization of government.

The WB along with other donor activities add up to a significant set of inputs into the justice sector. The A.I.D. project assumes the areas of analysis, which includes this contract, are important to sustainable long-term political and economic development.

Conclusion: The A.I.D. Mozambique Democratic Initiatives project would be the appropriate modality to provide selected technical assistance and training during calendar year 1992 and into early 1993.

Suggestion: A.I.D. utilize resources from its Mozambican Democratic Initiatives project to assist the GRM begin its justice sector activities. See B below for possible USAID inputs.

3. **Depending on the success of # 2 above, complement planned activities with U.S. TA and institutional support in 1993-4.**

The start-up activities contemplated for USAID support are labor intensive and will require adequate time to accomplish objectives. One of the difficulties with the justice sector leadership is its impatience and desire to do everything for everyone immediately. There is a positive desire to rectify all of the past injustice now.

Conclusion: The justice sector leadership is highly motivated and desires to implement its program rapidly.

Suggestion: As the A.I.D. inputs are in place and complete evaluation of accomplishments and/or progress are finished, and if the evaluations prove to be positive, then, A.I.D. may wish to consider further support to specific and high priority target groups. For example, current unqualified district level judges and prosecutors need as much training and support as possible.

4. **Stay out of the justice sector unless some difficult reforms are to be instituted by the justice sector.**

Another option for A.I.D. is to not support the justice sector since so much is contemplated by the GRM and other donors. There are some constraints which would substantiate this option. Some of the constraints are:

- . Limited number of qualified personnel available to implement the program.
- . Current staff is over extended. The same small group seems to do everything.
- . The plans reviewed do not demonstrate interest in the development of a paralegal cadre. However, we found later that such plans are being formulated, consistent with the MOJ's stated interest in the training of paralegals and other non-lawyer personnel.
- . There is an overemphasis on the law degree.

- . A formal and cumbersome system which could be reformed but has not been changed.
- . A Faculty of Law which has not been responsive to filling the needs of the sector in terms of numbers of graduates.
 - very few curricula reforms proposed - the last major changes were to add Portuguese, English and physical education.
 - Five years of university work plus a year of additional training after graduation (there is no desire to change this).
 - Traditional curriculum and instructional methodology.
- . Importance given to formality.
- . The training plans reviewed by the contractor did not clearly anticipate training key court administrative staff who in the civil code system make the system work on a day-to-day basis. The MOJ has since indicated that legal secretaries/clerks will receive training in Portugal. This area would be addressed in more detail by the MOJ in a written document.

Conclusion: The sector does not lack problems or constraints as shown above but there are some positive forces at work which could have an impact on the sector.

Suggestion: A.I.D. should not stay out of the justice sector. It should consider providing limited TA and training support as suggested above. This work could include further analyses and study which in turn could lead to an actual AOJ project in the future.

B. Suggested Actions for USAID/Maputo

The contractor has identified eight areas which USAID/Maputo may wish to consider for support. They are:

1. Work with and develop key personnel.

Within the justice sector the higher level officials receive many invitations to travel to other countries to observe and/or meet with officials. During our consultancy five key justice figures were out of the country on such trips. The key persons for the training activities will be Dr. Ana Pessoa (recently named as Director of the Training Department), the academic coordinator selected for the CEJ, and the CEJ business manager. These three individuals should be provided with short training in the CEJ in Portugal and at the California Center for Judicial Education and Research. Study/observation tours are not recommended. Short courses and OJT (on-the-job-training) are what is needed. The WB has already identified Dr. Paul Li, the Director of the California Judicial Center, as a consultant. He has experience with A.I.D. Administration of Justice activities in Asia and

Latin America. The training to be accomplished in Portugal, for which funding is currently lacking, could well be funded under the protocols already established between the respective MOJs, the USAID/Maputo project, or the World Bank project. A conservative program is suggested in terms of participant training. Since there is such a shortage of qualified staff, it makes more sense to concentrate on in-country training.

2. Train trainers.

In conjunction with establishing the CEJ (see # 3 below), a cadre of trained trainers has to be established. Up until now it appears a large portion of in-country training has been carried out by the Supreme Court justices, MOJ staff, and university professors. These assignments, after being approved in advance by the GRM, have been considered extra duties and the instructors have been given "subsidies" which have ranged from low levels (\$1.50 U.S. per hour) up to relatively high (\$70 U.S. per hour of instruction). The tendency to use the latter levels has increased estimated training costs.

Efforts should be made to expand the pool of instructors and have at least two to three qualified and trained trainers in each subject area. It is estimated that there are 15 subject areas with some overlaps where the same person may be able to cover two or three areas. About 40-50 trainers will be needed to accomplish the intensive program planned. Due to the lack of available personnel and cost constraints the MOJ may decide to lower the number of instructors. It will be an internal GRM decision. An estimate of 10 to 12 has been outlined.

The Consultant found the instruction in courses observed to be the traditional lecture method with the students listening passively and with little or no participation. Considerable "code reading" aloud was done by the instructors and/or students. Modern teaching methods and any level of instructional supervision were not observed. The problem is not that the instructors want to teach poorly, it is that they have not been taught how to teach well. The course coordinator informed the contractor of plans to improve the quality of instruction by introducing role playing in court "dramas" and visits to actual courts in session with follow-up critiques.

It is estimated that about 12 person months of TA will be needed to train trainers. This should involve a variety of consultants to service pedagogical and subject area training needs.

3. Estzblish system -> Judicial Education Center - CEJ

A.I.D. has been involved in the establishment and strengthening of judicial training centers in Latin America with its administration of justice initiatives in Guatemala, Panamá, Colombia, and Chile. The Mozambicans have expressed a desire to follow up the Portuguese model of the CEJ as soon as possible. They want the CEJ functioning by 1995. The consultant feels this would be appropriate. Much of this should be funded under the

existing protocols between the two respective MOJ's. The California Center for Judicial Education and Research, headed by Dr. Paul Li is a model which has been successful because the California judiciary feel it is their Center due to the extensive use of advisory committees. The Mozambicans appear to function well under this modality. They are currently organized under a series of councils and committees up through the Council of Ministers.

In item # 2 above, it is suggested to train key staff in both Portugal and California. This section further stipulates that both the CEJ in Portugal and the California Judicial Training Center be tapped for technical assistance. These assignments need to be carefully coordinated with cooperative efforts to accomplish objectives. The WB began preliminary terms of reference for Dr. Li. The Checchi home office staff verified the availability of California Center staff. Here again, we urge the allocation of adequate resources to have the consultant in-country long enough to be effective and provide ample logistical support such as secretarial services, interpreter and translation services, and maintenance. Furthermore, it is suggested that the consultant selected have a stopover in Portugal to visit the CEJ and meet with staff there prior to arrival at Post.

Utilizing approved rates and this current Delivery Order as guides, the cost for a 50-60 day consultancy would be approximately \$50,000 - \$55,000.

The World Bank estimated the costs shown below for the SLCC/Project:

- . Foreign lawyers and other professionals - 14,000/m
- . Local consultants - \$3,500/m (lawyers)
- . Other professionals - \$2,500 - 1,500/m
- . Training
 - local lawyers/\$1,500
 - paralegals and staff/\$1,000
 - clerks and other staff 500
 - study visits \$4,000-\$8,000
 - graduate level courses \$29,000/year
 - Maputo seminars with foreign professors \$45,000-\$65,000
 - Maputo seminars with local professors \$35,000

4. Begin limited training activities under the new system

It is difficult to predict how fast the GRM can mobilize, particularly the MOJ, to carry out items 1-3 above. However, if things do move and take shape faster than expected, then USAID may wish to fund an actual training program. This might be particularly

appropriate and useful to use as a practice teaching experience for trainers who are being trained. It may also be a valuable training ground for the proposed CEJ staff. The current five month course, funded by the U.S. Embassy, is costing about \$70,000 for 25 district level judges. The MOJ informed USAID/Maputo that the cost of that course was substantially more than \$70,000. The WB funded program shows \$182,000 for five months of training for 40 persons, which also appears somewhat higher. These costs needed further careful analysis.

5. Complete training needs assessments for all levels.

As part of the scope of work for this consultancy there is to be a prioritized training needs assessment completed. The consultant has worked on this. There are some circumstances which impeded progress. They were:

- . The original requests of two years ago included training and programs for everyone. No limits or priorities were established.
- . The WB had the Working Group resubmit its plans after the February seminar.
- . The WB then "approved" the list in Washington but did not fully fund it. WB funding for local training is limited to \$240,000 per year, with substantial short falls each year.
- . A meeting was held and the WG then requested other donors to fill in the gaps.
- . The WG sent a Memo to the WB questioning the level and length of TA to implement the program. The WG wants to cut TA and use the money for local training.
- . There is quite a bit of refining needed in order to have an adequate plan. At present the Mozambicans feel they have completed an adequate needs assessment. They have really identified people to be trained but have not finished a complete assessment yet.
- . The issues raised should be addressed so there is an understanding between the GRM and the WB. After this happens much can be accomplished. During July of 1992 the GRM and the WB are scheduled to negotiate these problem areas noted above. As soon as there is some consensus or agreement, then a prioritized training needs assessment can be completed.

6. **Develop job descriptions for target groups including training, skills, and experience needed.**

The laws have established only general guidelines in relation to job descriptions of professional personnel. There is a need to develop personnel manuals to classify professional level positions in more detail including training, experience and special skills needed. This may be an area of interest to A.I.D. There are many international consulting firms which specialize in this work or there may well be a local capability. Furthermore, the TA from the California Center can assist the MOJ to develop more detailed scopes of work.

7. **Establish a thorough evaluation process.**

The Mozambicans are not used to or acquainted with a complete and thorough evaluative techniques. They are not familiar with measuring impact or careful statistical analyses to evaluate their programs. For example the Attorney General's office attempted to institute a statistics office and we were told it did not work and they abandoned it.

A.I.D. could consider funding TA for the development of an evaluation plan to begin follow up and evaluate USAID supported justice activities.

8. **Start a follow-up system.**

In our round table discussions with District level judges we found that those judges outside Maputo felt completely abandoned when they returned home to the provinces and/or districts. Other than a very occasional formal inspection there appears to be little or no planned follow up activities. A worthwhile activity for AID support could be the establishment of a planned follow-up system. Possibly a newsletter and/or a distribution system of new codes, legislation, and decisions by higher tribunals could be sponsored. The follow-up system could be integrated into the general work and programs of CEJ.

C. **Suggested Prioritized Target Groups for A.I.D.** (does not coincide with GRM priorities for in-country training).

There has been a reluctance on the part of counterparts to set priorities for a variety of reasons. Some are:

- . Historical - at one time the organizations involved came under the MOJ before the new Constitutions and subsequent Codes. Some of the interorganizational rivalries still persist.
- . Fair play - the justice sector organizers want to show fairness and impartiality to all justice groups.

- . It does not appear that a prioritized proposal with a limited size was requested from the WG.
- . The rationale behind proposed budget estimates is not clear.

The following ideas about priorities and target groups have been presented to GRM staff. They will be reviewed by USAID and then discussed. The contractor proposes the set of priority target groups with #1 having highest rank and #4 the lowest. The contractor has identified those levels of the justice sector that are the most visible and responsible for the delivery of justice services to the public. Furthermore, preference has been given to levels where we know the persons assigned have insufficient preparation and experience. The Mozambicans have not approved these priority rankings:

1. **District Tribunal Level**
 - a. New Public Ministry clerks and other administrative support staff (Planned for 1993 & 1994).
 - b. Administrative support staff (not mentioned so far in documents reviewed).
 - c. Current judges and Public Ministry magistrates.
 - d. New judges (after provincial-level judges have been assigned and trained, and existing district-level judges have been retrained).
 - e. New Public Ministry magistrates.
2. **Provincial Tribunal Level**
 - a. New Public Ministry clerks and other administrative support staff (Planned for 1993 & 1994).
 - b. Administrative support staff (not mentioned so far in documents reviewed).
 - c. Current judges and Public Ministry magistrates.
 - d. New judges.
 - e. New Public Ministry magistrates.
3. ***Registros and Notariados Personnel (high Mozambican priority).***

4. *Tribunal Administrativo* (not currently functioning)

D. Programs in Process and Proposed by Other Donors

The contractor has spent considerable time reviewing other donor programs and also made two visits to the U.S. Embassy sponsored district level judges training program in Matola. Visits included 4 hours of observation of classroom instruction and a round-table discussion with three students from the northern, central, and southern parts of the country. Other donor programs reviewed include:

1. U.S. Embassy sponsored district level tribunal training courses.
2. DANIDA
3. World Bank.
4. Others.

E. Discussion of Relationships

This report covers the relationships of training to legislative reform, institutional strengthening and efforts to improve the law faculty.

1. Legislative Reform

The Checchi consultant who worked on legislative reform has completed the investigations, interviews, and analyses of the laws, codes, etc. That contractor's Final Report addresses the issues of training needs in this expanding area of legal reform.

2. Institutional Strengthening

Some of the areas of institutional strengthening will be addressed particularly in Chapter IV which deals with suggested twinning arrangements.

3. Efforts to Improve the Law Faculty

The World Bank is proposing considerable efforts to improve the law faculty. The contractor is not proposing further support to the Law faculty by USAID/Maputo because of the current DANIDA and proposed WB inputs.

F. Preliminary Estimates of Inputs

The contractor recommends modest amounts of A.I.D. technical assistance and participant training. Brief discussions of these needs are given above. In summary they are:

1. **Technical Assistance Needed**

- a. USAID funded 2 to 3 months California Judicial Center TA
- b. 2 to 3 months funded CEJ TA (funding source to be decided)
- c. 12 months of U.S. funded TA to train trainers

2. **Overseas Participant Training Needed**

CEJ staff members at California Center and Portuguese CEJ - about 3-4 months each.

Chapter III

THE JUDICIAL EDUCATION CENTER (CEJ)

The concept of the establishment of a Judicial Education Center (CEJ) many times has been rejected immediately because those reviewing the idea visualize it as another "bricks and mortar" scheme to construct a facility. The CEJ which is described in this Chapter outlines a manner in which a system is created to deliver needed training in a cost effective and efficient manner. Additionally such training will be planned and provided on the basis of carefully conducted regular and periodic needs assessments. The contractor has participated in the evaluation of many administration of justice training programs where hundreds of individuals received thousands of hours of instruction (usually costly) in unplanned programs, all of which had little or no lasting impacts. Many of these courses proved to be of low quality, thus wasting irreplaceable resources which could have been used for other productive endeavors.

In view of the continuously growing demand for training that will be greatly enhanced when judicial training for the profession is established in the Judicial Branch, it will be necessary to strengthen and systematize at the institutional level the present training process. This requires starting from the principle that training for judicial personnel must be a permanent, conscientious and stimulative process at the individual or group level; based on the constant need for knowledge, abilities, skills and attitudes to be increased, enhanced and improved on the same job to maximize the quality and quantity of services delivered. From an institutional point of view this means to guarantee and promote access to educational opportunities. For these reasons the contractor proposes the establishment of CEJ.

This process includes not only scientific and technological improvements in each professional, technical and administrative area but also the need to establish a working group relationship as the fundamental basis for joint efforts and resources in the services provided to the population. This should guide the activities to be carried out by the CEJ under the technical and financial assistance of agencies and organizations which have or will participate to enhance the ability of the Mozambican justice system.

It is worth mentioning that the design is not by itself a goal, but a means of achieving four important areas to be developed:

- **Strengthening of the CEJ as the coordinating and implementing unit for training activities;**
- **Implementation of training activities in accordance with the general requirements identified by the formal and informal diagnosis;**
- **Training in very specialized areas and the development of multiplying factors;**

- **Related training as a result of the implementation of various programs and projects.**

The design of a system to develop training actions as the methodological basis for operating the CEJ will include the following areas within a political, conceptual and structural frame of reference:

- **Academic Planning**
- **Academic Production**
- **Organization and Development of the Teaching-Learning Process**
- **Evaluation and follow-up (Actual on the job application)**

The proposed design is sufficiently flexible to adapt to planned or unexpected political and technical requirements, and to be implemented in stages at the short, medium and long-term according to national and institutional characteristics and conditions, and with the type of support that agencies and organizations will actually provide. The design of this proposal and its implementation are subject to further adjustments based on experience and feed-back.

The terms of reference for the technical assistance to organize the CEJ will specify that the experts will work cooperatively with their GRM counterparts to design the mechanisms to carry out the various CEJ functions. This is a process which will evolve over the next year or two. The contractor would like to recommend further analytical work in the training area as the CEJ is conceptualized and begins to develop. The Terms of Reference for Technical Assistance in Annex 3 refer to such analyses.

The contractor has suggested that USAID/Maputo consider assisting the MOJ establish the CEJ. USAID inputs could be limited to participant training for key CEJ staff, TA to train trainers, and TA to develop the Center itself. The TA source suggested was the State of California Center for Judicial Education and Research. The specific objective of this chapter is to formally record the conceptualization of CEJ as presented to the MOJ staff and the Mission. The eight sections below describe how the CEJ would function:

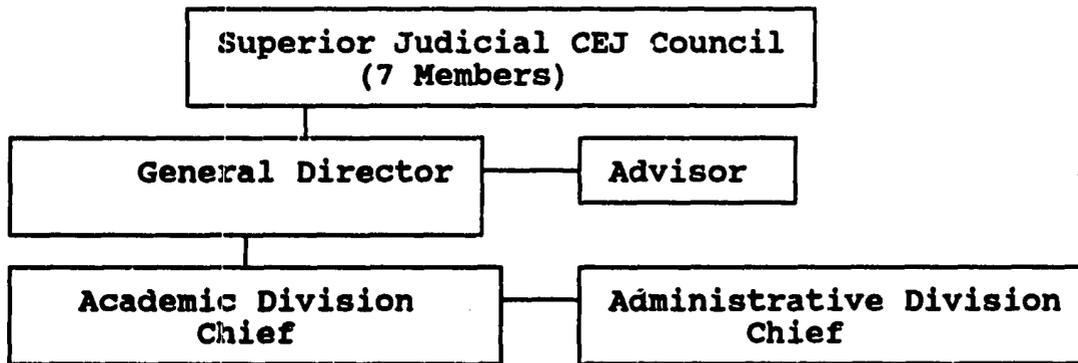
- **The Judicial Education Center (CEJ) - a description**
- **The scope of CEJ activities**
- **Coordination of CEJ activities including completion of needs analyses and multi-year training plans**
- **Training of instructors**

- . Participant training
- . In-country training for the sector's personnel
- . Development and production of instructional materials
- . Institutionalization of a training capability

A. The Judicial Education Center (CEJ) - A Description

The purpose of the CEJ will be to coordinate the provision of training for the entire justice sector including the personnel of the courts and the representatives of the Public Ministry. The Sector Survey section of this consultancy gives a breakdown by judicial district of the magistrates, judges and support personnel of the system.

The organizational chart below suggests the possible organization of the center.



The MOJ will probably adapt this suggested organization to meet the requirements of Mozambique. The consultant suggests that the details be worked out with the California Center's and CEJ of Portugal's TA inputs. A less formal arrangement might make more sense for the CEJ. Nevertheless, it is important that the communication channels be open at all times.

The Superior Judicial School Council could be made up of seven voting members and one non-voting member. They could be:

- the Minister of Justice, President;
- a member of the Council of Ministers;

114

- a member of the *Tribunal Supremo*;
- the Attorney General;
- a member of the *Tribunal Administrativo*;
- the National University's Law Faculty Dean;
- the Director of the Judicial School who serves as Secretary of the Board and is a non-voting member;

The Council:

- formulates general policies;
- approves plans and programs;
- controls, verifies and monitors the plans and programs;
- approves national and international agreements with the Center;
- approves any necessary regulations;
- proposes the Center's annual budget, which would be a separate line item in the national budget; and
- proposes any changes in Center personnel assignments or staffing patterns.

The CEJ should have two operating divisions -- academic and administrative. They are not subdivided, but they are made up of functions which work in the following areas. The Academic Division's areas are: investigations, programming, training courses, publications and evaluations. The administration division's areas are: personnel, budget, management, procurement and investment, travel and per diem, institutional development, systematization of information, libraries and documents, public relations and communications.

B. The Scope of CEJ Activities

The training program should be designed to strengthen the institutional capacity and program of the CEJ, along with providing support to other training activities not sponsored by CEJ. Activities should support the CEJ in the following:

- . Coordination of training activities in the sector;

115

- . Development of curricula;
- . Development of instructors;
- . Participant training for key institutional and instructional staff;
- . Delivery of specific types of training -- mainly consisting of non-traditional courses for criminal investigation, prosecutors in an accusatory system, other new training requirements resulting from reform laws, and training in subject areas where there is a lack of local capability;
- . The development and production of instructional materials particularly those for new curricula areas; and
- . The development and institutionalization of evaluation and follow up programs.

During 1993 and 1994 the majority of courses are planned to be short term refresher courses from 3 to 5 months. For 1995, 1996, and 1997 the MOJ plans to institute more long term formation (basic) courses of two to three years. Both types can be given through:

- direct agreements with local and foreign instructors;
- contracts with universities and other entities to give courses developed by the CEJ; and
- contracts with other entities without the Judicial School's participating in developing the instructional program.

The courses should involve full attendance in the classroom with self-instruction and tutorial services being provided. The latter issue is only at the discussion stage.

The CEJ will provide what educators would term in-service training. Formal pre-service training is accomplished by the law faculty. Nevertheless, since there are so many judges, prosecutors and professional staff without any legal training, the CEJ will be called upon to teach pre-service type courses for these persons assigned as professionals.

The sector generally has interpreted its responsibility to be teaching legal doctrine and procedures rather than technical and administrative matters. The contractor does not disagree with this priority establishment since so many of the individuals performing as judges or prosecutors have very little or no formal training in the codes or procedural matters. Current and recent reform priorities have been civil and criminal codes and procedures with attention to applicable family sections of the codes. However, with the advent of an ongoing training needs identification capability and use, these priorities will be

changing continually. For example, as new laws are promulgated for the family and commercial areas, there will be the need to incorporate the new codes into training programs. Additionally, it will be necessary for the responsible sectors to sponsor seminars or special introductory courses to introduce the new laws. The sector usually has not trained judges in investigative techniques or principles. The last two areas need the Mozambican legal sector's attention.

Some of the possible areas for prioritization for the future CEJ could choose the following areas for priority in instruction:

- administrative process as it relates to the judicial function;
- ethics and how to be a judge;
- personnel management;
- updating knowledge of criminal, civil and labor law;
- civil law;
- civil procedures;
- criminal law;
- criminal code procedures;
- family law;
- commercial law;
- justice reform;
- customs legislation;
- criminology; and
- fundamentals of information and computer operations.

Chapter II suggests that courses can be arranged for about 40-50 instructors. CEJ could arrange for the preparation and publication of teaching materials and periodicals. However, there will be a further need to upgrade the level of the instructional personnel. CEJ should plan to develop and strengthen its teaching staff in three major areas:

- legal studies -- penal, civil, customs, commercial, possibly labor and procedures;
- non-legal studies related to justice -- criminology, psychology, sociology, economics and forensic techniques and medicine; and
- complementary disciplines -- skills which can be taught to improve the administration of the system such as personnel management, office management, information systems and public relations.

C. Coordination of Training Activities Including Completion of Needs Analysis and Multi-year Training Plans

During the Consultant's review, a lack of coordination and cooperation was found in the efforts of the various training activities of the justice sector. The establishment of CEJ, or a coordinated system to deliver training, will fill this gap. As noted in Chapter I, the Working Group has identified large groups of people to be trained but a capability to implement and carry out an on-going training needs assessment still has not been addressed by the GRM. The CEJ should be the focal point of such activities.

D. Training of Instructors

There will be a need to supply resources to train a pool of about 50 instructors for pre-service training, in-service training and hopefully in some type of distance education program. Most of the instructors can come from the roles of current staff from the courts and Public Ministry, the law faculty, practicing lawyers, and some contract expatriate professionals.

E. Participant Training

The contractor is suggesting very limited USAID participant training and only for key CEJ staff. The sector can not afford to have large numbers of its qualified personnel studying abroad.

F. In-Country Training for the Sector's Personnel

The following tables illustrate the GRM's planned and proposed 1993-1997 in-country training program: Funds have been requested from the World Bank and other donors. For better clarity the contractor has organized the plan by institutions, level of employees, and length of training. There is more than enough planned to keep the small CEJ staff busy continually. Summary tables are presented first and then the institutional programs follow:

118

PLANNED TRAINING COSTS
BY YEAR AND BY ORGANIZATION

(\$000)

YEAR

Organization	1993		1994		1995		1996		1997		Totals	
	P/a	Cost	P/a	Cost	P/a	Cost	P/a	Cost	P/a	Cost	P/a	Cost
DNV: (1)	70	\$57	49	\$35	141	\$177	322	\$231	396	\$120	1,327	\$620
PNR (2)	475	\$329.5	375	\$124	375	\$124	375	\$124	375	\$124	2,075	\$1,049
Courts	280	\$249.75	280	\$292.5	390	\$139	390	\$139	390	\$139	1,750	\$759
INAJ (3)	50	\$43.75	50	\$52.5	360	\$109	360	\$109	360	\$109	1,480	\$423
TOTALS	995	\$679	853	\$727	1,266	\$549	1,647	\$603	1,521	\$492	6,312	\$3,051

Key

P/a person months

(1) National Directorate of Registries and Notaries

(2) Attorney General

(3) National Institute for Justice Assistance

SUMMARY WORLD BANK TRAINING TABLE

BY ORGANIZATION

Organization	# Activities	# Trainees	Person Months	(\$000) Cost
National Directorate of Registries and Notaries	5	124	735	620
Public Ministry Attorney General	14	155	2,075	1,048.5
Courts	12	180	1,730	959.25
National Institute for Justice Assistance	7	50	1,180	423.25
TOTALS	40	531	6,512	\$3,050

Table shows \$3,043

(7 round off error)

TS (COURTS)

Year	Target	#	Months	Person months	Cost
2/93-6/93	TS Current Dist. Judges (Refresher)	25	5	125	\$113.75
8/93-12/93	TS Current Dist. Judges (Refresher)	25	5	125	105
1993	TS Spec. Train. (new Lic.)	<u>10</u>	<u>3</u>	<u>30</u>	<u>30</u>
		60		280	\$248.75
2/94-6/94	TS Current Dist. Judges (Refresher)	25	5	125	136.25
8/94-12/95	TS Current Dist. Judges (Refresher)	25	5	125	126.25
1994	TS Spec. Train. (new Lic.)	<u>10</u>	<u>3</u>	<u>30</u>	<u>30</u>
		60		280	292.5
1993	TS Medium Training	10	36	360	109.0
1993	TS Spec. Train. (new Lic.)	<u>10</u>	<u>3</u>	<u>30</u>	<u>30.0</u>
		20		390	139.0
1996	Medium Training	10	36	360	109.0
1996	Spec. Train. (new Lic.)	<u>10</u>	<u>3</u>	<u>30</u>	<u>30.0</u>
		20		390	139.0
1997	TS Medium Training	10	36	360	109.0
1997	TS Spec. Train. (new Lic.)	<u>10</u>	<u>3</u>	<u>30</u>	<u>30.0</u>
		<u>20</u>		<u>390</u>	<u>\$139.0</u>
12 activities		180		1,730	\$958.25

124

FGR (PUBLIC MINISTRY)
ACTUAL PLAN UNDER WB (\$000)

Year	Target	#	Months	Person months	Cost
1993	FGR Admin. Staff (Basic)	30	12	360	\$227
2/93-6/93	FGR Current Proc. (Refresh)	10	5	50	45.5
8/93-12/93	FGR Current Proc. (Refresh)	10	5	50	42
1993	FGR Specific Training (new graduates)	<u>5</u>	<u>3</u>	<u>15</u>	<u>15</u>
		55	25	475	\$329.5
1994					
1994	FGR Admin. Staff (Basic)	30	12	360	\$227
2/94-6/94	FGR Current Proc. (Refresh)	10	5	50	54.5
7/94-12/94	FGR Current Proc. (Refresh)	10	5	50	50.5
1994	FGR Specific Training (new graduates)	<u>5</u>	<u>3</u>	<u>15</u>	<u>15</u>
		55	25	475	\$347
1995 (CEJ FUNCTIONING)					
1995	FGR Current Proc. (Medium)	10	36	360	\$109
1995	FGR Spec. Train. (new grads.)	<u>5</u>	<u>3</u>	<u>15</u>	<u>15</u>
		15	39	375	\$124
1996 (CEJ)					
1996	FGR Current Proc. (Refresher)	10	36	360	\$109
1996	FGR Spec. Train. (new grads)	<u>5</u>	<u>3</u>	<u>15</u>	<u>15</u>
		15	39	375	\$124
1997 (CEJ)					
1997	FGR Current Proc. (Refresher)	10	36	360	\$109
1997	FGR Spec. Train. (new grads.)	<u>5</u>	<u>3</u>	<u>15</u>	<u>15</u>
		15	39	375	\$124
		====	====	=====	=====
14 activities	24	115		2,075	\$1,048.5

122

TRAINING PLAN 1993 - 1997

DNRN (NATIONAL DIRECTORATE OF REGISTRIES AND NOTARIES)

(\$000 US)

Year	Course type - Target	Number Trainees †	Months	Person months	WB Cost	DNRN
1993	Refresher - Assistants †††	30	3	90	<u>57</u>	<u>37</u>
				Subtotal	57	37
1994	Refresher - Assistants	16	3	48	<u>35</u>	<u>20</u>
				Subtotal	35	20
1995	Refresher - Assistants	25	3	75	57	32
	CEJ - Medium term - - Cons. and Notaries	11 ††	36	396	<u>120</u>	<u>60</u>
				Subtotal	177	92
1996	Refresher - Assistants	42	3	126	111	64
	CEJ - Medium term (start 1995)	-	-	-	<u>120</u>	<u>60</u>
				Subtotal	231	124
1997	CEJ - Medium term (start 1995)	-	-	-	<u>120</u>	<u>60</u>
				Subtotal	<u>120</u>	<u>60</u>
	TOTALS	124		735	\$620	\$332

- † All trainees are full time and must leave position.
- †† 10 conservadoras and 1 notary funded for each of 3 years.
- ††† ajudantes - assistants

123

Notes on DNRN Training Plan

- #1 DNRN budgeted 1.0 million local currency per month per person (about \$420 US per person)

- #2 DNRN planned to subsidize instructors at local currency 3,000 per hour (about US\$1.15 an hour)

- #3 Major subject areas include:
 - A. Civil Registers
 - . Buildings
 - . Commercial
 - . Automobile

 - B. Notaries
 - . Civil law
 - . Commercial law
 - . Fiscal law
 - . Administrative law

124

G. Development and Production of Instructional Materials

In addition to the support for the development of curricula and instructional materials under B above, there will be the cost of some equipment to establish a limited capacity to print distance education materials and about six months of local technical assistance to help set up a reproduction. The CEJ should print sufficient copies of pamphlet-type materials for regular and distance education training modules. CEJ could assist materials production efforts in new curricula areas such as prosecution and investigation techniques.

H. Institutionalization of a Training Capability

Training for the personnel of the judicial system is very limited and not of good quality. There is no institutionalized capacity within the judicial system to provide the training which is needed. All analyses of operation of the judicial system indicate that the lack of training for its personnel is a major impediment to its better performance. The magistrates of the Supreme Court and the Attorney General agree that a large training effort is required, and that it would be advisable to establish a common institution, i.e., a Judicial Education Center to provide that training. Implementation of other components will require a substantial training program to be carried out in their support. This component will provide that training, as well as other training needed by the judges, prosecutors, persons responsible for public defense and the administrative personnel of the judicial system. It will also assist in creating an institutional capacity for the judicial system to continue to provide the training needed by its personnel in the future.

1. Persons to be Trained

The World Bank funded Project will begin by supporting training in Mozambique as well as third country training which meets the immediate and obvious needs of the personnel of the judicial system and which provides support to the components of the project. Selected members of the judicial system will be sent for the training so that they will be available to work on the project by the end of its second year. The tentative plan for this component assumes that some form of training will be necessary for members of the judicial system; and that the institution to be created (CEJ) will resemble those that exist in other civil law countries, and will serve both the Judiciary and the Public Ministry as well as the public defenders.

The CEJ will operate under the guidance of the Judicial Council. It will have a permanent staff of three persons. These positions should be financed by the budget of the Judiciary and the Public Ministry. The majority of the instructors will be selected from existing judges and prosecutors: They will receive training in teaching methods.

2. **Composition and Costs of In-country Training Programs**

The planned in-country training costs are summarized below by Project year:

**IN-COUNTRY TRAINING COSTS BY PROJECT YEAR
(\$000)**

<u>Year</u>	<u>Events</u>	<u>Students</u>	<u>\$ Cost</u>
1993	5	155	679
1994	5	141	772
1995	4	81	549
1996	4	87	550
1997	<u>3</u>	<u>45</u>	<u>493</u>
TOTALS	21	509	\$3,043

There will be 509 justice sector personnel trained in 21 events at a cost of \$ 3.043 million dollars.

3. **Expected Outputs**

The outputs to be produced by this component are expected to be:

- yearly training plans setting out the number and types of courses to be sponsored;
- standards for the selection of persons to participate in the courses;
training methodologies for each type of training event;
- curricula and instructional materials for the courses;
30 training events for 560 plus trainees including training of trainers;
- an evaluation of the utility and impact of each type of training event;
- final plans, including specifications for the preparation of physical plant; and

- final plans for equipped facilities for the CEJ.
4. Estimates of Assistance from A.I.D. by Time and Cost

The contractor suggests that USAID/Maputo consider providing its inputs in two phases as follows:

Phase I:

During 1992 provide technical assistance from the California Center for Judicial Education and Research. October-December 1992. Cost - 3 months - approximately \$55,000.

As early as possible in 1992 arrange for key CEJ staff members to attend special on-the-job training programs at the California Center for Judicial Education and Research. November 1992-March 1993.

3 people @ 2-3 months ea. @ approx. \$5,000 per month.
Total - \$45,000-\$50,000.

Phase II:

During 1992 and 1993 provide technical assistance to train trainers, develop curricula and instructional materials. November 1992-October 1993.

12 months TA @ \$20,000 per month - approx. \$240,000.

Phase III: (Optional) - January 1993 - October 1993.

Conduct pilot courses in CEJ for 5 months.

2 courses @ \$50,000 ea. - Approx. \$100,000.

The services above could be provided by a consulting firm or one of the institutions mentioned in Chapter IV.

The estimated USAID inputs are:

BUDGET SUMMARY

**AID INPUTS
(\$000)
Amount**

Phase I (1992)

Technical Assistance	55	
Training	<u>50</u>	
		105

Phase II (1992-1993)

Technical Assistance		240
----------------------	--	-----

Phase III (Optional) (1993-1994)

Training Courses		<u>100</u>
Total		45

Chapter IV

SUGGESTED UNITED STATES TRAINING ORGANIZATIONS

This chapter suggests some United States organizations to help provide technical assistance, develop U.S. university linkages and information exchange mechanisms. The following summarizes our findings by organizations, contact person, address and telephone number and provides a brief description of services they can provide:

A. **Center for Judicial Education and Research**

Paul M. Li, Director
2000 Powell Street Suite 850
Emeryville, CA 94608-1899
(510) 464-3828

CJER personnel can design and conduct tailored training programs in Mozambique, or provide training at CJER in California. The latter could be done with the aid of Portuguese interpreters.

B. **The National Judicial College**

V. Robert Payant, Dean
University of Nevada, Reno
Reno, Nevada 89557
(702) 784-6747

The College has designed and presented special programs for foreign judges, and has translators available.

C. **Howard University School of Law**

Henry Ramsey, Dean
2900 Van Ness Street, N.W.
Washington, D.C. 20008
(202) 806-8000

Howard has provided short courses and study-tours for African judges.

D. University of California, Davis

University Extension
Beth Greenwood
Davis, CA 95616
(916) 757-8569

The University Extension at Davis offers the Orientation in American Law for foreign lawyers and judicial personnel, with emphasis on administration of justice.

E. International Law Institute

Stewart Kerr, Executive Director
1615 New Hampshire Avenue, N.W.
Washington, D.C. 20009

ILI offers 4-week courses to foreign officials, lawyers, and judicial personnel in, among other things, Administration of Justice, and Orientation in the U.S. Legal System.

F. Southwestern Legal Foundation

P.O. Box 830707
Richardson, Texas 75083-0707
(214) 690-2370

The Foundation offers the Academy of American and International Law, which includes such courses as Introduction to American Legal Process.

G. African-American Institute

1625 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 667-5635

The Institute conducts seminars and study-tours for African officials, including judicial personnel. Visitors are assigned interpreters as necessary.

H. Other U.S. institutions that offer judicial training and may accommodate foreign judges in their courses and observation tours of U.S. judicial systems include:

1. **Center for the Administration of Justice Florida International University (Miami, Florida)**
2. **National College of Juvenile and Family Court Judges (Reno, Nevada)**

3. Michigan Judicial Institute (Lansing, MI)
4. Federal Judicial Center (Washington, D.C.)
5. Florida Judicial College
6. New Jersey Administrative Office of Courts

As to other institutions, the International Development Law Institute in Rome offers courses in legal skills, but has no courses specifically for judicial or administrative personnel. There are also judicial training centers in Spain and France that might be of assistance. Finally, we will need to look into training centers in Brazil and the availability of appropriate Portuguese-speaking trainers.

Checchi will pass additional information on to the Mission as it becomes available.

Chapter V

SUMMARY OF TRAINING ACTIVITIES

This final Chapter identifies ten major training activities that should take place for the program to have lasting impacts. It identifies each area and suggests some responsibilities for different organizations, as described in Chapters I to IV. The contractor suggests that A.I.D. can be the catalyst to start some of these programs but considerable support will be required from the GRM and other donors. The activity areas with suggested sponsors in parenthesis are:

1. Structure an on-going training needs identification capability which meets many changes (CEJ);
2. Train trainers (CEJ);
3. Select training materials (CEJ);
4. Develop curricula and course outlines (CEJ);
5. Propose programs for legal professionals without professional training (CEJ and Law Faculty);
6. Carry out provincial and district training for persons delivering justice services (CEJ);
7. Identify non-formal education interventions to promote public awareness of legal system (MOJ, INAJ, DANIDA, and A.I.D.);
8. Suggested needs for training materials, information, and equipment (CEJ);
9. Investigate relations between customary and civil law in developing countries (Law Faculty, A.I.D., and other donors);
10. Evaluation system for training provided (CEJ).

Eight of the ten areas presented above indicate the responsibility of the CEJ which will be called upon to implement a massive, ambitious and complex training program for large numbers of justice sector personnel. Actions 1, 2, 3, 4, 5, 6, 8 and 10 are covered either in Chapters II or III. Items 7 and 9 are elaborated below since the contractor's Scope of Work stipulated their coverage.

A. Identification of Non-formal Education Interventions to Promote Public Awareness of the Legal System.

The press offices of the sector's organizations traditionally have been oriented to recording the personal appearances of the heads of the organization and issuing routine press releases. Furthermore, journalism in Mozambique is in its infancy with limited trained professionals. In general they have not sought to present information about the programs and the problems being addressed by the justice sector. Partly as a result of that situation, the mass media in dealing with the justice sector largely limits itself to reporting violent crimes. This situation contributes to the negative view of the operation of the justice sector which is held by most people in the nation. It is important that the new and improved efforts created by all these activities be perceived by the general public as an improved operation. The contractor is suggesting that Mozambican justice sector and other donors support efforts to accomplish that by supporting the creation of a new approach to public relations in the sector's key organizations and by the publication in the mass media of serious and reliable information concerning the sector and its programs.

These are a variety of programs that the GRM can consider in order to assure that topics which are of importance to the sector reform program are adequately explained to the public. In other countries projects are in place to finance the purchase of weekly space in two or three mass circulation newspapers for use in informing the public about them. This type of activity can also provide training re the justice system and its problems to journalists from the media selected. Those journalists could be expected to prepare articles on the topics selected for discussion, as well as any which may be proposed by the journalists and approved for inclusion. There is the possibility of providing a fund to be used in research by the journalists. However, such an activity should not exercise control over the content of the articles or editorials to be printed. That will be the responsibility of the media and the journalists who are chosen to participate.

The DANIDA (Danish A.I.D.) is providing extensive assistance to Mozambican legal institutions with a budget of 17,269,000 DKK (about \$ 3.0 million U.S.). The team reviewed the information and media campaigns which DANIDA is supporting through INAJ (Justice Assistance Institute) in its efforts to carry out information and media campaigns on legal problems in everyday life, both by means of financial and technical assistance, the latter within media development and communication. DANIDA is supporting INAJ in giving radio broadcasts and preparing printed media with information on various legal problems and citizens' rights and duties as stated in the new constitution. Information to citizens on the multi-party system, election procedures, various new legislations as a result of the new constitution, etc., are anticipated. INAJ is also preparing to publish a quarterly bulletin with DANIDA's support.

Other means of information and media techniques are being identified and elaborated by INAJ in cooperation with a media/communications consultant, who has experience from printed media and radio/audio programs in developing countries.

Overall the INAJ mass media campaign seems to be progressing satisfactorily. Therefore, the consultant is not recommending USAID/Maputo involvement at the present time since many other high priority A.I.D. inputs have been identified. This may well change when the Mission assists the GRM in the electoral processes.

B. Relation between Customary and Civil Laws in Developing Countries

Since 1980 the MOJ has been investigating the relations between customary and civil laws, particularly as they relate to family law. The legal reform action plan, which is an integral part of this delivery order summarizes such investigations and recommends steps to be taken to incorporate the complex areas of traditional law. Unfortunately the security situation has been so difficult that many of the planned field studies and site visits have not been completed. Nevertheless, now it appears that the GRM desires to proceed in reforming these important areas.

Chapter VI

CONCLUSION

In conclusion, the legal education action plan of this delivery order found that the GRM has identified a large group of justice sector personnel to receive training. After extensive discussion and analyses the plan concludes an adequate system to develop, deliver, evaluate and follow up on a large training program is not currently in place. The action plan recommends that USAID/Maputo assist the MOJ establish a judicial education center (CEJ). The suggested A.I.D. resources are selected technical assistance and short term training in the U.S. and/or third countries for the new CEJ staff (3 persons) at an approximate cost of \$445,000 US. Other options and activities are presented for USAID review and consideration.

LIST OF PERSONS CONTACTED**ANNEX 1**

<u>NAME</u>	<u>TITLE</u>
Ossumane Ale Dauto	Minister of Justice
Abdul Carimo Issá	Advisor to Minister of Justice Director of INAJ
Aires Jose do Amaral	Advisor to Minister of Justice Head of Working Group
Ana Pessoa	Acting Director of Department of Investigation and Legislation
Victor Eugeni Sueia	National Director of Registers and Notaries
Mario Fumo Bartolomeu Mangaze	President Supreme Court
Madalena Maquembane	Secretary to Minister of Justice
Jose Norberto Carrilho	Vice President of Supreme Court
Joaquim Salomao Manhique	National Inspector of Registers
Floris Schmitz	Computer expert - UNDP- assigned to University computer center (CIUEM)
Maarit Kinnunen	Volunteer computer expert, Finnish Volunteer Group - Assigned to University CIUEM
Mathew Holden, Jr.	Professor Univ. of Virginia - USIS visiting Professor
Alberto Santos Nbutumula	President of Popular Maputo Tribunal
Gerald McLoughlin	Cultural Attache USIS/Maputo
William Rangle	Fulbright Professor Eduardo Mondlane University
Edward Kempt	Assistant public affairs officer USIS/Maputo
Salvador Eugenio Bazima	Vice Director INAJ
Flina Majurana Gomes	Member INAJ
Benjamin J. Tamele	Member INAJ

Sinai J. Nhatitma	Vice Attorney General
Luisa Capelao	Policy Analyst USAID
Antonio Albano Silva	Lawyer in Private Practice
Bosse Hammarstrom	Swedishe Agency for Development
Jens Haarlov	DANIDA- Danish Embassy
Alirio de Oliveira Ramos	First Secretary, Embassy of Brazil
Pirkko-Liisa Kyostila	Second Secretary, (Development Cooperation) Embassy of Finland
Angelina V. Ernesto Homo	Dept. of Finances and Administration, Ministry of Justice
Vasco Branco Guimaraes	University Professor and World Bank Consultant
Antonio Jose Rosado de Sousa	Cooperation Consul, Embassy of Portugal
Jacomina de Regt	Senior Program Officer, World Bank
Antonio Salvador Siteo	Notary, Maputo
Jose M. Muaves	Director, Registers and Notaries, Maputo
Lidia Juliao B. Miandica	Conservator of Registers for Buildings and Businesses
Charles North	Deputy Program Officer, USAID/Maputo
Julius Schlotthauer	USAID/Maputo Director
John Muller	USAID/Maputo Deputy Director
Justice Fortes	Supreme Court Justice
Chris Dell	Deputy Chief of Mission US Embassy, Maputo
Erasmus Nhavoto	Advisor to Attorney General

Graciela Xavier	Office of Administration, Attorney General's office
Henrique Carlos Machele	Member INAJ
Acucena Xavier Duarte	Magistrate Public Ministry
Alfen Maubique	Community Tribunal Judge
Dommingo Malauhifico	" "
Epitacio Xavier	" "
Maria Alberto	Clerk of Community Tribunal
Antonio Matsolo	Judge, 1st district Tribunal, Maputo
Rafael Sabastao	Clerk, 1st District Tribunal, Maputo
Luis Felipe Sacramento	Supreme Court Justice
Nina Berg	NORAD, Norweigan Embassy
Teodosio Vate	Vice Dean, Faculty of Law
Lucal Verbay Mvula	Student, Training course
Cristovao Aleifo	" "
Sebastiao Ribeiro Manhuia	" "
Kim Cuenco	Urban Planner, World Bank
Gregory Myers	Land Tenure Center
Harry West	Lane Tenure Center
J. Michael Turner	USAID/Maputo DI Contractor
Roberto Chavey	Country officer, World Bank
Teresa Genta Fons	Legal Advisor, World Bank
Deborah Mendelsohn	Country Desk Officer for Mozambique AID/W. Africa Bureau

CAPACITY BUILDING PROJECT
 MOZAMBIQUE
 LEGAL COMPONENT - PPF/FINANCED SEMINAR
 INTERNATIONAL SEMINAR ON JURIDICAL TRAINING
 MAPUTO, 2.17.92
 PROGRAM

17.02.92

- 9.00 H - Opening ceremony
 9.30 H - Break
 10.00 H - Presentation of the Paper:
 "The role of the P.G.R. in the Implementation of
 the Rule of Law State"
 - Moderators: José Norberto Carrilho
 Afonso Armindo Fortes
 11.30 H - Synthesis
 12.00 H - Break
 14.30 H - Presentation of the Namibian Delegation's Paper.
 15.00 H - Presentation of the Paper:
 "The Urgent Need to train Judges for the
 Judicial Courts"
 - Moderators: Sinai Jossefa Nhatitima
 Abdul Carimo
 17.00 H - Synthesis
 17.30 H - Interruption

18.02.92

- 8.30 H - Presentation of the Angolan Delegation's Paper.
 9.00 H - Presentation of the Paper:
 "Tasks and importance of the Administrative
 Court in Mozambique".
 - Moderators: Laura Rodrigues
 Teodósio Uate
 11.00 H - Break
 11.30 H - Synthesis
 12.00 H - Break
 14.30 H - Presentation of the Zimbabwean Delegation's
 Paper.
 15.00 H - Presentation of the Paper:
 "Law Practice in Mozambique: The past, the
 present and the future".
 17.00 H - Synthesis

19.02.92

- 8.30 H - Presentation of the Paper:
 "Ministry of Justice: Present tasks,
 perspectives".
 - Moderators: Luís F. Sacramento
 João Luís Vitorino
 10.00 H - Break
 10.30 H - Synthesis

- 10.45 H - Presentation of the Paper:
 "The role of Juridical Training in the
 development of the Police Forces".
 - Moderators: Afonso Antunes
 Salvador Bazima
- 12.00 H - Synthesis
- 14.30 H - Presentation of the U.S.A. Delegation's Paper.
- 15.00 H - Presentation of the Paper:
 "Juridical Training in Mozambique: Past,
 Present and Future".
 - Moderators: Aires do Amaral
 Açucena Xavier Duarte
- 17.00 H - Synthesis

20.02.92

- 8.30 H - Presentation of the Paper:
 "The Role of the Jurist in Portuguese Society".
- 9.00 H - Presentation of the Paper:
 "The Role of Law in the Economic Development of
 a Society".
 Moderators: João Manuel Martins
 Maria da Luz Veloso
- 11.00 H - Break
- 12.00 H - Synthesis
- 14.30 H - Presentation of the South African Delegation's
 Paper.
- 15.00 H - Presentation of the Paper:
 "The Role of the Jurist's Training in His
 Intervention in a Changing Society: The Case
 of Mozambique".
 - Moderators: Ministers of Justice
 Magnificent Rector
- 17.00 H - Interruption

21.02.92

- 8.30 H - Continuation of the discussion on the previous
 theme (The Mozambican case).
- 10.30 H - Break
- 11.00 H - Resumption of the discussion
- 12.00 H - Break
- 14.30 H - Synthesis of the previous theme
- 15.30 H - Intervention by Dr. Andres Rigo - legal Director
 of the World Bank - African Division
- 16.30 H - Break
- 17.00 H - Distribution of Certificates
- 17.30 H - Closing speech, made by the Magnificent
 Rector.
- 19.30 H - Reception at the Costa do Sol Club.

INTERNATIONAL SEMINAR ON JURIDICAL
TRAINING IN MOZAMBIQUE
(Informal Translation)

THEME: "The role of the Jurist's Training in his intervention
in a changing society: The case of Mozambique".

I - Identification of the institutions benefiting from the
World Bank Program - Capacity Building - Legal
Component.

II - The detected needs.

III - Means of achieving the needs and deadlines:

. Human needs

. Material needs

IV - Concrete programs and predictable costs.

V - Interaction with the bilateral donations.

I - The needs that are often enumerated in national and
foreign reports by trained jurists imply, on the other hand, a
careful definition of the institutions benefiting from funds,
so as to guarantee that the output is duly maximized and
corresponds to an effective embryo of a continuous and
consistent juridical training, so as to by-pass the structural
scarcities which the country is facing. To make our thoughts
more precise: it is intended to make the money invested in
the various training programs, mentioned below, produce
results compatible with the needs, from a point of view of
rationality of the means employed. During the preparatory

work which was done by the Coordinating Working Group, and from the various contributions of this Seminar, there seems to result the need to indicate the following as eligible institutions:

- . Faculty of Law of Eduardo Mondlane University
- . Ministry of Justice
- . Supreme Court
- . Procuradoria-Geral da República (Attorney General)
- . Administrative Court
- . National Institute of Juridical Assistance - Bar Association
- . State and Law School - M.A.E.
- . Training School for Criminal Investigation Police (P.I.C.) agents and inspectors (to be created) - Ministry of Interior.

The choice of these institutions (those that already exist and those that are to be created) obeys the criteria of the knowledge of the existing leaders in them, as well as the challenges and needs brought about by the designation of Mozambique as a rule of law state.

II - A current need of 812 jurists is the result of the universe of the various institutions and of a provision for the private sector (law practice and juridical aid to firms):

Supreme Court and	
courts system	120
<u>Procuradoria-Geral da República</u> and	
subordinated organs	140
Administrative Court	12

Law Practice	150
State Administration and public service under tutelage	110
P.I.C.	150

Besides these institutions, jurists would be necessary in all the other state departments, such as finance, trade, the banks, transport, health, education, etc. It should not be thought that the lawyers in the estimate can fully comply with these needs.

III - According to Dr. Machatine's study, and in the light of the current limitations of the Faculty of Law, it will take at least 25 years to achieve this number of licenciados; in other words, the needs for 1991/92 would only be met and complied with in the year 2016. At the present rate of training, it is the consensus of the institutions that the ideal is to have cadres with a university education; but if it is impossible to achieve such a goal, then it will be necessary to reflect on the higher levels to be given at the Faculty of Law on the one hand, and at the same time to carry out medium level training actions, on the other.

Therefore it is obvious that it will be necessary to create the conditions for an accelerated training that will respect the quality standards that can be demanded in a society of competition which is ruled by the principle of legality.

In the light of the findings, it is important to create conditions to:

- a) increase the enrollments in the Faculty of Law and improve the students' achievement level.
- b) create medium courses in Law that may comply with the immediate needs in the short run;
- c) give technical-practical training courses with the same purpose as that outlined in b);
- d) guarantee the juridical component of the Public Administration School/State and Law School;
- e) guarantee the juridical component in a school for P.I.C. agents and inspectors which may possibly be created;
- f) make sure that specialization courses will be given to the members of INAJ (Bar Association) on subjects such as:
 - Insurance
 - International contracts
 - The banks
 - Collective negotiations
 - International negotiations
- g) guarantee the specialization component or post-graduate training for access to the Bar Association.

The joint effort of the institutions whose planning is now intended should achieve, as an immediate result, a shortening of the time necessary to comply with the Mozambican society's effective needs for jurists. For a better and more profound understanding of the methodology suggested, let us analyse each one of the components.

A - Regarding The Faculty of Law

To achieve the above-mentioned goals, it is important to guarantee the stabilization of the Faculty of Law, by the following means:

- Stabilization of the Mozambican lecturing staff and improvement of their qualifications;
- reinforcing the Mozambican lecturing staff with foreign lecturers, to be recruited mainly through an institutional inter-faculties cooperation aimed not only at their participation in direct lecturing but also at a continuous training of Mozambican lecturers on the job;
- without losing on the quality and requirements, guaranteeing a better achievement level of the students by reducing the repetition and quitting fees;
- guaranteeing a strengthening of the bibliographical core of the Faculty and contributing to an incentive for reading and the taste for acquiring books, promoting the acquisition of these at accessible prices;
- strengthening the indispensable material means for a consequent development of the teaching-learning process (class-rooms, desks, audio-visual equipment, computers, reproduction capability mimeo, photocopy machines, distribution systems, etc.).

The lines of action to develop in the short run will be:

- The establishment of a development program for the Mozambican lecturing staff, namely by means of post-graduate training courses;
- carrying out a study aimed at institutionalizing distance teaching and the reinforcement and consolidation of the volunteer system;
- carrying out a study aimed at the creation of a center for research and for rendering services;
- carrying out a study for the re-structuring of the current curriculum of the course in Law;
- hiring six lecturers, three being Mozambicans and the remaining being foreigners;
- carrying out a study for elaborating a plan of updating courses for lecturers and other jurists in the subjects that are most relevant in the process of economic changes in the country;
- carrying out a study whose purpose will be to frame the necessary stimuli for the effective making and publication of manuals by the teachers;
- carrying out a study aimed at defining the viability of granting scholarships for students in the Faculty of Law who show a high potential for research or the lecturing activity, as a means of stimulating and linking them to the institution;
- carrying out formation and training actions for the staff of the technical-administrative body;

- carrying out a study for the computerization of the pedagogical-administrative activities of the Faculty of Law;
- carrying out a study for a possible implementation of the "U.E.M. Law Faculty Bulletin", a magazine on juridical studies.

In the medium run, the purposes to achieve would be:

- the stabilization of the lecturing staff of the Faculty of Law by hiring another five lecturers, thus totalling nineteen, which is considered the minimum necessary for the purpose;
- increasing the number of enrollments and improving the quality of the graduates;
- an effective gradual implementation of distance teaching;
- institutionalization and normal operation of the center for research and the rendering of services.

A Study-Project for the creation of the Law Faculty reprography Center, endowed with modern material means to guarantee:

- The reproduction of study material;
- the editing and implementation of the Law Faculty Bulletin;
- the editing of material on the history and tradition of the Faculty of Law;
- the procuring of incomes for the Faculty of Law, in order to pay the necessary expenses, namely those of the library;

- a general improvement of the academic and technical-administrative management of the Faculty of Law, with the aid of computers;
- the implementation of a program for the regular acquisition and sale of books;

B - Regarding the Institutions Linked to Justice Administration Areas

This part of the exposition covers the following institutions:

- The Ministry of Justice;
- The Supreme Court and the judicial courts' system;
- The Procuradoria-Geral da República and the organs that are its subordinates;
- The Administrative Court.

At the moment these institutions need a total of 383 jurists. In view of the current situation, which has been analysed before, of the training capacity of Eduardo Mondlane University, it is indispensable to institutionalize a center for judicial studies, in coordination with the effort to create conditions at such a level. During a first stage, this center would guarantee short-term (2+1 years) technical-professional training courses and supply the necessary infrastructure for giving specialization courses - 3 weeks, 3-5 months, with high unit credits, so as to achieve the number of necessary juridical technicians to comply with the current needs and with those that will arise in the meantime within a period that has been established for five years.

As a means to reach these goals, the following is proposed:

In the Short Run

- To carry out a study to define:
 - the institutionalization of a medium level course;
 - a profile of the candidates and the requirements for access;
 - a curriculum of the course (subjects and schedules);
 - didactic and support teaching material;
 - type of premises and place suggested.
- To create and implement short duration (1 year) courses, aimed at complying with the urgent needs of the institutions.
- To give periodical training courses of a short duration (6 months) for judicial and Public Ministry magistrates.
- To give juridical-professional training courses and a periodical capacitation of a short duration (3 to 6 months) for justice officers (administrative support staff).
- To carry out formation and training actions for the staff of the technical-administrative corps.
- To carry out study trips, attend conferences, seminars and improvement courses abroad, in order to achieve the goals outlined above.
- A study of the viability and ways to computerize the sector.

1489

- Reinforcing scholarships.
- Reinforcing a library book fund.
- A study for issuing legislation to complement the Organic Law of the Administrative Court.
- Carrying out seminars on themes that are important for the training of opinion on the tasks to carry out in the medium and term objectives.

In the Medium Term

- Institutionalizing the center of judicial studies.
- Giving training courses for the exercise of the magistrate activity.
- Carrying out specific training courses on precise themes, namely:
 - international contracts;
 - financing contracts;
 - specific areas in law, to be named;
- Institutionalizing post-graduate courses.
- Carrying out studies aimed at finding out the efficiency, acceptance and understanding of the juridical and judiciary system in force.
- Computerizing the sector.

The enunciation of these actions in the short and medium terms is based on the supposition that, during the first stage, the judicial studies center will give technical-professional training and, during the second stage (5 years) it will give specific capacitation training to licenciado jurists, so that they can start working in the magistrate

career. In other words, the judicial studies center will first be a technical-professional institution, and later it will become a specialized professional higher teaching institution.

But it would also have the duty to carry out actions for the periodical and permanent training of judges, procuradores and other jurists.

Anyone who attends or passes the technical-professional course will be exempted for a matriculation examination for the Faculty of Law.

C - Regarding INAJ - Bar Association

In the strict sense of the principles, INAJ also belongs to the administration of justice, since the lawyers, as guarantors of the right to defense, are of vital importance in a state with the rule of law. However, we believe that, due to its peculiar nature, INAJ - the Bar Association deserves an autonomous treatment, first of all because the lawyers and the juridical technicians are independent from the State. On the other hand, the announced establishment of the Bar Association implies the institutionalization of such autonomy and independence, and this would not be compatible with a training program that would be entirely common to other institutions of the law administration system.

For this institution we propose:

In the Short Term

- A study on the institutionalization of a compulsory post-graduate study for all lawyers and juridical technicians to be inscribed (definition of the curriculum, schedule, type of examinations, etc.).
- Holding refresher courses for the lawyers currently inscribed, on specific specialization themes.

In the Medium Term

- Institutionalization of the post-graduate studies.
- Institutionalization of specific and periodical courses.
- Reinforcing of the bibliographical fund.

D - Regarding the Public Service School/State and Law School

As far as this component is concerned, the legal definition will guarantee that the teachers hired by other relevant institutions will lecture the subjects of their specialty at the Civil Service School.

E - Regarding the Ministry of Interior School

The juridical needs detected and the activity carried out by this institution recommend the establishment of a specific school which, in coordination with the Judicial Studies School - definition of the Public Ministry magistrates - would have common preliminary training. Experience advises that after

this common preliminary training the respective specialty should be followed, and the professional training program should provide for the conditioning factors, the goals and the means to use.

We thus propose the following:

In the Short Term

- A coordinated study with the provisions for the Judicial Studies Center, so as to harmonize the basic needs of the Ministry of Interior in the legal definition and emphasise the specifics of police investigation functions, so as to obtain a specific curriculum that will be more in harmony with the above-mentioned institutions.
- Taking part in technical-professional training courses, to be given by the Center of Judiciary Studies.

In the Short Term

- Institutionalization of juridical support to an eventual school for PIC agents and inspectors.
- Participation in the library book fund.

Among these measures, the following demand an institutional coordination as a means to make the best of the expenses and rationalize the means:

- the teaching system (Center of Judicial Studies/Faculty of Law/other schools);
- the establishment of a Center of Judicial Studies;
- the reinforcing of the library book fund.

RESOURCES

The fulfillment of the present tasks demands a set of resources, which are described in detail in the reports by the various institutions, an area where the Mozambican Government's efforts will have to prove decisive, due to the World Bank's strict rules for this kind of acquisition.

IV - In item 3 we described the various studies and goals to achieve. From the various lines of action outlined, and with the contributions to collect from this seminar, descriptive charts of the actions to take, the deadline for execution and predictable cost will result.

V - If there are several donors for the judicial area, we will again use the idea that was proposed by Dr. Beverly Carl: to create a consultant council of donors at the relevant institutions, so as to effectively coordinate the actions to sponsor and avoid wastes and/or an unnecessary accumulation and achieving precise and clear goals defined beforehand by the Mozambican counterpart. This definition of the problem should contemplate the complementarity for the achievement of the goals, as is already being done at the present stage, with the short duration courses attended by Mozambican technicians.

Maputo, February 1992

134

Statement of Work

1. Objective

The objective of this consultancy is to facilitate legal sector reform by providing specialized technical assistance to the Government of Mozambique (GRM) and other entities involved in provision of legal services and administration of justice to undertake a sector survey and develop action plans in the areas of legal education and drafting of legislation as required and as time permits.

2. Background

a. General

Mozambique currently suffers from the compound effects of years of underdevelopment, lack of human and financial resources in the years following independence, ineffective policies, intermittent but severe drought and prolonged insurgency which has displaced massive numbers of people and rendered normal life impossible for millions more. It is generally estimated that 50-60 percent of the population live in absolute poverty.

Mozambique gained independence from Portugal in 1975. Shortly thereafter, the vast majority of Portuguese, who represented both the bulk of the educated human resource base and the main source of domestic capital and entrepreneurship, departed, leaving the government ill-equipped to begin the daunting task of nation building and social and economic development facing it. In the years which followed, the escalating insurgency devastated rural communities, swelling the numbers of displaced persons and refugees dependent on emergency assistance, and increasing migration to the cities. The confluence of domestic and external problems resulted in a rapid collapse of both domestic production and foreign investment in the economy in the early eighties.

In recent years, however, the GRM has radically changed its economic development policy. An economic reform program (ERP) which has involved a fundamental but gradual shift towards achieving macro economic stability, reducing the comprehensive structure of controls, and facilitating the emergence of the private sector as the major engine of economic growth, was instigated in 1987, and has reversed the previous economic decline.

Economic reform has also been accompanied by moves towards political liberalization, which may well be as important as economic restructuring in determining the success of Mozambique's economic rehabilitation efforts in the long term. From 1987, the

155

government began to re-examine its philosophy of central control and in 1990 a new constitution which makes provision for greater civil liberty, freedom of expression, an independent judiciary and a competitive multi-party system was enacted. Since that time, a number of laws protecting rights enshrined in the constitution have been drafted, several political parties have been formed and the GRM has committed itself to multi-party elections.

In spite of progress made under the economic reform program, Mozambique remains one of the world's poorest countries, with a per capita income of \$80-100 per annum. Food aid currently provides nearly 35 percent of marketed grains. Exports provide only 15 percent of the cost of imports, with the remainder being financed by donors. Donor support covers nearly half of budgetary expenditures. Even with net new lending and extraordinary balance of payments support estimated at about \$85 million for 1991 and projected to average about \$900 million through 1995, Mozambique will have an annual financing gap of about \$400 million per year. Taking debt rescheduling into account, current estimates indicate that the GRM will need on average additional external assistance of \$90 million per year to meet its financial requirements under the ERP. Additionally, the next phase of macro-economic reforms will be politically challenging given that they coincide with moves toward a more open political system and holding of competitive elections.

b. Legal Sector

Mozambique operates under a civil law code, with a legal system which is currently an amalgam of the system established by the Portuguese prior to independence and a variety of laws passed since independence in support of a changed political orientation. This system needs to be redefined to make it more internally coherent, bring it in line with the current political and economic order, which has undergone radical changes since the instigation of the economic reform program in 1987, and ensure that it is reflective of the new constitution. There is a need to consolidate legislation, to remove outdated laws from the statute books, to modernize other laws, to write new laws, to develop new legislation in support of provisions contained in the new constitution, and to protect constitutionally defined rights.

The task of restructuring the legal system, improving the provision of legal services, and developing an independent judiciary is complicated by the acute shortage of trained legal personnel, low levels of education, and lack of basic materials necessary for the administration of justice. The court system is under considerable strain, and while the constitution defines the right to legal assistance, there are very few lawyers or para-legal personnel, no functioning system of advice centers or legal aid, and little public awareness of the rule of law.

Additionally, the political and economic changes of the past few years have placed new demands for specialized knowledge on the legal profession.

3. Scope of Work

a. General

The general purpose of this consultancy is to provide technical assistance to undertake a legal sector survey and needs assessment, and perform specific tasks in the areas of legal education and legislative reform as agreed upon with the GRM and USAID. In order to achieve this general purpose consultants with specific expertise in civil law systems, legal education, constitutional law and drafting of legislation will visit Mozambique to work with the Ministry of Justice and other selected counterparts.

b. Specific

The technical assistance in support of legal sector reform will:

-- undertake a sectoral needs assessment to determine legislative, judicial and other legal system requirements for implementing provisions of the new constitution and otherwise strengthening the effective enforcement of legal rights in Mozambique;

-- develop an illustrative action plan indicating legal education requirements, and make recommendation for training, technical assistance, sources of material, personnel and financial support, study tours, internships, seminars and legal programs to meet such requirements;

-- develop an action plan for legal reform, make recommendations for technical assistance, training and other support, and assist with the drafting of necessary legislation as required and as time permits.

Consultants providing such technical assistance will work with the Ministry of Justice, the Supreme Court, the Law School, and the National Institute for Legal Services, as well as with other Mozambican counterparts recommended by these entities. They will also liaise with persons in the Ministry of State Administration currently analyzing patterns of traditional law and authority, and with groups undertaking research into the legal status of women. In addition, the consultants will meet with those donors who are providing assistance in the legal sector.

Sector Survey

The overall aim of the survey will be to assess the current status of the legal system in Mozambique, define its present and projected needs, and establish what assistance is currently being provided or might potentially be provided by other donors.

Specifically, the survey will:

- assess the relationship between the executive branch and the judiciary and suggest measures to promote the independence of the judiciary;

- analyze the structure of the legal system, including examination of the administration of justice in Mozambique, and make recommendations for development or revision;

- examine the constitution, analyze existing legislation and make recommendations for additional requirements to protect constitutionally defined rights;

- conduct a preliminary training needs assessment, and develop a budget and preliminary schedule for possible activities, study trips, training seminars and material needs.

Legal Education Action Plan

The general objective of the legal education action plan will be to assist the Ministry of Justice, Supreme Court and other entities involved in the provision of legal services to develop an overall action plan to meet immediate legal education needs in Mozambique. Given the assistance already being provided to the Law School, the legal education plan will focus attention on in-service training for lawyers and members of the judiciary, basic legal education for para-legals, court reporters and judges without professional qualifications, and public information needs.

In developing the legal education action plan, consultants will work with their Mozambican counterparts to:

- prioritize legal education needs and plans in the context of potentially available resources, identify training options to meet prioritized needs, and make recommendations for pursuing options based on cost effectiveness, duration and timing of training, and numbers trained;

- identify organizations in the United States which could help provide assistance, establish linkages between relevant organizations, universities and professional associations, and develop mechanisms for exchange of information;

-- identify training materials and training of trainer activities which might be of use in Mozambique, and assist with the development of training programs for those members of the legal profession without formal legal qualifications;

-- develop and outline a program of training workshops for court officials and persons involved in the provision of legal services at the provincial and district levels;

-- identify non-formal education interventions to promote public awareness of the rule of law and legal rights;

-- define and prioritize legal education training materials, information and equipment needs.

Legal Reform Action Plan

The overall purpose of the legal reform technical assistance will be to assist the GRM to define immediate legal reform requirements, identify specific technical assistance and training needs, and to provide, time permitting, limited assistance in drafting legislation as agreed upon with the GRM and USAID. Given the limited duration of the technical assistance, the consultant will give priority to identifying legislation required under the constitution, and developing terms of reference for specialized assistance to help draft such legislation. Other tasks described in this scope of work will be undertaken in order of priority agreed upon by the consultant, the GRM and USAID.

In developing the legal reform action plan the consultant will work with Mozambican counterparts to:

-- review the constitution and define the number and nature of laws required to implement the provisions of the constitution and protect constitutionally defined rights;

-- liaise with relevant sectoral Ministries and other donors to ascertain assistance already being provided or scheduled to be provided to assist with drafting of legislation;

-- discuss the interface between customary and civil law with persons undertaking research in this area, identify areas of tension between the systems and suggest possible strategies to reduce such tension; and

-- based on such review, draft terms of reference for specialized technical assistance to assist with drafting of legislation required under the terms of the constitution;

-- review existing legislation in specific areas defined in consultation with the Ministry of Justice and identify laws which need to be amended or re-drafted in conformance with the changed economic and political environment;

-- ascertain type and level of technical assistance available from other sources to meet requirements, and draft terms of reference for specialized assistance to meet remaining needs;

-- determine training needs to facilitate drafting of legislation, and assist with the preparation of seminars to meet immediate needs if required;

-- determine and prioritize resource material and information needs to strengthen Mozambican capability to draft required legislation.

4. Required Level of Effort

One consultant is required for a one month period to undertake the legal sector survey. Three consultants are required for a period of two months each to develop the legal reform and legal education action plans. In addition, five days preparation/closure time in Washington are included for each consultancy.

The consultants should all have considerable experience of working with legal reform in civil law systems, preferably in a country such as Mozambique in which both the economic and political systems are in transition, and which is beset by enormous difficulties in terms of human resources, weak administrative systems, and public awareness of the rule of law. Portuguese language facility is necessary for all consultants, and essential for the consultant providing assistance in legal reform. It is unlikely that travel outside of Maputo will be required during the legal reform consultancy. Limited travel outside of Maputo may be required during the course of the other consultancies.

The consultant responsible for undertaking the sector survey should have considerable prior experience of undertaking such work in developing countries, preferably those which have a civil law system. Knowledge of Portuguese and Brazilian legal systems would be advantageous.

Two legal education specialists are required, both of whom should have experience of working in developing countries which have a civil law system. One of the consultants should have experience of designing in-service training programs for judges and trained lawyers, preferably in a developing country context, and of assessing legal education needs in order to strengthen the administration of justice and provision of legal services. The other legal education specialist should have experience in non-formal education, designing basic training programs for persons without professional training who are nonetheless providers of legal services, developing public awareness programs, and examining the interface between customary and civil law in developing countries.

The legislative reform consultant must have considerable experience in undertaking legislative reform needs assessments, preferably in developing countries. Preference is for an individual with specialized knowledge of constitutional law, civil law codes, and experience of drafting legislation. Knowledge and experience of the Portuguese legal system is essential, and knowledge of the Brazilian legal system desirable. Prior experience regarding legal reform in a Lusophone African country would be advantageous.

5. Required Reports

The consultants will be required to produce a summary report following each consultancy. Six copies of each report, in English, should be submitted. Such summary reports should indicate major activities accomplished, problems encountered, and recommendations for future action. In addition, action plans, terms of reference for additional technical assistance, training plans and/or other written documents as specified in Section 3, Scope of Work, will be produced during the course of the consultancies. Drafts of summary reports will be discussed with Mozambican counterparts and USAID prior to the consultants' departure from Mozambique. Final reports will be completed upon the return of the consultants to the United States, and be forwarded to USAID not later than ten days after the completion of each consultancy. Ten copies of the final report, with an Executive Summary in both English and Portuguese, will be provided. USAID will be responsible for forwarding the final report to the GRM.

6. Relationships and Responsibilities

The contractor will be responsible for providing consultants with specialized skills to undertake the tasks outlined in Section 3, Scope of Work. The contractor will forward copies of resumes of potential candidates for each consultancy to USAID which will act as liaison between the Ministry of Justice and the contractor during the selection process. The selected consultants will work directly with those persons in the Ministry of Justice, Supreme Court, Instituto Nacional de Assistencia Juridica, the Law School and other entities substantively involved with the provision of legal services, development of legislation or legal sector reform.

To facilitate such linkage, the Ministry of Justice will be responsible for establishing a working group comprised of representatives of the Ministry of Justice, Supreme Court and other relevant governmental and non-governmental entities, which will have overall responsibility for developing the schedules for the consultancies, and ensuring that Mozambican counterparts are appointed.

The consultants will be briefed by U.S. Government officials prior to their departure from Washington. In Mozambique they will meet with appropriate USAID/Mozambique, USIS and Embassy staff prior to beginning the consultancy, and will hold regular meetings with USG Mission staff during the period of the consultancy. They will give a close-out briefing to the USG Mission prior to departure from Mozambique, and to U.S. Government officials upon their return to Washington, if required.

7. Logistic Support

a. Ministry of Justice. The Ministry of Justice will have primary responsibility for coordinating Mozambican participation and for establishing a working group as previously described. This group will brief the consultants upon their arrival, make available all relevant background materials, ensure that appropriate counterparts are assigned, and arrange all meetings with GRM officials or non-governmental personnel. The Ministry of Justice or the working group will also be responsible for making all in-country travel arrangements and providing office space for all consultants to permit them to carry out their work.

b. USAID/Mozambique. USAID will coordinate arrangements for study trips by Mozambican personnel with the contractor, and will assist with travel arrangements and visa requirements. For the consultancies to Mozambique, USAID will provide background briefing materials and arrange initial meetings with legal sector working group personnel. It will also make hotel reservations, meet and assist the consultants upon arrival and confirm outward travel reservations. Funds provided under the travel/transportation budget line-item may be used for car hire. Access to the USG Mission health unit is permitted in accordance with established regulations, and funds included in the miscellaneous budget line-item may be used to cover the costs of such use.

c. Contractor. For the consultancies to Mozambique, the contractor will be responsible for arranging all meetings for the consultants in Washington, and for all required administrative and logistical support in the United States. It will also be responsible for obtaining required visas, medical and emergency evacuation insurance, and arranging travel to and from the United States. The contractor will be responsible for meeting their computer equipment needs during the consultancies.