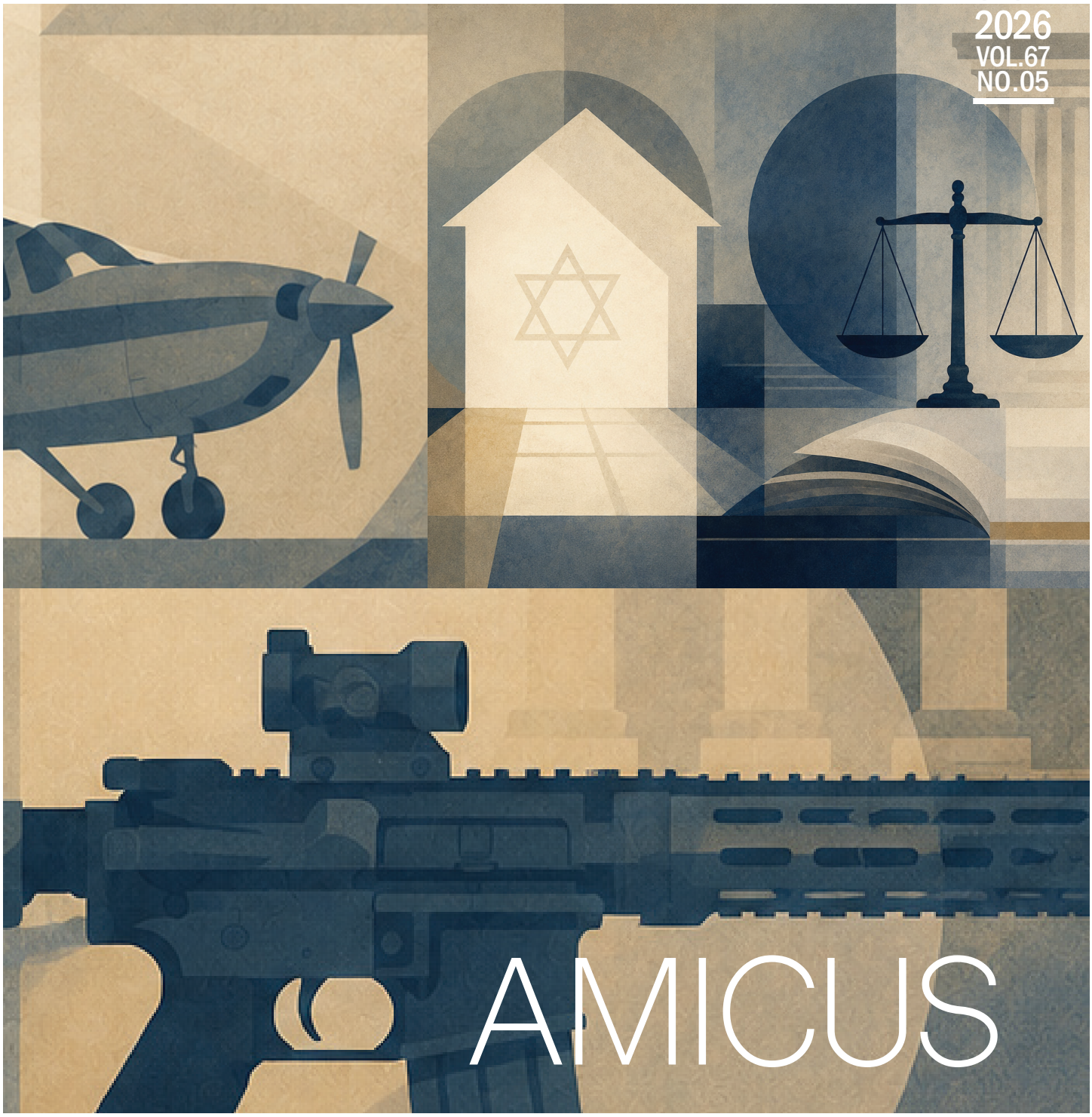
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Dispatch One: Zambia

Contributed by Erin McSherry

Greetings from Lusaka, Zambia's capital city. Lusaka is a sister city to my hometown, Albuquerque, New Mexico. For the last two months, I interned with the Lusaka Local Authority's Legal Services Division. I also learned about Zambian governance through research, interviews, and observing the buildup to the country's national and local elections.



Geographic Context

Zambia is a landlocked country in southern Africa, bordered by eight other countries: Angola, Democratic Republic of the Congo, Tanzania, Malawi, Mozambique, Zimbabwe, Botswana, and Namibia.

The Zambezi River forms much of Zambia's southern border — including Victoria Falls, or Mosi-Ao-Tunya ("the Smoke that Thunders") —and is the source of the country's name. I visited the Zambia side of the falls, from Livingstone, Zambia, sister city to Santa Fe, New Mexico. The Livingstone Legal Services Director and I later visited the Zimbabwe side of the Falls together.

A relatively new democracy, Zambia gained its independence from Britain in 1964. Depending on what source you consult, its residents have 72 or more local languages and are members of 70 tribes. Although English is the official language, only about two percent of the residents speak English as their first language.

Zambia is about the same size as the U.S. State of Texas and the South American country Chile. The population is somewhere between the U.S. States of New York (20 million) and Florida (23 million).

As one of the most urbanized African countries, more than 44 percent of Zambia's residents live in urban centers. Approximately 2.4 million people live in capital city Lusaka, a population that more than doubled from around 1 million residents in 2000. As you can imagine, the municipality's growth has had a big impact on the local government, from public safety to land-use planning.

Government Structure

Zambia is composed of municipalities governed by "local authorities." Municipalities span all geographic space in the country, much like counties in the United States. Local authorities, however, are the only local government and administer services that, in the U.S., might be divided between counties and municipalities.

The "Legal Services Division" of a local authority is the analog to a city attorney's office.

> The day we met, an advocate (attorney) from the Lusaka Local Authority asked me,
>
> "What do you mean when you say, 'federal government'?"
>
> I smiled, amused to see the water in which I swim.

According to the Zambia's Constitution, the President's and national cabinet's rights, functions, and powers are "devolved" to the ten provinces and local authorities. In other words, Zambia is a unitary government rather than a federation of states or provinces. Therefore, it has no "federal" government. The fully integrated government allows Zambia to have one licensing authority for its attorneys, one bar exam, and one court system. And, therefore, unlike the United States, Canada, or Mexico, Zambia does not have elected governments serving between the elected national government and elected local authorities.

Rather, the Zambian President appoints "Provincial Ministers" and "Provincial Permanent Secretaries"

Opposite Page: In front of Lusaka City Centre (City Hall) with Lusaka Interim Legal Services Director, Audrey Mwanamakondo.
This Page: Victoria Falls Photo with Livingstone Attorney Shekinah Katundu



Selfie taken by Jonathan Chinene, member of Lusaka Legal Services Division and Section Lead for licensing. Jonathan's local government involvement began in high school when his peers elected him "Junior Mayor" of Lusaka, part of a collaboration on youth leadership between Lusaka and its sister city in Sweden, Lidköping.

to administer the country's ten provinces. Provincial Ministers are National Assembly members appointed to implement national policies in the Provinces, and they oversee the local authorities' adherence to the constitution and other laws. Permanent Secretaries manage the operations of the provincial administration, including finances and human resources.

The Zambian President also appoints National Assembly members as executive cabinet ministers. This is similar to the Prime Minister's appointment of cabinet ministers in the United Kingdom, but without a king's involvement. Both types of ministers in Zambia–Cabinet Ministers and Provincial Ministers–retain their voting rights in Parliament, resulting in some members of Parliament having both executive and legislative roles. With recent constitutional amendments, National Assembly members will also serve on their local authorities' councils, giving them both local and national legislative roles.

Furthering the unitary government, a national "Local Government Act," adopted by Parliament, requires the Ministry of Local Government and Rural Development to approve local authorities' "bylaws" (local ordinances) before they are effective. The Local Government Act also governs the minimum number of meetings each local council must hold and requires a "Provincial Local Government Officer" to give permission before a council can convene outside the meeting schedule prescribed in the Local Government Act.

Also furthering the unitary government, and with the goal of creating a more integrated country that is formed from regionized local ethnicities, a presidentially appointed "Local Government Civil Service Commission" acts on behalf of the President and hires and places most professional and specialized local authority employees. The Commission's authority to hire and reassign duties includes town clerks (the equivalent of city managers but also charged with local election administrative duties) and attorneys. The Commission may assign employees to new jobs and locations at any time. As a result, a town clerk or legal services director, without having expressed interest in a move, may be assigned to a new role in a new local authority, perhaps a 10-hour or more drive away. A Town Clerk described receiving notice that, "effective immediately," she had been promoted; she was appointed to serve as Town Clerk in a different, bigger city, several hours away.

Every five years, the Presidentially appointed Electoral Commission of Zambia, or "ECZ," oversees the elections for President and National Assembly members, along with the elections for local authorities' mayors and

councilors. No other elections are held for governing officials unless a vacancy requires a replacement. This system is a marked contrast–and likely simpler for voters– than my experience in a U.S. municipality: elections every year, either federal, state, county, and/or municipal offices, sometimes a combination of several categories, and sometimes also for school boards, water and utilities oversight bodies, etc.

To avoid office holders from using their positions to advantage their party or while campaigning individually, Parliament and local authorities' councils are "dissolved," and ministers must leave office ninety days before an election.

I arrived in Zambia during the 90-day dissolution period. While that means I did not observe the local authority's council meetings, the elections provided substantial material for observation and research.

Legal Education

Law is a four-year undergraduate degree, followed by one year of post-graduate study at the "Zambia Institute of Advanced Legal Education" or "ZIALE", to prepare for the Zambian bar exam. While it's permissible to study an undergraduate law program in other parts of Zambia or even certain other countries, ZIALE is only available in Lusaka. As a result, all candidates for licensure in Zambia live in the capital city for at least one year. ZIALE requires its students to have a legal internship. Several of the Lusaka Local Authority's senior legal assistants I've worked with are interns who are enrolled in ZIALE.

The first-time passage rate on the national bar exam is often in the single digits, resulting in much public debate. Is the training sufficient for preparation for the exam? Is the cost worth the burden of tuition and the investment of time? In 2019, five out of 355 first-time test takers passed the exam, a 1.4% pass rate. If a student passes four or more of the 11 units, the student does not have to retake those units. Three or fewer? The student must retake the entire exam. If, after three years, a student has not passed all 11 subjects, the student must wait three years to re-enroll in ZIALE and start the process over again.

Law Practice

The day-to-day activities involved in representing a local authority are quite similar to representing municipalities in the United States – meeting regularly with clients, writing advisory documents and court filings, researching statutes and case law, advising clients, and speaking on behalf of the local government in designated fora and with other legal agents.

After independence from Britain, Zambia maintained a common law legal system that relies on jurisprudence to interpret its constitution and other laws, much like the



In Front of Zambia Supreme Court and Constitutional Court with Local Authority witnesses (left) and Litigation Section Lead and Advocate, Mwenya Mwanakatwe (right)



Fast Track Court team, with Prosecution Section Lead, Charity Kabamba (far left), Prosecutor Assan Mwale (third from left), Erin, interpreters, and court staff.

legal system in the United States. Unlike the U.S., when faced with a novel constitutional question, Zambian lawyers, judges, and academics consult analyses from appellate courts in other Commonwealth countries for serious consideration and potential guidance.

In court, judges above a magistrate level wear white wigs. Attorneys may wear white wigs. Some do. Attorneys must wear full collars and black robes in court proceedings above the level of a magistrate.

Not only do "all rise" when a judge enters the courtroom. In addition, while standing and facing each other, the judge, attorneys, and public bow at the same time before taking their seats. I like the practice; it feels like an agreement: a solemn process is about to start, and we're all recognizing it, together. If you enter the room later, you bow as you enter.

For on-record matters in trial court, judges take handwritten notes, requiring witnesses to pace their testimony.

In civil litigation, cases begin with a writ of summons. Rather than conducting depositions with opposing parties' witnesses, advocates base their cross-examinations on witness affidavits. The result: cross-examinations that can surprise both witnesses and counsel.

A 2020 court rule requires a litigant to send a demand letter before initiating almost any type of civil litigation. The demand letter must set out, in detail, the claim and the circumstances surrounding it. The litigant must document the opposing party's receipt of the demand letter at least 14 days prior to the initial lawsuit's filing in court; the intent is to encourage pre-litigation resolution of disputes when possible.

For criminal cases, all prosecutors in the country work on behalf of the national "Director of Prosecutions", appointed by the President. Jury trials are not used. Because 98% of the population's first language is not English, but court is conducted in English, proceedings often begin by asking the defendant "language?" Then one or more interpreters translate for the defendant and witnesses in one or more languages. The predominant first languages in Lusaka are Nyanja and Bemba. In "fast track court" for low-level crimes and traffic violations, Nyanja and Bemba interpreters stationed at the front of the courtroom spend the day switching off interpreting duties; occasionally they have a break if a defendant prefers English.



From left to right: municipal employees from the finance department who served as arbitration witnesses, Contracts Section Lead and Senior Advocate Sydney Banda (third from left), legal assistants Thelma Mafumba and Ane Namwila, and Erin McSherry.

Internship & Independent Research Highlights

To kick off my internship, I met with each Legal Services "section" lead (deeds, litigation, contracts, estates, prosecution, and licensing). Each conversation left me with more questions and more reading to do! For example, from the deeds section, I learned about Zambian land reform post-independence. The reform sought to address absentee landowners, along with significant informal development (unregulated development or squatting). Land ownership is now limited to 99 years in regularized areas and 30 years in "improvement areas" where settlement took place without authority.

These initial conversations and experiences led to more informal conversations about our respective countries' governments and law practices. Consistent points of interest about the U.S. government and legal system included states' reserved rights, state and federal court jurisdiction, and the U.S. Juris Doctor degree. One of the attorneys and I met to discuss *Trump v. Barbara*, the U.S. Supreme Court case regarding birthright citizenship.

Over the course of the following weeks, I observed matters in various courts and attended an arbitration in the "Lusaka International Arbitration Centre." After the arbitration, Senior Counsel Sydney Banda assigned me to write the Local Authority's defense brief, in the next arbitration. I had a brief mental protest: I'm not licensed in Zambia, and I didn't know the local rules!

Ultimately, the drafting project was a highlight. Counsel Banda, two legal assistants, and I reviewed the case file together and brainstormed the local authority's legal position. The petitioner- lessee claimed that the municipality had, by implied consent, extended an expired lease for its agency advertising rights on a four-way pedestrian bridge. The right to sell advertising space at the intersection had become significantly more lucrative since the municipality signed the original lease, 14 years prior. We also discussed the politics of the case (the petition alleged attempted bribery by councilors) and appropriate city witnesses.

The drafting required me to research finer points in Zambia's constitution, statutes, and case law. Luckily, I had examples to work from, and Counsel Banda recommended some cases as a starting point.

Outside the internship, I read up on Zambian laws and legal issues and connected with other Zambians involved in law and governance. Notably, I met with attorney Linda Kasonde, who served as the first woman president of the Law Association of Zambia ten years earlier. In that role, she prevailed in enforcing the constitutional requirement that Ministers leave their posts 90 days before an election. Afterward, she founded "LCK Freedom Foundation", which is dedicated to "advance constitutionalism, human rights and the rule of law."

The LCK Freedom Foundation has a case pending in the Zambia Constitutional Court that, if successful, would render void recent constitutional amendments that, among other changes, created over 100 new parliamentary seats. Watching the five-hour appellate arguments before a nine-judge panel of the Constitutional Court was another highlight of my time in the country. The outcome could shape the country's future.

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Depicted Flight Routes Are Symbolic

About Erin McSherry and the Fulbright Award

Erin McSherry resigned her post as City Attorney for Santa Fe, New Mexico in December 2025. She had been contemplating taking an extended break, and then she received a Fulbright Award for a project that began in January, 2026.

Fulbright awards come in several types. Erin received the "Global Scholar" award. It funds up to six months, with up to two months in up to three countries. Proposals can be for research, teaching, or a "professional project". Her proposal was a professional project comparing local governance and legal representation in New Mexico sister cities in Mexico, Zambia, and Spain. Her day-to-day activities include observing city council meetings, court hearings, and legal education; interviewing and collaborating with lawyers and government officials; and conducting independent research.

She focused on municipalities that are New Mexico sister cities to build upon existing relationships and the sister city mission: "to promote peace through mutual respect, understanding, cooperation – one individual, one community at a time."

You can also read more about her project, the places she is visiting, and related topics on her Substack: https://substack.com/@erinmcsherry, including entries such as "What is a Sister City, Anyway?": https://erinmcsherry.substack.com/p/what-is-a-sister-city-anyway?r=3ji96g

Please Note

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