

# ADVOCATUS

NEWSLETTER

MAY 2022

MS. LINDA KASONDE

INSPIRING THE  
NEXT GENERATION  
OF LEGAL  
PRACTITIONERS

MORALITY AND ITS  
RELATION TO BUSINESS  
LAW

MORALITY AND BUSINESS  
LAW

ENVIRONMENTAL LAW AND ITS  
REGULATORY INEFFICIENCY

IS ENVIRONMENTAL  
LAW EFFECTIVELY  
SERVING ITS PURPOSE

CYBER LEGISLATION: FORCASTING  
THE FUTURE OF CYBERCRIME AND  
CYBERTERRORISM

FOCUSING THE FUTURE OF  
ZAMBIAN CYBER LAWS

THE UNIVERSITY OF LUSAKA ACADEMIA AND LEGAL WRITING SOCIETY

THE **ADVOCATUS** NEWSLETTER

ISSUE No.1

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## EDITOR'S NOTE



The ADVOCATUS is the University of Lusaka Academia and Legal Writing Society's (UNILAW) premium peer-reviewed newsletter. It contains legal articles written and submitted to its student led editorial board by the University of Lusaka LLB students in all modes of study.

This inaugural newsletter contains articles focusing on addressing three issues, namely, Cyber legislation: focusing the future of cybercrimes and cyber terrorism; morality and its relation to business law; and environmental law and its regulatory inefficiency. It also contains articles aimed at educating people about the esteemed University of Lusaka and how it builds students into reliable and productive employees, employers and citizens.

On behalf of the editorial board, I would like to pass my gratitude to all the Students who took time to submit their articles to the UNILAW editorial board. This newsletter would not have life if not for their participation. I would like to pass my gratitude to the school management for their countless efforts in building us into productive citizens. This is indeed the best University to be at.

Yours faithfully,

Davison Mwale



Editor-in-Chief | the University of Lusaka Academia and Legal Writing Society (UNILAW).

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# THE ADVOCATUS

## THE INTERNET AS A PLAYGROUND FOR SEXUAL PREDATORS.



CHEWE MWESHI

### INTRODUCTION

The internet is said to be a new technology that connects computers all over the world.<sup>1</sup> Access to the internet in this century is made possible as a result of information and communication technology such as phones and computers.<sup>2</sup> The fast development of information and communication technologies and the covid-19 pandemic has led to a vast increase in the number of children accessing the internet around the world.<sup>3</sup> This access to the internet has become particularly important for children as it helps them to harness the potential benefits of these technologies by offering opportunities for empowerment, social interaction, and learning.<sup>4</sup> However, the internet is a double-edged sword that has a vast amount of negative effects. It can potentially be misused for illegal purposes such as sexual abuse and exploitation.<sup>5</sup>

### CHILD GROOMING

Today, children, i.e. persons below 18 years of age<sup>6</sup> are even more vulnerable to online sexual abuse specifically online grooming as a result of the increased internet exposure and unsupervised online access.<sup>7</sup> The ability to be anonymous on the internet and access to advanced computers and phones have contributed to sexual offenders having access and being able to groom children for sexual activities across national and international boundaries.<sup>8</sup> As a result, international organizations such as the United Nations have called on member states to protect children from online grooming.<sup>9</sup> Therefore, it is important to understand what online grooming is and whether the international community, regional community, and individual states specifically Zambia have done anything in response to this form of sexual abuse. Online grooming (also known as a solicitation of children for sexual purposes) of a child refers to the use of the internet or cyberspace to establish a relationship or initiate online contact

with a child to facilitate either non-contact (online) or contact (offline) sexual interaction with a child such as cyber-sex or sex with physical contact.<sup>10</sup> The offence of grooming tends to involve psychological manipulation that is calculated, controlling, and premeditated to establish an emotional connection with the child to lower their inhibitions.<sup>11</sup> Before the grooming process begins, the sex offender will choose the target area which is more likely to attract children. This could be in the offline world and would be a venue such as a school, mall, or playground.<sup>12</sup> However, in the online world identification in public forums including social networks such as MySpace, Facebook, or online gaming sites, and then proceed to communicate with the child in a private online setting.<sup>13</sup> The grooming process begins once the offender takes a particular interest in a child and makes them feel special as a pre-condition to abusing the child<sup>14</sup>

In addition, the offender may manipulate the child by falsifying their age, offering gifts, or empathizing with the problems the child is going through with their family/friends, therefore, gaining the child's trust and convincing the child that the two are friends.<sup>15</sup> This method allows the offender to break down the child's defenses and manipulate them into doing the offender's desired sexual exploitation. As the relationship proceeds, the offender may begin sending sexually graphic images to the child including child sexual abuse material to persuade the child to reciprocate the behavior. Furthermore, the offender may shift the online relationship into an offline meeting to continue the sexual exploitation of the child in person.<sup>16</sup> However, this is not always the case, as certain sexual offenders may be satisfied with the grooming itself.<sup>17</sup> The grooming process may take place for several months or may become sexual in just minutes or hours depending on the goal and the desires of the offender.<sup>18</sup> In some cases, online grooming leads to another alarming trend known as sexual extortion, which is when an offender influences a child into sending sexually explicit material of themselves to the offender, and in turn, the offender uses the material to blackmail the child into even more explicit material or paying the offender to prevent the circulation of material<sup>19</sup> or luring minors into various illicit businesses such as child prostitution.<sup>20</sup>

### INTERNATIONAL CYBER LAWS

Due to these effects that online grooming has on a child victim, there have been several international, regional, and state legislation that has been created to protect children from online grooming. The international instrument is **the United Nations Convention against Transnational Organized Crime**, which covers a range of provisions concerning international cooperation against transnational organized crime.<sup>21</sup> The main objective of the Convention is to implement a range of measures to facilitate mutual legal assistance and extradition. These measures refer to the prevention, investigation, and prosecution of any serious crimes.<sup>22</sup>

SENIOR ASSOCIATE EDITORS

The term “serious crimes” is argued to be flexible enough to include the use of ICTs for sexual abuse of children such as grooming.<sup>23</sup>

In addition, **The Convention on the Rights of a Child** alongside **The Protocol on the Sale of Children, Child Prostitution and Child Pornography**, provides important guidelines for the protection of the rights of a child online and call on member states to take up legislative and educational incentives for the protection of children online.<sup>24</sup> Furthermore, at a regional level, the Organization of African Unity adopted **The African Charter on the Rights and Welfare of a Child** which places an obligation on all its member states to protect children from all forms of sexual exploitation and abuse.<sup>25</sup> The duty of member states to protect children from sexual exploitation is found in **Article 27 of the African Charter on the Rights and Welfare of the Child**. The African Committee of Experts on the Rights and Welfare of the Child explained **Article 27 of the African charter on the Rights and Welfare of a Child** to include the offense of online grooming.<sup>26</sup> The committee also stated that the member states should ensure that children are protected from online grooming, placing also a responsibility on parents and teachers to ensure a safe online environment for children within their care.<sup>27</sup>

**THE CYBER SECURITY AND CYBER CRIMES ACT**

The committee requires states to create legislation that addresses online grooming. In response to the international, regional, and national calls for a legislative law dealing with grooming, Zambia has enacted **The Cyber Security and Cyber Crime Act**<sup>28</sup> which protects children from online grooming through the use of a computer system. It states that a person commits an offense if that person communicates with a child through a computer system to make it easier to procure the child to engage in sexual activity with that person.<sup>29</sup> This provision is progressive in the right direction. It is important to note that this provision did not exist in Zambia before the creation of **the Cyber Security and Cyber Crime Act No.2 of 2021**. This Act protects children from being groomed and ensures that the person who has committed this crime is arrested and convicted regardless of whether they are outside Zambia as provided for by **Section 64 of the Cyber Security and Cyber Crime Act**.<sup>30</sup> In addition, **section 58(2) of the Cyber Security and Cyber Crime Act**<sup>31</sup> provides that the punishment of child solicitation is period not exceeding 15 years. Unfortunately, the section does not make it a requirement for convicted offenders to have their online information such as emails addresses registered with law enforcement to ensure that they are not in contact with any other children.

**CONCLUSION**

In conclusion, it can be seen that the internet has brought with it the offenses of online grooming which is dealt with at a national, international, and as well as in the Zambian state.



YAIMAN  
BANDE



BUKATA  
CHABI

LAMECK  
MUNKANTA



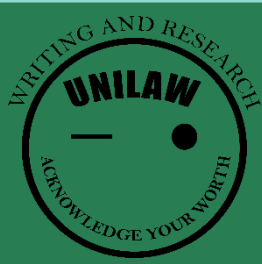
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# THE ADVOCATUS

## ROCKETING INTO THE MINDS OF FUTURE ADVOCATES: THE INCEPTION OF UNILAW, ITS COMPOSITION AND PURPOSE.



UNILAW EXECUTIVE, EDITORIAL BOARD AND MEMBERS

The University of Lusaka Academia and Legal Writing Society (**UNILAW**) is a student-led society/club and Editorial Board of the University of Lusaka School of law established in the year 2021.

The Society through its Executive and Editorial Board performs the duty of promoting legal debate within the University of Lusaka law faculty by encouraging legal scholarly publications, peer reviewed newsletters called the “**ADVOCATUS**”, and journal of the University of Lusaka School of law. This is done through the submission of legal articles from law students and any other guest writers as prescribed. The newsletter and Journal are the first student-led peer reviewed publications of the University of Lusaka school of law.

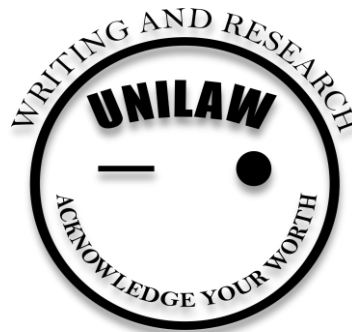
The idea of the society was brought to the attention of the Students Union by Davison Mwale who was by the time serving as the Editor-in-Chief of the Students’ Law Association of Zambia(**SLAZ**) and Editor of Federation of African Law Students(**FALAS**), inter alia. He saw the importance of having a society to assist students in becoming better legal researchers and writers through activities that are capable of equipping them with the prerequisite writing and researching skills. However, this idea of the society would not have been this alive if it was not for the team of exceptional law students with an unquenchable thirst for writing and law research. The team later composed itself into a civilised and efficient executive and editorial board.

Through its activities, the society aims to motivate law students to develop a creative spirit through a network of joint activities among law students; To encourage the enhancement of the capabilities of Law students in order to become critically minded, socially responsible, academically committed, and legally skilled; To promote world objectives of economic, social, cultural and humanitarian character in law students; To educate ourselves and others in these legal areas of knowledge through discussion, speakers, research, publications and other appropriate means; and To promote the exchange of knowledge and experience between lawyers and students.



UNILAW law Students and members of UNILAW attending a researching and writing tips event held on the 11<sup>th</sup> of February 2022.

Membership of the society is only limited to law students of the University of Lusaka subject to them applying for membership. Membership attracts no charges. Its daily running is regulated by the UNILAW Constitution subject to UNILUS management.





Writing is a paramount skill in the legal profession. Prior to any oral arguments, an advocate of the court of law is obliged to present his or her written brief before the honorable judges. It is from this very brief that his oral argument is solely based. For this reason, the advocate must ensure that his or her submitted brief has correct grammar, punctuations etc. Having a wrong punctuation in a writing changes the meaning of the message one intends to pass. For this reason, one must ensure that all is correctly written.

This society has as one of its goals, among others, to help law students become exceptional writers.

The University of Lusaka Academia and Legal Writing Society (UNILAW) is composed of the Executive and Editorial board both vested with differentiated functions aimed at achieving one huge end goal.

### **EXECUTIVE**

The executive has four offices, namely;

Office of the UNILAW President .The current President is Davison Mwale .

Office of the Vice-president.The current Vice-president is Ryan Mbula.

Office of the Secretary General. The current Secretary General is Chikondi Minyoi.

Office of the Treasurer. The current Treasurer is Niza Chirwa.

### **EDITORIAL BOARD**

Office of the Editor-in-chief. The UNILAW President also serves as the Editor-in-Chief. The current Editor-in-Chief is Davison Mwale.

Office of Senior Associate Editor. The current Senior Associate Editors are, Bukata Chabi, Lameck Munkanta, Nicodemus Mwimba, Mweemba Mukwanya, Yaiman Bande.

Office of Associate Editors.The current Associate Editors are , Taonga Phiri, Catherine Gondwe, Luyando Hachimbi, Chishiba Mulonda , Lumbwe Mwewa.

The above named people are the first to serve in those positions. They have massivley contributed to the uprising of the soceity from dust to a well reputable soceity of the university. They are setting the precedent to be followed by their successors.

Follow the society on soceity on facebook: ...



University of Lusaka Academia  
and Legal Writing Society



[Writingresearch99@gmail.com](mailto:Writingresearch99@gmail.com)

## **RECOMMENDATIONS FOR EVERY UNILAW ARTICLE**

1. Style of referencing: Authors can use either the Oxford University Standard for citation of Legal Authorities (OSCOLA).
2. Font: Only Times New Romans for titles and other texts. We are disheartened to see authors use their own fonts centrally to our instruction.
3. Use of Personal Pronouns: If Author is to be make reference to their person, you are advised to use “Author” and not “I” or “We”.
4. Author should show his or her own work in the article
5. Grammar: Authors are generally expected to adhere to the standard United Kingdom English grammar. Slangs, colloquialisms, flowery words such as “flamboyant” or “mind-blowing” and other such similar expressions not allowed. Authors are further are advised to be precise and concise in their choice of words
6. Punctuation: Author expected to demonstrate correct application of punctuation marks. Use commas, hyphens, quotations, full-stops, compound words and semi-colons appropriately. Always capitalize the A or S in “Articles” or “Sections”.
7. Article should be supported by legal authorities.

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# THE ADVOCATUS

## AN EYE INTO ZAMBIA'S CYBER CRIME LAGISLATION: CYBER LAGISLATION FORCASTING THE FUTURE



SAM-LEE CHISULO

### INTRODUCTION

The ever growing technological advancements with regard to Information and Communication Technology (ICT), have led to the stirring up in the appetite for online business such as trading, consultancy, cryptocurrency exchanges and indeed cloud services for the storage of data. Further, governments and big multinational corporations, now, more than ever, depend on the ICT sector for the security of their high tech infrastructure as well as for secure communications. This growth has however not come with consequences as criminal organizations and elements coupled with the more advanced and organized terrorist organizations have also capitalized on this growth in the use of ICT to expand their areas of operations as well as to grow in sophistication with regard to how much damage they can cause. In this regard, the Zambian government, realizing that the country faced the same vulnerabilities as any other country with regard to ICT threats, formulated legislation that would provide for the safeguarding of ICT based infrastructure as well as individuals who may fall prey to the vices of criminals or terrorists. Leaning on this background, this article will endeavor to highlight some of the ICT legislation enacted in Zambia with bias towards cyber space protection and privacy, as well as provide an analytical forecast of the effect of these interventions on contemporary cyber terrorism and cyber-crimes.

To fully appreciate the submission, the question that may beckon on the mind is whether the enactment of cyber space protection legislation in Zambia may have any positive effects with regard to cyber terrorism and cybercrime combating going forward.

### CYBER SPACE PROTECTION LEGISLATION IN ZAMBIA

In order to allay any doubt, the legislation referred to includes, but is not limited to the following; **The Anti-Terrorism and Technologies Act<sup>1</sup>**;

**Non Proliferation Act<sup>1</sup>**; the **Cyber Security and Cyber Crimes Act<sup>1</sup>**; the **Electronic Communications and Transactions Act<sup>1</sup>**; the **Information and Communication. The Information and Communication Technologies (Amendment) Act<sup>1</sup>**; and the **Penal Code Act<sup>1</sup>** which is a fairly older Act but applies anyway.

When one talks of cyber terrorism or cyber-crime from a generic angle, they may be referring to acts that may endanger the security and well-being of a nation State, a corporate entity and/or an individual with the use of computer based technologies within what is referred to as the cyberspace. According to **Section 2 of The Cyber Security and Cyber Crimes Act<sup>1</sup>** the word 'cyber' means "*the computer simulated environment or state of connection or association with electronic communications systems or networks including the internet*". The same Section of the above referenced Act thus defines a cyber-crime as "*a crime committed in, by or with the assistance of the simulated environment or state of connection or association with electronic communications or networks including the internet*".<sup>1</sup> In the same vein, according to **Section 2 of The Anti-Terrorism and Non-Proliferation Act<sup>1</sup>**, terrorism means "*an act or omission in or outside Zambia that is intended, or by its nature and context, may reasonably be regarded as being intended to intimidate or threaten the public or a section of the public or compel a government or an international organization to do, or refrain from doing, any act, and is made for the purpose of advancing a political, ideological or religious cause*".

The International Police (Interpol) working in conjunction with the African Union Mechanism on Police Corporation (Afripol) released the African Cyber threat Assessment Report 2021<sup>1</sup> which highlighted the following as the most prominent cyber security threats on the continent; Online Scams: which are in various forms which include phishing, credit card fraud where the criminals seek to exploit the victims fears and vulnerabilities; Digital extortion: this includes blackmailing of victims as well as sextortion; Business mail compromise: which targets corporate entities and businesses by hacking into their official e-mail or creating a similar fake one from which requests for payments of financial movements are made; Bot Networks: which is a network of hacked computers that may be used against a target; and Ransomware: this is malware that encrypts a victims data rendering it inaccessible and only accessible after payment of a demanded ransom.

Further, the report highlighted Zambia and South Africa as countries in Southern Africa which reported the highest number of cases of digital extortion.<sup>1</sup>

Having highlighted the threats, though not conclusively, it may be important to interrogate if the available legislation provides law enforcement with the available powers to prosecute these

identified crimes which by the way are also used for terror financing. In doing so, it should be highlighted that every law is enacted to fill a gap in available legislation with regard to challenges faced by society.

The main law that provides for cyber-crime in Zambia is the **Cyber Security and Cyber Crimes Act**<sup>1</sup> which breaks down the various online scams into their various occurrences. It may however be noted that being a new law, the aforementioned Act has not yet been put to the test as despite cases being taken to court due to violations, judgments are yet to be meted out. **Section 53 of The Cyber Security and Cyber Crimes Act** provides for identity related crimes such as credit card fraud and identity theft. An offence under Section 53 attracts, upon conviction, a minimum fine of one million (1,000,000) penalty units or to imprisonment for a term not exceeding ten (10) years or to both. This to a great extent serves as a reasonable deterrent to would be perpetrators of such online crimes as the ten (10) years sentence may not be worth the risk. Further, **Section 41 and Section 42 of the Electronic Communication and Transactions Act**<sup>1</sup> provides for further protection of private information by providing the principles that data controllers may follow in ensuring that the private data of their clients does not fall prey to cyber criminals. A data controller may include a network administrator of a phone company for instance, which stores personal data of their clients or a bank's network administrator or information technology officer.

With regard to digital extortion, **Section 52 of The Cyber Security and Cyber Crimes Act**<sup>1</sup> provides that any person who accuses, threatens, obtains advantage over or compels another to do or not do anything with the intention that they extort or gain anything from them may be guilty of an offence and upon conviction fined a minimum of seven hundred thousand (700,000) penalty units or to imprisonment for a period not exceeding seven (7) years or to both. One of the common crimes in this aspect, sextortion, occurs when the criminal minded individuals coerce victims with proof of stolen data or false claims of such data of a sexual nature featuring the victim, which they threaten to expose if not paid a determined amount.<sup>1</sup> The punishment provided for this offence does not seem to deter offenders as the crime still seems to be prominent.

Some cyber-crime perpetrators resort to more technically sinister activity such as denying the victim service on their own device by digitally introducing what is known as ransomware to the victim's computer device and demanding to be paid before they could allow the owner to have access to their data. It may be related to kidnapping in human beings but this time it is done to the computer device. Section 61 of the Cyber Security and Cyber Crimes Act provides, 'A person who intentionally renders a computer system incapable of providing normal services to its legitimate users commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both'.<sup>1</sup> Ransomware has however become so lucrative that according to a research conducted by Palo Alto Networks, a research partner of Interpol, ransom demands had risen to an average of three hundred thousand United States Dollars (\$300,000.00).<sup>1</sup>

With ransom averaging these sort of figures, the punishment provided for in the Act just referred to, may honestly be said to be inadequate and may not necessarily serve as a deterrent to would be perpetrators who have become ever more cunning.

In line with ransomware, which apart from individuals also affects critical government and corporate cyber infrastructure, the threat of cyber terrorism is also an evolving threat which always grows in sophistication. Cyber terrorism is *the unlawful use of computers and information technology to unlawfully attack or threaten to attack computers, networks and the information stored therein done to intimidate or coerce a government or its people in furtherance of political or social objectives and to cause severe disruption or widespread fear in society*.<sup>1</sup> In order to highlight the gravity of this offence, the punishment for one found guilty and convicted is life imprisonment. This punishment is further echoed in **Section 19(2) of The Anti-Terrorism and Non Proliferation Act** as well as **Section 35(2)** which caters for the offence in **Section 35(1) (d)** of the same Act. This punishment, though adequate for the type of heinous crimes terrorists commit, may not on its own help to prevent such crime as terrorists operate more on ideology than a fear of the law and so it may require more than just a law to deter them but more of a de-radicalization effort.

In addition to the above, it must be appreciated that the regulator and main institution that monitors adherence to cyber related laws in Zambia is the Zambia Information and Communications Technology Authority which was established by **The Information and Communications Technology Act**<sup>1</sup> as amended.<sup>1</sup> The authority may have to quickly put the Cyber Security and Cyber Crimes Act to the test by bringing offenders before the courts of law in order to create fear amongst would be offenders after successful prosecution and convictions. Further, the growing use of the cyber space by people both young and old may make the levels of vulnerability to would be offenders higher hence the need to strengthen the law by increasing punishment in most cases, to act as a deterrent.

## CONCLUSION

It may however not all be gloom as the current cyber law may have been formulated with current and future technological advancements in consideration hence once properly enforced, there may be better security for cyber space users.

CALL FOR SHORT LEGAL ARTICLES TO BE UPLOADED ON THE UNILAW WEBSITE: (1) must be a law student at UNILUS in any mode of study (2) write on any legal topic (3) must have a minimum of 6 **legal authorities** (4) minimum of 2 pages maximum 4(5) must be submitted in word document (6) must use OSCOLA style of referencing (7) Times New Roman. Submit to: [Writingresearch99@gmail.com](mailto:Writingresearch99@gmail.com)

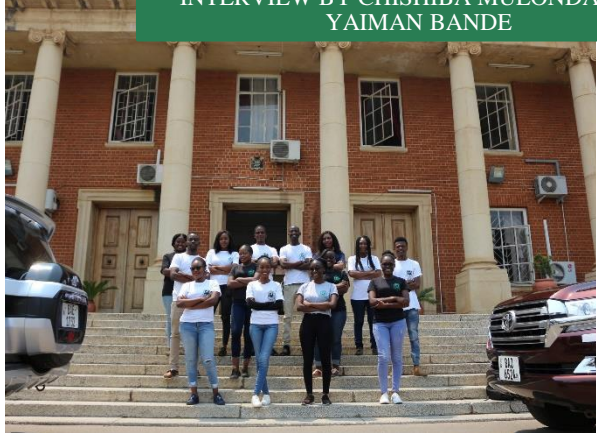
Submit any day, but attention is given based on first come first serve basis.



# THE ADVOCATUS

## LEGAL AID CLINIC OF THE UNIVERSITY OF LUSAKA

INTERVIEW BY CHISHIBA MULONDA AND YAIMAN BANDE



### WHAT IS THE LEGAL AID CLINIC AND WHAT DOES IT DO?

“It is a tool that was created to help people in the society that cannot afford legal fees, or cannot afford a lawyer. In essence, it was created to help the society and so acts as a form of social corporate responsibility, to a certain extent.”

### HOW OFTEN DOES THE LEGAL AID CLINIC HANDLE PRO BONO CASES?

“No, the clinic does not deal with court cases. If someone intends to go to court, they are referred to the Women’s Legal Aid Clinic, or to the Legal Aid Board, hence the services offered by the Legal Aid clinic boarder on mediation.”

### HOW DOES THE LEGAL AID CLINIC GO ABOUT HELPING PEOPLE WITH THEIR ISSUES?

“When helping people with their issues, the Legal Aid Clinic practices confidentiality. Additionally, the students apply a level of professionalism that is facilitated by training that they undergo before undertaking to help people. This ensures that they are well versed in handling clients.”



Further, the clinic applies ‘a hear both sides approach’ in handling cases, where both the aggrieved and the other party are heard before an issue is concluded upon.”

### IN TERMS OF EFFICIENCY, HOW EFFECTIVE IS THE LEGAL AID CLINIC IN AIDING PEOPLE WHO COME FOR ITS SERVICES?

“The clinic is quite effective and follows issues through. It typically takes about a week to two weeks to handle issues, and where a client comes in to obtain simple legal advice, they can come to the legal aid clinic and get a response the same day. The only exceptional issues which tend to be prolonged are child maintenance issues; because they require contact on a regular basis. Where the clinic facilitates the payment of maintenance. For instance, when money is paid, and parties cannot meet because they cannot see each other, the person who is responsible for sending child maintenance would have to send it to the clinic and the clinic would then inform the other party about it, so it is in such instances when cases are prolonged.”

### WHAT GOALS AND OBJECTIVES DOES THE LEGAL AID CLINIC HAVE?

“The main goal is giving back to the society because a lot of people do not know about their rights when it comes to what the law provides, hence the legal aid clinic educates the society about their rights and helps to raise awareness about them in an educative manner.”

### WHAT ARE SOME OF THE CHALLENGES THAT THE LEGAL AID CLINIC FACES IN ACHIEVING ITS GOALS AND OBJECTIVES?

“The Covid pandemic has paused a huge challenge to the Legal Aid Clinic particularly in carrying out its mandate. This is because at the onset, when the pandemic first began, students could not access the Legal Aid Office because they had to stay home and were not allowed to be in school. That led to me having to deal with all the cases that were coming to the clinic.”

“Also, on days when students have classes, or have exams going on, the workload tends to fall back on me, mostly because I cannot delegate a case I am already working on back to a student, as it would not augur well with clients.”

### WHAT DOES A DAY AT THE LEGAL AID CLINIC LOOK LIKE?

“Handling cases/complaints brought before it by clients, but in times when there’s not a lot of traffic at the clinic, students tend to be attached to other institutions, where they engage in a number of practical aspects surrounding the general work of the legal aid and the extent of pro-bono work that is done in society.”

**WHAT ARE THE QUALIFICATIONS THAT SOMEONE SHOULD HAVE IN ORDER TO PARTICIPATE IN THE PROGRAMS AT THE LEGAL AID CLINIC AND IS THERE A MENTORSHIP PROGRAM AND WHAT DOES THE PROCESS OF APPLICATION ENTAIL?**

“There are no qualifications per se, even a first year student can join the Legal Aid Clinic provided they carry themselves appropriately and are interested in the work that the clinic carries out. We also look for individuals who are committed to the cause of the clinic and can demonstrate that in their applications, of course without being overzealous.”

“Regarding the application process: Every second semester vacancies are advertised for students this is done by a post on the notice board and can sometimes constitute announcements to students in classrooms. After this, a student can then submit an application letter to my email or in writing and physically submitted to my office. After applications are received, interviews are conducted and candidates shortlisted to join the clinic in January at the start of first semester when work commences at the clinic. Regarding mentorship, as earlier stated, shortlisted candidates do undergo a training before starting to work at the clinic.”

**HOW RELEVANT IS THE LEGAL AID CLINIC FOR A LAW STUDENT IN ACHIEVING AND ADVANCING THEIR GOALS?**

“It helps students build their confidence and enhances their interpersonal skills when dealing with clients. Additionally, students are exposed to the practical side of law where sometimes students have prison visits which make them comfortable with meeting clients in such settings.”

**WHO CAN COME FORWARD AND RECEIVE AID?**

“Anyone can come forward. There is no charge associated with the services offered by the clinic. Additionally, the clinic does not inquire into the finances of persons requiring help.”

**HOW CAN A PERSON BRING A CASE TO THE LEGAL AID CLINIC AND IS IT EVERY LEGAL PROBLEM THAT CAN BE ADDRESSED? ALSO, HOW DOES THE PUBLIC KNOW ABOUT THE LEGAL AID CLINICS EXISTENCE?**

“The public knows about the Legal Aid Clinic’s existence by outreach programs. The clinic physically conducts awareness campaigns at schools; markets etc. where they distribute leaflets and speak to members of the community about their existence.”

Additionally, the clinic does television broadcasts. Before the pandemic, the clinic would spread awareness about its existence on television networks such as ZNBC every three months to familiarize the public on the work done by them.

Furthermore, the public gets to know about the clinics existence by way of word of mouth. Most people come to the clinic for helps based on recommendations from other people that have received help from the clinic in the past.

Regarding how a person can bring a case:

They can physically come to the Leopards Hill Campus premises and see the security guard, who can then refer them to the reception, who then contacts me to assist the individual for that purpose. It is from that point that I delegate to a student or assist them directly.

The types of cases that the clinic deals with are all cases in every branch of law, apart from debt collection cases.



**WHAT MILESTONES HAS THE LEGAL AID CLINIC ACHIEVED IN RECENT TIMES?**

“Reviving the legal aid clinic from what it was in 2017, to what it is to date. Prior to doing so, the clinic did not have an office space, and wasn’t really active, however today the clinic works on a regular basis, and has handled a lot of cases, in a timely and efficient manner.”



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1. Style of referencing: Authors can use either the Oxford University Standard for citation of Legal Authorities (OSCOLA).
2. Font: Only Times New Romans for titles and other texts. We are disheartened to see authors use their own fonts centrally to our instruction.
3. Use of Personal Pronouns: If Author is to be make reference to their person, you are advised to use “Author” and not “I” or “We”.
4. Author should show his or her own work in the article
5. Grammar: Authors are generally expected to adhere to the standard United Kingdom English grammar. Slangs, colloquialisms, flowery words such as “flamboyant” or “mind-blowing” and other such similar expressions not allowed. Authors are further are advised to be precise and concise in their choice of words
6. Punctuation: Author expected to demonstrate correct application of punctuation marks. Use commas, hyphens, quotations, full-stops, compound words and semi-colons appropriately. Always capitalize the A or S in “Articles” or “Sections”.



TAONGA  
PHIRI



LUYANDO  
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University of Lusaka Academia  
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# THE ADVOCATUS

## MORALITY AND ITS RELATION TO BUSINESS LAW



MAKOZO MAKOZO

### INTRODUCTION

This article seeks to address the aspect of morality and its relation to business law. The writer will firstly distinguish morality and business law. Thereafter, will proceed to give a profound connection between the two concepts and how they come into equal playfields.

### MORALLITY AND BUSINESS DEFINED

Generally, morality has been defined as the standard of society used to decide what is right or wrong behavior. According to Amy Morin, she defines morality as a set of standards that enable people to live cooperatively in groups.<sup>1</sup> This entails that it is what societies determine to be right and acceptable.<sup>2</sup> On the other hand, business law which is also known as commercial law or mercantile law is a body of rules that governs the dealings between persons in commercial matters. Johnston Thomas, Attorneys at law defined business law as a section of code that is involved in protecting liberties and rights, maintaining orders, resolving disputes, and establishing standards for the business concerns and their dealings with government agencies and individuals.<sup>3</sup>

### BUSINESS LAW AND MORALITY RELATIONS

Having defined and distinguished the two; the question that ought to be answered is how do they relate? From the above distinctions, it is evident that morality and business law do exist unconventionally yet they are unified in innumerable dynamic perceptions. This is owing to the fact that ethical considerations are also legally enforceable. However, this is not always the case though, since some ethical considerations in business are more like an unwritten code based on basic morality that is assumed to be universal.<sup>4</sup> By illustration, a situation where morals and business law traverse is in the area of contract business. Morality dictates that when two or more parties agree to something they have a moral obligation to honor the agreement unless there is

some circumstance that make it unduly grim, or even impossible, to accomplish the covenant .

Prior to the above position, some parties to an agreement habitually treasure a way of freeing themselves from performance of a contract. Auspiciously, this type of act is not only morally wrong, but it is also a violation of the law of contract and the wounded party may pursue reparation from a court of competent jurisdiction. This is one of the many examples in relation to instances where business law and morality have a confluence point.

There has been division that has engulfed the debate about morality and business law. Victor Hwang, a contributor with Forbes magazine has also suggested the similar observation. The debate centers on whether businesses should aim to do good or primarily direct their energies toward maximizing their returns within the law.<sup>5</sup> Morality cannot be snubbed as it is present in countless sectors of society, as well as many business activities. Consequently, it is critical for any individual undertaking a business or being a capitalist to clutch the prevailing connection between morality and business law as well as their obligations in running their various enterprises.

Morally, there is an obligation in society to conform to the laws in order to augment fruitful social relations. In relation to business, there is correspondingly a moral obligation to follow the laws that govern contracts between parties. According to Michael Josephson from the Josephine Institute, most moral standards of conduct have become fundamental that they have been turned into laws.<sup>6</sup> However, it is a popular opinion in the business world that moral obligation is immaterial mostly where agreements do not aggregate to enforceable contracts. This view may be valid, but it may be argued that in as much as a contract containing unfair terms is enforceable once the parties have agreed, however, it may be morally correct to go against agreements that are unfair or go against public policy.<sup>7</sup>

### CONCLUSION

In view of the above, morality and business law cannot be separated, owing to the fact that they are both interconnected. A businessperson should not separate morals and business laws because failure to morally stand by promises you make will cause people to lose trust in your company.

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# THE ADVOCATUS

## THE DISRUPTIVE AND CONSTRUCTIVE EFFECTS OF THE COVID-19 PANDEMIC ON ENVIRONMENTAL LAWS IN ZAMBIA



DAVISON MWALE

### INTRODUCTION

The core purpose of this documentation is to prepare a detailed analytical milestone on the effects that have thus far proved to be disruptive and constructive on the environmental law in Zambia as caused by the unforeseen covid-19 pandemic.

### ENVIRONMENTAL LAWS

It is evident that the health of a human being is utterly linked to the health of the environment<sup>1</sup>, thus very paramount that the law regulating the relations between man and the environment is thoroughly considered for review to meet dynamic aspects of the society. There are a number of Acts of Parliament such as those stipulated on **Section 2 of the Environmental Management Act**<sup>2</sup>, namely; Public Order Act, Energy Regulation Act, inter alia. These Acts help environmental law achieve its notion of attaining sustainable development whilst meeting the three pillars of environmental law, namely; economic, social and environment<sup>3</sup>. However, it is vivid that the list of environmental laws pertinent to the regulation of the environmental issues in Zambia, were enacted without any anticipation of covid-19 or a similar pandemic, thus the inception of this pandemic has thrust these environmental regulatory laws into their vulnerable areas.

### UNFORESEEN DEMOGRAPHIC CHANGES

Inevitably, the events sequel to the pandemic will result into an unforeseen huge demographic change in Zambia, and laws will

assist the country not to undergo the most depressing environmental degradation.

In light of the above, it can be observed that this pandemic has brought about a change in human behavior in terms of how sanitary they are. Of recent, people have been taking much cognition at ensuring that they wash their hands more frequently than they usually did in the pre-pandemic. As per the United Nations Covid-19 emergency appeal Zambia (May-October 2020) it has been asserted that, "According to the 2018 demographic and health survey, thirty-six percent of Zambia's population lacked access to safe water and sixty-seven lacked access to basic sanitation"<sup>4</sup>. Currently, a similar personally observed approximated result may be observed to be a status quo. Obviously, the pandemic calls for an utter observation of proper sanitation among the citizenry. This will increase the need for water even more. It is the author's view that the environmental law such as the pertinent **Section 26(1) of the Water Supply and Sanitation Act**<sup>5</sup>, being that it does not anticipate the need to rationalize water even as much as it is needed during a pandemic is thrust into its disruptive ways. People need a massive quantity of water for a required sanitation as is evident in the community today.

The constructive effect it has brought is to bring hopes of forcing an idea that will have to be considered by law makers on how to prepare such laws with regards to behavioral changes.

Due to the inception of covid-19 pandemic, most people have now moved to a new mode of living which requires the wearing of masks, not being in groups and being meters apart from each other. These changes will now bring about a number demographic changes. This will entail that people will be more vulnerable to any amount of pollution they may be exposed to for the fact that the body will now adapt to indoor and non-crowd mode of association. For this reason, to protect the health of citizen, the quid pro quo between citizens and the environment must be protected by tightening laws preventing pollution of the environment. This may mean that lawmakers should consider changing the environmental laws with regards to conducting an Environmental Impact Assessment and Environmental Impact Statement from it considering whether an act will cause an "adverse effect" to whether an act is likely to cause any long term or short term effect to a reasonable person of the environment. This requirement in **Section 2 of the Environmental Management, Act No.12 of 2011**<sup>6</sup> should be looked into. Similar to the above is the **Strategic Environmental Assessment**,<sup>7</sup> which is a policy directive fine-tuning the assessment of projects before they are started as can be observed pursuant to **Regulation 5 of the Strategic Environmental Assessment**.<sup>8</sup> Despite the supra law being a progressive law that ensures environmental protection is considered not only at project level but decision level set prior to



starting a project, it can be observed that it also affords much care to the words “adverse effect”. This latest statutory instrument also has the same attribute as the other aforementioned environmental laws. Despite Zambia’s environmental laws’ purpose being disrupted by this non-anticipated pandemic, it may be of concern, with regards to how to fight the huge increase in waste materials that are slowly leading into a plastic pandemic and these very plastics as one time usable materials may lead to other environmental issues. This then pastes a question on environmental laws, that is, Can they meet unexpected emergencies?

Adding to the supra author’s arguments, for the fact that among demographic changes, people will be vulnerable to any amount of pollution they will be exposed to, it thus entails that the environmental law enforcement mechanisms, namely; breach of condition, planning contravention notice, enforcement notice, stop notice, injunctions, limitation notice, will not effectively be tools to protect the citizenry rather than the environment. This is because by the time the enforcement notice and stop notice are being employed, a large population would have been affected by the little or more pollution in question.

It can be observed through **Section 24 of the Solid Waste Regulation and Management Act** <sup>9</sup> and **Article 257 of the Constitution of Zambia Act** <sup>10</sup> which placed a liability on individuals to clean any wastes. Through these supra pertinent authorities it can be observed that despite there not being an explicit provision on this pandemic, the same laws can help curb the aftermath that may result from this disruptive event.

In simple terms, the law of Zambia can be put into act as it has been put such as can be observed in the case of **Nyasulu and others v Konkola Copper Mines**<sup>11</sup> in which environmental law took its course when the high court held that, “*where there is gross negligence it does not matter whether humans have died or not, one who disposes of bad the wastes is liable*”. The same can be used and stiffed to ensure people do not dispose of the one-time usable materials.

Further, people’s social way of living may affect the way they used to treasure natural resources and the environment at large prior to the inception of the pandemic. The environmental laws provided on **Section 2 of the Environmental Management Act**<sup>12</sup> thus need an extreme review to prepare for the new behavior which the current environmental laws are not encompassing.

## CONCLUSION

It is the author’s considered view that despite Zambia having enough pieces of legislation to help curb the disruptive consequences of covid-19, it is important that parliament reviews the laws so as to utterly regulate the environment even in this pandemic.

## THE UNIVERSITY OF LUSAKA LAW ASSOCIATION

The University of Lusaka Law Association exists to promote student law welfare by organizing certain activities aimed at developing students’ skill sets outside the classroom such as, local moot competition, moot master class, panel discussions, inter alia .These events are aimed at motivating students and spurring them on.



In the year 2022, the School held a panel discussion on SME Development and the Law in Zambia. On the panel was, SC Elias Chipimo who is founder and CEO of Mentor Me Zambia; Zambia Business Angels Network, Mrs. Nkonde Fumbeshi who is Founder and CEO of Money FM Business Radio; and Dr. Chipasha Mulenga who is a Legal Scholar and Author. During this lecture, the panel discussed a wide range of issues which would be of help to students who are doing entrepreneurship.

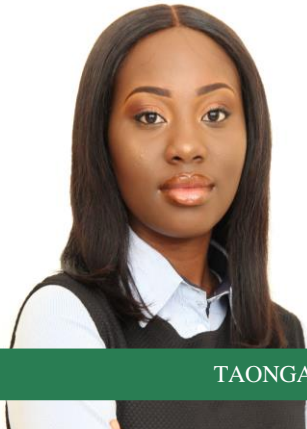


Dr. Chipasha Mulenga , Mrs. Nkonde Fumbeshi , and Senior Counsel Elias Chipimo speaking at a panel discussion on SME Development and the Law in Zambia held at University of Lusaka.



# THE ADVOCATUS

## WHY ZAMBIANS SHOULD ADOPT THE HABIT OF WRITING WILLS



TAONGA PHIRI

### INTRODUCTION

In the present day, Zambians refrain from writing wills, because most Zambians are under the erroneous impression that writing wills is a way of wishing death upon oneself. This unfounded belief mainly stems from tradition and its contrast with modern day credence. Nevertheless one of life's certainties is that everyone comes into this world and on another day leave it. Thus, dying is a fact of life, hence it is important to leave ones estate in an organised and beneficial manner to their loved ones by writing a will.

### WHAT IS A WILL?

A will is a legal document in which a person (testator) declares their intention as to what should happen to their estate after their death.<sup>1</sup>The benefits of leaving a will, should you choose to write one, are endless. The most notable benefit of will writing is it gives an organised and strife free process to the formalities your loved ones will go through concerning the distribution of your ownings.

### IMPORTANCE OF A WILL

You may be asking yourself what the significance of writing a will is if the Law makes provision for the sharing of your assets and liabilities. The Law gives your assets and liabilities to those whom it sees as prime beneficiaries, examples being your spouse, your children, your parents and your dependants, according to the provision in the intestate succession act of 1989<sup>2</sup>. There must be people whom you trust to carefully oversee the handling of your properties and your debts, because if they fall into the wrong hands everything you worked for when you pass away, passes away with you. A will is yours to draft, you can list any one's name and any person of your choice handles whatever you give them.

It is legally binding and so no one can dispute it as it is your wishes. A Clearly written will with the assistance of a trustees and estates lawyer can give clarity and organisation to your family and friends on how to move forward with your ownings.

If you leave it to the courts to determine the distribution of your estate, the process can be long, it may even take years to resolve and in a case where you have no Family your ownings fall into the hands of the state, meaning they become assets of the state. That is only if you have no surviving spouse, children, parents, dependants, and or close relatives such as siblings as stated in the **Section 6 Intestate Succession Act of 1989.**<sup>3</sup>

Failure to write a will can cause a rift in families alongside pain and stress, a good example of this would be in the case of **Chibwe v Chibwe**<sup>4</sup> where the applicant was suing the respondent for emotional distress and his rightful share of his late father's estate. How essential then does it become to avoid these unnecessary feuds between family members prior to your death? Popular to contrary belief the veracious answer to that is that it becomes fundamental almost detrimental to do so.

Imagine your absent Father who did not cater to any of your needs as a child appears in court after your passing confidently claiming that he has a rightful share in your hard-earned estate simply because he is biologically your father, In the case of **Nicholas Quintino Chafungwa v Stephanus Roos and Another**<sup>5</sup> the court determined that a father who does not claim paternity of the deceased does not have any share to their deceased child's estate. Another example would be an abusive and unfaithful Husband who left your martial home years ago appears to claim his rightful share in your ownings simply because a divorce was never finalised. In these very realistic cases it appears that you would be leaving your estate for people who may show up to claim a share for selfish financial gain or people who will irresponsibly handle the affairs of anything of great value that you leave behind. . To avoid these types of hindrances to peace after your passing; make it your prime priority to leave clear instructions in regards to whom you personally see fit to own and handle your properties, businesses, assets and liabilities. . Because ultimately the core essence of why we acquire what we own is to build an empire of not only personal achievements but to generate a legacy that will positively impact our families and friends, in some cases, the public for eons to come. Why then must we be ignorant to the fact that not every beneficiary has the will to do good with what we own, and it would be an extremely unfortunate thing to let your empire collapse subsequent to your passing.

Opposers of wills may argue and say that an administrator can ensure that your estate is equally distributed and that that appointed person will have to carefully consider who gets what. However, in accordance to the **Section 15(1) Intestate succession act**<sup>6</sup> the court may,

on the application of any interested person, grant letters of administration of the estate to that interested person. Meaning, should any person wish to be appointed administrator of your estate the court holds the obligation to allow that person the will to become administrator and as mentioned before your wish or the best interest for your ownings. It therefore becomes deleterious to your estate to an extremely large extent.

## CONCLUSION

In closing, a will is of great benefit to you and your Family because it protects the shares your loved ones have of your estate but it also eliminates the leeway unwanted interested parties claiming a share of your estate have. Writing a will gives you the control, the liberty to choose who you wish to oversee what you worked hard for, and that is something worth doing

## THE UNIVERSITY OF LUSAKA PARTICIPATION IN MOOT COMPETITIONS

**The Musa Dudhia & Company Inter-University Moot Court Competition.** The University participated in the Musa Dudhia & Company Inter-University Moot Court Competition for the second time in 2019. The final round was held on 20 September at the Supreme Court of Zambia. UNILUS was announced as winner of the competition, with Nkole Catia, a fourth Year, first Semester student being awarded the prize for ‘best orator’.



In the year 2020, the school participated in the same competition and UNILUS was announced winner of the competition, with Isaac Musungilo being awarded the prize for ‘best orator’.



First from left: Isaac Musungilo .Second from left: Rehoboth Kafwambulula

As if that was not enough, in 2021 the school again participated in the competition and UNILUS was announced winner of the Competition with Towela Chimfwembe being awarded the prize for ‘best orator’.



Towela Mukuka Chimfwembe

## Jessup National Moot Competition

The university participated in the Jessup Moot Court Competition which goes as far as international level. UNILUS emerged victorious during the National Round competition with Pelekelo Shanungu being awarded the prize for ‘best orator’.

From left to right: Chimwemwe, Pelekelo, Christabel



You can access this and more:  
<https://undergrad.unilus.app/law/>



# THE ADVOCATUS

## WHO IS BEARD MWANZA?

“Beard Mwanza is a young man who believes that each and every person is determined to be great and he or she chooses whether to be or not.”

## WHERE DID YOU GROW UP FROM AND WHERE ARE YOU CURRENTLY STAYING?

“I grew up in Kapiri and I did my primary school in rural Kapiri. I did my Secondary level at St. Paul. I spent most of my childhood in Kapiri. Currently I am based in Lusaka.”

## DO YOU THINK YOU WERE BORN TO LEAD? IF YES, WHAT ARE YOUR BEST EXPERIENCES THAT YOU HAVE HAD IN YOUR LEADERSHIP ?

“To begin with, I personally do not believe that people are born to lead, but leaders are made. However, to some degree, one may argue that some people are born to lead and eventually I may put myself in that category because leadership has more or less followed me. Some of those things may include, being a class monitor from grade one (1) to grade seven (2) as well as being a prefect back in high school. Back in university, I served as moot coordinator and judge of the moot court society at UNILUS. I have further done a number of things outside that required me to lead. For this reason, to some degree I would say I was born to lead. All in all, as I said, leaders are made and so in most cases, its situations that make leaders rather than one being born to lead.”

“In terms of the best experiences I have had in my leadership, I would pick two. The first One being some time back in 2019 when I was one of the co-founders of the youth organization in Kapiri where we organized some meeting with the local leaders such as the MP and the counsellors. And it was something to remember in my journey as a leader because meeting a lot of people at that point, being on the frontier line as well as leading and organizing everything was quite an achievement. So far those two stand out.”

## WHAT INSPIRED YOU TO STUDY LAW AND HOW DID YOU GET TO CONVINCED YOURSELF TO SAY THIS IS THE PATH I WILL TAKE AND HOW IS IT UNFOLDING FOR YOU?

“I cannot necessarily point out to one event to say this is what inspired me to study law, but back then when I was in grade eleven(11), I did say to myself that I wanted to become a lawyer,



BEARD MWANZA INTERVIEWED BY  
 CATHERINE GONDWE AND NICODEMUS  
 MWIMBA

but at some point I had a list of the career paths I did like to take at a later stage. I thought of economics and law itself but by the time I was in grade twelve (12) I convinced myself that I wanted to do law. To be realistic, law opens up your mind to different things. It’s not a field in which if you are going to study law then you only learn law is this and that instead we can say law is everything you can possibly think of. Law is politics, law is economics, law is almost every aspect of life. to me, I think that was the biggest inspiration. I wouldn’t want to lie or mislead people that I studied law to fight for justice and all that but law initially marries with so many aspects of life that gives you a broader view on how things should be conducted. In terms of being involved with some community activities in Kapiri Mposhi, in the legal road, it did kind of help me endeavor in a lot of other activities. The other thing would be because Kapiri Mposhi is a small town in that it’s not an everyday thing to think about things that are always on board or something that is available to do.”

## HOW WOULD YOU DESCRIBE YOUR JOURNEY AT UNILUS OR YOUR CAREER IN GENERAL?

“In determining my expedition, I would say it was a great experience. In my view I would say UNILUS is one of the best law school you can go to in Zambia and what I am right now, most of it was built at UNILUS. How I understand the law, how I look at it and mostly how I get to judge things. My journey begun in first year, when I was not equipped with the law and the syllabus that we had did not have the English and other few courses now in first year. It was a bit tough but it became easier as time passed by. I got involved in different activities like debate, research with some lecturers. For me that was mind opening.”

**ARE YOU DOING ANYTHING RELATED TO CORPORATE LAW?** “As at now I am doing my masters in law, things running from criminal law to everything corporate, and the answer maybe yes am doing something at that angle though I am doing things that are outside. I am working in the litigation field, there is contract litigation, corporate litigation and all these other criminal issues but the answer is yes, my masters is in those lines.”



## **HOW DID YOU GET INVOLVED INTO EXTRACURRICULAR ACTIVITIES BACK IN SCHOOL AND HOW WAS THE EXPERIENCE IN MANAGING THOSE ACTIVITIES?**

“I was forced to do most of the activities I got involved in. For mooting, I got to participate when we had an activity in class in legal and academic writing. We were told to write an open statement and a project in class as part of the exercise. My classmates thought I did well and even the lecturer herself complimented my presentation of the activity because we were told to imagine that what occurs in prosecution procedure and prosecuting crimes against humanity, and so people thought I could speak well, then thereafter there was a moot organized by the moot court society which was led by Chawezi Ngoma back in 2016. When they asked for first years who wanted to moot, people upheld my name and that is how I got to participate in a moot in my first year which was very appealing so to say. After my first moot, Chawezi encouraged me even to participate more in the next moots that were coming up. Later, my name was suggested to the chairperson of the debate society. Also in terms of debating, people pushed my name and I found myself debating again in my very first semester of law school. And so I got involved in almost all the activities around school, others by force which I still developed into and grew interest. Eventually I got to enjoy them and the rest is history.”

## **HOW DID YOU CARRY ON AFTER BEING FORCED INTO THOSE ACTIVITIES?**

“First and foremost, I was trying to find my way around school at that point and how to manage law school in general in that I had just enrolled. So after watching a couple of moot sessions, I found it interesting and I came to enjoy it, and when the next moot was organized for, I signed up for it and from there I did a number of class moot and other moots around school, in which some I never got picked and some I was picked. From there, the interest grew. From there I realized that starting at that early age was not a bad idea at all, because it was hard to find my way on how to engage myself into law school and other school stuffs but after I got involved in these activities it was much easier for me to even work out most of my school work and assignments. Being involved in most of those activities at that early age of my first year, first semester until fourth year when I was still mooting was my best experience.”

## **WHAT POSITION DID YOU SERVE IN THE MOOT SOCIETY AND HOW WAS YOUR EXPERIENCE?**

“Firstly in the moot court society in 2018, I was a judge, and Nelson was the moot court coordinator by then. From being a judge, I stood in the next election and I became moot coordinator in 2019-2020. Because of the covid-19, there were no elections so I led the moot society until I left School. In being the moot court coordinator, what I enjoyed the most was the experience in that I was able to help coach people who participated in the moot in their first year like me, when I had to moot with no experience of any sort.

So I helped a lot of people on how to moot, how to handle and present their arguments. The other aspect was the internal moot competition we had and we were grooming senior students and when I was moot coordinator we improved the competition, we were focusing on first years, second years, third years, and fourth years as a whole, who participated in national moots and all that which more or less in that way helped the school in equipping the moot competitions outside and the reputation as well.”

## **AS YOU WERE SERVING THOSE POSITIONS, DID IT REINSTATE THE PUBLIC’S EXPECTATIONS AND DID IT ALIGN YOU TO SUCH EXPECTATIONS?**

“Serving in society such as the moot court society, there is always an expectation from students, like being a judge people wait on what you bring to the table. For us by then, when you are a judge then you are not the moot coordinator, but when you are appointed as moot coordinator, people expect you to deliver the best you can. When I moved to be the moot coordinator I believed to deliver on what I promised I would do during our manifestos, because being moot coordinators are related positions to those that go through law school and become leaders which tell you the difference of what you do in society, everyone expects that whatever you promise to do, you will have to deliver and even the lecturers are part of those people and so the society will contribute to the betterment of the faculty in general. The expectations from the faculty members and also the expectations from the students to what you are supposed to deliver is just the same. So then I would say my team and I met the expectations of our members. Because at some point when I was moot coordinator we had to build a competition among the youths and build future mooters for the school and through the competition we did that. And we did encourage and inspire a lot of people into moot court society and I think we met all the public expectations.”

“In terms of relating with the faculty members, I do not really know if we really had a patron but we used to deal with the H.O.D, Ms. Chizinga, we used to work with her personally and present our ideas to the society and most of these things anyways had to go through the school before we can actually carry them out there. So we more less pass the ideas and brought them together and even the issue of the competition we went to her and talked to her, we told her what we planned to do with it, and she was able to direct us on the steps to take. When the school delayed she helped us, were we had shortages in terms of preparing the prizes, she also helped us in acquiring the medals and all that we needed for the competition, because we even organized the certificates ourselves. So to that degree we really enjoyed the collaboration with the faculty members and the HOD who helped with most of the arrangements. Looking at it from an outside angle, there were a lot of things we worked with in the competition in terms of how to prepare the courses and we also had people within UNILUS and outside of UNILUS which opened opportunities for most people in terms of the competition.”

## **DURING YOUR STAY AT THE UNIVERSITY, DID YOU ENGAGE YOURSELF INTO THE UNILUS MENTORSHIP PROGRAM, DID YOU GET YOURSELF A MENTOR AND HOW WAS YOUR EXPERIENCE?**

“To begin with, if I had a mentor is something I cannot really point at one person saying that person was my mentor because I had people I looked up to and those are the people I got to speak to

here and there but I was never really into the mentorship program because I think at that point I got to know about the mentorship program when I was in my second year going into the third year. Again in third year, second semester I got involved into the program as a mentor and not a mentee and when I was in my fourth year I became the chief male mentor, at that point when I was involved in this, I helped try and revive the mentorship program and I think we scored a bit of successes but by the time I was leaving we did not expand as much as we imagined to expand but to answer the question I was a mentor and subsequently as a chief mentor.”

### WHAT CHALLENGES DID YOU HAVE IN EQUIPPING THE MENTORSHIP PROGRAM AT THAT POINT?

“We were having some little difficulties with students joining the mentorship program. In most cases, the feedback was not impressive for the mentorship program and to some degree, there was always some other activities going on and consequently, the feedback became weakened especially with the coming of covid-19 issue its so happened that it was hard or rather had less communication between mentors and the mentees and a class of schedule to clients in terms of mentors were four to five people who will want to sit down and talk about what is going well and what is not and eventually we did not have that time and that was the problem because mentors do not open up to talk about schedules and the mentees just end up dropping out of the program. But the fact that we agreed on a number of mentors especially those who were coming in they were made to understand what we expected and how to manage around law school and even though most of it continued for a long time but the few time that we met with the mentors we had a clear picture of how it should be like in law school and gave an idea of where we are going with the whole mentorship program. Because for me that was a success in that if someone has given ideas of where we are going it will come back to you and that is attained as a success because it’s more like being given directions.”

### WOULD YOU STILL RECOMMEND OTHER LAW STUDENTS TO REGISTER FOR THE MENTORSHIP PROGRAM AND WHAT COULD BE YOUR POSITION ON THAT?

“I could recommend the mentorship programme to be improved and for the students that is a good idea and it is an idea that can actually help with bettering the law school in general because the issue is that no one knows it all especially when you just enter into law school but through little experience, the people who have been in school for a long time can use that experience to make better the experience of those who don’t have it yet and in terms of academics it improves the results of those who are coming behind for different legal issues and can also help in mental health issues as well, with the mentorship program those things can actually be minimized and can actually be more less dealt with and that’s why I would encourage that people should be in the mentorship program.”

### WHAT OTHER ACTIVITIES DID YOU INVOLVE YOURSELF INTO BESIDES SCHOOL ACTIVITIES AND HOW DID THEY PROVE TO BE SO BENEFICIAL TO YOU?

“The most obvious activity is that I am a writer. I write poetry and a lot of other law stuff that we were discussing outside school. So I spent most of my time writing and doing sports. Some time back my legs were injured and so I cannot really play football and so I spent most of my time writing and that was my most spent activity outside school and how writing has helped me is when I wrote my first book, that is when I was able to have to communicate to the outside world, I was invited as guest speaker at careers day at my former school and those who organized were just by people and I had I chance to talk to SC Makebi Zulu because of that book and even in terms of applying I have a masters because I have done a lot of things in law school and writing a book was an advantage in terms of applying, I have a scholarship on my masters because I was able to portray what I have done based on what I acquired so writing a book was quiet an advantage. In terms of applying for scholarship, just doing things outside school boosts your scholarships, improves your CV and all that stuff because life cannot be on one dimensional next it open your mind to different things so and in terms of engaging in the community and all that, just establishes you to have an opportunity to stand in front of a crowd.”

### REGARDING THE SAME ASPECT, TELL US ABOUT YOUR BOOK AND YOUR WRITING CAREER?

“So about my book, **The Mastery of Becoming**. When I started to write the mastery of becoming, I became serious in my second year going to my third year and it was not that easy to write that book in that I had school on the other side, I was doing moot and so I spent most of my vacations or holidays writing my book and so I improved it until it was published in 2018.

**About this book**

Life is not fair they say, that is being unfair to life if I must say. For the simple reason that it gives us all 24 hours in day and the same organs to breath...the mastery of becoming is a book that helps you appreciate that you can live your dream and never have to use life's unfairness as an excuse for not being who you dream of being.

The mastery of becoming is a book that, that shows you just how that becoming anything that you ever wanted to be, is more of a possibility than an impossibility despite where you are in life. And just in case you thought you have achieved it all, the mastery of becoming shows you how that success is only the beginning of your endeavours in life.

The mastery of becoming is the book that bridges the gap between dreaming and becoming. Bringing to life the truths and realities to be appreciated on one's road to success.

**About the author**

Beard Mwanza Jr, is the third born in a family of six, he was born on the 1st of February in 1998, in Chikubula, Serenje. Where both his parents served as teachers. In the year 2001 they moved to Lukumba Basic School in the outskirts of Kapiri were he attended grade one to five, starting from 2004 to 2008. In the year 2009 he moved to Kapisi primary in the rural parts of Kapiri were he did his seventh grade having skipped the sixth grade. From 2010 to 2014 he was a pupil at St Pauls secondary school in Kapiri district, it is during this time that his family moved to urban Kapiri and also at was during this time that he developed a passion for writing. In august of 2016 he joined the faculty of law at the University of Lusaka where he is currently pursuing his degree in law and currently doing his third year.

**MWILAH WRITINGS**

**The Mastery of Becoming**

**Beard Mwanza Jr**

**The Mastery of Becoming**

**Beard Mwanza Jr**

**"A Dream is the campus to greatness"**

So after publishing the book, it was just up and I started writing my second book which is not published yet but I have a slip and that book I finished it just after I finished law school because I had moved from the mastery of becoming to some international book, it is really a good book in which I used my views or perspectives about success and how you can make success and maintain success and the fortune is not from different people who have seen or who I have looked up to but some aspects are grown from myself and in most things have succeeded, how I have handled my failures and all that was from those aspects of things, that's that in terms of my book. I have done a number of poetry and I have planned a number of articles but I have not published a number of them because right now I am unable to engage myself seriously in my writing because of my commitments in my ZIALE work and masters, So I have not been unable to write and publish more of my books, For now I feel am more in writing poetry and I am trying to refresh my mind. But I have a number of time to plan out books that have to be finished and plan out articles to be finished. After ZIALE and my masters should be finishing this year I think I should be able to finish those writings and publish them.”

### **HAVE YOU BEEN AN OUTSPOKEN PERSON YOUR WHOLE LIFE?**

“In my daily encounters with my peers, I haven't had the challenge to address them. However, I must make mention standing on the podium in front of judges (learned for that matter) hasn't been an easy task for me. It is a skill I have been working and am working on. I can't say it is perfect but my delivery isn't as flawed as it was before. It is only through practice that perfection is attained, however self-esteem and confidence are to be put to test and task especially when one is in an audience. With that said one can only attain or rather achieve things through positive alignment, one needs to understand and believe that he or she is worthy of things. Lucky has never been the go-get for me, the thought of being worthy of anything before me has and keeps me going.”

### **HOW OR WHAT TECHNIQUES HAVE WORKED FOR YOU IN ORDER TO STRIKE A BALANCE BETWEEN SCHOOLWORK AND EXTRA-CURRICULAR ACTIVITIES?**

“Striking a firm balance between the two isn't and hasn't been an easy thing. Nonetheless I suppose and am of the view that there isn't some sort of formula or technique that exists that one needs to adhere to in order to attain the balance, or fill in the gaps created between the two. For me overall, I attribute my successes to being disciplined. With that said I plan my day, month or semester and give myself a target to work towards. It is only through planning and being disciplined that our life term goals are attained. Thus, when I have something to do I work to the best of my abilities and strive so hard to attain more. I apply my mind to it and make sure that it is done with someone else's admiration. Taking your step at a time is cardinal too, just as it is important that one gives an account for every hour of his or her day. When accountability is the benchmark of all things that are done, balance is attained and success is equally and easily achieved.

My advice however, is that when one is picking on extra-curricular activities, let it be that he or she picks something that strongly speaks to their level of interest and ability. As a student it is even more ideal if one can pick in a period of 4 years at least an activity that will advance and foster his or her career every year. That way it becomes easier to attain the balance between school, and other activities and happenings. But I must make mention that as for me, I did extra well when it came to my involvements in other things and that's because I knew my strength and abilities. This may not be the case for everyone.”

“I would like to stress that extra-curricular activities involve and have a social aspect attached to them. I am a stoned believe that one cannot entirely function without having the ability to socialise too, as such I encourage most of my colleagues to equally have time for other social moments, one can do exercises, play football or gaming as the social trend it is known for, hang out with mates that directly speak to your aspirations and positively impact your life. Something to get you off school attachments for a moment, gives you energy to get back to school attachments. A health social life keeps us all moving.”

### **WHAT WOULD BE YOUR WORDS OF ENCOURAGEMENT FOR ANY LAW STUDENT OUT THERE?**

“I would love to say that law is an interesting field and is indeed one of the best career one can pick as in has a ring road in almost each and every other field out there. It is public knowledge that a lot has been said about our profession both positive and negative however that should wear you down. Never lose sight of your career and work extra harder. Develop resilience tools that will help you balance between school and your social life. This has helped me as I am a testimony to it.”

### **WHAT ARE YOUR WORDS OF ENCOURAGEMENT FOR UNILUS LAW STUDENT?**

“To all the students at UNILUS especially my colleagues under the law faculty, you are at one of the best performing institution in Zambia and the institution creates a platform for everyone to succeed and the opposite is a decision entirely made by the student. The institution does have an open policy to all well performing and prominent individuals especially in the legal faculty who come through for seminars that help students to realize their potential and how happy the legal profession is to have them. There are now many more societies opening up calling on all students to get involved, this society being the University of Lusaka Legal Writing and Research is one of them. Make use of it as it sets you above the average student. You can only see the benefit of such societies when you get engaged and involved.”



# THE ADVOCATUS

**Ms. LINDA KASONDE: INSPIRING THE NEXT GENERATION OF LEGAL PRACTITIONERS. INTERVIEW BY TAONGA PHIRI AND LUYANDO HACHIMBI**

**IT IS KNOWN THAT YOU CAN ONLY BE SUCCESSFUL IF YOU ARE PASSIONATE ABOUT WHAT YOU'RE DOING. WHAT STEPS, STRATEGIES OR TACTICS HAVE YOU USED THROUGHOUT YOUR PASSION TO GET YOU WHERE YOU ARE TODAY AND HOW CAN YOU INSPIRE LAW STUDENTS WITH BIG AMBITIONS?**

“Okay, so maybe I will explain a little bit about my journey and how I have arrived at where I am now. To begin with, when I finished my IB or sixth form I did not really know what I wanted to do in my career but I was very keen on history and English, and my mother had said to my sister and I that whatever career you pursue, it is best to choose a profession because as a woman, whatever happens to you, you will have that thing to go back on. I ended up doing law and in my second year I fell in love with a course called ‘Civil Liberties’ which was about human rights and freedoms. I really took a shine to that course and when I finished my law degree, I went straight into ZIALE and one of the places I was attached to during ZIALE was an organization called the ‘National Liberation for Women’ which is still in operation, and that organization provides free legal services for women and children in Zambia who cannot afford legal services. I was there for three (3) years initially as a volunteer, so I worked for one year and the other two (2) years I was a full-time employee.”

She then went on to talk about how she joined a corporate law firm known as Mulenga Mundashi & Associates, where she did litigation and looked into matters of managing the firm for about fifteen (15) years. While working for the firm, she was also volunteering with the Law Association of Zambia (LAZ). She volunteered on various committees and eventually decided to join the council which is the governing body of the Law Association of Zambia. Ms. Linda Kasonde rose through the ranks from being an ordinary council member to being an Honorary Secretary and then the Vice-president. She decided to stand for the position of ‘president’ of which at that time there had never been a woman in that position. Talking about the Law Association, she described it as a body that acts a watchdog as it observes the rule of law and addresses national

legal situations in the country. Furthermore, she talked about how she advocated for constitutionalism and respect for the rule of law and human rights during the time she served as Vice-president and President and whenever given a chance to address law students, she encouraged them to pursue constitutional law and human rights Law.



After her tenure, she established ‘Chapter One Foundation’, a civil society organisation that supports people who stand up for the constitution and the upholding of the rule of law and human rights. She followed her passion and what she had to do at that moment.

Ms. Linda Kaonde made mention of the fact that we all have different talents and that it is important to do what we love and what we are passionate about.

**HOW IMPORTANT IS IT TO BE OPEN MINDED TO A SWITCH?**

“There are many different considerations that people make. For me, it was a big risk because I had to start sourcing funds to support and run the organization which was something I had never done before. It is important therefore to know what you are getting yourself into and what you really want to do.”

**THE CORE ESSENCE OF PURSUING LEGAL VOCATION IS TO BE OF GREAT ASSISTANCE TO THOSE THAT NEED LEGAL HELP. AS A LAWYER, YOUR INTEREST SHOULD BE TO PROVIDE LEGAL BACKING IN THE MOST EQUITABLE WAY POSSIBLE. BY BRIEFLY ANALYZING YOUR WORK FOR HUMAN RIGHTS, HOW DO YOU DEEM IT TO BE THAT LAW?**

**STUDENTS PREPARING TO BE LAWYERS EMBRACE THE NATURE OF ALWAYS BEING WILLING TO FIGHT FOR WHAT IS RIGHT?**

“More lawyers need to take the oath that they take at the point they are admitted as practitioners more seriously. We take an oath to ‘uphold and defend the constitution as by law established and as you know the constitution does not only contain duties and obligations but also rights and freedoms for ordinary citizens, and it is my firm belief that if every lawyer took that oath seriously then more lawyers would be doing pro-bono work and more lawyers will come up and defend the constitution when it is being attacked.

Of course, these are not easy things to do because people start thinking about what would happen to their families, but I have seen many lawyers who have families and children who have taken up the oath seriously and I think that’s a good thing because you see, this is my country and if I can’t protect it then where will I go? I will just be a foreigner in another country. Therefore, I did not want to go into exile because I thought there are things I need to stand up for in our country. I am encouraging more people to do this kind of work and Chapter One Foundation should not be the only organization of its kind. The need is great particularly grass-root level. We cannot do it all and there is need for more lawyers to come stand up for these ideals.”

**WHAT CHARACTERISTICS AND ATTRIBUTES SHOULD WOMEN IN LAW POSSESS AND WHAT QUALITIES THEY SHOULD HAVE?**

“Women are often socialized to shrink back. There are some people who love to be in the background but there are also those who love to lead. This is what I discussed in my TEDx talk. Be more concerned with your character than your reputation because your character is who you are, whereas your reputation is who you think you are. However, that does not mean that you should not be concerned about your reputation because you absolutely should and that is the reason the Chapter One Foundation has been able to build a brand this far. But there comes a time when people start throwing stones at you for doing the right thing and you must not be too concerned about that, and you will have to stick to who you are and being consistent in doing so.”

**DURING THE TIME IN YOUR PROFESSION, WHAT ARE THE BIGGEST LESSONS AND HOW CAN THESE LESSONS BE OF INSPIRATION TO LAWYERS AND UPCOMING LAWYERS WITH BIG AMBITIONS?**

“There have been times in my career when things got so hard but first of all I had to establish what my purpose is and once I reflected on that it became easier because I stood for something and that is what kept me going. If there’s one thing that has truly been a lesson to me is that one needs to take care of their well-being and at this point I decided to focus on my purpose and also the idea of not being too concerned about what the masses think of which is difficult because a lot of people want to fit in but if you’re consistent with your purpose, those things may suffer at some point. I can give an example when there was the internet shutdown during the previous election period of which at that time we were the heroes but there comes a time when suddenly you are the villain, so what really matters is to be consistent in doing what is right because it’s consistency that people will recognize overtime and consistency creates credibility. Do what you can with what you have, where you are, because there is always a role to play wherever you are.”

**UNILAW EXECUTIVE**



DAVISON MWALE



RYAN MBULA



CHIKONDI MINYOI



NIZA CHIRWA

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# CALL FOR LEGAL ARTICLES

The University of Lusaka Academia and Legal Writing Society (UNILAW) is calling upon all interested law students to submit articles to its editorial board for inclusion in its 2nd newsletter issue.

- 1-Applicants must be law students at the University of Lusaka in the school of law(full-time/part-time/distance)
- 2-Write on any legal topic of interest
- 3-Font 12 Times New Roman
- 4-1.5 Line spacing
- 5-Pages must be numbered
- 6-Submission should be made on or before the 20th of August 2022, 23:59pm CAT
- 7- It MUST be accompanied by at least a minimum of 8 LEGAL AUTHORITIES
- 8-Use OSCOLA referencing style (only)
- 9-2 minimum pages and 5 maximum pages.
- 10-Query and submission should be made to [writingresearch99@gmail.com](mailto:writingresearch99@gmail.com)