

2

Paralegal extension in North-West Cameroon

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Context

The most pressing problems of development in Cameroon arise from its politics rather than its economy or natural resource base. Processes of democratisation have stalled over the past decade, with the state alternately repressing and coopting civil society initiatives and organisations as they emerge. Human rights abuses are commonplace, often perpetrated by the forces of law and order and by certain 'big men' who use the politics of patronage to secure coercive control over client groups at the local level. The judiciary has been unable to attain autonomy from the executive arm of government, and, along with the bureaucracy, experiences high levels of corruption. The government manages the school through which all magistrates pass, and students are trained to owe complete allegiance to the Head of State and State institutions. There is no security of tenure of office and the Minister of Justice wields substantial influence over the promotion of magistrates and judges.

Despite the fact that the national constitution officially recognises the rights of minority groups, members of several ethnic groups are treated as second-class citizens, particularly those that lack a strong attachment to the land, such as forest and mountain dwellers, and pastoralists. One such group are the Mbororo-Fulani, largely sedentary pastoralists

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who constitute around 10% of the population in Cameroon's North-West Province. The Mbororo have systematically been exploited in conflicts with neighbouring farmers, partly due to their lack of land rights and low levels of political literacy, and partly because of their visible cattle wealth and readiness to 'pay up' in the face of victimisation. It is not just that they lack access to justice but also that their interactions with the State and the justice system are mostly as victims. Exploitative 'middlemen' seek to represent the Mbororo with the administration on a range of issues, often conniving with corrupt officials for financial gain.

The Mbororo Social and Cultural Development Association (MBOSCUDA) was created by educated Mbororo in 1992, partly as a reaction to increasing levels of land evictions, cattle confiscation, human rights abuses and repression, and co-option and imprisonment of Mbororo leaders. In 1998, as issues of 'rights' and 'exclusion' were increasingly gaining the attention of NGOs, a UK-based NGO, Village AiD, formed a partnership with MBOSCUDA and

**Mbororo man
Ahmadou Hassan,
robbed of land
and liberty**



Photo: Nuhu Salihu

three other local NGOs. The aim of this partnership was to build the capacity of both MBOSCUDA and Mbororo communities to challenge and transform negative practices, attitudes, and perceptions which reinforce their vulnerability, and to take positive action towards claiming their full citizenship and defending their rights.

The paralegal extension programme

MBOSCUDA aims to protect the rights and promote the culture of all Mbororo people in Cameroon, and this early focus on rights and promoting a minority soon drew them into conflict with particular interests within the state. The programme initially adopted a fairly cautious approach, but within this were elements of a more politically engaged response, such as partnerships with human rights organisa-

tions and the adoption of the REFLECT¹ approach to socio-political literacy, which incorporates an explicitly political challenge towards 'structures of oppression'.² Socio-political literacy uses PRA tools, social drama and REFLECT frameworks to support communities and individuals to explore their lives, problems, and aspirations, as a means of transforming their situation.

Since 2001, **paralegal extension** and **legal literacy** work have formed key elements of the programme, each developing in close relation to the programme's participatory

¹ REFLECT: Regenerated Freirian Literacy through Empowering Community Techniques.

² 'Structures of oppression' in this context refers to the power relations between the Mbororo, their better educated and more organised farming neighbours, and state institutions, especially the judiciary, police, and administration.

Box 1: Using social drama in the programme

Social drama is about people opening things up for themselves, confronting and questioning, helping others to see the contradictions in their own circumstances. It enables issues to be drawn out and exposed.

Using programme staff, literacy facilitators, community paralegals, and members of REFLECT learning groups, social drama 'plays' are organised within villages during workshops or public events. Some of the participants are trained in the art of generating skits (plays on specific themes) and role plays at short notice. Usually only the key elements of any scene are discussed and practised, and 'actors' have the freedom to bring the issues to life in their own words and actions. Several skits are developed for different situations and audiences, to enable social dramas to be performed at short notice. Social drama was used to raise the issues of corruption and conflicts with neighbouring farmers over land, as well as forced marriages, teenage pregnancy, and HIV/AIDS.



Drawing: Charles Tah

Paralegals preparing a training workshop

Photo: Nuhu Salihu

approach to adult literacy. Legal literacy is a process of acquiring critical awareness about rights and the law, the ability to assert rights, and the capacity to mobilise for change. Paralegal extension is about using community-based volunteers to extend legal advice and services to members of the public. Both processes have necessitated an understanding of basic laws and administrative procedures amongst clients. The REFLECT approach to adult literacy has been used as the primary means of acquiring this knowledge, and has also informed the approach to handling cases in terms of raising issues through dialogical processes, provoking a change in attitudes, and building the confidence of victims and communities to stand up for their rights.

The paralegal extension scheme started as a pilot in just one division in North-West Cameroon. Through various

extension approaches and processes the paralegal extension model provokes communities to discuss the substantive laws of the State, build their capacities to challenge violations of their rights, and challenge those elements of their social practice that run contrary to the wider pursuit of citizenship rights and obligations.

There are presently seven paralegal (community legal advice and assistance) offices, one in each of the seven divisions of North-West Province. Each office is managed by a trained community-based paralegal who is a member of the community he or she serves and is employed by MBOSCUDA. They are expected to have a day-to-day engagement with community members, and to carry out community education, legal advice and assistance, and counselling. The programme's legal consultant offers professional

support to the paralegals and takes cases of human rights abuses to court when required. Each paralegal office handles around 40 cases annually, while the legal consultant handles around 30 court cases annually, usually involving protecting clients from unscrupulous government and law enforcement officials.

Key strategies

In contrast to Village AiD's work elsewhere (Ghana and The Gambia), the tendency in Cameroon has been towards a confrontational approach. Workshops on human rights issues and direct legal action, in the form of written complaints and seminal court cases, have proven to be most effective.

The letter of the law

The most common strategy used is for paralegal officers to write to the relevant authorities setting out the precise legal grounds on which an injustice is being challenged and also the action that will be taken if the authorities fail to act lawfully. The most common complaints are about officials who use their position to deny individuals' rights and exploit the Mbororo, and about wealthy individuals using State institutions to grab land and cattle. The use of phrases like 'the matter will be pursued to a logical end', including hints at court action, are often enough to bring about action. As noted by one claimant, 'As soon as the letter was delivered to the Divisional Officer the matter died a natural death'. Where no action is forthcoming, the complaint is forwarded to the next official in the State hierarchy, noting that the lower official has failed to resolve the issue and attaching copies of the earlier complaint.

This form of exposure has proved strikingly effective. It uses the often disempowering norms of the bureaucracy in Cameroon – which is heavily centralised, top-down and patronage-based – to the advantage of citizens.

Public embarrassment: workshops and court cases

The programme initially sought to engage with the administration through a series of workshops and conferences. In one workshop, programme staff devised a series of social drama performances that reflected on the 'legal' process experienced by crop farmers and cattle herders over land conflicts. As the level of bribery and corruption was depicted, nervous laughter ran through the audience and the local police commissioner hid his face in shame as his staff were shown demanding bribes for statutory services. The Divisional Delegate for Livestock referred to this meeting

Box 2: Prosecution of officials and spread of good practice

A particularly notorious case involved a prominent gendarme police officer who operated with his company commander in targeting and arresting Mbororo people at random, extorting significant sums of money in the process. Mbororo people arrested in one sub-division were transferred to another sub-division, detained, and asked to pay over money before being released. These incidences were reported by the paralegal officer to the Anti-Corruption Unit (ACU) of the Prime Minister's Office. The officer was taken to the Court of First Instance of Donga Mantung and ordered to pay the sum of 3 million CFA (UK£3,000) to a Mbororo man for unlawful arrest and detention, and malicious process. The investigation of the ACU led to the suspension of the company commander's imminent promotion. Both were immediately transferred out of the Province, to the great relief of the local Mbororo community. In another case, the first in which a senior gendarmier officer was taken to court by the programme, the officer was also transferred from the area. In his new post, he refused the orders of his superior to detain an Mbororo grazier, informing his superior that, given the new respect for human rights in Cameroon, citizens cannot be detained on the instruction of an administrator. Although the frequency of this effect needs closer monitoring, this suggests that staff movement is resulting in the spread of good practice rather than the simple displacement of bad practice to

as 'a landmark because a lot of the bad practices employed by the administration were exposed to those in the judiciary as wrong in law'. However, such workshops and capacity-building measures soon exceeded the programme's budget and a strategic decision was made to pursue the same ends through high-profile cases that would prosecute offending officials and act as a deterrent to others (see Box 2).

Assessing the impact so far

The programme is just three years old but the outcomes of the programme to date are promising. A key judicial official stated that, 'There has been a remarkable change in the relationship between the Mbororo and the administration in Donga Mantung Division over the past two years', and the Divisional Delegate for Livestock agreed that, 'The Mbororo people now see themselves more as citizens'. Those Mbororo associated with the programme similarly draw a comparison with the past, claiming that unlike the past, 'Now we have a say in any matter we have'. One Mbororo woman whose son was wrongfully accused of cattle-theft states that, 'I am vigilant now and anything that I see is not satisfactory for me I will go to the paralegal for advice and redress. Now we are no longer in the dark...we have "eyes" and as such these people now know that they cannot treat us like in the past'.

The ability of social movements like MBOSCUDA to transcend the local suggests the benefits for NGOs of working

**Barrister
Robert Fon
taking a break
during training**



Photo: Nuhu Salihu

with associations. Just as important, the success of the programme can be closely linked with the movement's political character, both in terms of its early linkages to human rights NGOs and the activism of some of its key members. Both in this case, and more generally with paralegal work, the success of cases against local government officials – and even whether they are taken up – has been found to be strongly linked to the paralegal's personal experience of political activism.

Learning

- This programme has revealed that persecution and exploitation of the Mbororo works mainly because they feel unable to stand up for and defend their rights. Corrupt officials exploit people's ignorance of their rights, the law, how the justice system works, and the prohibi-

tive cost of accessing justice. On the other hand, despite corruption within the legal services, the courts (and some judges) do apply the law, bringing corrupt civil servants to account.

- Proper application of the law is part of the solution but not the whole answer. This programme has established that the law courts can effectively be used to challenge the exploitation of the Mbororo and enable them to defend their rights. However, the key learning here was also that this is 'reactive' – addressing or solving problems as they occur. The 'proactive' side of this work is about preventing these problems through awareness creation and confidence-building (political and legal literacy), citizenship (enabling Mbororo people to assert their rights), and positive engagement with government services, legislation, and policy frameworks.

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- In several cases, the mere presence of a lawyer committed to the Mbororo seems to have had an immediate impact, ensuring that due process is followed, and offsetting the generally superior capacity of the farmers to represent themselves in conflicts with the Mbororo. The threat of being taken to court has led several officials to contact local paralegal officers to plead that if an issue arises concerning them, then all efforts should be made to resolve the problem informally. The programme has not fully succeeded in ending exploitation of the Mbororo, but it has reduced the degree, frequency, and manner in which this happens, making it more difficult for corrupt officials and exploitative middlemen to operate.

- A number of Mbororo have reported that, following their involvement with the paralegal programme, there have been fewer instances of conflicts with farmers and attempts at exploitation by officials. On the face of it, this is surprising as a more legalistic culture is often associated with higher levels of conflict. However, in this case, improper use of the legal system was itself a large part of the problem. Proper use of legal channels has led to a reduction in conflicts as there are fewer opportunities for enrichment and wielding of relations of domination.

The future

Village AiD has secured a five-year grant from the UK Department for International Development to work with other marginalised groups in Cameroon, as well as Mbororo in other Provinces. The project will provide an opportunity to further explore and develop the approaches piloted in North-West Province, and adapt them to different socio-political contexts. Using existing networks and links, the project will create a platform for these groups, their organisations, and partners to share learning, experiences, and strategies for scaling up the use of REFLECT and paralegal extension approaches within Cameroon, as well as engaging in local, national, and international level lobbying and advocacy.

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