

CASE STUDY

North-West Region, Cameroon

66

Legal and psycho-legal counselling to defend land rights

While Cameroon's Constitution recognises the ethnic diversity of the country, pastoralists are often marginalised and their access to land is insecure. Through its Access to Justice Program, MBOSCUA provided legal and psycho-legal counselling to help the Mbororo assert their claims to communal land. Social drama and awareness campaigns got the Mbororo to draw out issues and expose them in public village events. The programme increased the community's awareness of their land rights and their courage to exercise them, and conflicts with farmers were reduced.

PRINCIPAL ORGANISATIONS INVOLVED

Mbororo Social and Cultural Development Association (MBOSCUA)

LOCATION

North-West Region, Cameroon

TIMELINE

1997 – present

TARGET AUDIENCE

Indigenous communities, civil society organisations, policy makers

KEYWORDS

Indigenous peoples, dignity, confidence, human rights, land tenure

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GOOD PRACTICES

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members.

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This case study supports people-centred land governance as it contributes to:

- Commitment 3** Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend
- Commitment 5** Respect and protect the inherent land and territorial rights of indigenous peoples
- Commitment 9** Prevent and remedy land grabbing
- Commitment 10** Respect and protect the civil and political rights of human rights defenders working on land issues

Case description

Background issues

Cameroon has multiple laws to govern land. In January 1996, the country passed a new Constitution which provides for the protection of minorities and indigenous peoples land rights. These include the Mbororo, who constitute around 10% of the population in Cameroon's North-West Province. The Mbororo pastoralists have lived in Cameroon since 1905 and have a registered land claim, which was awarded by the then colonial rulers of the country. The Constitution also recognised pastoralists and herdsman's rights to the commons (Salihu and Hickey 2005). Decree No. 78/263 of 1978 provided for the establishment of an Agro-Pastoral Commission with responsibilities to distribute rural land among the various users, define conditions for mixed farming areas and exercise permanent control over agricultural and grazing lands with a view to managing farmer-grazier disputes while ensuring that farmers and graziers respect the boundaries of their respective areas (Fons and Ndamba 2008).

Although the Constitution recognises indigenous rights, the Mbororo have been vulnerable to displacement by farmers and non-Mbororo cattle raisers. As pressure for more farming land increased, they were caught in a vicious cycle of discrimination and insecure tenure. Illiteracy and disorganisation contributed to marginalisation, exclusion and violation of their human rights. Land administrators took advantage of the Mbororo and further relegated them, increasing conflictivity among the Mbororo and the farmers. They lacked a formal institution through which they could formally engage with other stakeholders and claim their land rights. The Mbororo were susceptible to land

appropriation and exploitation, their cattle routes were closed off by the farmers, and they had to pay for land and resources that they were entitled to by law.

Solution

For the Mbororo herders of Cameroon, it was crucial to organise themselves in one single voice and engage with the State to defend and claim their land and other rights. Therefore, marginalised indigenous peoples were supported to participate in decision making affecting their livelihoods, as well as to secure their rights.

MBOSCUDA's Access to Justice Program provided psycho-legal counselling to the Mbororo. This service involved psychiatric counselling for the victims of human rights abuse to rehabilitate them from the trauma inflicted, in this case by the police and government officials. The aim was to increase the victims' awareness of their land rights (proactive component), and to enable them to defend their rights vis-à-vis unlawful claims (reactive component).

Activities

The registration of MBOSCUDA in 1992 provided the Mbororo with an institutional framework through which they could be formally recognised and engage with the State and other development partners, while claiming and defending their land rights (IUCN 2011). MBOSCUDA's structures extend to the grassroots, where representatives are elected. The community used these structures to mobilise in response to land dispossession threats. On public village events, social drama and awareness campaigns were organised to draw out issues and reflect about them. These actions exposed the corruption in the land administration process and highlighted how the Mbororo were treated.

REFLECT

The Regenerated Freirian Literacy through Empowering Community (REFLECT)¹ approach was used as a conscientization tool to facilitate the acquisition of knowledge, handling cases and design interventions to secure the Mbororo community's land rights. REFLECT used functional literacy to show the Mbororo how they could apply their own knowledge to secure their lands. This was done through a combination of functional literacy and empowerment. The Mbororo established Common Initiative Groups and worked with facilitators. As a result, a high awareness of their land and other related rights was achieved and many acted to defend them.

Psycho-legal counselling

MBOSCUDA carried out research on the psycho-legal environment of the Mbororos to identify the optimal approach to engage with the herdsman. The psycho-legal intervention was introduced to assist those who were deprived of their land. Psycho-legal counselling relied on a psychologist who focused on the personality, state of mind,

¹ REFLECT is an innovative approach to adult learning and social change, which fuses the theories of Brazilian educator Paulo Freire with participatory methodologies. The participants choose the topics themselves, according to their own priorities and supported by a local facilitator. They also decide where and when to meet. Drama, storytelling and songs are also used to identify and analyse social, economic, cultural and political issues (REFLECT, 2017).

actions, behaviours and attitudes of the victims, and assessed the appropriate techniques to reinforce a sense of justice with respect to their land rights.

Individuals received one-on-one counselling, as many times as abuses were committed on their rights. The specialist psycho-legal counsellor engaged with harmed people to help them understand their trauma, its impacts and how they could seek remedy. After therapy, the affected people would more likely lodge a complaint at the court or write a letter to the relevant authorities seeking redress.

In the group counselling sessions, the Mbororo were divided into elders, women and youth groups. The groups were formed based on the specific issues identified within them. Each one received a weekly counselling session, in which the counsellor and the paralegals educated the participants about their land rights.

Paralegals

To increase the legal capacity of the Mbororo people and their access to justice, MBOSCUA recruited and trained indigenous paralegals who also worked with lawyers to support the psycho-legal counselling and other processes. Paralegals helped the victims to expose and prosecute corrupt land administrators through written complaints. Paralegals held workshops on human rights, the land tenure system of Cameroon and the legal means of resolving farmer/grazier disputes.

Legal actions

Two lawyers represented the Mbororo victims in cases involving the government. In the Court, the paralegals worked with the assistance of the two lawyers. More than 700 human rights abuse cases were registered in a database, many of which were taken to court. Most of the complainants have succeeded in getting the abusers to recognise their faults and compensate the victims through the return of land, money or livestock that were appropriated from the Mbororo.

Dialogue platform

Before the introduction of the In Search Common Ground Project (ISCG) by MBOSCUA NW Chapter, conflicts between crop farmers and cattle herders in the North-West Region were rampant. These conflicts resulted from increasing competition over access to natural resources (land, water and pasture), that are central to the livelihood of croppers and herders. Dialogue platforms were introduced in 23 beneficiary communities in the North-West Region, as an innovative alternative to legal/administrative and customary conflict settlement.

The legal/administrative and customary systems of land related conflict resolution have been used in these communities prior to the introduction of the dialogue platform approach. Dialogue platform leaders are male and female herders and croppers who are elected democratically by the communities. They lead the dialogue process and mediate between herders and croppers when conflicts related to agro-pastoral resources arise. In addition to reducing conflicts between herders and croppers, this approach has effectively led to negotiated and shared use of agro-pastoral resources and, consequently, a more peaceful cohabitation of the beneficiary communities.

Importance of the case for people-centred land governance

MBOSCUDA's initiatives addressed historical injustices and enabled the Mbororo to defend their human rights and restore their dignity. This improved their participation in the public life of Cameroon. The strategy implemented led to the improvement of social justice by supporting the Mbororo to reactively and proactively defend and claim their land rights. More than 700 human rights abuse cases were registered in a database and many of them were taken to court.

Changes

Baseline

One Mbororo woman whose son was wrongfully accused of cattle-theft stated: "I am vigilant now and if I see anything that 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"

- Duni, Fon, Hickey and Salihu 2009

The Mbororo were marginalised and discriminated; they lacked knowledge of their land rights and very few had land titles. This people were vulnerable to displacement by farmers and non-Mbororo cattle raisers. More than 100 families were displaced in recent years, but they did not resist as they lacked information on their land rights. During displacement, livestock and pastures were lost. As a result, some Mbororo committed suicide, others migrated out of the area, some women turned to prostitution and youth turned to criminal activities. In the courts, bribes were extracted from the Mbororo by the administrators of justice. The court cases were not concluded and the Mbororo had to keep paying bribes. Many of these abuses were documented by the Inter-Ministerial Commission, known as the Jani Commission, created by the Minister of Justice by Decision No. 164 on July 2003.

The land administrators took advantage of the Mbororo community's lack of confidence to engage in corrupt activities and further marginalised them and deprived them of their land. Thus, they lost confidence in the institutions of law and land administration in Cameroon. This fuelled conflict between the Mbororo and the farmers. The Mbororo internalised this exclusion and exploitation and did not have the means to protect themselves.

Achievements

MBOSCUDA's intervention helped the Mbororo regain their dignity and confidence. As the paralegal programme and participatory research interventions supported them, they started questioning and confronting unjust practices by the land administrators. This was shown by the increased number of cases brought to the courts and their confidence to expose corruption.

After three years of operations, paralegals were present in each of MBOSCUDA's offices to assist the communities. The Mbororos' attitude changed, as they viewed themselves as full citizens of Cameroon and claimed and enforced their human rights. While relationships between the Mbororo and the land administrators improved, the Mbororo

started challenging unjust decisions through formal and informal means (Salihu and Hickey 2005).

After seven years of operations, there was an increase in the number of herders that gained and secured access to land. Land titles were successfully registered by 52 Mbororo families. In 2004, a lawyer was handling 30 cases a year, while each of the paralegals was handling 40 cases. There was a reduction in the incidence of farmer-herder fights. More than 100 Mbororo people resorted to MBSCUDA's dialogue platforms to resolve conflicts. This was achieved by using maps that they had drawn together to agree on the routes, the use of the law by the Mbororo to claim their historical entitlements and the establishment of communication channels between farmers and Mbororos (IUCN 2011, Fons and Ndamba 2008; Salihu and Hickey 2005).

By 2008, some 3,835,000 FCFA (3,835 pounds sterling) were recovered from corrupt officials, more than 400 cases had been successfully challenged, 150 young Mbororo were trained as paralegals, 156 awareness campaigns were carried out and 46 cattle heads recovered. A farmer/grazier commission to foster dialogue was established. MBOSCUDA's intervention facilitated three workshops for traditional leaders and government officials on democracy, good governance and farmer/grazier conflicts management and transformation.

Evidence

Statement by the Mbororo Social and Cultural Development Association of Cameroon (MBOSCUDA) to the 6th Session of the UN Expert Mechanism on the Rights of Indigenous Peoples, July 2013 <http://www.landcoalition.org/es/news/statement-mbororo-social-and-cultural-development-association-cameroon-mboscuda-presented-musa>

Joint NGO Report Submitted to the U.N. Human Rights Council Universal Periodic Review of Cameroon, 16th Session, May/June, 2013
http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/CM/JS1_UPR_CMR_S16_2013_JointSubmission1_E.pdf

OHCHR (2007) *Climbing hills of injustice in North-West Cameroon*, Office of the United Nations High Commissioner for Human Rights
<http://www.ohchr.org/EN/NewsEvents/HFHR/Pages/StoryCameroon.aspx>

Lessons learned

Lessons for civil society

To empower marginalised communities, interventions should prioritise human rights and dignity issues. This will bolster people's confidence and make it easier for them to embrace new proposals. The presence of lawyers can change a community's perception of itself, as it was the case for the Mbororo.

A viable grassroots organisation should support the community by giving them the chance to elect their leaders. It is important to respect democratic decision-making processes when working with grassroots organisations.

Land rights and securing tenure can be achieved through community mobilisation and capacity building. When dealing with authorities, it is crucial to engage simultaneously with institutions at various levels. Land grabs can be reversed through community resistance and mobilisation.

Lessons for policy makers

It is important for government agencies to work with human rights commissions, civil society and other partners to address land rights issues, as they cut across many disciplines and areas of work.

Policy makers can help the Mbororo by holding local officials accountable for how they treat them. It is key to investigate all abuses and violations and punish the abusers.

Government officials need training on human rights and conflict resolution. Officials also need resources to address local issues.

Existing laws to support marginalised populations should be developed and implemented. The state should invest in raising awareness of the Mbororo land rights at the national level. This will provide leverage for supporting interventions.

Challenges

While the programme model depends on external funds, over the long term the Mbororo will need to become self-sufficient. Corruption is persistent, even though it has been greatly reduced.

The dispersed settlements of the Mbororo in Cameroon also pose a challenge, as does the frequent transfers of land administrators by the government. There was fierce resistance from powerful people who stood to lose from the Mbororo's land rights.

The Mbororo had to be persuaded to accept counselling, as they were apprehensive about confronting their oppressors. As they lacked confidence in psycho-legal interventions, it was hard to convince victims and witnesses to confront their abusers.

Follow-up

MBOSCUDA's interventions were successful because of various factors. Professionals' engagement with global indigenous peoples' rights forums at the international level was crucial, as it helped to connect with platforms through which the Mbororo's profile and situation could be highlighted.

The specific psycho-legal activities and support are very context specific. In this case, they worked because of the particular situation of the Mbororo. The same applies to MBOSCUDA's work at multiple levels of governance.

Supporting material

References and further reading

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https://www.iucn.org/downloads/cameroon_mboscuda_musa_usman_07_08_22.doc

IUCN (2011) *The land we graze: A synthesis of case studies about how pastoralists' organizations defend their land rights*. IUCN ESARO office, Kenya

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Salihu N. and Hickey S. (2005) *Paralegal extension in North-West Cameroon Participatory Learning and Action*, IIED <http://www.iied.org/participatory-learning-action>

Photos, videos

MBOSCUDA Facebook Page <https://www.facebook.com/MBOSCUDA.ORG>

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