

## **NGOs, social movements and paralegal extension in North West Cameroon: from clientelism to citizenship at the margins?**

**Jeidoh Duni, Robert Fon, Sam Hickey, and Nuhu Salihu<sup>1</sup>**

**Draft paper prepared for the Conference 'Winners and Losers from Rights-Based Approaches to Development',  
IDPM, University of Manchester, 21-22 February 2005**

### **Abstract**

*This paper explores the implications that arise when rights-based intervention seek to challenge the exclusion and exploitation faced by marginal groups. The specific focus falls on a paralegal extension programme with a pastoral group in North West Cameroon, involving development NGOs, lawyers and the local social movement of the group concerned. It presents evidence that the programme has been relatively successful in catalysing underlying processes of socio-political change, particularly in terms of shifts from clientelism to citizenship amongst the programme's participants, and also increased levels of 'good enough governance'. The programmes explicit and often confrontational engagement with the power relations that underpin exclusion and exploitation – between state-citizen relations, and also between citizens, particularly in terms of gender and ethnicity – has been both a strength and a potential liability.*

*The paper suggests that both practice and thinking concerning rights-based approaches need to focus more clearly on the power relations that govern different sets of citizenship relations in local political arenas. A citizenship-based approach offers a way of grounding participatory rights-based approaches within local political realities, and can be operationalised within programme research, monitoring and evaluation. It is arguably in promoting inclusive forms of citizenship as part of a wider project of social justice that rights-based approaches can make their most significant contribution.*

---

<sup>1</sup> Jeidoh Duni and Robert Fon are respectively the paralegal co-ordinator and the lawyer on the programme discussed here; Nuhu Salihu is Africa Programme Coordinator for Village AiD, the funder-partner in the programme, and Sam Hickey is a trustee of Village AiD.

## **Introduction**

This paper presents a case-study of a paralegal programme that seeks to challenge the processes of exclusion and subordination faced by a marginal pastoral group in Cameroon. The impact of the programme to date is explored, and analysed in relation to a series of broader debates regarding rights-based development, particularly concerning links to the role of NGOs (Molyneux and Lazar 2003, Nyamu-Musembi and Cornwall 2004), participatory approaches (VeneKlasen 2004), issues of exclusion and minority rights (Spicker 2003, Englund 2004); shifts from clientelism to citizenship-based relations (DFID 2003); and related issues of 'good governance'. Rights-based approaches to development have close links to the wider good governance agenda, and are seen by some as enabling a convergence between this agenda and social development concerns. Some NGOs that pursue rights-based agendas directly pursue the goals of good governance, as through advocacy or lobbying for legislative change, for example (see Molyneux and Lazar 2003: 55-59, Nyamu-Musembi and Cornwall 2004). Although paralegal programmes generally fall under the guise of 'democracy and governance' funding, the programme reviewed here has arguably sought to engage with the governance agenda in more limited (if often effective) ways, largely through the pursuit of specific cases, as is typical of paralegal programmes (Orvis 2003).

The findings presented here are based on evaluative and qualitative research carried out during October and November 2004, involving key informant interviews and focus group discussions with claimants who have made use of the programme, and also key informant interviews with local government officials in the local divisions within which the programme operates. The authors are all more or less implicated in the actual programme, and although seeking to be critically reflexive, cannot be said to constitute independent witnesses. Learning from this work has highlighted the need for NGOs to monitor and evaluate both the positive and negative changes that result from their interventions, as well as the interpretive challenges involved in working with what is primarily qualitative information. The programme under discussion is part of a wider development intervention that has been ongoing since 1998. However, the paralegal component began in one division of North West Province in 2001, and has only recently been scaled up across the Province. As such, the results presented here are necessarily provisional and cautionary.

The paper is structured as follows. The next section outlines the political and legal context within which the programme operates, at national and provincial levels, before discussing the citizenship experience of the Mbororo Fulani. This section examines Mbororo involvement in the farmer-grazier conflict resolution process as a window onto state-Mbororo relations. Next, we introduce the key initiatives that have been taken to defend and promote the rights of the Mbororo, before focusing directly on the paralegal programme. The following analysis of the programme focus on its key strategies, impacts and critical challenges, before concluding with reference to the central issues of citizenship and social justice.

### **The political and legal context**

Cameroon is often referred to as the 'crossroads of Africa', a term that refers not only to the country's geographical location across the volcanic belt of west and central Africa, but also to suggest that the country acts as a barometer on the fluctuating political fortunes of the continent, apparently caught in between democratisation and the threat of civil conflict (Krieger and Takougang 1998). With Cameroon recently advancing into the ranks of countries categorised as experiencing 'medium' levels of human development, it is arguably the country's politics that creates the most concern amongst citizens and observers alike. Of the three inter-related forms of politics that have emerged or re-emerged from the political changes in Cameroon since the early 1990s – namely 'democratisation'; the re-assertion of neopatrimonial politics; and the accentuated importance of ethnicity and the 'ideology of home' – it is democratisation that remains the least institutionalised. The continuation of neopatrimonial politics expresses itself in various forms, including the use of public resources for private gain and personalisation of political rule, and the tendency of predatory State agents to build ethnically constituted power bases at local levels (Gabriel 1999, Nyamnjoh 1999). This form of politics is closely linked to the 'politics of primary patriotism' in Cameroon, built around the 'ideology of home' that stresses the importance of belonging to a particular "native" community in a particular place (Eyoh 1999). This discourse is often employed by political entrepreneurs at election time and in efforts to secure 'natives' privileged access to reproductive resources and political power ahead of 'strangers'.

The process of 'democratisation' that begun in the early 1990s in Cameroon has stalled, as evidenced most graphically by the series of discredited presidential elections and the prevalence of human rights abuses against 'oppositional' political activity (Amnesty International 2001, Krieger and Takougang 1998). Cameroon has had only two presidents since independence in 1960, both from the same party. Single-party rule existed with impunity until 1990 when the winds of political change reached Cameroon and the first opposition political party, the Social Democratic Front, SDF, was launched in the town of Bamenda in the North West Province of Cameroon on 26<sup>th</sup> May. However, elections have failed to bring about political change and deeper forms of democratisation. This has been largely due to the regime's skilful manipulation of the process of political liberalisation, the failure of opposition parties to unite and consolidate the wave of popular unrest, and the lack of support for democratisation from key international actors (Takougang 2003). The stalled character of democratisation in Cameroon was emphasised in the October 2004 presidential elections, which, despite 'official' claims to the contrary, registered very low turn-outs and a highly predictable re-instatement of President Biya. The National Election Observatory was only given observer's status, and was made up of friends and friends of friends of the incumbent president. There were multiple registrations and the voter's lists were not displayed in public places in advance of election day as required by the Cameroon electoral code, primarily in order to obscure the multiple registrations of voters. The ink used for marking ballot papers was not indelible, making it easier for the multiple registration fraud strategy to succeed. Although Manzo (2003) is right to point out the broader contradiction

between the rights-based agenda – which requires a more accountable and arguably more capacitated state, and the neoliberal agenda of rolling back the state – the state in Cameroon has remained a strong presence in all areas of social life in Cameroon, and it is the character rather than level of its presence that requires reform.

The constitutional and legal context is beset by similar and related problems. Following the 1991 ‘Liberty Laws that granted Cameroonians civic and political freedoms, these liberties were further enshrined in the 1996 amended constitution of Cameroon, which commits the government to protect the inalienable and sacred rights of all human persons, and affirms Cameroon’s attachment to the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples’ Rights and all duly ratified international conventions relating thereto. However, the national institutions required to guarantee these rights have yet to be established. Frequent arbitrary arrest and detention, extra-judiciary execution of civilians, imprisonment of journalists, torture, and corruption are commonplace (Amnesty International 2003, Dicklitch 2004).<sup>2</sup> In 2004, the minister of Information closed down about 90% of the private radio and television stations under the pretext that they exist illegally. Moreover, it seems that the commitment within the 1996 Constitution to protect minority rights relates to a desire to play the politics of primary patriotism for political gain rather than through any commitment to challenging exclusion.<sup>3</sup>

Presidential dominance over political life extends to the judiciary, despite the fact that Article 37(2) of the 1996 Constitution declares the complete independence of the judiciary. The judiciary is unable to act with autonomy due to a range of constraints related to the terms of training and recruitment, appointment, tenure of office, discipline, salaries, advancement and retirement of members of the judiciary. For example, the Executive 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, with judges liable to being fired at any time or suspended for six months by the Minister of Justice, leaving few judges willing to risk adopting a disobedient position towards the executive. The Minister of Justice also wields substantial influence regarding the promotion of magistrates and judges by the executive.

#### *North West Province Cameroon*

The programme we discuss later is based in Cameroon’s North West Province, one of the two ‘anglophone’ provinces that emerged from the unification of British Cameroons and French Cameroun at independence in 1961.<sup>4</sup> The colonial legacy includes a bijurial legal system operates: eight out of its ten provinces are French speaking and operate the civil law system while two English-speaking provinces

---

<sup>2</sup> Also the damning report by Sir Nigel Rodley, the UN Special Rapporteur on human rights abuses in Cameroon.

<sup>3</sup> The new 1996 Constitution, which “classifies Cameroonians into natives and foreigners (allogenes, indigenes) and makes large groups foreigners in their own country (Nkwi and Socpa 1997: 139).

<sup>4</sup> Cameroon is officially bilingual, although Pidgin English provides the anglophone and neighbouring provinces with a lingua franca.

operate the common law system. The North West is home to the main opposition party and an anglophone secessionist movement. Other forms of civic activity proliferate, including human rights groups, 'hometown' development associations, credit and savings groups and farmers cooperatives. Apart from the capital city Yaounde, it is in Bamenda, the North West provincial capital, where the 'NGO revolution' is most in evidence. Education rates are relatively high compared to other provinces, and Grassfielders pride themselves on this and their respect for democracy, and mobilise them as integral aspects of a wider anglophone identity.

There is arguably a broader political culture within the North West regarding the rule of law and respect for rights, that derives mainly from a desire amongst Anglophones to define themselves against the *la francophonie*. Here, the francophones are associated with undue process and abuses of legal justice. This is most clearly evidenced in the range of human rights lawyers, presence of two active and opposition-minded human rights NGOs in the North West. The North West judiciary is noted for being relatively more independent than its counterpart in the francophone Provinces, in part because the tradition of 'innocent until proved guilty' makes it more difficult for certain powerful interests to obtain their favoured results

In the North West 'citizenship' also relates closely to membership of sub-national political communities, which coalesce around 'traditional' forms of ethno-territorial groupings that were reified as political units through the colonial policy of co-opting these chiefdoms as the basis of 'native administration'. These vary in size from small village chiefdoms to what were more expansive conquest-states, although they tend to share a number of features, including hierarchical structures, the centrality of chieftaincy, and a degree of territorial cohesion (Goheen 1996: 26). These 'traditional' institutions have been somewhat resurgent over recent years in terms of local political influence and control over land (Fisiy and Goheen 1998). Although the majority of the North West's rural population engages in farming, livestock grazing has steadily increased since the arrival of the Mbororo Fulani early last century. Over successive decades, the level of resource-based conflicts has increased, particularly between farmers and graziers (Mope Simo 2002:113-4). Such conflicts are often framed in terms of 'insider-outsider' debates, setting 'indigenes' against 'strangers', and stoked by political entrepreneurs competing for local political office. It is through such local, historically informed engagements that notions of 'exclusion' and 'citizenship' gain particular salience.

### **The Mbororo Fulani in North West Province: citizens at the margins<sup>5</sup>**

The Mbororo Fulani of North West Cameroon have historically constituted something of an anomaly within this region. On arriving into the Grassfields from 1916 as a semi-nomadic pastoralist group, their pastoralist livelihood, dispersed and fragmented sociopolitical structures, attachment to Islam and apparent disinclination towards 'community development', distinguished them markedly from the 'native' farming populations. The Mbororo'en (pl. Mbororo sing.) were the last social group to

---

5 This section draws heavily on Hickey (2004a).

arrive into this area prior to the implementation of British colonial administration in the 1920s, and although this region experienced large scale in-migration during the eighteenth and nineteenth centuries (Nkwi and Warnier 1982), they have typically been viewed as 'strangers' by both their neighbours and successive state regimes. Today, they live across all areas of the Province, with the greatest numbers in areas characterised by largely isolated and remote communities, such as Menchum and Donga-Mantung Divisions. The current Mbororo population for the whole province could be placed at around 80,000 out of a total of over 1.5 million.<sup>6</sup>

Being located at the peripheries of the Province has meant reduced access to government services, whilst their relative population dispersion has further excluded them from the convenient (spatial) definitions of 'community' on which development efforts are generally based in the North West. Often without formal education, the Mbororo'en have historically been under-represented in all branches of local government and administration (except livestock), whilst their traditional leaders are viewed as subordinate to 'native' chiefs. A language barrier also persists, especially for Mbororo women whose low rates of literacy have implications for their autonomy, family health and budget management. This experience of citizenship formation is differentiated amongst the Mbororo in terms of urban-rural differences, age and gender. Both within Mbororo communities, and more broadly, particular instances of injustice are experienced by women, including domestic violence and asset-stripping in the event of widowhood. Mbororo women tend to have low literacy levels and experience much reduced social mobility compared to men, on whom they are largely economically dependent. While some of these factors relate to the political economy of the North West, as with the lack of commercial demand for the milk that Mbororo females are responsible for managing, the onset of Islamicisation amongst Mbororo communities that has accompanied the shift to a sedentary lifestyle has also played a restrictive role regarding women's engagement in broader social life. A further marginalising or rather isolating influence for Mbororo people in general comes from a general sense of reserve and 'otherness' amongst the Mbororo'en in the form of a code of conduct known as *pulaaku*.<sup>7</sup>

The Mbororo'en were not treated as full citizens by the colonial administration. Lacking the rights of land ownership that stem from this status, they relied instead on paying 'tribute' to local landowners for grazing rights, a tradition that involved developing patron-client links with local chiefs and administrators. However, this 'informal' mode of political engagement, which constituted the key dimension of their political involvement up until the 1990s, would provide little security in the context of economic and political liberalisation in the late 1980s and early 1990s, and would be further exacerbated by the increased pressures on land. Indeed, 'democratisation'

---

<sup>6</sup> This figure is significantly smaller than the 120,000 reported elsewhere (Davis 1995), and is extrapolated from research in Donga-Mantung in the mid-1970s that the Mbororo'en to constitute some 5 per cent of the population (184, 516 at this time) (Frantz 1986: 29, 17). The figure used here is based on evidence that Mbororo in-migration ended during the mid-1970s, and the assumption that the Mbororo proportion of the overall population has not changed significantly.

<sup>7</sup> The cultural code of '*pulaaku*' functions as a means of maintaining an ethnic boundary around the Fulani category, and is understood as being closely linked to a pastoral lifestyle. However, it is also associated with a sense of superiority over other ethnic groups (Burnham 1996).

initially did little to improve the citizenship status and rights enjoyed by the Mbororo'en. The reliance of the Mbororo on the state for access to land made them de facto supporters of the ruling party in this opposition stronghold. A perception what led to high levels of 'Fulaniphobia', during the 1992 elections with Mbororo compounds burned and some Mbororo attacked on their return from polling stations. The (re)introduction of political competition effectively sent Cameroon's neopatrimonial system into overdrive as patrons sought to secure new clients and replace lost economic resources. Corruption became institutionalised in the legal system (Fombad 2000), and the grazers' relative wealth made them a particular focus for 'extortion' at each stage of the farmer-grazer conflict process (see below). In particular, a wealthy industrialist and member of the ruling party's central committee – Alhadji Ahmadou Baba Danpullo – targeted the Grassfields Mbororo'en both as a new political constituency and as a means of economic accumulation.<sup>8</sup> This campaign has been characterised by land evictions and cattle confiscation, human rights abuses and repression, and the co-option and imprisonment of Mbororo leaders.

The following section examines the issue of farmer-grazier conflicts as a means of gaining a window onto Mbororo-state relations, and also the wider forms of exploitation and patronage that the Mbororo are closely involved in and which has historically shaped their experience of citizenship in the North West, and to which the programme has sought to respond.

### **A window onto Mbororo-state relations: farmer–grazier disputes**

“(the North West) is so vulnerable to farmer-grazier conflicts that administrators usually shy away from such sensitive and highly politicised issues; this often makes for a lot of bribery and corruption in settling disputes” (Tchoungui et al 1994: 61, parentheses added).

In contrast to their more general exclusion from state and civil society, the Mbororo are heavily involved in the legal process concerning the resolution of farmer-grazier disputes. As with pastoralists across West Africa, the emphasis here is on clientelistic forms of incorporation rather than marginalisation.<sup>9</sup> This is particularly the case in the North West Division of Donga-Mantung, where the programme is most advanced, which has the highest level of farmer-grazier conflicts in the Province. Traditional Mbororo leaders and graziers gather regularly outside the administrative and judicial offices in preparation for meetings and court cases. The character of Mbororo participation in the resolution process, is strongly informed by and helps to reproduce their citizenship status, and plays a defining role in terms of their wider participation in the North West's political life.

---

<sup>8</sup> For a more detailed discussion of the activities of this patron, see Davis (1995) and Hickey (2004b).

<sup>9</sup> Wider research across West Africa has shown that, “In most areas, Fulbe have been under-represented in district councils and the civil services, mainly because of their lower levels of formal education. Much Fulbe political influence, however, has been exerted through patron-client ties, particularly at local levels” (Frantz 1993: 19).

The farmer-grazier process itself reflects the broader politics of citizenship in Cameroon. Regular participants in and observers of this administrative process consider it to be ineffectual and corrupt. Members of the local Farmer-Grazier Commissions rarely cooperate with each other, and the representatives from state delegations of Agriculture and Livestock tend to adopt adversarial positions. The many points of engagement between officials and plaintiffs, some of which involve financial transactions such as the payment of travel costs to commission members, lend themselves to bribery. The chief beneficiary here tends to be the local Divisional Officer as head of the Commission,<sup>10</sup> thus reducing the official incentive to resolve the problem at its roots. As a result “of such vices, the farmer and grazier are placed at an almost permanent position of confrontation” (Kwenkam 1988), with increasingly costly consequences for each side.

The Grassfields Mbororo'en are closely implicated in this process of making 'informal' settlements.<sup>11</sup> The ability of the relatively cattle-wealthy Mbororo'en to pay bribes is resented by women farmers in particular, and what they see as the “partiality, intrigues and the corrupt nature of the administration in handling farmer/grazier problems” has led to major public protests (The Herald 03-05/07/1995). The feeling that the Mbororo'en are 'outsiders' who do not deserve land further exacerbates a sense of enmity towards them. For their part, Mbororo graziers cite their low level of representation in the administration, and claim that the Commission is staffed by the cultural “relatives” of the farmers and is thus biased against them. Graziers argue that their low status in terms of land rights leaves them with little choice but to draw on 'extra-legal' means of acquiring access to land. When matters reach the courts, the balance of power is generally reversed. Magistrates and graziers alike note that the courts are more likely to be used by farmers, who generally have a superior knowledge of the law and legal system to the Mbororo'en. In addition, the key legal concept of 'possession' tends to work to the benefit of farmers over graziers, with their different relationship to the land, both legally and in terms of usage.<sup>12</sup> Problems of corruption remain. Cameroonian courts have been noted for their corruption, especially outside major urban areas. This is borne out in the remote North West Division of Donga-Mantung, the location of the programme discussed below, where magistrates admit to having bribes placed before them, and claimants argue that magistrates demand payments from them in exchange for favourable rulings. Again, graziers are more successful in this 'informal' arena.

---

10 In 1998, the Divisional Delegate for Livestock in Donga-Mantung estimated that a divisional officer could gain 100 cattle through bribes in less than a year.

11 During one participatory research exercise for the programme outlined below, women in a particular community were asked what happened when the men went to the Divisional Officer to deal with farmer-grazier problems. The resulting graphic showed a man carrying a bag of money, while one of the women said, “how can you go to the market and refuse to pay money? They will put you in jail”.

12 'Possession' does not relate directly to ownership or use, but to the development of the land (Interview with local magistrate; Enonchong 1999). Claimants must show that they were in possession of the land, usually indicated by the length of stay and quality of improvements made to the land. It is generally more difficult for graziers to claim possession, in that pastoral development (e.g. the planting of specialist grasses) is less observable than agricultural development (e.g. crops, fences). The length of stay is at the discretion of the court, adding to the impression that 'possession' is a fluid concept whose scope for interpretation further reduces the scope for fair and transparent rulings.

The contemporary involvement of the Grassfields Mbororo'en in 'corrupt' practices during the resolution of farmer-grazier conflicts relates closely to the terms of their historical engagement with landowners, a limited capacity to act 'formally' within state institutions, and the character of the land tenure system itself. Their status as migrants ensured that access to resources was dependent on patron-client links rather than citizenship claims. Following the 1974 land nationalisation this tradition has effectively been transferred to divisional officers, who to some extent took on the role of owners of grazing land (Fisiy 1995: 56). Their 'patron-seeking' behaviour can thus be understood as a political investment that 'stranger' groups have historically had to make in lieu of fuller membership status. Importantly, most Mbororo'en continue to lack the level of education required to successfully navigate the 'formal' legal terrain of these disputes, and instead seek to achieve parity by relying on their comparative advantage in cattle wealth to influence the 'informal' sphere of state decision-making.

The issue of farmer-grazier conflicts constitutes merely one window onto the wider arena of rights-based problems faced by the Mbororo. Endemic corruption within Cameroon society has made the Mbororo easy prey mainly because of their visible cattle wealth, poor coping strategies and readiness to "pay up" in the face of victimisation. A significant dimension of this concerns their tendency to work through 'third parties', particularly prominent Hausa or settled Fulani people (Fulbe) who have taken on the role of representing the Mbororo people, often exploiting them in the process (Awasom 1984). Government officials and such interlocutors will often not wait for a particular legal problem to arise, but simply target Mbororo citizens directly (e.g. youths may be ordered to pay immediate fines for low-level offences). This situation makes issues of rights and development inseparable for the Mbororo.

### **Challenging exclusion: social movements, human rights and development NGOs**

Since the early 1990s, significant moves have been made towards challenging these wider processes of exclusion, exploitation and self-isolation. Increased urbanisation amongst the Mbororo, and associated processes of socialisation within elements of the pro-democracy movement during the early 1990s, meant that some Mbororo'en had begun to engage with the urban 'civil' society, the main arena for 'democratic' citizenship participation over this period (Monga 1996). Growing numbers of Grassfields Mbororo'en were graduating from school and even university, partly as a means of livelihood diversification as Mbororo control on pastoralist production in the North West declined. Heavily conscientised both to the threats and opportunities of political liberalisation facing the Mbororo'en, this emerging urban, educated 'elite' formed the Mbororo Social and Cultural Development Association (MBOSCUDA), an organisational form that was resurgent in Cameroon and across West Africa during this period (Nkwi 1997, Honey and Okafor 1998). MBOSCUDA is a national organisation that was registered on the 21/10/1992 and in conformity with the Law on Freedom of Associations. It has its headquarter in Yaounde, the capital of Cameroon, with provincial secretariats in all the ten provinces of Cameroon. It is the North West branch of MBOSCUDA that we focus on here.

The explicit objectives of MBOSCUDA are 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. Both this political stance and the perceived difficulties of working with an enclavic community led to initial difficulties in accessing external funding. By the late 1990s, however, as issues of 'rights' and 'exclusion' were gaining increasing currency within the transnational community of non-governmental development organizations (NGDOs, Townsend 1999), a UK-based development NGO, Village AiD, formed a partnership with MBOSCUDA in 1998, and also three other local NGOs, with respective strengths in participatory approaches, women's empowerment and human rights. With a strong focus on building the capacity of MBOSCUDA and its constituent women's groups, the partnership initially adopted a fairly cautious approach, including a decision to work in the Division furthest from the threat of the predatory influence of Alhadji Baba (Hickey 2002). However, within this cautious approach were elements of a more politically engaged response, particularly the partnership with the human rights organisation and the adoption of the REFLECT approach to literacy, which incorporates an explicitly political challenge towards 'structures of oppression'.<sup>13</sup> In 1999, a second project was started, focusing explicitly on 'challenging social exclusion', and heralding a shift towards a rights-based approach. A key element within this programme was a paralegal extension scheme, which started in 2001 as a pilot in Donga Mantung Division, and was extended to all the seven Divisions of the North West Province in 2003.

## **The paralegal programme**

### *Objectives and activities*

The goal of the paralegal extension model is to design and drive a scheme that supports communities to take up their citizenship and negotiate social justice for themselves, through awareness creation of their rights and responsibilities, and building their capacities to eventually secure these rights for themselves. Through various extension approaches and processes this model provokes communities to understand the substantive laws of the state, build their capacities to challenge violations of their rights, and also challenge those elements of their social practice that runs contrary to the wider pursuit of citizenship rights and obligations.

---

<sup>13</sup> The key idea behind REFLECT is to merge the pedagogical and political philosophy of Paulo Freire (Freire 1972) with the techniques of participatory rural appraisal. Building on findings that participatory methods need to be linked to some form of education in order to become empowering, REFLECT proceeds by engaging participants in dialogical discussions of their socio-economic problems, and uses visual graphics to structure and depict the discussion (Archer and Cottingham 1996). 'Keywords' emerge from these discussions, which then form the basis for literacy development. Participants are encouraged to devise means of solving the problems, beginning with 'action-points'. Depending on the level of action required, REFLECT groups can either undertake the action themselves, or develop links with higher-level organisations. The results of REFLECT in many cases to date have been impressive, with genuine empowerment and transformation taking place with regards gender relations, community-state relations, and between age groups within communities (also see Parker, this conference). Participants report self-realisation, increased participation in community organisations, and increased community-level actions (Archer and Cottingham 1997: 200-1); female participants and REFLECT facilitators in particular have become key resource people for the communities (Kanyesigye 1998: 51-53). (FROM HICKEY AND MOHAN 2004).

The two key approaches employed here have been *legal literacy* and *paralegal extension*, approaches which have “a potential impact on citizens’ understanding of the state and their rights and roles *vis-à-vis* it” (Orvis 2003: 257). 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, REFLECT has been used as the primary means of acquiring this knowledge. REFLECT 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.

Community-based paralegals are expected to have a day-to-day engagement with community members, and to carry out the following services; community education; legal advice and assistance; and counselling. These activities are monitored and supervised on a monthly basis by a chief paralegal from the regional office. Where matters are beyond the capacities of the paralegal officers, the case is referred to the legal practitioner of the project, who offers professional support to the paralegals and takes up cases of human rights abuses to court where required. Paralegals are trained in the basic principles of human rights, the laws of the state as well as the legal system of the state and how it operates, and also the basic principles of psycho-social counselling. Before making any such referrals, the paralegal must have exhausted all alternative dispute resolution avenues within the community.

There is no prescribed approach or method to be used by the paralegal. Although paralegal work has been defined as a ‘participatory legal rights strategy’ (VeneKlasen et al 2004: 32), the linkages need to be forged rather than assumed. Based on the circumstances and the particular objective to be realized one or many of the following approaches may be used: REFLECT literacy, interview, focus group discussion, social drama, counselling, participatory action research (PAR). The radical edge to REFLECT training, which stresses the structures of oppression that marginal groups need to overcome, struck a visible cord with members of MBOSCUDA and key programme staff, resonating with the social movement’s broader objective of challenging exclusion, and suggesting that the potential linkages between participation and rights-based approaches lie more in terms of the vision of social change that underpins each rather than in terms of methodologies.<sup>14</sup>

There are presently seven paralegal (community legal advice and assistance) offices, one in each of the seven Divisions of the North West Province, with each office managed by trained paralegal. The paralegal offices handle an average of 40 matters annually as well as carrying out community education within the target communities. The Barrister associated with the project handles an average of 30 matters in court

---

<sup>14</sup> The potential for linkages between Freirean approaches to participation and mobilisation is noted by VeneKlasen et al (2004).

annually on behalf of victims of human rights abuses, the most frequent perpetrators of which are government and law and order officials. Land disputes are also a key focus, as elsewhere in rural-based paralegal programmes (Orvis 2003).

### *Key strategies*

The most effective strategies employed within the paralegal programme have been in the form of direct legal strategies (written complaints, workshops on human rights issues and court cases); but also less directly through tapping into wider discourses and institutions associated with drives towards 'good governance'. A largely unplanned-for benefit has been derived from the success of the cases, whereby the programme has taken on significant 'dispersion' and 'demonstration' effects. A generally common characteristic of these approaches is the tendency towards a confrontational approach, rather than a more broadly educative one.

The most common strategy has involved paralegal officers writing to the relevant authorities, setting out the precise legal grounds on which the injustice is being challenged and also the action that will be taken if the authorities fail to act lawfully regarding the particular problem. The use of phrases like "the matter will be pursued to a logical end", including hints at court action, have often been enough for cases to be treated within their primary stages – 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 same complaint is forwarded to the next official in the state hierarchy, noting that the lower official has failed to resolve the issue and with copies of the earlier complaint attached. This form of exposure has proved strikingly effective, and has basically turned on using the often disempowering norms of bureaucratic practice in Cameroon – which is heavily centralised, top-down and patronage-based system – to the advantage of citizens.<sup>15</sup>

The paralegal programme discussed here has sought to engage with the administration through a series of workshops and conferences, as well as through the more direct means of legal action. One conference organized in Nkambe town on the 29<sup>th</sup> day of January 2001, still cited within the administration, brought together all parties involved in farmer-grazier conflicts in Donga-Mantung. Programme staff devised a series of social drama performances that reflected on the 'legal' process encountered by farmers and graziers. As the level of bribery and corruption was depicted, nervous laughter ran through the audience, and the local police commissioner was seen to hide his face in shame as his staffs were depicted demanding bribes for statutory services. At another point, a gendarme urgently informed the performers that they had missed one of the moments where bribes were passed, namely to prison staff who would not release detainees until they had received their cut. The Divisional Delegate of Livestock referred to this meeting 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". In the same conference, the president of the High Court of Donga Mantung explained the legal provision of the

---

<sup>15</sup> At the same time, officials have used the programme as a means of settling scores within the administration, by acting as informants regarding the illicit actions of colleagues.

resolution of the farmer-grazier disputes to all stakeholders. After the conference, a veterinary extension worker remarked that the time for Divisional Offices to get rich from the Mbororo in the settlement of farmer-grazier disputes is now over.

However, as funds became tighter, such workshops and capacity-building measures exceeded the programme budget, in part because the per-diem culture of international development work renders these prohibitively expensive. A strategic decision was made to pursue the same ends through high-profile cases that would embarrass officials into a heightened level of consciousness concerning the need to act legally. From this, court cases have been used relatively rarely, but to good effect (see Box 1).

Such approaches have been carried out within the context of growing discourses around issues of broader 'good governance' discourses within Cameroon. Linkages have been made by the programme to some of the institutions associated with this discourse, such as the National Anti-Corruption Unit. This reflects that 'the recourse to political discourses and practices of naming are extremely important in most political struggles, and that marginalized groups may take advantage of such discourses as one of their few assets' (Engberg-Pedersen and Webster 2002: 267), and that the good governance discourse, although much critiqued by development academics has a genuine resonance with citizens in poorly governed countries (Corbridge et al 2005).

In some cases, the paralegal programme has drawn explicitly on the benefits of its close links to MBSOCUDA as a national social movement. In one case that was brought against the politico-industrialist mentioned above, the paralegal in the area was able to refer the case to the movement's national bureau in Yaounde, which ensured that the case was included within a broader national Commission that was investigating the actions of this predatory patron. The ability of social movements like MBOSCUDA to transcend the local suggests the benefits for NGOs of working with associational forms. Just as importantly, the success of the programme can be closely linked the movement's political character, both in terms of its earlier 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 with or against local government officials – and even the fact they are taken up – has been found to be strongly conditioned by the paralegal's personal experience of political activism.<sup>16</sup>

Finally, the programme appears to be developing a degree of sustainability, through the demonstration and dispersion effects of the work. a key process that seems to be unfolding . The demonstration element of successful cases has both discouraged government officials and middle-men from pursuing strategies of predation (see below) and also encouraged traditionally reluctant Mbororo graziers to seek the assistance offered by the programme. Informal means of communication – predominantly through gatherings at cattle markets – has spread the word. Orvis

---

<sup>16</sup> In Kenya, those paralegals with a prior history of political activism were far more likely to take up such cases, and to do so with a high success rate of 84 per cent (Orvis 2003: 261).

(2003: 258) also notes the impressive dispersion effects of paralegal work, noting how thousands of rural residents were reached within two-three years of programmes starting. Here, a number of successful claimants have been instrumental in helping family members to defend themselves against predatory behaviour, creating a wider cohort of more genuinely 'community-based' legal advocates.

#### *Analysing the impact of the programme to date: towards citizenship?*

The outcomes to date of the programme in terms of advancing processes of citizenship amongst the Mbororo'en appear to be promising. Members of the Mbororo community and state officials in Donga-Mantung Division consider that Mbororo-state relations have improved significantly over the period of MBOSCUDA activity, and more specifically the lifetime of the paralegal project. In general terms, 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", a view that the Divisional Delegate for Livestock concurs with, arguing 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 any thing 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 can not treat us like in the past". This section analyses the key impacts that appear to have occurred so far in relation to the paralegal programme, in terms of good governance and citizenship formation, but also explores the critical challenges that face the programme, particularly in terms power relations and local discourses on 'exclusive' forms of citizenship.

#### Towards more responsive good governance

Key indicators of the improved levels of governance related to the programme include the number of bribes that the administration has been forced to pay back; the transfer of errant staff to posts elsewhere in the Province; and the reduced levels of predation faced by the Mbororo. According to one government official, "Years back, this community (the Mbororo) were serving as the 'milking cow' of the administration especially the forces of law and order. Nowadays this relationship has ceased from being unidirectional and has become mutual". A lawyer who practices in the region stated that, in the past, the Mbororos were "very juicy" clients, as they paid any fee that was quoted to them, but that they now negotiate fees with lawyers based on the services rendered to them. The strategy of aiming for high-profile cases has been largely successful. Successfully prosecuted targets here have included brigadier commanders, divisional delegates of Livestock and prominent Gendarmes, one of whom used the car of his company commander to move round the division arresting and extorting large sums of money (see Box 1).<sup>17</sup> In several cases, the mere

---

<sup>17</sup> The most recent case – although one that went straight to the lawyer rather than via the para-legal system – was the conviction of the company commander of the Gendarmerie to two years imprisonment

presence of a lawyer committed to the Mbororo seems to have had an immediate impact, ensuring that due process is followed, and balancing up the generally superior capacity of the farmers to represent themselves at this level. 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. In other instances, farmer-grazier conflicts have been removed from the courts where they were being improperly tried.

Box 1 Good enough governance? The disciplining and dispersal effects of paralegal work

A particularly notorious case involved a prominent gendarme officer who operated with his boss, the Divisional Commander of the Gendarmerie for the Donga Mantung Division, in targeting and arresting Mbororo people at random, extorting significant sums of money in the process (hundreds of pounds). Mbororo people arrested in one sub division were transferred to another sub division, detained and asked to pay a certain amount of 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 ordered Major Bobbo to pay the sum of 3m FCFA, (£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 was suspended. Both were both transferred out of the province to the significant big relief of the local Mbororo community. In another case, which constitutes the first example of a senior Gendarmerie officer being taken to court under the programme, also led to the officer being transferred. In his new post, he refused the orders of his new superior to detain an Mbororo grazier, and directly informed his superior that, given the new respect for human rights in Cameroon, citizens cannot be detained through mere instructions from an administrator. Although the frequency of this effect needs closer monitoring, this suggests that the 'localism' of some development initiatives is being transcended, with staff movement resulting in the spread of good practice rather than the simple displacement of bad practice to another era.

*Source: Interview data.*

This effort to strengthen state processes of justice represents an advance on a previously general problem with participatory development work undertaken by NGOs, whereby a localist and apolitical bias tended to bypass and even undermine political norms of accountability and justice in the wider public realm. In terms of the broader governance agenda, one of the key effects of such efforts has not been to 'bring the state closer' to the Mbororo – a period of more limited engagements with the state would be most welcome for many Mbororo – but about enabling them to 'see the state' in a different way (Corbridge et al 2005). In particular, government officials have been removed from the pedestals upon which the Mbororo tended to place them. "Now we no longer have that extreme fear for the officers that we had in the past". This could (in time) constitute a key challenge to the vertical patron-client

---

for a search of a Mbororo man's house without a warrant and the unlawful arrest and detention of the owner of the house.

relations that the Mbororo have relied on, and which officials have exploited for personal gain. So, although it is not yet possible to argue that the programme has objectively ensured higher levels of good governance, there does seem to be progress towards what Merilee Grindle (2002) terms 'good enough' governance.

#### A process of empowerment: from clientelism to citizenship?

In terms of the central objective of the programme to empower the Mbororo as citizens, progress is apparent across a number of dimensions so far. These include the payment of lower levels of bribes and the (related) increased ability to negotiate with the administration; a stronger sense of self- and group-empowerment; increased levels of legal and political literacy; and the removal of exploitative middle-men in dealings with the administration.

The capacity and willingness of many Mbororo graziers to pay their way out of conflict situations, and the propensity of state officials and middle-men to demand bribes has been directly challenged.<sup>18</sup> In numerous cases, claimants reveal that their legal support has empowered them to either avoid or at least negotiate lower payments. Relating the details of one case, an Mbororo grazier proudly stated that he had shouted at the Divisional Officer, and paid only 20,000CFA significantly less than the 100,000 plus that was being demanded. In many instances, this has extended beyond those cases with direct paralegal involvement, with claimants retaining the same confidence in future cases (see Box 2). Again, this finding concurs with results of paralegal programme elsewhere in Africa, where the new found ability to 'stand-up' to local authorities is often reported by clients (Orvis 2003: 261).

#### Box 2 Reducing corruption: Towards a form of 'negotiated clientelism'?

In the following case, the Mbororo man relating the story had, with paralegal support, managed to reclaim monies that government officials had extorted from him:

"One grazer came from Sabongari to settle in my Ardorate. We requested for a grazing permit over the piece of land from sub delegate of the Ministry of Livestock. . I went along with him to the sub delegate office and after introducing him to the sub delegate we expected the delegate to ask us a huge sum of money. But this time the grazer was asked to wait outside while we talk over the matter. The sub delegate asked me what we have brought for him, and I asked him to propose what the grazer should give to him. He turned round and told me that I should pay whatever I thought was right, since the grazer in question would be my subject henceforth. I gave him 30.000 FCFA and took the grazing permit for the new grazer. This case would not have costed less than 100.000 FCFA and a bull in the past" (Interview with Mbororo grazier, Mfe, Nwa, Donga-Mantung, 21/10/04).

"Currently if I have a problem I know I will not pay any money to these officers. Since your (the paralegal) coming to Nwa, if there is any problem involving the Gendarmes

---

<sup>18</sup> NB: this section on corruption should probably be under the 'good governance' sub-section, with a note later on regarding the shift to a weaker/more negotiable form of clientelism.

or any other service and there is need for bribe, these officers no longer ask for huge sums of money...We also can propose what to give unlike in the past where they told us what to give and in hundreds of thousands" (Focus Group Discussion with six Mbororo men, Gamfe Nwa, Donga-Mantung, 20/10/04).

Increased levels of legal and political literacy amongst the Mbororo are becoming evident, with claimants now much clearer concerning what they are entitled to and which processes are open to them. Much of this learning has been done experientially, through particular cases, rather than through training workshops. This increased understanding is disseminated by successful claimants, informally at markets but also through helping others (usually family members) with cases. A key judicial official noted that, "More Mbororo seem to be aware of their rights and duties... they feel themselves as citizens to a greater extent now...they do not shy away from most of the things the other citizens do". Several claimants support this view, suggesting that whereas "We used to be frightened by the name court", they "no longer fear the Gendarmes like in the past. If someone is arrested I question the arrest even in the presence of the commander", suggesting that these rural subjects are no longer intimidated by the institutions of 'civil society' (Mamdani 1996), and are indeed 'seeing the state' in a different way. According to the Divisional Officer in Wum, an adjacent Division to Donga-Mantung, "Cases have now come up where Mbororo people quote the constitution – they say, 'We have stayed here for over 30 years so why are we not citizens? The so-called natives have also moved (here) from another place'". This extends to the uptake of the obligations as well as the rights of citizenship. One judicial official praised MBOSUDA's sensitisation efforts, which ensured that the Mbororo made the best response regarding a campaign for registration of children with birth certificates.

A number of Mbororo graziers have reported that, following their first involvement with the paralegal programme, there has been a reduction rather than an increase in the number of instances that would require such support. In particular, there seems to have been reduced instance of farmer-grazier disputes and attempts at exploitation. This is perhaps counter-intuitive, to the extent that higher levels of conflict are often associated with the onset of a more legalistic culture. However, where the improper use of legal system itself was a large part of the problem – as noted above regarding farmer-grazier disputes – the proper use of legal channels has led to a reduction in conflicts, and no longer constitute the same means of enrichment and wielding of relations of domination. However, some report worse relations with farming neighbours as a result of cases going to court. According to one grazier who won a case against his farming neighbour, "We were enemies before we went to the court but not as bad as we are now. Before, we used to meet and discuss other things", thus leaving the evidence regarding the improvement of 'horizontal' citizens relations in this respect as mixed.

A corollary of the improved awareness of rights and willingness to exercise them has been a reduced reliance on the middle-men that previously sought to act as interlocutors between the Mbororo and the state. In many instances, these

interlocutors connived with corrupt officials, often making them aware of previously untapped opportunities for exploitation. One Divisional Delegate for Livestock relates that,

“You see many Mbororo people now going to the (government) offices without a Hausa man leading them to help talk with the administrators; it means that they too are citizens and can take their worries to the appropriate places.”

These middle-men have been replaced by a mixture of paralegal staff and more empowered individuals acting for themselves and each other. Although generally associated with empowerment, the challenging of patron-client relations by civic actors raises at least two potential dangers; first, that this will either leave the erstwhile client without the benefits of the patron-client relationship, and potentially suffering a backlash from the patron; and second that the civic actor simply acts as a replacement form of patronage. With regards the former, Kabeer notes that rights-based approaches often “require poor people to break with past relationships of dependency on patrons and to stand up for themselves, often at some personal and economic cost”, and thus have some contradictory implications” (2003: 37). In terms of this programme, the results are not clear, with few graziers reporting worse relations with the state or declining ability to secure grazing permits and other crucial state-controlled resources. Moreover, the extent to which previous patron-client relationships were associated with high economic costs suggests that a more progressive outcome is possible here. However, it would be naïve to imagine that the decades-long experience of certain patterns of political engagement can be overturned so easily without negative implications.

The second danger, as with NGO interventions in general, is that one form of patron-client relationship is replaced with another, potentially even more unaccountable form. Here, the relationship between trustees and clients remains highly skewed, with little evidence that rights-based approaches have involved development agencies being held to a higher degree of accountability by their clients, which some see as the key contribution of the approach (Nyamu-Musembi and Cornwall 2004, van Tuijl 2000). However, awareness of the dangers of creating dependence has led paralegals to make efforts towards ensuring that claimants take their own cases forward wherever possible, removing the paralegal from the equation. Where clients refuse or are reluctant, this ‘absenting’ has taken a literal form, with one paralegal simply excusing himself just before the case was to be taken to the officer concerned, effectively forcing the client to stand for her/himself. In several instances, traditions have died hard, and clients have made gifts to the paralegals, raising the danger that paralegals find themselves in the same privileged position of a go-between. Although paralegals are bound by the rules of the programme to declare such gifts of appreciation, this relationship clearly requires close monitoring.<sup>19</sup>

---

<sup>19</sup> Paralegal officers joke about this in training workshops saying that not doing so would be “para-illegal”!

One instance illustrates both of these concerns – involving the dangers of breaking patron-client relations and the potential clash between rights-based approaches and local cultural codes and practices. Here, a client refused at the last moment to pursue a case of exploitation that he had lodged with the paralegal, leading to the latter's imprisonment for making false accusations. The client's parents had been subject to violent threats by the perpetrators of the exploitation – a local chief of police and members of the traditional council – and forbade the client to pursue the case. The Mbororo cultural code of *pulaaku* prevented the client from disobeying his parents, and it took three days for the lawyer to persuade the family that the greater threat in the long-term lay in *not* making the case. The long-term implications remain unclear.

It will have been noted that virtually all of the cases mentioned so far involve male claimants. Indeed, given that the Village AiD-MBOSCUDA partnership began with a fairly exclusive focus on women's groups, the onset of paralegal work has involved a gendered shift concerning the members of Mbororo communities involved. To a large extent, this is because most cases of exploitation tended to centre on predominantly male-dominated livelihood issues, regarding cattle-ownership and management. Issues requiring legal redress disproportionately involve men by their public nature. Also, Mbororo women clearly gain from the benefits experienced by male household members (e.g. less household income being spent on 'legal costs'). Nonetheless, as noted elsewhere in the rights-based literature regarding gendered forms of exclusion and subordination (Molyneux and Lazar 2003, Cornwall and Wellbourn 2002), there are a series of gendered forms of injustice that the programme could clearly address, notably in property rights and cases of divorce, child custody and inheritance for example, women form the majority of clients in paralegal programmes in Kenya reviewed by Orvis (2003: 257), with issues of marital and domestic violence constituting a significant proportion of cases). The public-private divide can be used too easily to obscure the forms of subordination that both keep women within the domestic sphere and operate therein. Moreover, the potential benefits here have become clear through the uptake of the paralegal services by women from ethnic groups other than the Mbororo. For example, women who have been victims to the common problem of asset-stripping in the event of widowhood, have gained paralegal support to ensure ownership of the matrimonial house and land, and protection from further exploitation. As one noted, "the whole community knows that a women has stood up against a group of men and have successfully challenged them... just the fact that I am currently living in the compound is satisfactory testimony of success". However, whereas many of the general successes with paralegal approaches have involved ensuring the application of existing laws, some of the problems of faced by women require changes to existing rules within state and traditional practice, and potentially (as elsewhere) new legislation (Nott 2003), a level at which the programme has yet to engage.

#### Power relations, and progressive politics

Some critics noted the importance of engaging with the relational field within which rights emerge and are realised, and critiques the individualised and legalistic tendency of rights-based approaches, whereby this current aesthetic tends to

essentialise both individuals and groups, with rights seen as their private properties, in ways that obliterate social context and constitutive social relations (Englund, 2004: 12). It is important to note that some of the impacts achieved through the paralegal programme reviewed here go beyond individual gains and seem to be re-shaping of these power relations along a number of dimensions – between the Mbororo and the state, between the Mbororo and other ethnic groups, and (to a more limited extent) between men and women. This has meant going beyond the two-dimensional ‘voice/responsiveness’ approach to issues of empowerment, and marks an engagement with the underlying causes of injustice that has helped to move a localised, participatory development project towards being a more fundamental and political challenge to social exclusion (Spicker 2003).

However, and although essential, this shift of power relations between neighbouring ethnic groups also raises concerns. At the individual level, some graziers report worse relations with neighbours, as a result of their defeat via legal redress, while there is a wider sense here that Mbororo empowerment may be occurring at the expense of other groups. Interviews with successful Mbororo claimants reveal that some feel a strong sense of victory over their farming neighbours, and see the programme as allowing them to ‘defeat’ their enemies, and leading to the Mbororo (perhaps influenced by their code of *pulaaku*) to view themselves as becoming a ‘stronger group’. To a large extent, this feeling needs to be understood in the context of decades-long relations of subordination, and a sense of release from this. This sense may also be accentuated by the adversarial nature of the legal process. However, there remains a genuine concern that the way in which citizenship is understood in Cameroon – in a context where ethnicity is highly politicised, especially in relation to issues of land – that tends towards narrow rather than universal readings, whereby the gain of one group occurs at the expense of others. In a country united only by ethnic difference (Nyamnjoh 1999), to consolidate this dimension of politics would hardly constitute a progressive move, particularly concerning the extent to which the Mbororo are, despite their status as second-class citizens, economically wealthier than their farming neighbours.<sup>20</sup>

To some extent, this is shaped by the terms of political activity in much of Africa, which remains conditioned by the divisions between urban civil society from where the discourse of rights emanates and has some purchase, and rural ‘traditional’ society, where people remain subject to either traditional forms of authority or the patrimonial engagement strategies of urban political actors (Mamdani 1996). In Kenya, paralegal programmes have remained closely conscribed within existing ethnic and regional networks (Orvis 2003). Although this has the benefits of a strong network with relatively high degrees of trust, it necessarily limits the constituency for the work in a less than universalist and potentially ‘uncivic’ way.

---

<sup>20</sup> As noted elsewhere (Hickey 2004a), one colonial administrator once described the Mbororo in the North West as ‘privileged tenants in an otherwise depressed area’, with reference to their generally superior economic wealth compared to farmers.

In practical terms, the programme has recognised this problem, and is seeking to open up its services more broadly, acting as a citizen's advice bureau for all-citizens. In strategic and also theoretical terms, this involves recognising a series of tensions that emerge when promoting rights in particular contexts, tensions between civic and socio-economic rights; minority and universal rights, and also between legal and social justice.<sup>21</sup> In the (often unusual) situation where relatively wealthy citizens are denied civic and political rights, a choice may need to be made concerning the extent to which this civic deficit can be re-balanced without creating further inequalities. The prospect of the Mbororo gaining comparatively increased citizenship status across all three forms of Marshallian citizenship rights is hardly an equitable or just one, and women farmers would have very strong claims to being a still more subordinated if better organised set of second-class citizens within this Province. This raises difficult issues of sequencing, that rights-based approaches seem to offer little guidance on (see Munro, this conference).<sup>22</sup>

There are also theoretical challenges. The problem of celebrating minority rights is of growing concern within the Africa context, such that "If the current aesthetic of recognition allows little more than discrete individuals, groups and communities pursuing their own agendas, an alternative aesthetic must attempt to do more justice to the relational field in which the politics of recognition emerges" (Englund, 2004: 12-13). For Englund, this involves engaging with particular understandings and forms of citizenship. We do not have the space here to fully rehearse arguments regarding the alleged universality of rights and narrow particularism of ethnicity, and how a minority rights discourse engages with this. However, there is increasing recognition that the notion and practice of citizenship is able to forge creative and progressive linkages between these apparent dichotomies. As argued by Mohan and Hickey (2004), this conception of citizenship recognises substantive rather than legalistic forms of citizenship, in both ethnic and national forms, and also the extent to which gendered and marginal forms of citizenship participation are often performed through informal and private rather than formal, public means. For Molyneux and Lazar (2003: 74), absorbing the issue of citizenship into their practice is seen by Latin American NGOs as their key challenge. For MBOSCUDA, this has arguably been apparent for some time. 'Citizenship', rather than rights' has a real resonance with the history of their struggle for inclusion in the North West. The late colonial era, involving the struggle for independence and the 'democratisation' of the native authorities that the Mbororo had been excluded illustrates this point, with Mbororo elders petitioning the United Nations for recognition as full citizens of this region. The importance of this era as a moment where the rights became 'Africanised' is recognised by Nyamu-Musembi and Cornwall (2004: 6-7).

---

21 Another case revealed that the pursuit of legal justice for a particular group may undermine the wider pursuit of social justice. Here, an Mbororo grazier who was known to have at least been partially culpable of the action for which he was being charged, was able to walk away from the case on a technicality.

22 According to some, rights arguably have a stronger resonance with cases involving exclusion, rather than poverty per se (Spicker 2003).

More broadly, the danger of populist and largely western discourse of ‘minority rights’ converging with local discourses in ways that further underpin exclusion (Hickey 2002), requires engaging with a wider project of social justice. The word “right” is derived from the Latin word “rectus” which means, that to which a person has a just and valid claim. We would argue here that a critical project of ‘transnational justice’ can offer direct guidance here. It is a project that resonates with rights-based approaches in being a fundamentally political approach, whereby “A judgement of injustice differs from moral judgements about human need and suffering or about inequalities in that it not only identifies asymmetrical social relations as unjustified, it also locates the responsibilities for that situation” (Forst, 2001: 167). However, it goes beyond the dangers of abstract universalism by locating injustice within unequal and ‘unjustifiable’ relations within and between states, rather than in abstract notions of a ‘good society’ (Forst 2001). This involved NGOs re-inventing themselves as ‘agents of justice’...<sup>23</sup>

## Conclusion

The shift described here from marginality and exploitative patron-client relations towards what has been termed here ‘negotiated clientelism’, is clearly far from an ideal form of participatory citizenship. However, it is nonetheless significant, and relates to wider processes of social change associated with wider developmental shifts (DFID 2003). It also marks the beginnings of a significant shift within the political culture that has guided the Mbororo in their relations with state officials, and suggests a move towards a ‘good enough’ form of governance. To the extent that shifts in power relations are also apparent, then the programme appears to have gone beyond the achievement of increased voice and responsiveness, and towards challenging the basis of exclusion and isolation. It has been argued here that such advances can be secured by more critical and closer reference to particular understandings and projects of citizenship and social justice.<sup>24</sup>

In terms of paralegal approaches to development, the findings here – whereby such initiatives can have relatively high-levels of impact in terms of citizenship formation within fairly short periods of time– are supported elsewhere (e.g. Orvis 2003). This re-enforces the extent to which global discourses around human rights can be mobilised as a strategically important ideological resource within local struggles for citizenship. However, there remains a sense that a focus on individual capabilities rather than collective capabilities (e.g. Kabeer 2003) is limiting. Although individual cases have a significant dispersion effect, the growth of community-based advocated has yet to be captured within a permanent institutional presence. The success of paralegal approaches will rely heavily on the character, expertise and dedication of the facilitators and legal representatives. Staff within such programmes need to be

---

<sup>23</sup> This argument is also taken up in Hickey and Bracking (2005).

<sup>24</sup> The paralegal programme reviewed here has progressively altered the ‘political space’ within which the Mbororo operate, across each of its constituent three-dimensions (Webster and Engberg-Pedersen 2002). The *institutional channels* through which they engage with the state have become more open to negotiation and less predatory; there is some evidence that *discourses* around rights and good governance are becoming more prevalent and tangible; and the Mbororo are adapting their predominant form of *socio-political practice* away from a client-based approach and towards forms of participatory citizenship.

aware of and work through a series of tensions that emerge when adopting a rights-based approach to working with marginalized groups in contexts where the discourse on rights and ethnic citizenship is associated with exploitation, patronage and privilege. A commitment to political activism as well as 'development professionalism' seems to be important.

As with several NGOs in Latin America, MBOSCUDA and Village AiD have shown creativity in designing development work that connects rights to participation and empowerment (Molyneux and Lazar 2003: 44). This has rested to a large extent on what some observers consider to be the key challenge for successful rights-based approaches, namely an engagement with changing power relations in the context of pursuing a broader project of social change (Veneklasen et al 2004: 10). However, it would not be entirely accurate to say that the rise of rights-based approaches have offered MBOSCUDA a means of "legitimising a more progressive, radical even, approach to development" (Nyamu-Musembi and Cornwall 2004: 4), for at least two reasons. First, MBOSCUDA was arguably already pursuing a fairly radical agenda before development NGOs such as Village AiD engaged with such approaches; rather, Village AiD's engagement with rights-based approaches has allowed it to converge with the mission and activities of its partner organisation. The political challenge of confronting the state held little fear for a cadre of leaders who had experienced the threat and (in some cases) the reality of imprisonment for their activities. Second, and although the progressive potential of the rights-based approach currently pursued by the MBOSCUDA-Village AiD partnership is being realised in terms of challenging the citizenship problems of a particular group, moving towards the broader goals of democratisation, inclusive citizenship and accountable governance arguably require that the focus shifts beyond issues of minority rights and into broader struggles for social justice.

## References

- Amnesty International (2001) *Cameroon Annual Report*. <http://www.amnesty.org/>.
- Amnesty International (2003) *Annual Report 2003*. <http://www.amnesty.org/>.
- Archer, D. and S. Cottingham. 1997. 'REFLECT: A new approach to literacy and social change', *Development in Practice*, Vol.7, No.2, 199-202.
- Archer, D. and S. Cottingham. 1996. *The REFLECT Mother Manual: a new approach to adult literacy*. London: ACTIONAID.
- Awasom, N.F. 1984. 'The Hausa and the Fulani in the Bamenda Grasslands 1903-1960'. Doctorat de 3e Cycle thesis, University of Yaounde.
- Burnham, P. 1996. *The Politics of Cultural Difference in Northern Cameroon*. (Edinburgh: Edinburgh University Press).
- Corbridge, S., G. Williams, M., Srivastava, M., and Véron, R., 2005, forthcoming, *Seeing the State: Governance and Governmentality in India*. Cambridge: Cambridge University Press.
- Cornwall, A. and A. Wellbourn (eds) (2002) *Realizing rights: transforming approaches to sexual and reproductive well-being*. London: Zed.
- Davis, L. 1995. 'Opening Political Space in Cameroon: the Ambiguous Response of the Mbororo', *Review of African Political Economy*, No.64, 213-228.
- DFID (2004) 'Better government for poverty reduction: more effective partnerships for change'. Paper produced for Drivers of Change Policy Division Team.

- Dicklitch, S. (2002) 'Failed democratic transition in Cameroon: A human rights explanation', *Human Rights Quarterly*, 24, 152-176.
- Englund, H. (2004). 'Recognizing identities, imagining alternatives'. In H. Englund and F. B. Nyamnjoh (eds.) *Rights and the politics of recognition in Africa*. London: Zed books. 1-29.
- Enonchong, N. 1999. 'Jurisdiction Over Disputes Relating to "National Lands" in Cameroon', *African Journal of International and Comparative Law*, Vol.11, Part 1, 100-127.
- Eyoh, D. 1999. 'Community, Citizenship, and the Politics of Ethnicity in Post-Colonial Africa'. In P.T. Zeleza and E. Kalipeni (eds.), *Sacred Spaces and Public Quarrels: African Cultural and Economic Landscapes*. (New Jersey, US: Africa World Press). 271-300.
- Fisiy, C. 1995. 'Chieftancy in the modern state: an institution at the crossroads of democratic change', *Paideuma*, 41, 49-62.
- Fisiy, C. and M. Goheen. 1998. 'Power and the quest for recognition: neo-traditional titles amongst the new elite in Nso, Cameroon', *Africa*, Vol.68, No.3, 383-402.
- Fombad, C.M. 2000. 'Endemic Corruption in Cameroon: Insights on Consequences and Control'. In Hope, K.R. Snr. and B.C. Chikulo (eds.), *Corruption and Development in Africa: Lessons from Country Case-Studies*. (Hampshire: Macmillan). 234-260.
- Forst, R. (2001). Towards a critical theory of transnational justice. *Metaphilosophy*, 32(1-2): 160-179.
- Frantz, C. 1986. 'Fulani Continuity and Change Under Five Flags'. In M. Adamu and A.H.M Kirk-Greene (eds.), *Pastoralists of the West African Savannah*. (Manchester: Manchester University Press/IAI). 16-39.
- Frantz, C. 1993. 'Are the Fulbe finished and the Mbororo-en boring?', *Senri Ethnological Studies*, 35. 11-34.
- Freire, P. 1972. *Pedagogy of the Oppressed*. (London: Penguin).
- Gabriel, J.M. 1999. 'Cameroon's Neopatrimonial Dilemma', *Journal of Contemporary African Studies*, Vol.17, No.2. 173-196.
- Goheen, M. 1996. *Men Own the Fields, Women Own the Crops: Gender and Power in the Cameroon Grassfields*. (Wisconsin: Wisconsin University Press.)
- Grindle, M. (2002) 'Good enough Governance: Poverty reduction and reform in developing countries'. Prepared for the World Bank Poverty Reduction Group.
- Hickey, S. (2002) 'Transnational NGOs and Participatory forms of Rights-based development: Converging with the local politics of citizenship in Cameroon', *Journal of International Development*, Vol.14, No.6, 841-857.
- Hickey, S. (2004a) 'Caught At The Crossroads: Citizenship, Marginality And The Mbororo Fulani In Northwest Cameroon'. Paper given at the CAS Annual International Conference: *States, Borders and Nations: Negotiating Citizenship in Africa*, May, Centre of African Studies, University of Edinburgh
- Hickey, S. (2004b) 'Hometown associations' as social movements for citizenship: a case study from Northwest Cameroon'. Paper presented at the 47<sup>th</sup> Annual Meeting of the African Studies-US Association; New Orleans, LA, November.
- Hickey, S. and G. Mohan (2004) 'Relocating participation within a radical politics of development: insights from political action and practice'. In Hickey and Mohan (eds.) *Participation: From Tyranny to Transformation?*. London: Zed. 159-174.
- Hickey, S. and S. Bracking (2005, forthcoming) 'Exploring the politics of poverty reduction: from representation to a politics of justice?', *World Development*, Vol.33, No.6.
- Honey, R. and S. Okafor. 1998. (eds.) *Hometown Associations: indigenous knowledge and development in Nigeria*. London: ITP.
- Kabeer, N. (2003) 'Making rights work for the poor: Nijera Kori and the construction of 'collective capabilities' in rural Bangladesh'. *IDS Working Paper 200*. Sussex: IDS.

- Kanyesigye, J. 1998. 'REFLECT and empowerment: our field experiences', *PLA Notes*, No.32, 51-53. (London: IIED).
- Krieger, M. and J. Takougang. 1998. *State and Society in Africa: Cameroon at the Crossroads*. (Boulder, Co: Westview Press).
- Kwenkam, P.Y. 1988. 'The Farmer-Grazier Situation in Donga-Mantung, Northwest Cameroon'. Presented at a MINEPIA intersectoral seminar, Nkambe, 29 April.
- Mamdani, M. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (London: James Currey).
- Manzo, K. 2003 'Africa in the rise of rights-based development', *Geoforum*, 34: 437-56.
- Mohan, G. and S. Hickey (2004) 'Relocating participation within a radical politics of development: critical modernism and citizenship'. In Hickey, S. and G. Mohan (eds.) *Participation: From Tyranny to Transformation?*. London: Zed. 59-74.
- Molyneux, M and S. Lazar (2003) *Doing the rights thing: rights-based development and Latin American NGOs*. ITDG Publishing.
- Monga, C. 1996. *The Anthropology of Anger*. (Boulder Co: Lynne Rienner).
- Mope Simo, J.A. 2002. 'Customary Land Tenure Regimes in Northwestern Cameroon'. In C. Toulmin et al (eds.) *The Dynamics of Resource Tenure in West Africa*. (London: IIED/ Oxford: James Currey). 37-47.
- Nkwi, P.N. 1997. 'Rethinking the Role of Elites in Rural Development: A Case Study From Cameroon'. *Journal of Contemporary African Studies*, 15(1): 67-86.
- Nkwi, P.N. and F.B. Nyamnjoh. (eds.) 1997. *Regional balance and national integration in Cameroon: lessons learned and the uncertain future*. (Leiden: ASC/Yaounde: ICASSRT).
- Nkwi, P.N. and A.Socpa. 1997. 'Ethnicity and party politics in Cameroon: the politics of divide and rule'. In Nkwi and Nyamnjoh, *op cit.*, 138-149.
- Nkwi, P.N. and J-P. Warnier. 1982. *Elements of a History of the Western Grassfields*. (Yaounde: University of Yaounde).
- Nott, S. (2003) 'Gender mainstreaming as an instrument for combating poverty'. In Williams et al, *op cit.*, 205-222.
- Nyamnjoh, F.B. 1999. 'Cameroon: A Country United by Ethnic Ambition and Difference', *African Affairs*, Vol. 98, 101-118.
- Nyamu-Musembi, C. and A. Cornwall (2004) 'What is the 'rights-based approach' all about? Perspectives from international development agencies'. *IDS Working Paper 234*. Sussex: IDS.
- Orvis, Stephen. (2003). "Kenyan civil society: bridging the urban - rural divide?", *Journal of Modern African Studies*, 41(2), 247-268.
- Spicker, P. (2003) 'Exclusion and Rights'. In Williams et al, *op cit.*, 124-136.
- Takougang, J. 2003. The 2002 legislative election in Cameroon: a retrospective on Cameroon's stalled democracy movement. *Journal of Modern African Studies* 41/3: 421-435.
- Townsend, J. 1999. 'Are NGOs Working in a Transnational Development Community?', *Journal of International Development*, 11: 613-23.
- van Tuijl, P. 2000. 'Entering the global dealing room: reflections on a rights-based framework for NGOs in international development', *Third World Quarterly*, Vol.21, No.4, 617-626.
- VeneKlasen, L. et al (2004) 'Rights-based approaches and beyond: challenges of linking rights and participation'. *IDS Working Paper 235*. Sussex: IDS.
- Webster, N. and L. Engberg-Pedersen. (eds.) 2002. *In the Name of the Poor: Contesting Political Space for Poverty Reduction*. Zed Books.
- Williams, L. A. Kjonstad and P. Robson (eds) (2003) *Law and Poverty: the legal system and poverty reduction*. London: Zed.