

Mboscuda's Access to Justice and Promotion of Land Rights for the Mbororos of the North West of Cameroon

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Abstract:

The Mbororo Pastoralist Indigenous peoples are cattle herders who migrated into Cameroon in 1905 and live mostly on hill tops where they graze their cattle in a purely traditional manner, migrating from place to place especially during transhumance. Their desire to acquire, own and exploit land for grazing is therefore their paramount interest. The quest for grazing land in an environment of increasing population of farmers puts the Mbororos on daily conflicts with their neighboring farmers.

Cameroon has very good laws on paper but the implementation of these laws leaves much to be desired. In January 1996, Cameroon had a new constitution, which is still operational today. The 1996 constitution provides inter alia that the state shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law. This provision of the constitution notwithstanding, nothing has been done by the state to protect and preserve the rights of the Mbororo minority indigenous population. The Mbororos being mostly illiterates have limited access to public services and reduced knowledge of their rights.

The goal of MBOSCUDA's Access to Justice Programme in the North West of Cameroon is to design and drive a scheme that will support Mbororo communities to take up their citizenship and negotiate social justice for themselves through awareness creation of their rights and responsibilities while building their capacities to eventually secure these rights for themselves. The programme, which started in 2000, carried out a research on the psycho legal environment of the Mbororos, carried out community education campaigns on civil/civic rights and responsibilities, recruited and trained community based paralegals (psycho-legal counselors) and community facilitators, provided legal representation in Law courts to victims of human rights abuses, Monitored and supervised community based paralegals and shared learning and successes between groups and communities.

The aim of this paper is to draw from this experience to protect common property rights and will focus in its elaboration on one or two specific cases.

Keywords: *Pastoral systems, rangelands, common property rights, land tenure*

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Introduction.

This paper which is not an academic one, presents a vivid picture of the Mbororo indigenous pastoralists of the North West of Cameroon and their ability through their umbrella association, the Mbororo Social and Cultural Development Association, MBOSCUDA, to secure their rights over individual and communal grazing lands in a hostile and domineering environment of farming neighbours. The Access of Justice programme of MBOSCUDA is explored and analyzed in relation to its fight for the respect of the rights of the Mbororos as citizens of Cameroon especially their rights over the ownership and use of grazing lands. Land is generally considered as the bedrock of human existence as from creation, man is considered to have been made from dust and his/her survival depends largely on land and even after life on earth, land is the transit point to the world beyond. This greatly explains the conflict world-wide over land with the farmer-grazier conflict of the North West of Cameroon in focus. Despite the prevalence of these disputes, the most destructive to the pastoralists of this part of Cameroon has been the conflict between them and a multi millionaire ranch owner in the person of Alhadji Baba Ahmadou Dampullo, the proprietor of Elba Ranch in Ndawara in the North West of Cameroon.

This paper will therefore explore the practical work of MBOSCUDA especially in the North West of Cameroon to protect and promote the land rights of the Mbororo pastoralists over individual and communal grazing lands. To achieve this, this paper will present an overview of the sociopolitical nature of the Mbororo pastoralists within the wider Cameroon political environment, the legal context of grazing lands in Cameroon, the work of MBOSCUDA in its Access to Justice programme, the strategies employed and the successes and constraints encountered. Finally, a successful case study of how the Mbororo pastoralists of Sabga in Mezam division secured their communal grazing land from a multi millionaire ranch owner will be presented.

The Socio-political environment.

Cameroon is located in central Africa with a population of about 17,000,000 inhabitants. It shares borders with Nigeria in the west, Nigeria and Tchad in the north, the Central African Republic in the east and Congo, Gabon and Equatorial Guinea in the south. Cameroon is popularly acclaimed as Africa in miniature and this is particularly true not only of its geographical landscape nature but its climatic condition and mineral wealth deposits.

The lifestyle of Cameroonians and their perception of rights and their ability to protect and enforce their legitimate human rights is greatly determined by the country's colonial past. The Germans were the first to colonize Cameroon in 1884 and after the defeat of the Germans in the Second World War by the coalition forces; Cameroon was partitioned between the French and the English who respectively colonized the country up to 1960 when Cameroon gained independence. Cameroon has ten

provinces with the North West and South West provinces being of English expression (Anglophones) with the other eight provinces being of French expression (francophones). After independence, Cameroon was a two state federation with the English speaking population constituting the West Cameroon federated state and the French speaking population constituting the East Cameroon federated state with Yaounde being the federal capital. After independence, the former west Cameroon practiced multi party politics until 1972 when Cameroon was transformed into a unitary state.

Multi party politics resurfaced in Cameroon in the early 1990s when the wind of change from the Far East/Russia reached Africa. The Social Democratic Front political Party, S.D.F was then launched in the North West provincial capital of Bamenda on the 26th day of May 1990. This was thereafter followed by the 1991 'Liberty Laws that granted Cameroonians civic and political freedoms and 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 and Freedoms, 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 are yet to be established as the constitution itself stipulates that the institutions of state will be progressively put in place.

Despite the fact that Cameroon has more than 100 political parties, it will be an over statement to say that the country is democratic. Successive elections from 1992 have exhibited the ruling Cameroon People Democratic movement's advanced skills in election rigging. As such, those in elective positions are not there following the will of the people. For 16 years, rather than progressively put the institutions of state in place, the constitution was recently in April 2008 amended to remove the clause on the limit of the term of office of the president. The country is nothing short of a monarchy.

The Mbororo Fulani pastoralists of Cameroon migrated into Cameroon in 1905 from North Africa through Sudan and Niger in search of pasture for their cattle. The colonial masters of Cameroon recognized and treated them as Cameroonians and since then, they are Cameroonians with all the rights and responsibilities. The Mbororos are numbered about 80,000 in the North West province of Cameroon with an estimated population of about 2,000,000 inhabitants and the entire province is a savanna grass field area with good natural pasture for grazing. The Mbororos are mostly illiterates and due to their far-off settlements, they do not have access to public services like other Cameroonians. They have weak traditional institutions and lack communal organization spirit, making them to live individualistic lifestyle. The traditional leader of the Mbororos are called Ardos and are generally considered inferior to non Mbororo traditional leaders. As a result of their traditional grazing practice, a Mbororo family may live about three kilometers from his neighbour and they meet only during Friday prayers in the mosque or during market days or in the cattle market. They are timid

and afraid to confront their problems, which makes them vulnerable in many circumstances.

The Mbororo people migrated into Cameroon when all other tribes had settled on defined pieces of land and as a result, they are considered by their farming neighbours as strangers who should not own land despite the fact that they need land at all cost for grazing. When the Mbororos came into Cameroon, they established a tradition to pay royalties to non Mbororo traditional leaders to permit them graze their cattle within particular chiefdoms. This relinquished them to squatters and they have been treated as such since then till date. The quest for grazing land in an environment of increasing population of farmers puts the Mbororos on daily conflicts with their neighbouring farmers. Despite the fact that there is a national law in Cameroon to resolve farmer-grazier conflicts, the corrupt nature of local government officials rather aggravate the conflict to the detriment of the Mbororos.

The practical work of MBOSCUDA and the case study that will be presented later in this paper is centered in the North West province of Cameroon which is one of the two English speaking provinces. There is a high degree of political culture within the North West province vis-à-vis the French speaking provinces of Cameroon. This is true especially as the population of this region had tested democracy immediately after independence and were since then very conscious of the rule of law and respect for rights. On the contrary, the francophone majority population are associated with undue processes and abuses of legal process. This explains why in 1990, the first opposition political party was launched in the North West chief town of Bamenda and there presently exist a range of human rights lawyers, human rights NGOs and other non governmental organizations in the North West. Even the North West judiciary is noted for being relatively more independent than its counterpart in the francophone Provinces, despite the fact that the judiciary in Cameroon is controlled by the executive. The ministry of Justice trains magistrates, recruit them, discipline and promote them and even determine their salaries and allowances. The magistrates therefore owe complete allegiance to the minister of justice and state institutions and policies than to the course of justice.

The Legal Context of Land Rights in Cameroon.

In January 1996, Cameroon had a new constitution, which is still operational today. The 1996 constitution as recently amended provides inter alia, that the state shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law. One is yet to see this in practice especially with the Mbororo minority indigenous population.

On land rights, the 1996 Cameroon constitution provides that every person shall have the right to settle in any place and to move about freely, subject to the statutory provisions concerning public law and order, security and tranquility. The Constitution

further provides that ownership shall mean the right guaranteed to every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law. The constitution finally provides that the right of ownership may not be exercised in violation of the public interest or in such a way as to be prejudicial to the security, freedom, existence or property of other persons.

From the above provisions of the constitution, despite the fact that the right to settle anywhere and own and dispose of land is clearly stated, such rights are limited by phrases like, “subject to the statutory provisions concerning public law and order, “security and tranquility”, “subject to the payment of compensation under conditions determined by law”, “violation of public interest or in such a way as to be prejudicial to the security, freedom, existence or property of other persons”.

The limitations on land rights in the constitution are moderated in other laws of the land. That is why there is Ordinance No. 74-1 of 6th July 1974 to establish rules governing land tenure, Ordinance No. 74-2 of 6th July 1974 to establish rules governing state lands, Ordinance No. 74-3 of 6th July 1974 concerning the procedure governing expropriation for a public purpose and the terms and conditions of compensation, Decree No. 76-165 of 27th April 1976 to establish the conditions for obtaining land certificates, Decree No. 76-166 of 27 April 1976 to establish the terms and conditions of management of national lands, Decree No. 76-167 of 27 April 1976 to establish the terms and conditions of management of the private property of the state and Decree No. 78/263 of 3rd July 1978 to establish the terms and conditions for settling farmer-grazier disputes.

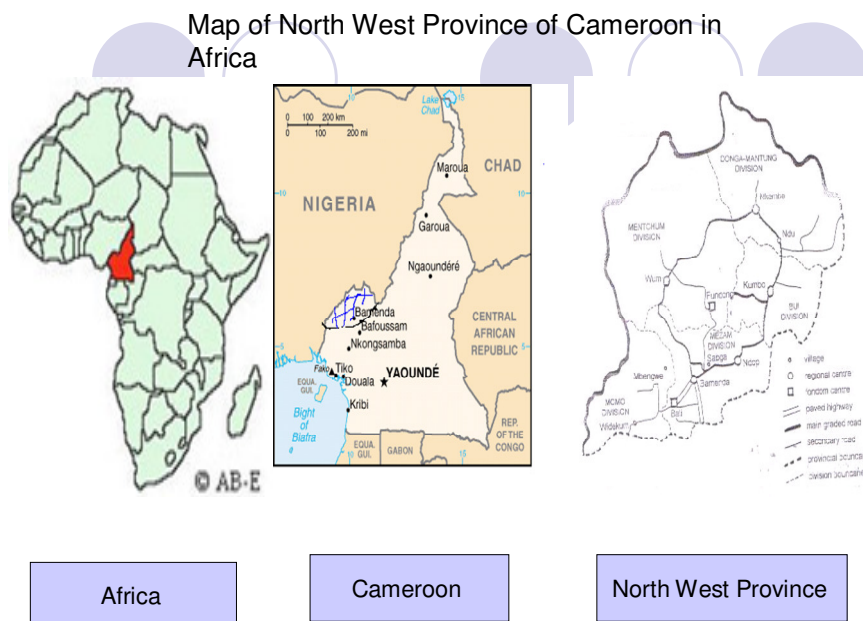
Decree No. 78/263 of 3rd July 1978 governs mobile graziers who practice traditional grazing methods. Those with ranches are governed by a different law. In the North West province of Cameroon, there is only one multi millionaire grazier with a ranch, the Elba ranch, which displaced more than 70 Mbororo Fulani families with more than 10,000 cattle without due compensation. This ranch has aggravated the plight of the Mbororo graziers when their rights over grazing lands are considered.

Article 15 of Ordinance No. 74-1 of 6th July 1974 to establish rules governing land tenure, makes grazing lands, national lands. By this, grazing lands are considered as communal lands and not to be owned by an individual. Decree No. 78/263 of 3rd July 1978 to establish the terms and conditions for settling farmer-grazier disputes is a good piece of legislation if properly implemented by all but because of corrupt government officials, the law is implemented by local government officials to the advantage of the highest giver of bribe. This law establishes an Agro-Pastoral Commission of ten members in every sub division with well defined functions. The Agro-pastoral commission is first of all to allocate rural areas to agriculture and grazing according to the needs of the inhabitants and demands of development. Secondly, the said commission is to define the terms and conditions for using mixed farming areas. To this end, it shall determine the period of the year when, given the climatic conditions and crop cycle, farming and breeding may be carried out rotatively.

These areas may not be expropriated for private purposes and the farmers may only exercise a right of seasonal use over them. Thirdly, the said commission is to exercise permanent control over agricultural and grazing lands with a view to ensuring that farmers and graziers respect the boundaries of their respective areas and finally, to settle farmer-grazier disputes.

If the various local Agro-Pastoral Commissions carry out their first, second and third assignments diligently, there will be no farmer-grazier conflicts and even where such a conflict do occur, it will be easily managed. Unfortunately, the last allocation of farmland to rural areas for agriculture and grazing in the North West province was done in 1982. With an always increasing number of cattle, horses and sheep in an environment of continuous increase of the farming population, there is bound to be recurrent farmer-grazier conflicts with negative consequences especially on the graziers who are considered as strangers. The local Agro-Pastoral Commission is more interested in settling farmer-grazier conflicts, without addressing their minds to the fact that the recurrent farmer-grazier conflict is as a result of their non demarcation and allocation of rural areas for agriculture and grazing. Also Decree No. 78/263 of 3rd July 1978 clearly provides that the finances for the proper functioning of the agro-pastoral commission will be provided from the budget of the ministry in charge of lands. In practice, no such finances are provided and when ever there is a farmer-grazier conflict, the commission members ask for the parties in the conflict to contribute a prescribed sum of money to be contributed by each party to facilitate the commission's visit to the site of the conflict to assess the nature of the conflict or the value of the destruction if any and the party at fault. There are many instances where only one party in the conflict is financially capable at the material time to make his/her financial contribution and obviously, the commission's decision will be in favour of such a person. As a result of their high illiteracy rate and far off settlements, the Mbororo graziers end up paying more money and cattle wealth in farmer-grazier disputes.

MBOSCUDA's Access to Justice programme is relentlessly advocating for the government to re-allocate rural areas to agriculture and grazing in the entire North West province of Cameroon and that has been done only in Menchum division out of seven divisions in the province. The re-allocation was done in Menchum division when sometimes in the year 2005, the farmers of the Wum sub division carried out a series of public demonstrations requesting the graziers to leave the entire sub division, claiming that the graziers had occupied most of their farmlands. In the course of the conflict, many houses of the graziers were destroyed, their properties looted with many severely injured. Some of the graziers whose houses were destroyed took up residence at the local police and gendarmerie stations and a lot of pressure was put on the government, which set up a commission that re-allocated rural areas to agriculture and grazing. If the same thing can be done in the other six divisions of the province, the rampant farmer-grazier conflicts will be greatly reduced.



MBOSCUDA and its Access to Justice programme.

1990 saw the birth of multi party politics in Cameroon. Political pressure on the government and the quest for more liberties by Cameroonians at the time resulted in the Liberty Laws being promulgated in 1991, which inter alia, permitted for freedom of associations. A few educated Mbororo youths in the urban areas took advantage of the new political dispensation at the time to form the Mbororo Social and Cultural Development Association, better known by its acronym, MBOSCUDA. MBOSCUDA is a national organization 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 autonomous provincial secretariats in seven out of the ten provinces of Cameroon. Our focus is on the North West provincial chapter of MBOSCUDA.

The Mbororo Social and Cultural Development Association, MBOSCUDA, is an umbrella association of the Mbororo people that is working towards the demarginalization of the Mbororo people in Cameroon especially in the North West Province. MBOSCUDA currently executes various programmes aimed at the demarginalization of the Mbororos with the Access to Justice as its principal activity with particular focus on land rights for the Mbororo herders.

The initial objectives of MBOSCUDA was to protect the rights and promote the culture of all Mbororo people in Cameroon. With no funding, MBOSCUDA concentrated its activities on the promotion of the culture of the Mbororos. In 1998, MBOSCUDA formed a partnership with Village AiD, a UK-based charity organization. The organization in partnership with Village AiD had its first funding from Comic Relief and

the execution of this project caused MBOSCUDA to enter into yet another partnership with 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 women's groups, the partnership started a pilot project in the Donga Mantung division of the North West province in 1998. In 2000, a second project was started with funding from DFID, 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 also 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 goal of MBOSCUDA's Access to Justice Programme is to design and drive a scheme that will support Mbororo communities to take up their citizenship and negotiate social justice for themselves through awareness creation of their rights and responsibilities while building their capacities to eventually secure these rights for themselves

We saw earlier that the 1990s witnessed the birth of an era of empowerment in development initiatives in Cameroon. This was as a result of the introduction of multi party politics and the law permitting the formation of non-governmental organizations. As a reaction to this, the 1990s saw the growth of many NGOs with the principal objective being to empower and develop the rural poor populations. In order to achieve this, many approaches were employed but with little results especially in complex and unpredictable societies like that of the Mbororos. This has generally been attributed among others to the neglect of peoples' feelings, interest, motives and culture.

The MBOSCUDA's Access to Justice programme, which started in 2001, was therefore preceded by a research on the psycho legal environment of the Mbororos. The research was required because in the past, other NGOs had worked with the Mbororos and failed in their approaches and there was the need to design the best approach to positively engage with the Mbororos. The research was carried out by a Barrister and a Psychologist and focused on the personality, state of mind, human actions, behaviors, thinking and attitudes of the Mbororos. After the research, the main issue was how psychological techniques could reinforce legal processes in fostering the course of justice and respect of the rights of the Mbororos. The end result was the birth of psycho-legal Extension/empowerment which is an alternative approach indispensable in challenging exclusions among the most marginalized as the Mbororos. The Psycho-Legal Extension Model, which has been implemented successfully to achieve the successes that MBOSCUDA has had over the years, considers all victims of Human Rights abuses as psychologically affected and any work with such a person or group of persons starts with psychological rehabilitation before any legal redress. After psychological rehabilitation, the victim can readily take up and champion the legal process. Paralegals were recruited and trained as psycho-

legal counselors and they used various psychological techniques to build the capacity of the Mbororos to challenge their social exclusion and secure their legitimate rights especially land rights.

The Access to Justice programme of MBOSCUDA was designed within the context of a project on challenging social exclusion funded by Comic Relief and it started with the recruitment and training of community based paralegals(psycho-legal counselors) and community facilitators, provided psycho-legal services to victims of human rights abuses, carried out community education campaigns on civil/civic rights and responsibilities, organized workshops on the Land Tenure system of Cameroon and the legal means of resolving farmer/grazier disputes, provided legal representation in Law courts to victims of Human Rights abuses, Monitored and supervised the community based paralegals/psycho-legal counselors, shared learning and successes between groups and communities, organized 6 monthly refresher courses for community based paralegals, published Bi-annual publication of activities and build a data base on all cases handled within the 7 Divisional paralegal offices in the North West Province.

The programme is currently being executed by a Legal Consultant (Barrister), a paralegal field supervisor, 7 divisional paralegals/psycho-legal counselors and community facilitators. Victims of Human Rights abuses are received in the paralegal offices or in the communities during community education campaigns. The victims are counseled and the proper procedure for redress engaged and the victims are at the centre to seek redress. The perpetrators of Human Right abuses are exposed to their hierarchy and to the public and corrupt Government officials and others are taken to law courts. Precedence are set on certain cases that act as deterrent and are used during community education campaigns while creating a positive relationship with top Government official, civil society individuals and institutions.

Cameroon is a highly centralized unitary government. A strategy adopted in the programme was to write a complaint against any civil servant adjudged to be violating the rights of the Mbororos to his/her immediate boss. If the matter is not handled properly, the complaint is channeled to the next senior government official with indication that the junior staff never handled the matter properly. This goes along the administrative ladder right to the president of the republic. To avoid such a situation, local administrative officials after receiving complaints from either the paralegals or the lawyer of the programme, resolve the matter within their jurisdiction. In extreme cases, the corrupt government officials are taken to court. This was the case where a Gendarmerie Brigade Commander who was taken to court in Nkambe and a senior Gendarmerie captain who was taken to court in Bamenda. An action was also instituted in court in Nkambe town against a very corrupt sub divisional delegate of Livestock. The Divisional Delegate of Livestock and the Divisional Chief of Customs in Donga Mantung Division were equally taken to court. Just the fact that local Mbororo herders challenge these senior government officials in court is a major success in securing their rights.

Within the past 7 years, the programme has succeeded to assist 52 Mbororo people to register their lands. The need to register lands came up as an action point during most of the REFLECT learning circles. The legal procedure to register individual lands within a grazing land was thereafter explained to the Mbororos during community education campaigns and the few who were interested to register their land indicated to the organization. The paralegals then assisted them in the process.

Two types of land titles were secured for some Mbororo herders who were interested. Generally, the law provides that no grazier can own a land title in a grazing land. However Decree No. 76-165 of 27 April to establish the conditions for obtaining land certificates, makes it possible for any person who occupied a piece of land before 1974 for housing and small scale farming, to apply and obtain land title over such lands. Most of the graziers in the North West province are grazing on lands they occupied before 1974 or are grazing on lands their parents occupied before 1974. We took advantage of this Decree and encouraged and supported some interested Mbororo graziers to apply and obtain land title over the lands surrounding their houses. As the Mbororo graziers live mostly with their cattle and far away from their neighbours, we have used the above Decree to obtain land title over a hectare or two of land.

The second land title is secured following the provisions of Decree No. 76-166 of 27 April 1976 to establish the terms and conditions of management of national lands. This Decree makes it possible for any natural person in Cameroon wishing to develop unoccupied or unexploited national lands, to apply and obtain a Temporal Grant over the land. We exploited this Decree to the advantage of the Mbororo graziers by encouraging them to embark on improve pasture. With the improve pasture, they can apply and secure a Temporal Grant for a 5 year period in a communal grazing land. After 5 years, if the improved pasture is permanent on the land, an Absolute Grant is given which is a permanent land title. A few number of Mbororo graziers have secured land titles through this approach.

Land title in Cameroon means absolute ownership of the land. The Mbororo graziers who have succeeded to have title over their lands will continuously exploit such lands for grazing as their personal properties and even after them, it will constitute part of the estate of the deceased. This will be the case even if the land in question is found within a communal grazing land or not. The land with title is exploited individually and those with improve pasture, their cattle do not go on transhumance. The programme uses these individuals as roll models in Mbororo communities for others to emulate. Those who have succeeded to secure their individual grazing lands are those with not too many cattle. The graziers with more than 500 cattle do not associate with land titles because they claim improved pasture will never be enough for their cattle. As such, they prefer to graze on communal grazing lands. Those with very few numbers of cattle do not also prefer the acquisition of title over their lands. This because they will not want to spend their meager sums of money in the process, which is actually costly and time consuming.

When a grazier has been allocated a particular piece of grazing land, no other grazier can be allocated that same piece of land except the former no longer has cattle and do not graze in the area. Disputes over grazing lands by graziers are very scarce. Common disputes are between farmers and graziers where farmers accuse the graziers for having allowed cattle to graze in their farms. In their defence, the graziers always claim that the farmers do farm in grazing lands without authorization and cattle proof fences and as such are not due any compensation in the event where cattle destroyed their farms.

To secure such rights over individual grazing lands, it requires a mastery of the laws governing land tenure in a particular country and to properly advise oneself of the best opportunities offered in the laws that can be exploited to secure rights over land, even if it is within communal lands. The next thing will be to psychologically prepare the client to accept and champion the legal process to secure his/her rights over the lands.

MBOSCUDA also uses the law courts to secure the rights of Mbororo herders over grazing lands. The laws governing rights over land and grazing lands in particular are many and found in various legislations, which are interpreted differently by different administrative officers. Three cases were handled in the trial courts right to the North West Court of Appeal where Judicial precedence were stated on some of the rights over grazing lands. We thereafter caused all the courts in the North West province to respect the judicial precedence from the court of appeal and the rights of the herders over their lands are greatly protected.

Also, farmer-grazier conflict awareness and transformation workshops have greatly assisted the Mbororo herders to secure their rights over grazing lands. Three of such workshops were organized in Donga Mantung Division of the North West Province wherein all the stock holders in the farmer-grazier palaver were in the same workshop and the rights and responsibilities of each properly explained by experts. After the workshops, the harassments of the graziers by the farmers greatly reduced as well as the exploitation of the herders by the local administrators.

REFLECT and community education on land rights were also used by the organization to secure land rights for Mbororo herders. The REFLECT and community education campaigns were carried out by community facilitators, psycho-legal counselors and the Barrister of the programme.

Finally, lobby and advocacy greatly assisted in securing rights over grazing lands in favour of the Mbororos. When the Mbororos started to apply for land title over pieces of land in communal grazing lands, it was very strange to many local government officials. The Organization had to lobby and advocate at the provincial headquarter and the necessary legal justification used. Instructions were then sent to the Divisional level by the provincial bosses, which instructions MBOSCUDA ensured there were respected to the later.

The achievement of the Access to Justice programme of MBOSCUDA also included the recovery of the sum of 3,835,000 FCFA (3,835 pounds sterling) extorted by corrupt government officials from 8 families, over 400 cases of intervention documented on soft ware across three year (2004-2007), 150 Mbororo youths trained as paralegals/psych-legal counsellors, the Cameroon Access to Justice programme replicated in two other west African countries, 156 awareness campaigns carried over radio programmes on various topics in Fulfulde(Mbororo local language), recovered 46 cattle seized from Mbororo pastoralists by corrupt Government officials, a divisional farmer/grazier commission made of only farmers and graziers established for the exploiters of the Ndop wet lands areas, Facilitated three workshop for traditional leaders (Fons and Ardos) and government officials on Democracy, Good Governance and farmer/grazier conflicts management and transformation.

Also, there is now increase use of the paralegal offices by non Mbororos, many Mbororo people now take up their cases without 3rd party intervention as in the past, perception of Mbororos by non-Mbororos has greatly changed positively as they are no more considered as strangers, government services and other non-Mbororo communities use the paralegal offices to access the Mbororo community and in a typical male dominant environment Mbororo women are now more assertive. With the Adult Literacy and micro-credit programmes for Mbororo women, they can now be proud to carry out petit trading and have money of their own without asking financial assistance from their husbands. There are instances where with such financial semi autonomy, some Mbororo women have paid the school fees and bought books for their children, a thing that was only done by the men in the past.

Case study.

Usman Haman, Yaouba Umaru, Yunusa Bangoji and Adamu Isa of Sabga community

Versus

Alhadji Baba Ahmadou Dampulo.

This is one of the many cases that MBOSCUDA's Access to Justice programme has handled in the law courts to protect and secure the legitimate rights of the Mbororos over their lands. In 1987, one Alhadji Baba Ahmadou Dampullo was granted a license by the government of Cameroon to open up a ranch in Ndawara in Boyo division of the North West province. The land allocated to him for the ranch had no limits and he was requested to compensate all the herders who were to be ejected from the area. Despite this, Alhadji Baba Ahmadou ejected about 70 Mbororo families with more than 10,000 cattle from Ndawara without any compensation and opened up the Elba Ranch in the area and constructed an imposing structure therein as his residence.



Alhadji Baba Ahmadou Dampullo



Baba's vila in Elba Ranch

In the year 2001, the government of Cameroon privatized her three tea estates; Tole in the South West province, Djotisa in the West province and Ndu in the North West province. Alhadji Baba Ahmadou bought the above three tea estates from the government. Within a few months he discovered how profitable the tea business is and decided to transform his Ndawara ranch to a tea estate which he has done and it is the largest single tea estate in Africa. There was therefore the need for more grazing land to accommodate his cattle. Alhadji Baba Ahmadou then forcefully occupied more than five kilometer squared of the Sabga communal grazing land in Mezam division and constructed therein semi permanent structures with wood for his shepherds, thereby extending the Elba Ranch from Ndawara in Boyo division to Sabga in Mezam division.



Tea now grown in Elba Ranch

Sabga is the host to the paramount leader of the Mbororos of the North West province of Cameroon. Dissatisfied with the encroachment into their grazing land, the Sabga Mbororo population through their paramount traditional leader, the Lamido and MBOSCUA, lodged a series of complaints to the administration of Tubah sub division where Sabga is found and the administration of Mezam division and no immediate action was taken to redress the situation.

On the 29th day of April 2002, some angry Mbororo youths from Sabga went to the encroached piece of land and burnt down the structures constructed therein by Alhadji Baba Ahmadou. Before doing that, the youths had informed Alhadji Baba Ahmadou and the administration of Tubah sub division and Mezam division of their intention. As a result, during the day of the incidence, Alhadji Baba's agents, the Gendarmerie and the administration, represented by the assistant divisional officer of Tubah sub division were present. The Mbororo youths had a video camera man to film the destruction.

A few hours after the incident, the video camera man in the person of Usman Haman, presented himself to the Gendarmerie officers who were at the site. He was immediately arrested and carried to the Elba Ranch where his video camera was seized and he was severely tortured by Gendarmerie officers following instructions from Alhadji Baba Ahmadou to the extend that he became unconscious and was carried in a Gendarmerie vehicle to the Bamenda Military hospital where he was hospitalized.



Usman Haman after torture in Elba ranch

On the 13th day of May 2002, the High court of Mezam judicial division granted bail to Usman Haman, following an application that the lawyer for MBOSCUA made in court. When the Ruling of the court was served on the Legion Commander of the North West Gendarmerie legion, he disrespected it and rather transferred Usman Haman from his sick bed to Bafoussan, the capital of the West province, where he was detained in the

awaiting trial cell. Yaouba Umaru, Yunusa Bangoji and Adamu Isa were later arrested in the town of Douala and carried to Bafoussam where they were jointly detained with Usman Haman.

Within this same period, one Musa Bure, a very influential member of the Sabga Mbororo family who was accused of having organized the youths in Sabga to carry out the destruction, was shot at in his house in Sabga one early morning by a senior Gendarmerie officer. Three gendarmerie officers left the North West Gendarmerie Legion on the day in question led by a Lieutenant colonel and went to Sabga and thereafter move to the house of Musa Bure and when he honoured a request to come out of the house from the Gendarmerie officers, he was shot at with a military gun on the neck. Fortunately for him, he was rushed to the hospital and he is still alive today. All attempts by MBOSCUA's lawyer to cause the Gendarmerie officers to be prosecuted in the Military Tribunal have been in vain. This has been because, military personnel can only be prosecuted after the Minister of Defense has given the go-ahead and we are still waiting for such a go-ahead.



Musa Bure in hospital after gun shot by gendarmes in Sabga.

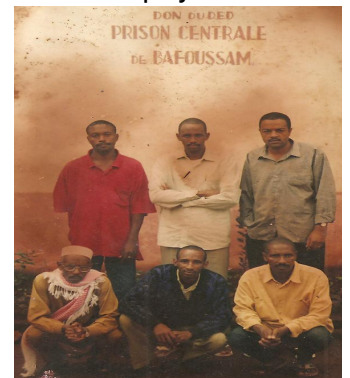
Also, the then North West provincial president of MBOSCUA in the person of Musa Ndamba, was arrested in Bamenda by a Gendarmerie captain and commander of the Gendarmerie Company of Boyo division and carried to Fundong, the capital of Boyo division, where he was detained on the strength of a complaint by Alhadji Baba Ahmadou Dampullo that he wrote an unsigned letter threatening his life. Even when Musa Ndamba fell seriously ill under detention, he was not released on bail. He was rather carried to the Njinikom Catholic hospital where he was guarded by a gendarmerie officer in his sick bed. After about two weeks in Gendarmerie detention, MBOSCUA's lawyer succeeded to release Musa Ndamba on bail through the High Court of Boyo judicial division.



Musa Ndamba in hospital

After one year in detention and on the 16th day of March 2003, the Bafoussam Military Tribunal convicted the above four persons, having been found guilty for Arson, criminal trespass and possession of arms and each person, sentenced to 10 years imprisonment with hard labour. The convicts were also jointly condemned to pay the sum of 1,500,000 FCFA (1,500 pounds) to Alhadji Baba Ahmadou for the destroyed semi permanent structures.

Dissatisfied with the decision of the Bafoussam Military Tribunal, the Lawyer for MBOSCUA representing the convicts, took an appeal to the North West provincial court of appeal in suit No BCA/MS/1 C/2004. An application was also made for the convicts to be transferred from Bafoussam prison to Bamenda prison, pending the determination of the appeal which was granted. While



Convicts in Bafoussam prison



The day Usman Haman, Adamu Isa and Yunusa Bamgoji were released by the NW court of appeal in Bamenda.

under detention in Bamenda awaiting the determination of their appeal by the North West Court of Appeal, Yaouba Umaru escaped from prison custody. The appealed matter continued with the other three convicts. On the 23rd day of March 2004, the North West provincial court of appeal entered judgment in favour of the three appellants and reversed their conviction and sentence by the Bafoussam Military Tribunal. The civil award of the lower court was also set aside. The most interesting part of the court of appeal judgment was the order it made, restraining Alhadji Baba Ahmadou and his agents and assigns from interfering with the piece or parcel of land in question or engaging in any provocative acts in relation thereto, which is likely to lead to a breach of the peace until

the administration determines the pending land dispute between the parties. The court went further to state that it reserved the right to sanction by way of contempt any contravenor of its order.



Yaouba Umaru, his Lawyer and happy family members in the NW court of appeal premises immediately after his release.

Meanwhile Yaouba Umaru was later arrested in the East province and taken back to Bamenda. The lawyer for MBOSCUA there after caused Yaouba's appeal to be re-listed in suit No. BCA/5 C/2004. On the 14th day of March 2006, the North West provincial court of appeal also entered judgment in his favour and reverse his conviction and sentence by the Bafoussam Military Tribunal.

Lessons Learnt from Case Study.

1. Alhadji Baba Ahmadou Dampullo who is a multi millionaire and the wealthiest North Westerner in Cameroon and a central committee member of the ruling C.P.D.M party, was defeated in court for the very first time. He had all along established control over government and judiciary affairs. Within the Mbororo communities, there even exist a phrase; "Baba detention", meaning detention without bail. After this judgment, Alhadji Baba Ahmadou Dampullo has had two other judgments against him in cases instituted by Mbororos.
2. The Sabga communal grazing land was secured from Alhadji Baba's encroachment through the law court.
3. The myth associated with Alhadji Baba Ahmadou no longer exist within the Mbororo communities of the North West province as Mbororo people now challenge his acts. Those who were ejected from Ndawara with the advent of the Elba Ranch without compensation are preparing to claim for such compensation.

4. Despite the corrupt nature of Cameroon and the judiciary, the Mbororos are now convinced that the law courts can still be the last resort in securing their land rights.
5. The judiciary in the English speaking part of Cameroon re-asserted its respect for the rule of Law and the respect of Human Rights unlike the courts in the French speaking part of Cameroon which has no respect for the rule of law. In passing judgment, the North West court of appeal made very salient phrases which we now use some as precedence in favour of the protection and enforcement of Mbororo land rights. For example the court stated inter alia.

“In other words, was there enough evidence to convict the appellants or did the prosecution prove its case with the standard of proof required in a criminal case....?”

“By and large, what were gendarme officers doing at Ndawara Ranch? Why was Usman Haman arrested and taken to the said Ranch and subjected to torture, to inhuman and degrading treatment and to an abuse of his human rights in a civilized society such as ours?

“....”La possession vaut titre”. In orther words, that possession is two thirds of ownership. Since there is a preponderance of evidence that the Mbororos and by extension, the appellants were in peaceful possession of the disputed piece of land, we hold that the learned trial judge misdirected his mind in finding them guilty of participation in the commission of the offence of disturbance of quiet enjoyment(criminal trespass)....”

6. Before the above judgment, there was a detention centre in the Elba Ranch where Mbororos were detained without charge on regular bases. After the above judgment, no Mbororo has been detained in the Elba Ranch as that will be considered as subjecting the person to torture, to inhuman and degrading treatment and an abuse of his/her human rights.
7. Most of the Mbororos are settled on unregistered lands despite the fact that some of them have lived on the land for more than 50 years. When ever there is a dispute between a farmer and a Mbororo who had settled on a piece of land before the farmer, we use the above judgment to argue that there is a court of appeal decision to the effect that possession is two thirds of ownership.

Conclusion.

The above achievements not withstanding, there exist some constrains in the programme; awareness in Mbororo communities is still an issue as not all settlements are reached, the sustainability of the program is an issue as all services are delivered thanks to external donors, conflicts between Mbororos and non-Mbororos over right to ownership of land increases with population growth, some powerful corrupt individuals

are still above the justice system in Cameroon and the frequent transfers of enrolled government officials retard project activities. The inability of (MBOSCUDA) to extend the Paralegal services to other provinces of Cameroon due to inadequate funding, constitute some of the major challenges.