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Contents

- Community Engagement in Action: Creating Successful University Clinical Legal Internship- *Frances Gibson*
- Community Lawyering: An Intervention of the University of Ibadan Women's Law Clinic in the case of stray bullet killings at Arulogun-Idi Omo Community: a Case Study- *Omolade Olomola, Folake Olaleye and Oluyemisi Bamgbose*
- Accessing Justice within Plural Normative Systems in Africa: Case Study of South Africa- *Adenike Aiyedun and Ada Ordor*
- The Principle of Proportionality: Framework for Juvenile Justice in Nigeria- *Uche Emelonye*
- Access to Justice and Freedom of Information: The Case of South Africa- *Fola Adeleke*
- A Review of the Nigerian New Legal Aid Act- *C. K. Nwankwo*

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Clinical Legal Education
and Access to Justice**

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Contents

Editorial	v
Community Engagement in Action: Creating Successful University Clinical Legal Internship- <i>Frances Gibson</i>	1
Community Lawyering: An Intervention of the University of Ibadan Women's Law Clinic in the case of stray bullet killings at Arulogun-Idi Omo Community: a Case Study- <i>Omolade Olomola, Folake Olaleye and Oluyemisi Bamgbose</i>	31
Accessing Justice within Plural Normative Systems in Africa: Case Study of South Africa- <i>Adenike Aiyedun and Ada Ordor</i>	49
The Principle of Proportionality: Framework for Juvenile Justice in Nigeria- <i>Uche Emelonye</i>	73
Access to Justice and Freedom of Information: The Case of South Africa- <i>Fola Adeleke</i>	107
A Review of the Nigerian New Legal Aid Act- <i>C. K. Nwankwo</i>	128

EDITORIAL

I am privileged to write the editorial introducing the maiden issue of *African Journal of Clinical Legal Education and Access to Justice*. This is the 9th year of the work of Network of University Legal Aid Institutions (NULAI Nigeria) promoting clinical legal education, legal education reform, legal aid and access to justice in Nigeria and the sub-region of West Africa. Clinical legal education had earlier taken root in some other parts of Africa especially South Africa and there has been a wave of change blowing over the rest of Africa such as Kenya, Uganda, Ethiopia, Somaliland, Benin, Morocco, Namibia, Zambia, Mozambique, Sierra Leone, Senegal, Cameroun, Egypt, The Gambia, Ghana and a few others.

African Journal of Clinical Legal Education and Access to Justice is therefore an important introduction to the mission of reform of legal education in Africa. It will serve the goal of capacity building for law teachers, students and legal education administrators; an advocacy tool for the legal education reform project and a platform for networking among clinicians in Africa and with other clinicians globally.

African Journal of Clinical Legal Education and Access to Justice is published by the *Network of University Legal Aid Institutions (NULAI Nigeria)* in October annually. Articles, commentaries and contributions to the journal are peer-assessed. The Journal is devoted to law and legal education of significant research value, especially on developments on clinical legal education, justice education, and access to justice

In this maiden edition Frances Gibson discusses "Community Engagement in Action: Creating Successful University Clinical Legal Internship." Frances explores the benefits of experiential learning especially the use of internships for law students and concludes that "these programs offer students an incredibly valuable opportunity to develop legal knowledge as well as ethical and professional awareness" and ... "allow students an unparalleled chance to critically analyse the operation of the law in practice. The author makes far-reaching suggestions based on empirical research using case studies in Australia on how to develop and sustain a successful internship programme. Omolade Olomola, Folake Olaleye and Oluyemisi Bamgbose write on "Community Lawyering: An intervention of the University of Ibadan Women's Law clinic in the case of stray bullet killings at Arulogun-Idi

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**Community Lawyering- An intervention of the
University of Ibadan Women's Law Clinic in the case
of stray bullet killings at Arulogun Idi-Omo
Community:
A Case Study**

Omolade Olomola*, Folake Olaleye* and Oluyemisi
Bamgbose[†]

Introduction

"Public interest litigation is about using the law to empower the people, to knock down oppressive barriers of justice, to reclaim and restore the right of a justice for the majority of people, to attack oppression and denials that disenfranchise our people, and about winning back human dignity for the people...using law for the benefit of the collective, not just individual or private interests".¹

For many decades in the practice of law, individual clientele had been the feature, nature and scope of practice. Clients' personal claims for injury, loss or redress in any matter is usually a relationship with a solicitor or barrister or a group of barristers and solicitors as the case may be and in whatever way the case presents

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¹ Per Joseph Chuma Otteh, Executive Director, Access to Justice cited in Taiwo E, (2009) 'Enforcement Of Fundamental Rights And The Standing Rules Under The Nigerian Constitution: A Need For A more Liberal Provision' 9 *African Human Rights Law Journal* at page 558.

itself. Lawyering in this 21st Century has gone beyond individual or personalised practice, single clientele, and fee focused practice.

Although consolidated suits have been a part of legal practice, the practice of taking on cases on behalf of communities or group clients whose interests have been affected by governmental or other authority has not been a very interesting area of lawyering for practicing lawyers or a desired area of practice for intending lawyers and students.

However, in the wake of fundamental human rights and the recognition of the need for access to justice, traditional unilateral lawyering model can no longer serve the interest of the poor or indigent community.

This paper attempts an exposition of the role and importance of community or public interest lawyering in clinical legal education for the 21st century would be lawyer and law student, while also emphasizing the need for a re-orientation of focus or mind set of law students from fee focused practice to 'social justice' lawyering and pro bono community clientele.

In an attempt to critically analyze the topic, the following questions will be considered:

Whether law has a role to play in improving the lives and conditions of people?

If it does, what is or should be the role of the lawyer?

What means or tools can be adopted or employed?

What is community lawyering or public interest lawyering?

How veritable a tool is community lawyering or public interest lawyering to the lawyer in the protection and promotion of peoples' interests and rights?

What has clinical legal education got to do with community or public interest lawyering?

What are the limitations and challenges to community or public interest lawyering in Nigeria?

Community lawyering or 'The people's lawyer', 'public interest lawyer' or 'cause lawyering' is litigation filed in a court or the adoption of other lawyering strategies by a lawyer to protect and promote the greater interest of the public, a section or community.² In community or public interest lawyering, the community or class of it have a pecuniary interest or some interest by which their legal rights or liabilities are affected.³ In nature and in scope, community or public interest lawyering is different from the traditional model which is mainly adversarial in nature; it is a challenge, a strategy to precipitate change or opportunity to address the abuses or violations against poor or indigent, deprived or vulnerable people or sections of a community.⁴

Public interest lawyering or 'community lawyering' involves casework on issues of public importance affecting wider sections of the society, it is usually aimed at improving the law, seeking redress, relief or compensation for victims. It is sometimes also referred to as "social action litigation"⁵

² Obiagwu E. (2003) 'Promoting Economic, Social and Cultural Rights Using Domestic Legal Mechanisms' in Nweze C. & Nwankwo O. (ed.) *Current Themes in the Domestication of Human Rights Norms*, Enugu, Fourth Dimension Publishers, p 176.

³ *Janata Dal v HS Chowdhary* AIR 1993 SC 892 (para 51); (1992) 4 SCC 305; Taiwo E., (2009) 'Enforcement of Fundamental Rights and the Standing Rules under the Nigerian Constitution: A Need For A more Liberal Provision' 9 *African Human Rights Law Journal* page 558.

⁴ *Public Interest Litigation*, Legal Resources Consortium Nigeria, available at <http://lrcnigeria.org/Public%20Interest%20Litigation.html>, accessed on 11/10/10.

⁵ *Supra* note 2 at Page 177.

However, in terms of remuneration, community lawyering or public interest lawyering is not fee focused practice but at the same time must be distinguished from the provision of pro bono or free legal services to poor or indigent communities. It is a 'cause' oriented and 'cause' focused legal practice.

The role and importance of Community Lawyering in modern day legal practice: Justice or Human Rights Imperative?

Community lawyering or 'The people's lawyer', 'public interest lawyer' or 'cause lawyering', is now an area of practice for the 21st century lawyer. Public interest litigation is an important tool in the legal protection of human rights.⁶

Public interest lawyering is strategy that can be used to bring about greater social justice to indigent, poor or vulnerable communities. The public interest or community lawyer may be an individual or a public interest law organization, such individual or organization is a public defender that provides pro bono services. Community or public interest lawyering entails, personal sacrifice and commitment to the cause of justice and humanity, victims or vulnerable persons to whom public interest or community lawyering services are provided are usually unable to pay the huge costs of litigation. They are usually afraid, intimidated and reluctant to bring action against their violators for fear of social or political reprisals.⁷ In Nigeria, though the situation is improving, there have not been many lawyers in this area of legal practice, since it is more of community or public service with little or no remuneration in monetary terms, there is therefore a dire need for a reorientation in teaching and practice through

Clinical legal education for law students as would be practicing and practicing lawyers as well.

⁶ *Ibid.*

⁷ *Ibid.*

The Nigerian Constitution, Community Lawyering and Access to Justice

Community lawyering or public interest litigation remains a veritable tool for the lawyer to bring about good governance, accountability, quality and responsive leadership in governance.⁸ In Nigeria, there is marked social inequalities, many of the ordinary citizens live in economic poverty, denied of basic necessities of life such as food, shelter, healthcare, water, land and livelihood, and generally have less access to the protection of the state.⁹ Although the Nigeria Constitution provides for legal aid or free legal services,¹⁰ access to justice remains a myth rather than a reality to the many citizens, particularly the indigent and vulnerable.¹¹ Litigation and access to court remains prohibitively expensive and intimidating.¹² Apart from poverty, other factors militating against access to justice includes mass illiteracy, corruption, delay in the court system, lawlessness of the executive arm of government and its agents, procedural rules (criminal and civil) and constitutional limitations.¹³ Section 46(4) of the 1999 Nigeria Constitution¹⁴ provides that the National Assembly shall make laws to provide for financial assistance to any indigent citizen whose fundamental rights are violated, with a view to enabling him or her to engage the services of a legal practitioner, for a long time no such law was made and neither was there any

⁸ Adedimeji, A., 'Nigeria: Judicial Activism and Public Interest Litigation' Available at allafrica.com/stories/200908130402.html accessed on 12/10/10. See also *Daily Independent*, 13th August, 2009 available at <http://www.dailyindependentng.com> accessed on 12/10/10.

⁹ *Supra.*

¹⁰ S. 46(1) of the 1999 Constitution of the Federal Republic of Nigeria (Promulgation) Act, Cap. C23, Laws of the Federation 2004.

¹¹ See *Comptroller of Prisons v Adekanye & Ors* (1999) 10 N.W.L.R. (Pt. 623) Page 400 at 426.

¹² *Supra* note 2 at page 178.

¹³ Section 46(4)(b) (ii) of the 1999 Nigeria Constitution which require that allegations of infringement must be substantial and the requirement or need for financial or legal aid is real.

¹⁴ Constitution of the Federal Republic of Nigeria (Promulgation) Act 2004 Laws of the Federation 2004. Cap.C23

effective legal aid programme in Nigeria until the enactment of the Legal Aid Act.¹⁵ The preamble to the repealed Act¹⁶ provides for an Act establishing a Legal Aid Council which will be responsible for the operation of a scheme for the grant of free legal aid in certain proceedings to persons with inadequate resources.¹⁷ The words 'certain proceedings' and 'persons with inadequate resources' seem to create an ambiguity as to what proceedings, the category of proceedings, category of persons and the quantum that can be used to determine or measure what is inadequate or adequate resources.¹⁸ In addition, the second schedule to the Legal Aid Act¹⁹ limits the scope to specialized offences and persons whose income does not exceed five thousand Naira (N5, 000.00) per annum.²⁰ Initially, the Legal Aid Act provided legal assistance in respect of capital offences and serious criminal cases, it has however, been amended to cover 'cases involving the infringement of fundamental human rights under the Constitution', but there were still a number of restrictions with respect to some rights since these rights are not and cannot be absolute.²¹ The Legal Aid Council established under the Act is mandated by law to provide legal representation to persons who cannot afford legal services.²²

¹⁵ Legal Aid Act 1976, Cap. L9, Laws of the Federation of Nigeria 2004.

¹⁶ *Ibid.*

¹⁷ Preamble to the Legal Aid Act of 1976 (No 56), Cap L9, Laws of the Federation of Nigeria 2004.

¹⁸ *Ibid.*

¹⁹ See Section 7 of Legal Aid Act of 1976 (No 56), Cap L9, Laws of the Federation of Nigeria 2004. This section is on the scope of the Legal Aid to be given.

²⁰ Section 9 (1) Legal Aid Act of 1976 (No 56), Cap L9, Laws of the Federation of Nigeria 2004.

²¹ Taiwo, E (2006), 'Enforcement of Fundamental Rights and the Standing Rules under the Nigerian Constitution: A Need For A more Liberal Provision', *supra* note 1; page 559. See also Hassan Baba, U (August 21-25) 'Report on the Operation of the Legal Aid Council of the Federal Republic of Nigeria' *Paper presented at the Annual General Conference of the Nigerian Bar Association, Abuja, Page 2.*

²² *Supra* note 18.

Although the repealed Act²³ did not expressly use the word 'indigent' in its interpretation section,²⁴ the scope of the repealed Law excludes many Nigerians who are genuinely unable to afford legal services.²⁵ The legal aid scheme under the repealed Act was not only deficient but also limited in scope.²⁶ The repealed Act does not adequately address the intent and purpose for section 46(4) of the Constitution.²⁷ Similarly, the Legal Aid Council is not only grossly under-funded but in addition lacks the required personnel to fulfil the responsibility placed upon it under the Act and the Constitution²⁸, hence the imperative for community lawyering and public interest litigation or legal practice in Nigeria. Another leaf has been turned in the history of legal aid in Nigeria with the passing of the Legal Aid Bill. This Bill was passed by the sixth National Assembly on the 1st of June 2011.²⁹ The Bill was signed as law on the 3rd of June, 2011. The new Act essentially repeals Cap L9, Laws of the Federation of Nigeria 2004 in line with international standards.³⁰

With the repeal of the Legal Aid Act 2004, the horizon of the Legal Aid Council has been broadened. With the new Act, Legal Aid Council now has the mandate to provide legal representation

²³ Cap L9, Laws of the Federation of Nigeria (2004) as amended.

²⁴ See generally Section 19 of the Repealed Legal Aid Act, Cap L9 Laws of the Federation (2004).

²⁵ *Supra* note 18.

²⁶ This is by virtue of Section 7 *supra*.

²⁷ This section confers special powers on the Chief Justice of Nigeria and the National Assembly for the rendering of financial assistance to any indigent citizen of Nigeria where his right has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim.

²⁸ It is a notorious fact that the economic situation has affected every facet of the Nigeria polity including parastatals and sectors Legal Aid Council is like any other Government parastatals which derives its funding from the federation account.

²⁹ www.legalaidcouncil.org.ng/index.php accessed on 01/04/2012.

³⁰ Aboyade O., "Justice Sector Reform Key to Jonathan's Transformation Agenda" of July 26th, 2011, available at www.thisday.com/articles/justice-sector-reform-key-to-jonathans-transformation-agenda/Q5688/

on virtually all matters both criminal and civil. The Legal Aid Council is also vested with the power to create Legal Aid Fund by which it is hoped that Government, socially responsible corporate bodies and well meaning citizens will make meaningful financial contributions towards providing wider Access to Justice.³¹ The new Legal Aid Act, 2011 provides amongst others for the establishment of legal aid and access to justice fund into which financial assistance would be made available to the Council on behalf of indigent citizens to prosecute their claims in accordance with the Constitution.³²

The Act essentially now empowers the Legal Aid Council to operate a scheme for granting legal aid, as well as access to justice to indigent persons. That aid is in three broad areas: criminal defence service, advice and assistance in civil matters including legal representation in court, as well as community legal services.

In addition the Act empowered the Council to conduct inspection of prisons, police cells and other places where suspected persons are held in order to assess the circumstances under which such persons are detained and equally liaise regularly with the judiciary, Attorney-General, the department of Public prosecution, the Inspector-General of Police, the Commissioner of Police, Prison Authority or other agencies as may be appropriate, in order to avoid unnecessary delay in the prosecution of cases.³³ It further empowers Legal Aid Council to make Regulations for involvement of Para-legal in the course of providing its services.

The new Law also encourages Community Legal Services.³⁴ Members of the Bar are now encouraged to handle cases pro bono as it is now expected that a Legal practitioner who applies to be appointed to the rank of Senior Advocate of Nigeria

³¹ *Ibid.*

³² Exploratory Memorandum.

³³ Section 19 of Legal Aid Act 2011. Laws of the Federation 2004 as amended.

³⁴ Section 3(7) of Legal Aid Act, 2011. Laws of the Federation 2004 as amended.

shall be required to show evidence of diligent conduct of not less than three pro bono cases in the legal year immediately preceding his application.³⁵

Community lawyering or public interest litigation in Nigeria is very recent. Public interest litigation or community lawyering in Nigeria, unlike in other jurisdictions such as India is an underdeveloped legal strategy³⁶, but it is not out rightly foreign or new to legal practice in Nigeria. In the political struggle against oppressive military regime and the fight for the entrenchment of democratic rule, quite a number of Nigeria legal practitioners and human rights groups, have under the label of human rights and rights activism, had recourse to community or public interest lawyering.³⁷ Public interest litigation in Nigeria is mostly undertaken by public spirited individuals or groups to enforce the rights of vulnerable or indigent persons and indigent communities.³⁸ A common feature of this type of clientele is that they are victims of human rights abuses or denial of human rights and generally lack access to justice. They are poor and cannot afford to pay the huge cost of litigation and on are most times reluctant to pursue a cause for fear of political or social reprisals.³⁹

However in Nigeria, like in many other common law jurisdictions, community or public interest lawyering is an area of practice that is faced with many limitations and challenges. One of such challenges facing practitioners in public interest or community lawyering is the issue of Locus Standi. Locus standi is fundamental and it has a lot to do with the competency of the person or party to bring an action and the jurisdiction of the court to entertain an

³⁵ *Ibid.*

³⁶ *Supra* note 4.

³⁷ Nigerian lawyers, human rights activists with community lawyering bias includes, Late Gani Fawehinmi, Femi Falana, Olisa Agbakoba, Joseph Otteh, Clement Nwankwo, Campaign for Democracy. See also *Abacha v Fawehinmi*, [2000] 6 N.W.L.R. (Part 660) 228 at page 326.

³⁸ *Supra* note 28.

³⁹ *Supra* note 1 at page 559.

action.⁴⁰ A party is required to disclose sufficient interest in a matter before he or she can be accorded standing to sue in an action.

The issue of locus standi is particularly problematic for litigants or parties wishing to bring action on public interest basis, and Nigerian courts have been rather restrictive⁴¹ and inconsistent on the issue of locus standi⁴². Failure to disclose locus standi is not only fatal, but also comparable to a failure to disclose a reasonable cause of action.⁴³ The rationale for locus standi is to prevent and discourage meddlesome interlopers, professional litigants and the likes from suing in matters that do not directly concern them.⁴⁴

Legal Education in Nigeria: Clinical Legal Education and Community Lawyering

Clinical legal education provides and significantly contributes to the continuum of legal education.⁴⁵

The importance of clinical legal education in the acquisition of skills and values needed to make a competent and conscientious lawyer from a societal perspective cannot be overemphasized. Clinical legal education through legal clinics also exposes law students to professional and societal responsibilities such as

⁴⁰ See the case of *Adesanya v President of the Federal Republic of Nigeria* (1982) 1 N.C.L.R. 324.

⁴¹ *Supra*. The Supreme Court of Nigeria adopted a liberal approach to locus standi in the case of *Col Halilu Akilu v Chief Gani Fawehinmi* (No 2) 1989 2 NWLR Part 102 pp 122; Law Pavillion electronic Law report-SC 215/88-SC 216/88 and some constitutional cases, this is an exception rather than the rule, the interpretation and application of *locus standi* in civil and public cases remain very restrictive.

⁴² *Supra*.

⁴³ *Col Halilu Akilu v Chief Gani Fawehinmi* (No 2) [1989] 2 NWLR Part 102 pp 122. Taiwo, E. 'Enforcement of Fundamental Rights and the Standing Rules under the Nigerian Constitution: A need for a more liberal provision', *supra* note 1 at 552

⁴⁴ *Supra* note 41.

⁴⁵ MacCrate (1992) *Report of the American Bar Association*, page 1.

community or public interest lawyering to meet the legal needs of the poor and underrepresented in the society, particularly in communities with indigent persons where the standard of living is generally low.⁴⁶ Through clinical legal education, law students as would be practicing community or public interest lawyers are exposed to other lawyering strategies that can be employed to pursue a cause other than litigation which can easily be frustrated by limitations and challenges such as locus standi.

These Lawyering strategies include but not limited to the following:

- a) Alternative lawyering methods such as alternative dispute resolution (ADR), and other non traditional lawyering methods such as lobbying, monitoring and community education.
- b) In terms of practice and professional responsibility, a re-orientation from the traditional lawyering strategy to embracing advocacy and appreciating legal practitioner's responsibility as society's ombudsmen, public defenders and educators.
- c) Street law programme.⁴⁷

In Nigeria legal education, a new curriculum on clinical legal education was introduced as part of the undergraduate LL.B. programme at University of Ibadan during 2008/2009 session. The Clinical Legal Education Curriculum was developed for Nigerian Universities' Law Faculties/ Clinics by the Network of University Legal Aid Institutions (NULAI)⁴⁸. This same curriculum has been adopted in some universities such Adekunle Ajasin University, Akungba Akoko, Ondo State, Abia State University, Uturu and

⁴⁶ Network of University Legal Aid Institutions (NULAI) (2010), *Training Manual on Clinical Legal Education Teacher Training Workshop for Law Teachers.*, University of Ibadan. 26th-27th February, 2010. p.5.

⁴⁷ All these strategies are being adopted by the Women's Law Clinic of the University of Ibadan, Nigeria.

⁴⁸ *Supra* note 46 pg.5-6.

University of Maiduguri, Borno State to mention a few. Prior to the introduction of clinical legal education into the law curriculum in Nigeria, "the law faculties continued to function with strict and conservative attitudes towards the training programme".⁴⁹

According to Ernest Ojukwu,⁵⁰ "The law faculties taught only the theories of law without imparting practical or application skills. The only semblance of practical training to which the Nigeria law student is exposed is at the Nigeria Law School. Although the curriculum in the Nigeria Law School provides for courts and chamber attachment during the one year, a lot of skill subjects are taught in theory only without exposing the students to practical training. The faculties and the Law School curriculum do not expose the students to practice skills such as interviewing and counselling. Also the exposure to litigation and oral advocacy skills in moot and mock trials are also limited. The need for the introduction of clinical legal education stemmed from the realization that there must be a holistic approach to the training process of law students in order to produce a well-rounded professional lawyer. Furthermore, exposure to live cases and practical situations during the 5 years LL.B. programme and the one year programme at the Nigeria Law School will afford the students opportunity to experience the realities of legal practice and understand the context in which laws develop and towards what role and end."

⁴⁹ Network of University Legal Aid Institutions (NULAI) Clinical Legal Education Curriculum for Nigerian Law Faculties and Law Schools.

⁵⁰ 'Taking Practical Legal Training into the 21st Century: Proposal for the Reform of the Nigerian Law School Programme', *Abia State University Law Journal*, 1997,

Vol. 1 P. 91; See also Network of University Legal Aid Institutions (NULAI) Clinical Legal Education Curriculum for Nigerian Law Faculties and Law Schools.

The Women's Law Clinic, University of Ibadan: Access to Justice through Community Lawyering

The Women's Law Clinic was formally inaugurated on the 18th of July, 2007 with very good publicity both within the university and in the immediate environment.⁵¹

The clinic is a law school based in-house clinic located in the Faculty of Law, University of Ibadan. The clinic focuses on the use of interactive teaching methodology, development of practice and practical skills such as interviewing, counselling, negotiating and oral advocacy, while also placing emphasis on the ethical dimensions of legal practice.

Students and law teachers are exposed to wider experiences in lawyering skills and legal practice.

The goals of the Women's Law Clinic are to train law students in the practice of law, utilizing techniques of Clinical Legal Education; and to provide legal services to the less advantaged women in society. It is a specialized clinic in the sense that it is for women and it started off in the areas of human rights and family law, which are in fact very wide areas and has since expanded to accommodate other areas of law.

In order to create awareness to womenfolk on the existence and activities of the clinic, the Women's Law Clinic regularly embarks on sensitization drives and outreaches. These outreaches are held on regular basis in various communities, markets, religious houses, hospitals and schools as these places have a higher population of indigent women. Since the inception, the clinic has also organized

⁵¹ The Broadcasting Corporation of Oyo state (BCOS) in a popular Yoruba phone-in programme tagged "Eyiara" relayed the activities of the Women's Law Clinic through the interview of some Staff clinicians (Folake Olajeye and Keveve Omoragbon) on Saturday 21st July, 2007 at 10am. The interview was covered by the main news broadcast of the day in English and Yoruba version. From time to time, the producer of the programme calls on the clinic to showcase their activities and the market place outreaches.

a Clinical Legal Education Teacher Training Workshop for all Law Teachers in the Faculty of Law of the University of Ibadan, Nigeria. The academic teachers have since changed to the Clinical method of teaching, for example role playing, practical demonstrations and illustrations. The classes are now more interactive and very lively.

The Clinic makes information about legal rights widely available to all members of the community, male and female, even as it focuses on educating women in particular. Often there are fears expressed when efforts are made to disseminate knowledge to all persons within a community because those with greater advantages might feel threatened; however we believe that such fears are unfounded.

In indigenous societies there is a prevailing culture of respect and deference, this we observed in our field trips to the communities. The women defer to their husbands in decision making and prefer that the men are carried along in every interaction and activity with the Clinic.

The young men also defer to the elders on all issues, while the younger women also defer to the older women. A knowledgeable society with knowledgeable women is an upwardly mobile society.⁵²

And, as women remain the primary caregivers in the society, their greater awareness will be clearly seen and felt in the younger generation. Going by the records and data gathered from the Women's Law Clinic; the response shows that the clinic is a

⁵² The Preamble to the Convention on the Elimination of All Forms of Discrimination Against Women 1979 otherwise known as Women's Convention recognized that discrimination against women within any context is an obstacle to the participation of women, on equal terms with men, in the political, social, Economic and cultural life of their countries.... The International Conference on Population and Development (ICPD) Declaration of Action reiterates this fact.

welcome and positive addition to the communities of Ibadan and ultimately Nigeria.

The Women's Law Clinic is comprised of the Director, who is currently the Dean of the Faculty of Law, and other academic staff supervisors. The Clinic is run by a full time Clinic Administrator. The students are fully involved in the Clinic's outreach programmes and the client counseling.

The Case Study

This case illustrates one out of many community lawyering practice cases that have been handled by students of the Women's Law Clinic, Faculty of Law, University of Ibadan. The case is an exposition on the use of other non traditional lawyering strategies in community or public interest lawyering.

The case is about stray or misfired bullets by soldiers of the 2nd Division of the Nigerian Army, Adekunle Fajuyi Cantonment at Ojoo, Ibadan (Odogbo Army Cantonment) during their shooting and target practices, affecting the residents of Alelerin and Idi omo communities of Arulogun Area of Ojoo, Ibadan in Oyo State, Nigeria.

The case was reported to the Women's Law Clinic by Wives of Landlord Association, Idi-Omo Community on the 10th of October 2007. The affected community is a village close to the Army cantonment; and near the cantonment's shooting range. The community is largely agrarian and had been in existence before the cantonment.

According to information gathered, the persistent shooting and the adverse effect on the community had been on for over 30 years and shooting practices is conducted 3 times a year. During such shooting practice exercise, the villagers were usually informed before hand and advised through the media to stay indoors for the period specified, however recently there had been no such information or warning, and for a period of 2 years the shooting had been more rampant than usual.

These shooting practices conducted within the premises of the cantonment have consistently and continuously overtime gone out of range into the village and disrupted the daily social, economical, and religious activities of the villagers. Although at the time the case was reported to the Women's Law Clinic, no killing was alleged, but informants claimed that killings had occurred in the past. The stray bullets have caused bodily injury, psychological trauma, damages to personal property, reduction of economic manpower, and general stagnation of the community. The injuries caused by these bullets shows that the bullets are live bullets, and a considerable number of these bullets were brought as evidence to the Law Clinic.

The community is largely agrarian, many residents who earned their living from farming and agricultural labour have had to neglect their farms, and many had fled out of fear for life and personal safety. The shooting practices not only affected life and personal safety but other activities such as transportation, schooling and construction. The few elementary schools in the area have closed down and workers on construction sites have fled or refused to return to the construction sites.

Furthermore, the residents claimed that efforts and entreaties made to alleviate the problem have been abortive and is usually met with sternness from the cantonment. It was reported that some male villagers who made complaints to the cantonment were beaten up and detained. The Arulogun Idi-Omo community is a typical community or public interest lawyering client with all the features;

they have been victims of human rights abuses or denial of human rights and have not had access to justice during the long years of abuse, violation and infringement of rights. They are poor and cannot afford to pay the huge cost of litigation even if they so choose.

It is also important to mention that due to the long years of oppression experienced by Nigerians under military rule; most times people are generally reluctant to pursue a cause against the military for fear of attacks and reprisals. This reason is particularly relevant in the case of the Arulogun Idi-Omo community.

Intervention and Impact of the Arulogun Idi-Omo Case on Students of the Faculty of Law, University of Ibadan

The Women's law Clinic is a clinical programme model with a faculty of law based in-house clinic. The clinic is a live-client clinic and our students represent actual clients and work on real cases under the supervision of law teachers/ clinic supervisors to ensure that the students have a meaningful educational experience. The intervention of the Women's Law Clinic was a combination of strategies. Alternative dispute resolution and other non traditional lawyering methods such as follow-ups and lobbying were employed. A letter was written to the General Officer Commanding the 2nd Division, Nigerian Army, Adekunle Fajuyi Cantonment on the issue. The Clinic also made a physical representation to the Cantonment as follow up.

The Arulogun Idi-Omo case represents a classical exposition of our law students to community or public interest lawyering, its nature and importance as a social responsibility for lawyers.

Interviewing and counselling of the informants and residents were handled by the students. The students were able to gather relevant information from the informants and were also able to analyse the problem and identify the needs of residents. Interviewing and counselling skills of the students were sharpened by this experience. The effectiveness of the interview conducted by these

students exposed the legal issues in the case, and the students were able to make informed decisions on the legal means suitable for the pursuit and proper representation of the residents. Public interest issues identified and outlined by the students includes environment (health and safety), human rights, development and poverty, land rights and compensation amongst other legal issues such as torts, criminal law issues and administrative law.

The students were also exposed to basic drafting and writing skills. Similarly the public interest issues identified geared the interest of the students toward legal research and analysis into public interest issues and cases.

The students learnt and developed skills in other strategies of public interest lawyering aside from litigation which is the traditional lawyering strategy. The students were exposed to alternative lawyering methods such as alternative dispute resolution (ADR), and other non traditional lawyering methods such as lobbying, monitoring and education.

In terms of practice and professional responsibility, our students experienced a re-orientation from the traditional lawyering strategy and model of litigation, single clientele and fee focused practice to embracing and appreciating legal practitioner's responsibility as society's ombudsmen and public defenders.

Apart from our students, this exercise has been beneficial to other university law students and practicing lawyers, making community or public interest lawyering more acceptable. The intervention of the Clinic and the resort to non traditional lawyering strategy in the case yielded prompt and positive results.

The community and the Nigerian Army were more comfortable with the non adversarial and non litigation approach employed by the Women's Law Clinic.

Presently the shootings have stopped, the use of the GPMB a long range weapon and the mobile firing which involves continuous firing has been discontinued. The Nigerian Army relocated the shooting range to a threat free zone, while there are ongoing plans for erection of a new and better fortified range. Since the resolution of the issue, there has been no report of shootings and killings by stray bullets, and the people of Idi-omo Arulogun community have lived safe and peaceably with the Nigerian Army cantonment.

Conclusion

Community or public interest lawyering is an indispensable area of practice for the 21st Century lawyer. Public interest litigation is an important tool in the legal protection of human rights.⁵³

Public interest lawyering strategies can be used to bring about greater social justice to indigent, poor or vulnerable communities.

The role and importance of clinical legal education in the acquisition of skills and values needed to make a competent and conscientious lawyer from a societal perspective cannot be over-emphasized. Community or public interest lawyering is a professional and societal responsibility that must be imparted to law students to meet the legal needs of the poor and underrepresented in the society, particularly communities with indigent persons.

There is the need for a reorientation in teaching and practice from the traditional lawyering models and strategies to other models that would best serve and protect public interest issues.

⁵³ Obiagwu, E 'Promoting Economic, Social and Cultural Rights Using Domestic Legal Mechanisms' in *Current Themes in the Domestication of Human Rights Norms*. *Supra* note 3.

Prioritizing community lawyering in the course content of clinical legal education for the training of the 21st Century law student and would be practicing lawyer will greatly impact on our students the obligation and role of lawyers in the representation and provision of legal services *pro bono* to indigent clients and communities.

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