

## **PEACE AND CONFLICT TRANSFORMATION THROUGH THE CLINICAL LEGAL EDUCATION PROGRAMME**

Ngozi Joy Maduafor, Lecturer, Faculty of Law, Nile University of Nigeria.

### **Abstract**

Clinical Legal Education came to Nigeria, first, as a solution to remedy the effects of epileptic access to justice and, further, to develop law students' professional skills through rendering free legal services to indigent members of society. It was not received into the Nigerian legal pedagogy without some level of resistance, however with consistent lobbying it was eventually incorporated. The Clinical Legal Education program began with just five pilot university law clinics to implement the components of Clinical Legal Education. Despite this relatively small number, the program was able to satisfy its immediate objectives, pending other universities that could not resist the need to benefit from the program inculcated it into their legal pedagogy. Consequently, Nigeria now has 21 active university law clinics rendering free legal services to indigent persons and teaching community members about their legal rights. Offering free legal services and educating community members about their legal rights are not the end of the benefits of Clinical Legal Education. There are many other benefits that are derived from the Clinical Legal Education program and in this paper, as way of just one example,

I examine the ways in which clinical legal education is helping to curb communal violence.

## **CLINICAL LEGAL EDUCATION**

### **A Brief History of Clinical Legal Education in Africa**

#### **South Africa**

South Africa is the African country where law clinics and clinical legal education (CLE) generally was first developed in Africa.<sup>1</sup> The gap caused by the State in its inability to provide adequate legal aid to disadvantaged South Africans during the apartheid era led to South African law students bridging the gap through the implementation of law clinics.<sup>2</sup> Therefore, the first law clinics in South Africa were institutionalized during the apartheid era to proffer legal aid services to the victims of apartheid and other disadvantaged individuals whose human rights had been breached.<sup>3</sup>

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<sup>1</sup> David Mcquoid-Mason and Robin Palmer, *African Law Clinicians Manual* (Institute for Professional Legal Training, South Africa April 2013).

<sup>2</sup> Haupt F.S. 'Some Aspects Regarding the Origin, Development and Present Position of the University of Pretoria Law Clinic' [2006] (39) (2) *De Jure*, 229–243.

<sup>3</sup> Emil Winkler, *Clinical Legal Education: A Report on the Concept of Law Clinics*, 2013, [http://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf) (Accessed 16/06/2020).

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The first university law clinic in the region was based in the University of Cape Town and was established in 1972.<sup>4</sup> This clinic was initiated and managed by the law students, though they received supervision from lawyers outside the university.<sup>5</sup> Interestingly, the law students delivered their clinic legal aid services in the evenings in churches and town halls located in the impoverished community to the disadvantaged individuals.<sup>6</sup> So, fundamentally it was the law students who coordinated the activities of the clinic.

Shortly after the establishment of University of Cape Town law clinics, in the following year 1973 a legal aid conference was held in South Africa, funded by the Ford Foundation.<sup>7</sup> This conference grew to become a strong force, advocating for the institutionalization of law clinics in South Africa.<sup>8</sup> Subsequently, many other South African University law clinics sprang up. By 1981, there were 14 law clinics in South Africa based in locations as diverse as Cape Town (1972), the Witwatersrand (1973), Natal (Durban) (1973), Port Elizabeth (1974), Natal (Pietermaritzburg) (1974), Western Cape (1975), Stellenbosch (1975), Durban-Westville (1978), Zululand (1978), Rhodes (1979), the North (1980), Pretoria (1980), South Africa (1981), and Rand Afrikaans University (1981).<sup>9</sup>

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<sup>4</sup> Ibid at 1.

<sup>5</sup> Ibid at 3.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid at 1.

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These law clinics were managed without the support of funds from external donors, therefore they depended heavily on the sparse support available – primarily in respect of accommodation, equipment and materials.<sup>10</sup> The basic objective of these clinics was to ease and expand access to justice for vulnerable and poor individuals during the apartheid era.<sup>11</sup>

Though the University of Cape Town law clinic was student staffed and student managed, subsequent clinics were law faculty institutionalized programmes. The first law clinics instituted by staff were at the University of Witwatersrand in 1973 (this clinic first named its CLE Programme (CLEP) Practical Legal Training Programme; subsequently renaming it as Practical Legal Studies in 1983. Now the CLE programme bears the Practical Legal Studies<sup>12</sup> name and Natal (in Durban).<sup>13</sup>

By 1990 a program of funding saw an increase in legal aid, due to a variety of reasons but including an increase in State legal aid services, the formal accreditation of university law clinics by the South African Law Society in 1993, funds for CLEP development from the Attorneys Fidelity Fund (AFF) and the institutionalization of the Association of University Legal Aid Institutes (AULAI) with the basic objective of advocating for CLE

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<sup>10</sup> Ibid at 3.

<sup>11</sup> Ibid at 2.

<sup>12</sup> MA (Riette) du Plessis, 'Forty-five years of clinical legal education in South Africa' <http://www.scielo.org.za/pdf/funda/v25n2/02.pdf> (Accessed 16/6/2020).

<sup>13</sup> Ibid.

in South Africa.<sup>14</sup> Therefore law clinics are now funded by both the universities and external donors.

Many law clinics in South Africa operate a live client programme where individuals that cannot afford legal services are satisfied with their legal needs.<sup>15</sup> The directors are (often) practising advocates and attorneys may be appointed to coordinate the clinic. Where the director is a practicing attorney, the local law society accredits the clinic and applicants waiting to be called to the South African Bar (Candidate Attorneys) can be, and usually are, appointed as paralegals (Legal Interns) offering community legal aid services to satisfy the requirements to be called to Bar.<sup>16</sup>

## **Nigeria**

In Nigeria, the need to change the rigid and theory based legal pedagogy (LP) to that of a practical LP necessitated the inclusion of the CLEP into Nigeria LP. The graduates possessed the relevant professional skills of advocacy, communication skills, drafting skills, interviewing and counselling skills, negotiating skills, problem-solving skills and research skills. However, the need for a revised LP became evident with law students increasingly graduating ignorant of the requisite professional hands-on skills and they

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid at 1.

<sup>16</sup> Ibid.

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were frequently identified as being ignorant of their societal obligations. Consequently they were becoming a liability to their employers.

This feat of including the CLEP into our LP began with Prof. Ernest Ojukwu, Prof Akinseye George (SAN) and some other brave law lecturers organizing and attending various CLEP conferences workshops and seminars which necessitated the birth of Network of University Legal Aid Institutions (NULAI) Nigeria in 2003 to improve legal education and legal capacity in Nigeria through institutionalizing the CLEP into Nigerian LP.<sup>17</sup>

The following were some of these CLE events:

- i. The 1<sup>st</sup> Nigerian Clinical Legal Education colloquium held at Abuja on the 12<sup>th</sup> - 14<sup>th</sup> of February 2004. The primary goal of this colloquium was the integration of Clinical Legal Education into Nigerian LP.
- ii. The 1<sup>st</sup> African Clinical Legal Education teacher training held at Durban South Africa on the 4<sup>th</sup>-9<sup>th</sup> October 2004.
- iii. The 2<sup>nd</sup> African Clinical Legal Education Teacher Training held at Durban South Africa 20<sup>th</sup> -24<sup>th</sup> November, 2006.

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<sup>17</sup> See NULAI Nigeria <http://www.nulai.org/index.php/featured/54-inside-the-network-of-university-legal-aid-institutions> (Accessed 17/06/2020).

- iv. The 1<sup>st</sup> Nigerian clinical legal education teacher training workshop held at Abuja on the 2<sup>nd</sup>-5<sup>th</sup> of February 2005. Those in attendance aside from NULAI Nigeria staff were; 16 Law Teachers from 14 Law Faculties in Nigerian Universities and the Nigerian Law School, representatives from Open Society Justice Initiative, Legal Aid Council, and the University of Kwa Zulu- Natal.<sup>18</sup>

NULAI Nigeria also engaged in some advocacy works to get CLEP accepted into the Nigerian justice sector. Some of these advocacy works were:

- i. A Clinical Legal Education Curriculum Development Committee organized by NULAI Nigeria. Members of this committee were NULAI Nigeria staff and law lecturers. This committee visited the law clinics of the University of Kwa-Zulu Natal and the University of Johannesburg respectively to understudy their CLEP.
- ii. NULAI Nigeria was involved in the Council of Legal Education Committee review on legal education in Nigeria. This involvement led to the inclusion of CLE into the Nigerian LP. The report stated that “the faculties are required to provide appropriate facilities, such as clinical consultation rooms,” and “for purposes of achieving interactive teaching, proper training will have to be given to lecturers at the various law faculties and the Nigerian Law School...”

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<sup>18</sup> Odinakaonye Lagi et.al., *Campus-Based Law Clinics in Criminal Justice Administration in Nigeria*. (NULAI Nigeria 2019).

- iii. Advocacy visits to the National Universities Commission (NUC) which consequently led to the inclusion of CLE into the NUC's August 2004 draft benchmarks and minimum academic standards for the law degree programme.
- iv. Also, NULAI Nigeria advocated for the inclusion of law clinics in the Stakeholders meeting on the Nigerian Draft Legal Aid Bill. Consequently, the Legal Aid Act precisely by its Section 17 included law clinics as a legal aid provider.<sup>19</sup>

To consistently hone and increase student clinicians' capacity in advocacy, research, interviewing and counseling skills, NULAI Nigeria annually organize the National Clients Interviewing and Counseling Skills Competition for student clinicians and the winner represents Nigeria in the Louis M Brown Client Counselling Competition.

The Nigerian law clinics by the support of NULAI Nigeria also carry out social justice projects. Some of these projects are the Pretrial Detention Decongestion, Freedom of Information, Community Justice Outreaches, and the Young Persons in Peace and Conflict Transformation (YPPCT).

Interestingly, NULAI Nigeria started with 5 pilot law clinics:

1. Abia State University (ABSU Law Clinic),
2. Adekunle Ajasin University (Akungba Law Clinic),
3. Ebonyi State University (EBSU Law Clinic),

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<sup>19</sup> Ibid.



4. University of Uyo (UNIUYO Law Clinic), and
5. University of Maiduguri (Maiduguri Law Clinic).<sup>20</sup>

Due to the very many apparent educational and societal benefits of law clinics, many universities have since included the CLEP into their LP, therefore raising the number of law clinics in Nigeria to 41.<sup>21</sup> Since the inception of CLEP into our LP, the CLEP has been rightly serving dual purposes of effectively teaching student clinicians the practical rudiments of the legal profession and rendering free legal services to the individuals that cannot afford to pay for the services of a legal practitioner.

## **Uganda**

It can be said that CLE began in Uganda through the report of Prof Gower which led to the development of Uganda's Law Development Centre, responsible for the provision of free legal services in Uganda.<sup>22</sup> The report states that:

One valuable method of instruction, and at the same time a valuable social service, and one obviously needed in Uganda, is the running of a legal aid clinic in connection with the (bar) course... At this clinic, the students under the watchful

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<sup>20</sup> Ernest Ojukwu, Odinakaonye Lagi, Mahmud Yusuf, *Compendium of Campus Based Law Clinics In Nigeria*. (NULAI Nigeria 2014).

<sup>21</sup> NULAI Nigeria, [www.nulai.org](http://www.nulai.org) (Accessed 17/06/2020).

<sup>22</sup> Philip F. Iya, *Fighting Africa's Poverty and ignorance through Clinical Legal Education: Shared experiences with new initiatives for the 21<sup>st</sup> Century*'' *International Journal of Clinical Legal Education* [July 2014] (1) (13).

eye of qualified supervisors, would interview, advise litigants and, carry out any necessary correspondence and negotiations on their behalf.<sup>23</sup>

The Centre has a statutory responsibility regarding CLE which is “to enhance the professional training of post graduate law students at the Centre and promote the lawyer’s role of service to the community through practical experience based on learning and legal representation of needy persons”.<sup>24</sup> As a result of this statutory provision, the Centre has two activities in fulfillment of its CLE programme which were in operation only in 1998, perhaps due to the sponsorship from the American Bar Association and the United States Information Service.<sup>25</sup> These activities are:

1. Experiential learning: Through live cases, the postgraduate law students under supervision inculcate practical training by interviewing and advising impoverished persons, also they represent them in Magistrates Courts only and undertake other forms of legal services for them;
2. Education: the Centre also educated the general public of Uganda on their legal obligations and rights.<sup>26</sup>

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

## **PEACE AND CONFLICT TRANSFORMATION**

NULAI Nigeria, the brainchild and “mother” of law clinics in Nigeria, in its bid to end communal violence is working with law clinics to teach community secondary school students the need for peaceful dialogues and peaceful resolution of disputes. Thereby, catching the community children young while they are still at their formative years. This on-going project is tagged “Young Persons in Peace & Conflict Transformation” (YPPCT) and is funded by the American Arbitration Association-International Centre for Dispute Resolution Foundation (AAA-ICDR Foundation).<sup>27</sup>

The goal of the project is to inculcate in young persons the knowledge, skills, and values in facilitating peaceful dialogue using conflict transformation and peace building approaches thereby making them peace and conflict transformation actors. This is implemented through clinical street law programmes which means an education focused programme which recognizes that the law affects people in their daily lives and the need for everyone to understand the law. Street law has been used in crime prevention, conflict resolution, and youth advocacy for use in school systems, juvenile justice facilities, and community settings. Street law is widely recognized for its contributions to public service and for demonstrating how law students can give back to their host communities.<sup>28</sup>

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<sup>27</sup> <https://nulai.org/street-law/young-persons-in-peace-and-conflict-transformation/> (accessed 16/09/2021).

<sup>28</sup> Ibid.

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NULAI Nigeria, in executing the YPPCT project, worked with five university law clinics; Bayero University (BUK) Law Clinic; Nile University (NUN) Law Clinic; Kogi State University Law Clinic; Usman Danfodiya University (Caliphate) Law Clinic; and Nigerian Police Academy (POLAC) Legal Clinic, to produce the following outcomes:

Outcome 1: Develop a peace and justice education programme adopted and integrated into the curriculum.

Outcome 2: Increase knowledge in peace and conflict transformation principles for law clinic students and secondary school pupils; and

Outcome 3: Law clinics to serve as centers for peace education and peaceful dialogue for law clinic students, secondary school pupils and community members.

The project entails the following phases of work:

- i. Phase 1: the development of a street law curriculum with law teachers and law clinic supervisors for YPPCT programme.
- ii. Phase 2: the law teachers and law clinic supervisors to conduct a train-the-trainer street law workshops on peace and conflict transformation for law clinic students.
- iii. Phase 3: NULAI together with law students develop visibility materials to support YPPCT workshops.

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- iv. Phase 4: trained law clinic students to conduct a train-the-trainer street law workshops on peace and conflict transformation for selected secondary school students that will develop a peace plan for their schools; and
- v. Phase 5: the selected secondary school students to train their fellow students through street law workshops on peace and conflict transformation.

To begin the project, NULAI facilitated a 2 days street law curriculum development workshop held on the 9<sup>th</sup> and 10<sup>th</sup> of September 2020 with law teachers and law clinic supervisors of the above-mentioned law clinics on YPPCT programme. In preparation for the workshop. The workshop articulated topics and sampled out activities to be used for training law students on peace and conflict transformation.

## **ACTIVITIES UNDER THE YPPCT PROJECT**

### **Nile University (NUN) Law Clinic**

After I joined Nile University through the National Youth Service Corps in December 2016, I immediately began the work to have instated a law clinic in the university. I started with first planning a formal launch of the clinic so as to ensure critical stakeholders in the justice and legal profession sector within jurisdiction at least are informed of a law clinic in Nile University for possible collaborations. The university management readily agreed to the launch and the inclusion of law clinic so the school can produce law graduates that

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will ethically and social justice conscious. Therefore, the NUN law clinic was launched on the 23 March 2017 so law students would be provided with hands-on legal experience whilst providing pro bono legal services to persons who cannot afford legal representation.

The clinic launch was attended by various personalities working in the legal profession space and student clinicians including the Clinic Coordinators of the University of Abuja and Nassarawa State University respectively. Since its inception, NUN has executed three projects on facilitating access to justice to pre-trial detainees by providing *pro bono* legal services. These projects were executed at Suleja Correctional Facility in Niger state of Nigeria and Kuje Correctional Facility in Abuja.

The NUN law clinic is one of the law clinics in partnership with NULAI Nigeria which implemented the YPPCT project in 2020. The law clinic students were first trained in a “train the trainer” workshop by the law teachers present in the street law curriculum development workshop facilitated by NULAI Nigeria. They were taught the knowledge, skills, and values in facilitating peaceful dialogue using conflict transformation and peace building approaches through the workshop topics which were:

1. Understanding conceptual framework: Peace
2. Understanding conceptual framework: Violence
3. Understanding conceptual framework: Conflict

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4. UDHR- Fundamental principle of Equality, Justice, Respect and Dignity of Human Persons
5. Facilitated dialogue
6. Peer-Peer mediation; and
7. Developing a Peace plan.

Subsequently, the trained law clinic students carried out train the trainer workshops for senior secondary students in three different secondary schools (BMCI School of Science & Technology, Noble Hall Leadership Academy for Girls; and Funtaj International Academy) in Abuja for a duration of two days respectively for each school on the following topics:

- i. Peace;
- ii. Violence;
- iii. Conflict;
- iv. Fundamental Principles of Human Rights;
- v. Facilitated dialogue;
- vi. Peer to Peer mediation; and
- vii. Peace Plan

These workshops were carried out between May-June 2021. The objective was to empower young persons in secondary schools to embrace a culture of non-violence and

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non-extremism with the knowledge, skills and values in facilitating peaceful dialogues using conflict transformation and peacebuilding approaches. Thus, building the capacity of young persons as peace and conflict transformation actors. The participants were expected to:

1. Facilitate and create safe spaces for peaceful dialogue;
2. Examine personal, community, global and cultural understandings of peace, conflict and violence;
3. Explore theories and practices of community-based conflict transformation and peacebuilding;
4. Assess root causes of community and interpersonal conflicts;
5. Gain a deeper understanding of gender-based conflict;
6. Develop values and attitudes that nurture a culture of non-violence;
7. Practice non-violent strategies for transforming community, ethnic, religious and inter-personal conflicts;
8. Practice mediation techniques for addressing conflict;
9. Develop a peace plan and peer education project to implement within own context; and
10. Understand universal human rights.



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At the end of the workshops, each secondary school developed a peace-plan to implement in their school. Thereafter, the trained secondary school students through the implementation of their peace plan trained their fellow students on the knowledge skills and values in facilitating peaceful dialogues.

For effective implementation and high impact result, the workshops were quite interactive as they were basically structured to be facilitative with every topic having an activity for discussions culled from case studies and identifications that stemmed from some set of pictures.

From the reflections culled from the students, the outstanding was that of a male student who said before the workshop he had been holding a great animosity against a fellow female student because she usually takes the first position in academics in class and he was mad because he felt she had no business contesting such position with the boys that he felt are the superior gender. However, after the workshop he said he has realized that no gender is actually greater than the other and that all genders are equal then he went ahead and apologized to her there and then. Some other reflections of the students from the workshops were that workshop taught them how to:

- Peaceably resolve conflict;
- Understand other people's feelings;
- Listen to others;

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- Brainstorm to solve problems;
- Express their feelings clearly and respectfully to others; and
- Make them understand and appreciate the concept of gender equality.

The students are expected to teach the community members within their jurisdiction the need to imbibe and exercise a culture of peaceful dialogues in order to end communal violence.

## **CONCLUDING REMARKS**

From Desiderius Erasmus quote which states that “the most disadvantageous peace is better than the most just war” the importance of peace is clearly evident. Consequently, in order to end communal violence, community members needs to understand and appreciate the need to resolve conflicts amicably. Communal violence is one of the major violent type of public anomaly that threatens the peace of a country. Nigeria is not devoid of communal violence but is actually one of the countries suffering from communal violence. In Benue state of Nigeria precisely on the 10<sup>th</sup> day of Thursday 2022, at least 28 people whom were mostly women and children were killed during the communal violence between Ezza and Effunn which were two rival clans. What led to the communal violence was a rumored supposed defilement of a shrine located in Ebonyi state a neighboring state where Ezza community is located in while Effunn is located in Benue

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state (Ezza and Effunn communities have a common boundary). Aside from these deaths, businesses and houses were also burnt down during the violence. Apart from Benue state, other states in Nigeria also have their share of communal violence some of these states are Taraba Plateau Kaduna and recently Lagos where some Yorubas were seen fighting and preventing the igbos from voting during the just concluded 2023 Presidential election.

To end communal violence, community members need to understand and appreciate the concept of peace. Hence, the need the secondary school students under the YPPCT project were encouraged to teach the community members within their jurisdiction the need to imbibe and exercise a culture of peaceful dialogues.

The Clinical Legal Education programme have therefore in no small measure contributed immensely not only to legal education and access to justice but also to the promotion and sustenance of peace in communities. Peaceful communities leads to peaceful state which in turn keeps a country in a state of peace.

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