Using Law Clinic as a Means to Teach and Disseminate International Humanitarian Law in Nigerian Universities

By:

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Clinical legal education (CLE) is a form of learning that puts legal theory into practice.[1] It is argued that without creating an opportunity for experiment and experience, an academic discipline like Law, will be limited to instructions in theory only.[2] The former is what CLE stands to achieve and the latter is viewed as the traditional method of teaching. The main reason for introducing clinical legal education is to train law students to become competent, community service conscious and ethical lawyers, it allows students to put into practice what is taught through stimulated real life lawyering activities and services under the supervision of qualified lawyers.[3] This method of teaching the legal discipline can be achieved through making each lesson an experiential learning process. It can also be achieved through the service component of CLE -the Law clinic.

A Law Clinic provides the platform for the academic and service components of the goal of legal education.[4] It helps to facilitate understanding of what the students will be dealing with after graduation and is very helpful for students to choose the right path in the profession. Activities in a law clinic include; Client Interview and counselling, Legal writing, Public interest lawyering, Social Justice and Access to Justice. Partiipating in law clinic activities mentioned improves certain skills a law student would require as a lawyer. For instance; Research skills, writing skills, communication skills, interview skill, file management and advocacy skills to mention just a few.

Over the years, with the evolution of CLE, it has been discovered that by teaching law courses experientially, students begin to develop interest in various fields of law. To accommodate such interest, the law clinics became diverse by introducing specialized units in a law clinic. So, for example in a law clinic there could be the following units; Environmental law clinic, Human Rights law clinic, Family law clinic, Migration Law clinic, Anti-corruption law clinic etc.

The combined implication and effect of the foregoing is that every course in law can be taught practically, this includes International Humanitarian Law (IHL).

IHL or law of armed conflict exists to protect those that are not or no longer participating in the armed conflict and to restrict the means and methods of warfare used by those involved in the conflict. As a course in the university, the objective is to disseminate the knowledge of IHL to students and introduce them to the regulatory framework of armed conflict.

This article is an experience-based article that the writer, a supervisor of Baze University IHL Clinic, seeks to show how the activities in an IHL clinic could be used to teach IHL within the African context. This article will emphasis the pedagogy of teaching IHL through clinical legal education. It will attempt to show how activities of the clinic have helped to achieve not only the objectives of the clinic but shows how there can be a paradigm shift of the seemingly abstract notion of IHL to the practical and applicable manner students can perceive and appreciate IHL.

An IHL Law Clinic

The IHL Clinic is designed to enable students to learn through experience by applying legal theory of IHL to real-world situations. The objectives of the clinic include; dissemination of the knowledge of IHL, to offer students the opportunity to acquire first-hand practical experience in international humanitarian law and humanitarian affairs during their studies and within the framework of an academic institution.[5] Its objective is to also allow students to acquire and develop skills in legal research, critical thinking, legal analysis, and problem-solving. Additionally, students improve their proficiency in legal drafting, as well as their oral presentation, communication, organization and interpersonal skills. Students are also confronted with ethics and professional responsibility, which is valuable in enabling students to put abstract notions of IHL into a practical context.[6]

To actualize these goals and objectives, the IHL clinic engages students in a series of activities such as; Moot trials, visits to Internally Displaced Persons' camp, preparing documents for legal representation of victims of armed conflict.

Some of the activities at Baze University IHL Clinic

a. Dissemination of the Knowledge of IHL: The students planned and hosted two webinars on IHL. The first webinar was on the principles of IHL and the second webinar was on IHL and internally displaced persons. This activity required students to draft invitation letters to the presenters, hold meetings and conduct research in IHL just to come up with the topic to be discussed in the webinar. In order to get participants for the webinar, they used a lot of social media platforms to publicize the webinars with an e-flier which contained necessary details of the webinar like; topic of discussion of the webinar, time and date, most importantly the link to join the webinar on zoom. Experts in IHL, both in the academia and government are invited to present papers and interact with the students. The students were grouped into teams and each team was given tasks to achieve the foregoing. This activity avails them the opportunity to interact with key players in the field of IHL. It helps them build on their knowledge of IHL, through demonstrations and discussions by the

presenters. The students are also able to see how these key players apply IHL, especially in Nigeria.

b. The Kuchigoro IDP Camp Project: Each semester the students always plan and execute field work at the Kuchogoro IDP camp.[7] For each visit there is always a purpose. Usually, it is to get information. For instance, the students have designed questionnaires to use in the camp to get information on: Human rights abuse in the camp, education for children as victims of armed conflict, application of IHL during armed conflict and the most recent one is finding out the skills the women in the camp want to learn or develop in order to empower them. They use this information to draft proposals based on the needs of the inhabitants of the camp. They submit the proposal to various government and non-governmental organizations. Based on one of their proposals, an NGO in the United States used the proposal of the students to draft a talking document/action plan for the camp. They invited the students to participate in a zoom meeting to discuss said document. At In summary the proposal made the following impact:

i. A 'kuchigoro Initiative' has been established to help alleviate the suffering of the persons in the camp (victims of armed conflict)

ii. There is a need for another assessment in the camp. The proposal has given an insight as to what to expect and focus on for this assessment.

iii. The proposal has brought to light that the camp is 'unidentified' by the government thus for any major long-term structure to be put in place, key stakeholders and policy makers in Nigeria need to be contacted.

iv. Under the Kuchigoro initiative, Baze University IHL Clinic will be a working committee that will be engaged in; dealing with Legal issues facing the camp; for example. registration of births, human rights issues, researching the rights of displaced persons. The clinic will partner with Casa Cornelia Law Centre Students in the U.S who will also form part of the committee.

The camp activity brings students in close proximity to persons that are protected in IHL. It allows them to interact with them closely and this makes them realize the philosophy behind protecting civilians in armed conflict and the devastating consequence if such protection is not given. In most instances, they also get exposed to other branches of international law like International human rights law and migration law that deal with internally displaced persons. In interviewing the inhabitants of the camp and writing proposals that would either change policies, implement human rights and provide humanitarian assistance to IDP's, the students are simply implementing or enforcing the law, thus the students are involved in putting the law in motion or action in their immediate locality.

c. Access to Justice for Victims of Armed Conflict: The students interviewed victims of armed conflict at the IDP camp and were able to get some clients that required the assistance of a pro bono lawyer. After the client interview, they handed over the case to the pro bono lawyers attached to the clinic for further action.

d. Moot Trials: The students are grouped into two teams (Applicant and respondent or Prosecution and defense- depends on the case scenario) and a scenario is given to them to use for the trial. The scenario is drafted to capture a real-life situation of an armed conflict in Africa. The students are expected to research both treaty laws and case laws (especially cases involving African heads of states or warlords tried by the International Criminal court) and use them as basis for their arguments during the trial. Therefore, during research, the students come across how IHL was applied or breached within the African context. The African based moot court scenario creates a better avenue for the students to understand the universal applicability of IHL. As possible future policy makers, understanding said application or implementation and consequences thereof is essential.

In addition, to measure the impact the law clinic has on the students, an assessment form was posted in the clinic's classroom for students to answer.[8]

The assessment was meant to assess whether the outcome of the clinic is being achieved through the activities discussed above.

The result of the assessment shows that the students have developed some soft skills which include; Client Interview Skills, Counselling skills, ADR Skills, Ethics and Professional responsibility Skills and Communication Skills. These skills and more are what IHL Clinic seeks to achieve, they form the objective of the clinic. If these figures continue with a much larger number of students, the outcome of the clinic will be achieved on a greater scale and career paths may be created for students. Secondly, from the reports submitted at the end of each semester by students, it shows that students' knowledge of IHL has improved.

Apart from the improvement in skills that the IHL clinic was able to achieve, this writer observed that the activities of the clinic increased the student's interest and curiosity about IHL laws. Usually after the first visit to the camp, it has been observed that students' interest in what the law stipulates increases compared to when being taught in class about the principles and concept of IHL.

Conclusion

Putting IHL in action through the law clinic improves a lot of skills that students require. IHL in action within the Nigerian or African context creates better understanding amongst students, it demystifies the notion of IHL being theoretical by exposing them to the practical aspect of IHL. This without a doubt increases the interest and participation of students in IHL. Again,it cannot be overemphasized enough that it may also form a career path for the students as well either as humanitarian aid workers, international lawyers or future IHL teachers themselves!

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[1] George A. Martinez, Foreword: Theory, Practice, and Clinical Legal Education , 51 SMU L. REV. 1419 (1998) last visited 18th September, 2021

[2] Adrian Taylor (1977) Clinical legal education, Studies in Higher Education, 2:2, 137-147, p.145 last visited 19th September, 2021

[3] Ojukwu E. et al Clinical Legal Education : Curriculum lessons and materials Network of University Legal Aid Institutions (NULAI Nigeria),Abuja, 2013. p. 9

last visited 19th September, 2021

[4] Ibid

[5] Heinch R and Poulopoulou S. Establishing and Directing an IHL Clinic: Lessons Learned from the Practice of the IHL Clinic at Leiden University last visited 19th September 2021

[6] Ibid

[7] The kuchigoro IDP camp is a camp that most of the inhabitants are civilians from the Northeast Nigeria where there is ongoing armed conflict. It is located in Kuchigoro community, Abuja, FCT.

[8] Google Form

View online: Using Law Clinic as a Means to Teach and Disseminate International Humanitarian Law in Nigerian Universities

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