

Smearing the trundles of legal aid in Cameroon: reconsidering the need in appraising the legal framework

Desprestigio de la asistencia jurídica en Camerún: reconsideración de la necesidad de evaluar el marco jurídico

Manchando os trundles da assistência jurídica nos Camarões: reconsiderando a necessidade de avaliar o quadro jurídico

Nana Charles Nguindip¹

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¹ Associate Professor in Law, Faculty of Law and Political Sciences, Department of English Law, University of Dschang, Cameroon.

ORCID: <https://orcid.org/0000-0002-6333-3983>



Abstract

The provision of legal aid to indigent defendants in criminal proceedings in Cameroon faces numerous operational and legal challenges. Despite the country's ratification of key international legal instruments recognizing the need to provide legal aid in criminal cases—particularly for the accused—its policies for incorporating the right to legal aid into domestic legislation and other enabling laws remain problematic. Various oversight deficiencies hinder the effective implementation of public legal aid schemes, particularly in criminal proceedings. As a result, a significant number of accused persons, often unfamiliar with the complexities of the adversarial criminal justice system, are compelled to represent themselves, putting their legal rights at serious risk. This article argues that enhancing the legal aid system and ensuring its sustainability in Cameroon's criminal justice process can only be achieved through a comprehensive review of the normative framework governing the right to legal aid and its implementation under public legal aid schemes. The article concludes that the legal and regulatory frameworks governing legal aid in Cameroon suffer from serious shortcomings, which have undermined the country's limited efforts to fulfil its international obligations to provide state-funded counsel to indigent defendants. Additionally, the article contributes to the broader discourse on the promotion of legal aid in Cameroon's criminal justice system, where existing research has predominantly focused on inadequate funding as the primary cause of its inefficiency.

Keywords: Loosening-Wheels-Criminal Proceedings-Cameroon-Rethinking-Relating Framework.

Resumen

La concesión de asistencia jurídica a acusados pobres y defendibles en procesos penales en Camerún se ve afectada por numerosos desafíos operativos y jurídicos. A pesar de la adhesión del país a instrumentos jurídicos internacionales clave que reconocen la necesidad de proporcionar asistencia jurídica a las partes en asuntos penales, especialmente a los acusados, sus políticas para integrar la letra y el espíritu del derecho a la asistencia jurídica en el texto pertinente del país y otras leyes habilitantes han sido sugerentes. La existencia de varios inconvenientes de supervisión afecta la aplicación de los esquemas públicos de asistencia jurídica, especialmente en asuntos relacionados con los procesos penales. En consecuencia, sigue existiendo la tendencia a que un gran número de acusados ignoren las complejidades del sistema penal, que es de naturaleza adversarial, y se vean obligados terriblemente a defenderse en persona a su propio riesgo. En este artículo se sostiene que la reorganización de la asistencia jurídica y la necesidad de su sostenibilidad en los procesos penales en Camerún sólo pueden lograrse mediante una evaluación de la estructura normativa del derecho a la asistencia jurídica y su marco de aplicación en virtud de los esquemas públicos de asistencia jurídica. El artículo concluye que los marcos jurídicos y reglamentarios que rigen las operaciones de asistencia jurídica en Camerún presentan graves deficiencias que han contribuido a reducir los limitados esfuerzos del país por hacer cumplir su obligación internacional de proporcionar asistencia jurídica financiada por el Estado a los acusados indigentes que la merezcan. El artículo se suma a la homilía general sobre la promoción de la asistencia jurídica en los procesos penales en Camerún, donde el aprendizaje existente se centra principalmente en la financiación inadecuada como causa de un sistema ineficiente.

Palabras clave: Aflojando-ruedas-penales, Procedimientos-Camerún-Replanteamiento-Relacionando-Marco.

Resumo

A concessão de assistência jurídica a acusados empobrecidos e defensáveis em processos criminais em Camarões é problemática com muitos desafios operacionais e legais. Não obstante o endosso do país de instrumentos jurídicos internacionais importantes sobre o reconhecimento da necessidade de fornecer assistên-

cia jurídica às partes em questões criminais, especialmente os acusados, suas políticas para integrar a letra e o espírito do direito à assistência jurídica no texto relevante do país e outras legislações habilitadoras têm sido instigantes. A existência de várias desvantagens de monitoramento afeta a aplicação dos esquemas de assistência jurídica pública, especialmente em questões relacionadas a processos criminais. Consequentemente, a propensão permanece que um grande número de acusados desconhece as complexidades do sistema criminal que é de natureza adversarial, são forçados terrivelmente a se defender pessoalmente por sua conta e risco. Este artigo argumenta que redecorar a assistência jurídica e exigir sua sustentabilidade em processos criminais em Camarões pode ser alcançado apenas por meio de uma avaliação da estrutura normativa do direito à assistência jurídica e sua estrutura de aplicação sob os esquemas de assistência jurídica pública. O artigo conclui que as estruturas legais e regulatórias que regem as operações de assistência jurídica em Camarões apresentam sérias inadequações que moldaram os esforços limitados do país em coagir sua obrigação internacional de fornecer aconselhamento financiado pelo estado a pessoas acusadas indigentes merecedoras. O artigo complementa a homilia geral sobre a promoção de assistência jurídica em processos criminais em Camarões, onde o aprendizado existente se concentra principalmente no financiamento inadequado como causa de um sistema ineficiente.

Palavras-chave: Loosening-Wheels-Criminal; Proceedings-Cameroon-Rethinking-Relating Framework.

INTRODUCTION

In every criminal proceeding or trial, the right to criminal defense is an internationally recognized and fundamental right that guarantees access to legal advice, assistance, and representation for anyone charged with a criminal offense. Promoting the rule of law and ensuring access to justice for all are essential components of criminal justice system reform, enabling all members of society to equally enjoy their rights. These rights range from fundamental human rights, such as the right to life and the right to a fair trial, to procedural rights derived from national legal frameworks.

Legal aid is a crucial element of a fair, humane, and efficient criminal justice system based on the rule of law. It serves as a foundation for the enjoyment of other rights, including the right to a fair trial, and is a prerequisite for their effective exercise. Furthermore, it acts as a critical safeguard, ensuring fundamental fairness and fostering public trust in the criminal justice process. This principle is clearly outlined in the Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes: Practical Guidance and Promising Practices, published by the United Nations Office on Drugs and Crime (United Nations, Vienna, 2019, p. 1).

The right to a fair trial and access to legal defense must be guaranteed without discrimination, particularly for individuals who face barriers in accessing justice or who cannot afford criminal legal representation due to vulnerability or lack of financial means. This is emphasized in the Model Law on Legal Aid in Criminal Justice Systems, with Commentaries by the United Nations Office on Drugs and Crime (2017). The

challenges associated with the effective implementation of this right place a clear obligation on states to provide publicly funded legal aid. This responsibility is essential to safeguarding the right to defense, as recognized in both international legal instruments and domestic constitutions. In it's of prime importance and understanding that in upholding the juicy and application of this right, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, a bi-standard law in protecting the accused, states that

the notion of legal aid is an aspect or element of a fair, humane and efficient criminal justice system, based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.

A well-structured legal aid system plays a crucial role in ensuring due process, reducing pre-trial detention periods, expediting case resolution, protecting the rights of victims and witnesses, and ultimately fostering public trust and confidence in the criminal justice system while reducing costs. Justice-related issues must always be approached with careful consideration and contextual understanding. Consequently, it is the responsibility of states to establish reliable national legislation and implement effective measures to ensure the provision of legal aid.

In Cameroon, efforts to integrate legal aid into its criminal justice system have led to the enactment of laws and regulations aimed at ensuring access to justice for individuals who lack sufficient financial resources. One of the most significant legal instruments in this regard is Law No. 2009/004 of April 14, 2009, which repealed Decree No. 76/521 of November 9, 1976, and set out the framework for granting legal aid. Additionally, the Preamble of the 1996 Constitution of Cameroon underscores the right to a fair trial as a fundamental element of justice. According to Article 45 of the Constitution, duly approved or ratified treaties and international agreements, once published, take precedence over national laws, provided that the other party to the treaty also upholds its obligations. The Cameroon Criminal Procedure Code of 2005 further reinforces the significance of legal aid, recognizing it as a fundamental prerequisite for a fair trial.

The principle of equal access to justice is enshrined in Section 1 of the Cameroon Penal Code, which states that "everyone is equal before the law". This provision emphasizes that no one should be subjected to inhumane treatment or denied access

to justice due to a lack of legal assistance. However, in practice, the enforcement of this right remains inconsistent. Despite the legal framework ensuring free access to justice, many users of the legal aid system continue to face significant challenges in obtaining the services they are entitled to.

Legal aid is designed to enable underprivileged individuals to receive full or partial coverage of procedural costs, including registration fees, bailiff services, notarial fees, and expert assessments. It applies to individuals with insufficient financial resources to defend their interests, ensuring that they can obtain court judgments and enforce them without prior payment of all or part of the required fees. Section 2 of the 2009 Legal Aid Law specifies that legal aid can be total—covering all aspects of a case—or partial, applying only to specific acts or procedural stages as indicated in the granting decision.

To ensure the effective implementation of Cameroon's justice system, the state must take full responsibility for protecting and guaranteeing the fundamental human rights of all parties in criminal proceedings. The Preamble of the 1996 Constitution explicitly states that the state is responsible for the safety and well-being of its citizens. Furthermore, Article 65 of the Constitution affirms that the Preamble is an integral part of the constitutional framework.

Denying access to justice due to financial constraints undermines the integrity of the legal system and represents a serious affront to the principles of justice. If individuals who have been proven incapable of affording legal representation are left without recourse, the justice system risks becoming a tool of manipulation and oppression rather than a mechanism for fairness and accountability. As the legal adage goes, *justice delayed is justice denied*—ensuring accessible and effective legal aid is essential to upholding the rule of law.

The notion of legal aid or judicial assistance is an aspect of fundamental concern in justice related issues be it labor, civil and essentially criminal justice, and it befits State role in its mission to accompany the efficient implementation of its criminal justice system in considering where appropriate, enacting specific legislation and regulations, and even allocating necessary financial resources for the establishment of a comprehensive legal aid system. Cameroon, in its efforts in ensuring the effective management and enforcement of justice has not been left out in providing that minimum protection to those suffering from the lapses of legal aid. In conforming to the relevant international human right instrument, especially the international Covenant on Civil and Political Right 1966. Article 14(3) (d) of the 1966 14(3)(d): which emphasizes that; in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality (d) To be tried in his presence,

and to defend himself in person or through legal assistance of his own choosing; to be informed, if *he* does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it. The State of Cameroon has enacted the 2009 on legal aid, even put in place a commission for ensuring the effective implementation of this fundamental human right.

We do not dispute the importance of legal aid in the country in question, as significant efforts have been made to ensure its applicability and effectiveness. However, the primary concern lies in determining whether those entitled to benefit from legal aid services are truly receiving justice and experiencing satisfactory outcomes. The widespread grievances and continuous violations of this fundamental human right have created a confusing and frustrating reality for many users of the system.

The rationale behind the establishment of model laws on Legal Aid in Criminal Justice Systems was to provide a technical tool to assist states in drafting legal aid legislation (United Nations, Vienna, 2017, p. 5). This framework aims to support the development of a comprehensive legal aid system, not to replace national legislative processes, but to enhance and guide them. The State of Cameroon has ratified several relevant international treaties, including the International Covenant on Civil and Political Rights (ICCPR). Notably, Article 14(3)(d) of the ICCPR states that: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it".

Additionally, Cameroon is a signatory to other key human rights instruments, such as the Convention on the Rights of the Child (Article 37), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)—which mandates equal legal treatment for men and women—the African Charter on Human and Peoples' Rights, and several other international human rights treaties.

Given these commitments, a critical question arises: Does the right to legal aid truly occupy a central and effective role in the criminal justice system? This issue demands thorough examination to assess whether legal aid is implemented in a manner that upholds justice and aligns with international human rights standards.

The purpose of this work is to assess the position occupied by the Cameroon Criminal Justice in examining the place occupied by legal aid as specified by the various legal provisions of the law. The rule here is that the law has mentioned the present

of legal aid to those underprivileged that could not provide the means in accessing to the justice system. The 2008 law on Legal Aid in Cameroon has clarified that there is a need to provide financial assistance to those victims who have suffered from the effects of injustice and who cannot have access to the justice system because of the available resources. We all know that the focal and objective point of the law is in ensuring justice system in the country, as it will be unjust not to provide justice to those in need of such justice because of financial barrier. The question one is always in asking is to ascertain whether those in charge of enforcing this fundamental principle of the fair trial proceedings, these legal aid position needs to be respected, and those underprivileged protected.

METHODOLOGY

The method used here is more of analytical, especially in assessing the position of the 2009 Law on Legal Aid in Cameroon by examining those various gaps of the law and the effect such gaps have caused on the criminal Procedure system. The rule is that the law has been clear in matters related to the phenomenon of Legal Aid application and enforcement in Cameroon, as it is the tendency remains that, this concept of Legal Aid is a necessary aspect for the underprivileged who could not afford the means in having access to the criminal justice system. The use of the 2009 Legal Framework and other Human Right dispositions are of beneficial standard through its various provisions, which are clear in matters related to the enforcement of Legal Aid. Really, one thing is in provision the unavoidable methodology, the other is in respecting such method used.

FINDINGS AND DISCUSSION

A Universal and Recognized Right acceptable in Criminal Proceedings

The existence of the right to legal representation and assistance for an accused person in a system like Cameroon practicing the adversarial criminal trial as the presence of the Cameroon Criminal Procedure Code which talks on the aspect of trial from the preliminary, trial proper and even post-trial is an important aspect in establishing the Country's recognition and enforcement of elements of the criminal justice system. This is considered as the fundamental means by which the inconsistency of trial

skills and proficiencies between those who are legally trained in the interpretation and enforcement of justice and the accused can be moderated in acquiring a just and responsible criminal justice system as stipulated by Paul Robert and Adrian Zuckerman (2010) in their write-up. However, the supposition develops to be pointless when approachability to legal assistance is curtailed by a lack of financial means. In this case, dependence on legal aid becomes the only practicable apparatus for grasping the benefits of the right to legal assistance in cases of financial insufficiency.

In principle, the basic concept of undergirding the process of criminal law in every society practicing and enforcing the rules of criminal justice is the accessibility to justice in criminal proceedings relying on the execution of the rights to due process, to a fair trial, and particularly those related to legal representation as provided in the Legal Aid Conference on Criminal Justice as to the Declaration and Assessment of Legal Aid in Criminal Justice System in Africa held (2004 in Lilongwe). In Cameroon under its constitutional safeguards, the values of the constitutional guarantees of legal representation for all persons involved in criminal proceedings (The Preamble of the Cameroon 1996 Constitution) whether the person in question is a suspect of having committed a crime or charged with an offense, lie in convinced social authenticities that a large section of the population has very little or no knowledge of the law and its workings both in theory and in practice. These incidents of ignorant therefore require the helping hand of counsel to circumnavigate the procedural and evidentiary muddles that govern criminal proceedings in a classical government of criminal settlement. This observation supports the popular theory that even intelligent and educated individuals cannot understand the skills and practice of the law and was noticed in the judgment of the case of *Powell v. Alabama* 287 US 45, 68-69(1932). The same judgment was held in the case of *Gideon v. Wainwright* 372 US 335, 344-45(1963).

Thus, in every criminal trial in hypothesizing a trial without a defense counsel for the accused, in the absence of a valid waiver of legal representation, is of itself unfair. The trial is even more unfair in cases where the accused is deprived of legal representation simply because of poverty. Cameroon in its endeavor in acquiring an effective criminal justice system has proscribed in conformity with international law to provide free legal aid to individuals that lack the financial wherewithal to meet the cost of legal services in the 2009 law on Legal Aid being of fundamental essence in aspect of providing services to the unprivileged. Consequently, denying indigent accused persons of this entitlement amounts to a denial of the right to legal representation and, thus, of the right to a fair trial. The right to legal aid today is recognized as one of the universally guaranteed minimum protections for accused persons within the scope of fair trial rights in virtually all human rights instruments, both universal and regional.

Accepting the legal and institutional recognition of the phenomenon of legal aid in criminal proceedings in Cameroon

It is with great demonstration that the concept of understanding legal aid in criminal proceedings in every society is in accessing the need for doing justice in that given society, as far as the execution of fair trial is the result. We do understand that the notion of fair trial in every justice system is a fundamental issue, and it becomes, will always be the responsibility of the State to ensure that crime victims who are unable to have access to justice because of financial constraints should have one. The state of Cameroon, in its need in accepting this podium of legal aid, had placed a handful of domestic legal dispositions fostering and advancing the need for this fundamental concept.

The Cameroon Constitution that is Law no 96/06 of 18th January 1996 amending some provisions of the 1972 Constitution emphasis that the constitution is the highest law of the land where every other law takes its inspiration, and under no circumstances should anything contravene the functioning of the constitution, and every standard thereby should be respected. In all its ramifications, the aspect of legal aid is imperative, as it clear that there is the need to recognize legal aid as an integral a part of the eight to fair trial during criminal proceedings. The truth here remains that the choice of the word use during criminal proceedings like the aspect of fair hearing should not in any instances eliminate the concept if legal aid as fair hearing can never be guaranteed without concrete put in place to provide the necessary legal assistance to those persons who because of their financial standing in the society are unable to guarantee their right to justice.

Oiling the Apprehension Wheels and Lacunae of Legal Aids in Cameroon. Perspective and the way forward

The concept of legal aid, also referred to as judicial assistance, is recognized not only by international legal instruments but also by domestic legislation as a fundamental right. Its existence and implementation should not depend solely on the financial means of the individual concerned but rather be upheld as a state obligation. The state bears the responsibility of ensuring that individuals who lack sufficient financial resources have the necessary means to access justice fully and effectively.

Judicial assistance should not be perceived as an act of state clemency or charity; rather, it should be regarded as a mechanism that guarantees citizens' rights in situations of legal necessity. However, from its inception, the implementation of

judicial assistance has been a complex issue. Initially, there was a belief that enacting a law and establishing procedural mechanisms would bridge the gaps in access to justice. Some proponents have argued that the introduction of judicial assistance legislation has significantly improved the justice system.

The enactment of the law was met with high expectations, as many believed it would alleviate systemic injustices and provide much-needed relief. However, the challenges and deficiencies in both the law and its implementation have led to widespread disillusionment and skepticism. Many now question whether there will ever be a resolution to the injustices and institutional shortcomings caused by the current framework.

There is growing public outcry and frustration regarding the law's inability to address key issues effectively. The system remains flawed to the extent that individuals who lack the financial means to secure legal representation often feel alienated from the justice system. The gaps are evident, the deficiencies are real, rights violations are widespread, assistance is often tainted by corruption, and even the positions held by key legal actors are questionable.

The pressing question is how to address these structural failures and improve the current state of judicial assistance. Proposing viable solutions and policy recommendations is crucial to rectifying the shortcomings that continue to undermine the effectiveness of this fundamental aspect of the legal system.

Demystifying the Complexities of the Text on Legal Aid

The first issue that must be addressed concerns the interpretation of the Law on Judicial Assistance in Cameroon. From the outset, one of the fundamental characteristics of this law is its generality—it should be universally applicable to all individuals without distinction. Every person, regardless of their background, should be able to understand the law to effectively exercise their right to access justice.

However, if the law is drafted in a manner that only legal professionals and experts can interpret, it becomes inaccessible to the very individuals it aims to protect. This raises a critical question: What happens to the principle of free legal assistance when those in need cannot even comprehend the law governing it? Can a legal professional be expected to offer their services free of charge when approached for clarification on matters related to judicial assistance? The likely answer is no.

If the law were written in simpler and more accessible language, it would be far more beneficial to those it seeks to assist. How can victims of crime comply with procedural requirements to obtain free legal assistance if they cannot understand

the legal provisions governing this right? Given that navigating the justice system in Cameroon is already a complex process, the situation becomes even more challenging for individuals who lack legal knowledge. Providing clear and straightforward interpretations of legal texts would reduce ambiguity and uncertainty, making the law more practical and effective for service users. A legal code should be drafted in a way that ensures its language is unambiguous, comprehensible, and user-friendly. The interpretation and application of legal statutes have always been challenging, and will continue to be so, particularly for those who lack legal expertise.

Furthermore, financial constraints remain a major obstacle to accessing justice in criminal proceedings. The complexity of the legal code further exacerbates this issue, creating an additional barrier for those seeking justice. The law must be demystified to ensure that service users can fully understand their rights and the assistance available to them. Merely providing financial aid is not sufficient—the state must also ensure that individuals are aware of and understand how to access legal aid.

While the initiative to provide legal assistance is commendable, the failure to ensure that beneficiaries understand the law and their rights renders the entire system ineffective. Legal experts should actively engage in simplifying the law to make it accessible to all, not just to legal practitioners. The law should not be designed solely for legal professionals—what about the common citizen or the layperson?

What considerations did lawmakers consider when drafting this legislation on legal aid? It is contradictory to claim to assist individuals while simultaneously making it difficult for them to understand the aid they are entitled to receive. How can a legal aid recipient afford to pay for legal interpretation services when their financial situation is precisely what qualifies them for assistance in the first place? This is a fundamental contradiction that undermines the entire legal aid framework, rendering it ineffective and inaccessible. There is an urgent need to clarify, translate, simplify, and explain the law to ensure that it serves its intended purpose.

Redefining the Procedure in Acquiring Legal Aids

Secondly, the procedure itself in having access to justice as far as legal aid itself is concerned, is a complex and complicated one. The issue of criminal justice and application is not as easy as we may think. It's a complete procedure for the acquisition of justice is lengthening, cumbersome and even costly. We all know that a crime once committed has a procedure that must be followed before the said accused is considered guilty of the offense committed. We all have pre-trial procedures, the trial proper, and even the post-trial. All these process in acquiring justice are quite demanding

and complex. Having a good look at the rational of legal aid being gratuitous from its inception to realization, one can really say the service is not free the way we were thinking. When the procedure in acquiring justice becomes complex and complicated, the financial aspect of it is also affected, and there is that tendency that justice itself will be affected.

The service user of the legal aid needs a lawyer who the State pays from the initial stage until the level of the judgment of the trial in question. When the lawyer discovers that the procedure is lengthened and complex for the acquisition of justice, and there is no adequate motivation for the services rendered since it is almost gratuitous, one becomes skeptical and afraid of the outcome of such a criminal process. The lawyer can along the way abandon the process due to this lengthen and complex procedure, and this will automatically affect the beneficiary in question to acquire the justice intended for. Quality and efficient justice needs complete follow up from the commencement stage until the complete phase, when justice is abandoned at a given point, it affects the entire criminal justice process.

Creation of Non-Governmental Organization and Lobbying Lines

The creation of NGOs in assisting the State in rendering the service of legal aid will be a wonderful and appreciating effort in solving the problems affecting matters of legal aid in Cameroon. We all that the role of NGOs in every given society operating under the umbrella of legal platform is encouraging and important when some certain services are concerned talk less to that of legal aid. One of the key objectives of non-governmental organizations (NGOs) is advocacy, particularly in raising awareness about legal rights among individuals who may be unaware of or fail to understand them. Rather than requiring legal aid service users to pay for legal interpretation, it would be beneficial to encourage the establishment of NGOs specializing in legal aid. These organizations could provide essential support and guidance to those in need.

With the introduction of legal aid NGOs, dedicated hotlines and service lines could be established, allowing individuals to access counseling and assistance regarding legal aid matters. This would help service users better understand the available legal aid services, the required documentation, and the procedures for obtaining assistance. Such initiatives would significantly enhance accessibility and awareness of legal aid, ensuring that individuals can effectively exercise their rights.

Determining the Nature of Lawyer

Furthermore, a critical issue arises in determining the criteria for selecting the lawyer assigned to a legal aid recipient. What does the law or relevant legislation consider when appointing a lawyer to represent a service user? What happens when the service user does not understand the language, legal system, or legal provisions used by the appointed lawyer?

Since legal aid recipients lack the financial means to secure private legal representation, they may become frustrated and disadvantaged if the state-appointed lawyer fails to defend their interests adequately. Often, opposing parties have well-equipped legal teams, while the legal aid recipient remains disadvantaged due to systemic deficiencies.

It is in the best interest of the state to ensure that service users receive the highest quality legal representation from the initial trial through to the conclusion of their case. Denying access to effective legal representation equates to denying access to justice—and, consequently, to the rule of law.

Within Cameroon's legal aid framework, merely providing a lawyer is insufficient to guarantee access to justice. Access to justice and access to the law are distinct issues—ensuring the former without the latter renders the system incomplete. Legal aid recipients seek full justice, not partial justice.

Financial constraints should not serve as a barrier to receiving competent and effective legal representation in matters of judicial assistance. Unfortunately, service users are often treated as beggars or mendicants simply because they cannot afford legal services. From a practical and legal standpoint, it is the responsibility of every state to ensure that its citizens receive quality legal services and access to justice, regardless of their financial situation. Legal aid should not be an exception to this principle.

Cameroon, having ratified numerous human rights instruments and enacted domestic legislation on legal aid, must prioritize the enforcement of these laws and uphold their intended purpose. Legal aid recipients should receive meaningful and effective assistance, not merely a symbolic gesture. They should not be subjected to mockery, ridicule, or inadequate representation due to their financial status.

Restructuring the Commission for Judicial Assistance in Cameroon

In the proper administration of justice through the phenomenon of legal aid, there was the need by the 2009 law on legal aid in Cameroon to put in place a commission

for examining and approving files that are qualified to have access or benefit from the legal aid. We are not questioning or doubting the composition and competent of the commission in handling issue related to legal aid, all we are saying is that the commission should be revisited and restructured. The commission in question is too heavy or large in handling issue of legal aid. A practical case will occur where there is the need for the commission to rapidly meet in managing cases of judicial assistance because materially it is expensive in managing and maintaining the commission and the reasons for the rare convocation of this commission. There is the need to unify the members of the commission, notify them on time as to their meeting. This procedure is complex and questioning as usually, you don't only bring the members of the commission together but provide the various resources financially or materially for the legal aids in question. This sometimes makes it cumbersome and slow, which greatly affects the system in question. Moreover, the documents demanded by the commission from the service user sometimes are discouraging due to their quantitative nature. It becomes frustrating and questionable when someone who is unable to prove financial means is asked to compile a huge number of files and documents before the person can benefit from the said services. The issue here is not the number that determines the effective access to justice, the problem is whether the service user is satisfied as to the judicial assistance offer. Extending the commission and flushing them with huge number will not solve the problem, but if the commission is restructured and reduced in number for a speedy and effective justice system, then it will be credible and laudable. The fact that the State is the sole bearer of virtually all the cost of the assistance, and sometimes availability of the resources needed in effecting the system and aids is always a problem that does not affect the service user, but the whole judicial system in general. For if the composition of the commission in charge of the assistance is revisited, and then we believe it will go a long way in handling and solving a delicate problem that has been affecting the justice system in Cameroon.

Re-determining the Beneficiaries of the Legal Aid

The fundamental rationale behind the application of legal aid in Cameroon is that the service user must demonstrate and provide evidence that they lack the financial resources necessary to access justice. Article 22(1) of the 2009 law establishes specific categories of individuals eligible for legal assistance. However, in practice, this provision is often undermined by corruption and discrimination. Many of those who benefit

from legal aid do not fall within the legally stipulated criteria, raising serious concerns about the integrity and fairness of the system.

In numerous instances, it is difficult to accurately assess whether a service user is financially eligible for legal aid, which significantly impacts the credibility of the justice system. Sentiment and subjective considerations often influence the allocation of legal aid, leading to inconsistencies in its application. The law's primary objective should be to ensure that legal aid is granted only to those who genuinely lack financial means. However, proving financial incapacity remains a challenge, as it is often difficult to verify whether applicants truly lack the resources to afford legal representation and other legal expenses.

A further complication arises when a legal aid recipient initially lacks financial means but later acquires financial resources during the trial. Should the court withdraw the granted legal aid in such cases? The situation is further exacerbated by instances of fraud, where individuals falsify financial documents to claim legal aid, only for it to be later discovered that they had misrepresented their financial status. Although such fraudulent actions constitute a criminal offense, there are often no legal consequences for those who abuse the system. These gaps and weaknesses in the legal framework undermine the efficiency and credibility of the legal aid system in Cameroon, necessitating urgent reforms to ensure transparency, accountability, and fairness in its implementation.

Assessing and finding new Fund Strategies

It is evident that the government of Cameroon must acknowledge that state funding alone is insufficient to meet the legal needs of all Cameroonians. The lack of adequate financial resources has become a major obstacle to the effective enforcement of legal aid provisions.

How can one expect effective legal representation when the assigned lawyer lacks the necessary financial support to properly defend their client? A clear example of this financial inadequacy is the remuneration of 5,000 FCFA per day, allocated to court-appointed lawyers to cover travel and lodging expenses. This amount is grossly insufficient, and often, the state does not even disburse it.

Furthermore, lawyers providing legal aid services are not only expected to offer their expertise for a symbolic fee, but they must also advance their funds for case-related expenses, with the expectation of later reimbursement by the public treasury. However, accessing funds from the public treasury is notoriously complex, and many

lawyers, because of the burdensome administrative procedures, remain unpaid for their services.

Statistical evidence suggests that most lawyers in Cameroon are reluctant to provide *pro bono* services to indigent clients, as they would be forced to cover the high costs of court filings and legal representation out of pocket. Another critical issue is that many prisoners who have completed their sentences remain incarcerated simply because they are unable to pay the required exit fees.

The inadequate remuneration for legal aid lawyers is both discouraging and unsustainable. While the state insists on handling legal aid entirely on its own, this approach is unrealistic and impractical. While there is no doubt that the state has a responsibility to provide legal aid, relying solely on state resources has overburdened the system, particularly affecting the underprivileged who lack financial means.

It is therefore imperative for the state to seek additional funding sources, including private sponsors and international partners, to support legal aid programs. Additionally, while the current remuneration for legal aid lawyers is insufficient, it should at the very least be reasonable and fair according to any right-thinking member of society. Ultimately, legal aid is an essential but financially demanding service that cannot be sustained by the state alone. A multi-stakeholder approach is necessary to ensure that access to justice is not compromised for those who need it the most.

CONCLUSION

From the foregoing, it is evident that the state of Cameroon has not ignored the fundamental right to access justice through the provision of legal aid, as stipulated in relevant international human rights instruments. The state's commitment and willingness to uphold this right is commendable, particularly through the enactment of the 2009 legal aid law, which serves as a crucial step in addressing legal aid issues.

However, the effectiveness of any law extends beyond its mere enactment; its practical applicability, especially in criminal proceedings, is of paramount importance. While it is essential to acknowledge and commend Cameroon's efforts in promoting legal aid, it is equally important to recognize the significant shortcomings in its implementation. The intended beneficiaries—underprivileged individuals—have yet to fully experience the impact of these legal aid provisions.

In light of this, it is our considered opinion that the challenges affecting the implementation of legal aid must be urgently and comprehensively addressed. If these issues are effectively resolved, it will significantly enhance the justice system, ensuring that the rights of the less privileged are fully recognized and protected.

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