

HERDSMEN AND FARMERS CONFLICT IN NIGERIA: A QUEST FOR PARADIGM SHIFT

*Theresa U. Akpoghome and Ekene Adikaibe***

Abstract

The constant conflict and killings in Nigeria by herdsmen has reached a frightening dimension that no day passes without the news of massacres by this group. This paper addresses the herdsmen and farmers conflict in Nigeria and seeks a paradigm shift from the status quo. The paper traces the history of herders' farmers' conflict in Nigeria and notes that this has been on for about seventy years without any sustainable solution. The paper also examines the causes of these conflicts and the legal and policy framework to check the conflicts. The paper discovers that so many issues such as climate change, ignorance and existing squabbles are some of the causes of these conflicts. The paper also notes that there is no extant law to check this menace. The paper concludes by making far reaching recommendations such as the need for the enactment and harmonization of laws to help end the crises.

KEY WORDS: Herdsmen, Farmers, Conflict, Climate, Population, Fulani

I. Introduction

The conflict between herdsmen and farmers in Nigeria has become a recurrent decimal with its attendant consequences on lives and property. History has it that the Fulani herdsmen respect the fact that they are strangers in an area where they find suitable grazing field for their flock and they always made efforts to be at peace with farmers.¹ The question that bothers every well-meaning Nigerian is “what has changed”? Could it be that this is the other face of the Boko Haram insurgents? The Fulani herdsmen attack, kill and displace villagers without provocation? On 1st January 2018, Nigerians woke up to the news of the massacre in Benue State that led to the loss of over seventy lives and massive destruction of property while thousands fled the village.² Other villages and locations in Plateau, Nasarawa, Kaduna and Adamawa States have also been attacked.³ In Edo state, there has been news of attacks by herdsmen and some farmers in Edo State have lost their lives in the process.⁴ Those not killed were abducted/kidnapped⁵ and tortured and this has

¹*Akpoghome, T. U., PhD, LL.M, LL.B, BL. Professor and Dean, Faculty of Law, Benson Idahosa University, Benin City. E-Mail: teremajor@gmail.com, takpoghome@biu.edu.ng. Ph: 08056317472, 08065436545.

²**Adikaibe, M. E., LL.B, Research Assistant, Faculty of Law, Benson Idahosa University, Benin City. Ph: 09035282122.

D Agbese, “Fulani Herdsmen? Here are the Grim Statistics,” <<http://guardian.ng-deliver>> accessed 20 August 2018.

² John Charles, “Benue January Killings: We are still in a state of shock”, <<http://punchonline@punchng.com>> accessed 28 November 2019.

³ *Ibid.*

⁴ Oluwatosin Omojuyigbe and Peter Adekunle, “Youths Block Benin-Ore Road over Woman’s killing by Suspected Herdsmen”, <http://punchng.com> accessed 5th September, 2019.

⁵ Peter Adekunle, “Suspected Herdsmen Kill one, abduct seven in Edo State”, <<http://punchng.com>> accessed 5 September 2019.

affected food production in the State. The herdsmen have also attacked non farmers in the state. On the 7 July 2019, a naval officer returning from an official assignment on the NNS Burutu, a Nigerian Navy Vessel was attacked.⁶ Reports have it that he was attacked by nine suspected armed herdsmen along the Benin by-pass by Ahor Community in Edo state.

Reports show that 676 persons lost their lives in January, 526 in February and 146 in March, 2018. North East was top on the list with 591 deaths while the South East recorded 30 deaths.⁷ These killings have gone on unabated with little or no meaningful arrest by the security agencies and it is based on the above facts that this paper seeks a paradigm shift in the Nigerian security architecture.

For effective discussion of the issue under review, the paper is divided into seven parts including the introduction. Part II considers the history of Fulani herdsmen and farmers conflict in Nigeria with a view to tracing the remote and or immediate causes of the conflict. Part III discusses the causes of the conflict, Part IV examines the responses of the Buhari led administration in addressing the menace. Part V examines the legal and policy framework put in place to address the conflict. Part VI makes recommendations based on the findings in parts three, four and five while Part VII concludes the paper.

II. History of Herdsmen/Farmers Conflict in Nigeria

Herdsmen/Farmers conflict in Nigeria always involves the destruction of farmland by herdsmen which pitched the farmers and herdsmen against each other. The most affected states are Benue, Taraba and Plateau. The first recorded conflict between herdsmen and farmers in Nigeria occurred in 1948.⁸ The next conflict occurred in 1951 and this was responsible for the migration of Fulani Bororo to Sudan.⁹ The clash in 1955 was considered to be genocide and the Sudanese Government issued quit notices to all Fulani Bororo mandating them to relocate to their native lands.¹⁰ The Fulani Bororo were from Borno, Sokoto and Kano States of

⁶ Sahara Reporters, "Herdsmen Attack Nigerian Naval Officer in Benin", <<http://saharareporters.com>> accessed 4 September, 2019.

⁷ C Ndujihe, and C Udochukwu, "Violent Death: 1, 351 killed in 10 weeks"< <https://vanguardng.com>> accessed 20th August 2019.

⁸ IS Birma, "Fulani Herdsmen/Farmers Conflict: A Holistic Perspective", <<http://dailytrust.com.ng/fulani-herdsmen-farmers-conflict-a-holistic-perspective-251257.html>> accessed 19th August, 2019.

⁹ *Ibid.*

¹⁰ *Ibid.*

Nigeria.¹¹ In 1956, the Fulani Bororo's returned to Nigeria. Eventually, urbanization and developmental projects dislocated the herdsmen from the ranches.¹² These evictions led the Fulani herdsmen to forcefully design their own grazing routes and to acquire temporary sites which ultimately turned out to be farm lands.

Documentary evidence shows that the Nigerian government by 1964 had gathered about 6.4 million hectares of land which were in 144 locations in the Savannah region of Northern Nigeria and about 3 of such lands in Oyo and Ogun States.¹³ These lands were not fully utilized and eventually abandoned. Again the cattle routes such as the Burtali/Labi have also been abandoned or have been utilized for urbanization purposes thereby creating a source of conflict as the livestock route overseers were no longer needed to maintain the routes.¹⁴

Indeed, the seeds of inter-religious and inter-ethnic confrontation predate Nigeria's independence in 1960.¹⁵ With the colonial government establishing tin mines in the mainly Christian Jos plateau, indigenes, as well as people from other parts of present-day Nigeria, were encouraged to come and work in the mines.¹⁶ Some of the so-called non-indigenes were mainly Muslim pastoralist Fulani having settled in the communities. The original inhabitants of the land objected to Fulanis grazing their cattle in the area, especially at the expense of local crops. Such allegations of crop damage have led to reprisal (and perhaps pre-emptive) herd slaughter, which have sparked off brutal confrontations between Fulani herdsmen and the indigenous farming communities.¹⁷

Due to the peculiarity of the activities of the herdsmen, they move from one place to another in search of pasture. In the process, the herdsmen have reportedly encountered cattle rustlers and made complaints to the relevant authorities who fail to investigate the issue, hence their purported reason for carrying arms about. During their journey, they frequently trespass farmlands owned by locals in their host communities, destroying crops and valuables. Attempts by farmers to prevent them

¹¹ *Ibid.*

¹² Such projects or urbanization as in the FCT or dams and power projects as in Manibila and Mokwa led to the dislocation of herdsmen.

¹³ Birma (n6) 2.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

from causing havoc are met with stiff and violent resistance.¹⁸ Most times, the farmers are overpowered, injured and killed, while others are evicted from their homes. Sometimes, the herdsmen are accused of taking these opportunities to steal, rape, raze houses and kill innocent members of the communities they pass through.¹⁹

Before now, the herdsmen have been known to wreak havoc in certain communities in Nigeria. However, the rate at which they commit these crimes has increased exponentially. According to statistics provided by the Institute for Economic and Peace 1,229 people were killed in 2014, whereas in 2013, about 63 people were reportedly attacked and killed by herdsmen. Today, Benue State seems to be the hardest hit in recent times.²⁰ Barely five days to the end of Governor Gabriel Suswam's administration in May 2015, over 100 farmers and their family members were reportedly massacred in villages and refugee camps located in the Ukura, Per, Gafa and Tse-Gusa local government areas of the State. According to reports, in July 2015, suspected herdsmen attacked Adeke, a community on the outskirts of the state capital, Makurdi.²¹ In December 2015, six persons were killed at Idele village in the Oju local government area. A reprisal attack by youths in the community saw three Fulani herdsmen killed and beheaded.²²

In February 2018, as a result of a clash between herdsmen and farmers in Benue State, 40 more people were killed, about 2,000 displaced and not less than 100 were seriously injured.²³ Most recently, more than 92 Nigerians were massacred by suspected Fulani Herdsmen in Benue and Niger States²⁴. Also, there have been reported attacks by the Fulani Herdsmen in southern states of the country, including

¹⁸ G Yusuf, "Grazing Bill: A Law that can Destroy Nigeria" *Pointer*.
<<http://www.thepointernews.com/?p=46655>> Accessed 7 August, 2019.

¹⁹ *Ibid*

²⁰ I Iro, *Nomadic Education and Education for Nomadic Fulanis*. (Mandara Press 2004) 2-10

²¹ Idoma Voice, "Special Report: Inside Agatu Killing Field: Blood on the Streets, Charred Bodies Everywhere", *Premium Times*, (2016 March) <<https://premiumtimesng.com/news/headlines/200369-special-report-inside-agatu-killing-field-blood-on-the-street-charred-bodies-everywhere.html>> accessed 23 August, 2019.

²² Christopher I Ndubuisi, "A Critical Analysis of Conflicts between Herdsmen and Farmers in Nigeria: Causes and Socioreligious and Political Effects on National Development, (2018) *Herv. Teol. Stud.*, Vol. 74, No. 1, <<http://dx.doi.org/10.4102/hts.v74i1.5056>> accessed 23 November 2019.

²³ MK Aliyu et al, "Assessment of the Effect of Farmers- Herdsmen Conflict on National Integration in Nigeria, *International Journal of Humanities and Social Science* (2018), Vol.8, No. 10, <http://ijhssnet.com>> assessed 29 November 2019.

²⁴ Ndubuisi (n22).

Enugu, Ekiti and Ondo States.²⁵ As the clashes have become more deadly, elements within Nigeria's national security establishment have pointed to alleged links between 'Fulani herdsmen' and the Boko Haram insurgency. The allegation is that Boko Haram fighters fleeing the war in the northeast have moved south to the north central region where they are carrying out attacks on civilian communities under the guise of herdsmen. Newspaper headlines are fuelling public anger.²⁶ The classification of 'Fulani militants' by the Global Terrorism Index 2015 as the world's fourth-deadliest terror group also stoked the flames, increasing fear and anxiety in a region regularly terrorised by jihadist sects. This was the first time this activity had been described as terrorism, with the index unhelpfully listing pastoralist-linked clashes alongside established terrorist groups such as ISIS and al Shabaab.

Concerns have been raised as to the true identity of those behind the attacks. Many with dissenting views believe they may be members of the Boko Haram sect, masquerading as Fulani Herdsmen.²⁷ A few others, including the Nigerian military, have said they are herdsmen from other parts in West Africa and not Fulani. While the latter may be admissible due to porous Nigerian borders and poor immigration surveillance, especially in northern parts of the country, it is very difficult to correlate the activities of Boko Haram terrorists to those of the Fulani Herdsmen. Boko Haram has utilised explosives carried by suicide bombers or hidden in a target, but accounts by victims of the herdsmen crisis have shown that the Fulani Herdsmen are mainly concerned with gaining greater access to grazing lands for livestock.²⁸ In fact, following the February 2018 attacks in Benue, the leadership of the Fulani group openly admitted that the attacks were carried out by its members.²⁹

From 1948 to 2018, seventy years down the line, Nigeria is yet to find a durable solution to this menace. It has even become worse presently. Nigeria is currently going through a very challenging phase in its history. Economically,

²⁵ CG Ameh, "Anti-grazing Bill: No Right to Chase Us", Daily Post, <<http://dailypost.ng/2017/10/30/anti-grazing-bill-ortom-no-right-chase-us-benue-fulani-herdsmen/>> accessed 28 July, 2019.

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ A Mahdi, *The Role of Fulani and Tuareg Pastoralists in the Central Sudan*, (Manchester University Press 1996) 16-32

²⁹ E Mayah, and others "Exclusive: Why we Struck in Agatu- Fulani Herdsmen", <<https://premiumtimesng.com/news/headlines/200426-exclusive-struck-agatu-fulani-herdsmen.htm>> accessed 24 August, 2019.

challenges like acute unemployment, an exchange rate crisis and the attendant runaway inflation confront the country. Official corruption adversely affects the workings of government, too, while corrupt elements and judicial bureaucracy, reportedly, impede the administration's much vaunted war on corruption.³⁰ However, insecurity appears to have been the most formidable challenge faced by the current administration.

An accurate account of the death toll resulting from herdsmen-farmer violence in Nigeria is difficult to come by due to the lack of a dedicated database.³¹ Therefore, most of the evidence comes from newspaper reports of various incidents involving the herdsmen and farmers in settled communities. Some sources claim that the conflicts have resulted in the loss of over 16,000 lives. Of these deaths, women and children accounted for almost 12,000. Some accounts even trace the violent confrontations to as far back as 2001.³²

III. Cause of the Herdsmen/ Farmers Conflict

There are many reasons that have been adduced as possible causes of the conflicts between herdsmen and farmers in Nigeria. This part makes an attempt to discuss a few of these causes. Some of them include but not limited to:

1. Climate Change

The changes in the environment have in no mean measure contributed to the herdsmen farmers' crises. Global warming has led to the decimation of vegetation's and water bodies making it imperative for the pastoralist to move from his habitual abode to other places in search of pastures for his animals. In addition to climate change, the effects of urbanization, encroachment and population explosion of both human and livestock have also contributed to the conflict. Where resources are lean, it creates an opportunity for people to struggle in order to gather and protect what they believe rightfully belongs to them. Climate change has led to lower rainfall pushing the herdsmen southward.

³⁰ C Nwosu, "Between Fulani Herdsmen and Farmers" <http://republic.com.ng/aprilmay-2017/fulani-herdsmen-farmers/>> accessed 23 July 2018.

³¹ F Joseph, "Managing Farmer-Herder Conflicts in Nigeria" *Ibadan Journal of Social Science*, (2006) Vol.4, No.1, 33-45

³² R Blench, *Natural Resource Conflicts in North-Central Nigeria*. (London: Mandarans Press: 2004) p.20

2. Increase in Population

In 1950, the population of Nigeria was about 33 million but today the population is over 192 million.³³ As at August 24th 2018, the population of Nigeria has risen to 196,626,777. This is based on the latest United Nations estimates. Nigeria population is equivalent to 2.57% of the total world population.³⁴ The United Nations has projected that Nigeria population would hit 364 million in 2030 and 480 million by 2050.³⁵ The increase in the population as noted earlier has put a lot of pressures on land and water resources used by the key actors in the conflict.³⁶ This increase demographically has led to an expansion in agricultural fields and a reduction in grazing areas for herdsmen and this reduction in resources ultimately leads to competitions that are not healthy. The southward movement of the herdsmen has resulted in conflicts in the Middle Belt region of Nigeria particularly in Plateau, Kaduna, Niger, Nasarawa, Benue, Taraba and Adamawa States and these conflicts have led to the death of so many Nigerians especially the farmers and the displacement of so many villagers whose villages have been attacked by herdsmen.

3. Neglect for the Agricultural Sector

The neglect of the agricultural sector especially in the rural areas is a huge problem. With the dominance of the oil sector in the economy, there have been little or no improvements in agricultural and livestock production. As huge as the oil revenue may seem, it has not been reinvested by the government in productive economic activities.³⁷ Aside the problem of not reinvesting in the agricultural sector, when problem relating to this sector arises, the responses from state in the face of these conflicts have been *ad hoc* and reactive with no apparent sustainable strategies for conflict management and peace building.³⁸ The states need to be proactive and put in place sustainable institutional mechanisms which go beyond the deployment of security operatives and setting up of Commission of inquiry whose reports are never implemented.

³³ “How to Resolve Herdsmen Crises Nigerian Working Group” <<https://premixativesng.com/news/top-news/255364-resolve-herdsmen-crises-nigeria-working-group.html>> accessed 20 August 2019.

³⁴ “Nigeria Population (2018)-Worldometers” <<https://www.worldometers.info>> accessed 24 August, 2019.

³⁵ Blench (n24).

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

4. Grazing on or Damaging of Crops

The intentional grazing on crops or damaging of such crops by cattle has been noted as one of the reasons for conflict.³⁹ Adeoye posits in his study that the deliberate grazing of cattle on crops, farmers' encroachment on grazing reserves, water holes and cattle paths and indiscriminate bush burning by herders are notable causes of conflict between the groups in parts of Kano, Yobe and Borno State of Nigeria.⁴⁰ Adhlakun et al noted in their contribution to the literature that about 34.5% of the farmers and 6.7% of the pastoralist indicated that crop damage always triggers conflict between the actors.⁴¹

5. Unsettled Communal Conflicts

Most of the recent attacks carried out by the Fulani herdsmen can be traced to some age long disputes with various communities.⁴² Mayah et al in their work reported that a Fulani leader alleged that the killings of Agatu people by the Fulanis was a reprisal attack against the killing of Fulani prominent son by the Agatu people in April 2013.⁴³ It was also discovered that the conflict in the Middle Belt region can be traced to a long history of conflict over farm lands and herding. Already existing communal clashes have sustained the violence as herdsmen turned militants in the face of urbanization, desertification and indifference of the Nigerian government to the plight of these communities.⁴⁴

6. Lack of Fresh Water

The lack of fresh water appears to be under discussed and underestimated as a potential cause of conflict. The demand for water in the World grows every year as the population increases. The increased effect of global warming and the resultant climate change has exacerbated the scarcity for fresh water and this is creating serious

³⁹ OO Adebayo and DA Olaniyi, "Factors Associated with Pastoral and Crop Farmers Conflict in Derived Savannah Zone of Oyo State, Nigeria", *Journal of Human Ecology*, (2008), Vol.23, No.1, 71-74.

⁴⁰ NO Adeoye, "Land Use Conflict between Farmers and Herdsmen in Parts of Kano, Yobe and Borno States of Nigeria: Nomads Viewpoint", *Ghana Journal of Geography* (2017), Vol.9, No.1, 127-151.

⁴¹ DE Adhlakun and others, "Socioeconomic Effects of Farmer – Pastoralist Conflict on Agricultural Extension Services Delivery in Oyo State, Nigeria", *Journal of Agricultural Extension*, (2015), Vol.19, No.2, 59-70.

⁴² G Burton, "Background Report: The Fulani Herdsmen", *Project Cyma Publications* (2016), 1-18.

⁴³ Mayah et al., "Exclusive: Why we Struck in Agatu – Fulani Herdsmen", *Premium Times* (2016) <<https://www.premiumtimesng.com/news/headlines/200426.exclusive-struck-agatu-fulani-herdsmen.html>> 20 August 2018.

⁴⁴ Burton (n37).

security concerns in some areas of Sub-Saharan Africa, particularly in the semi-arid regions.⁴⁵ Audu posits that the availability of water which is a major resource needed for agricultural activities are reducing due to changes in global climatic conditions. Herdsmen and farmers who are the main practitioners of agriculture in Nigeria depend heavily on fresh water resources to sustain their livelihood. Recently, access to water and grazing land have become more competitive and has led to violent conflicts on a regular basis between herdsmen and farmers.⁴⁶

7. Negligence on the Part of Farmers and Herdsmen

It has been observed that both the farmers and herdsmen have contributed to the conflict by either being negligent with their herds or the farmers being negligent with their farm produce. Yahaya⁴⁷ has posited that the herdsmen often leave a large number of cattle in the care of young persons who do not know how to handle the outcome in the event of destruction of farm produce by the cattle. On the other side of the divide, there are farmers who would leave their farm produce unprotected in the farms while some of them with poor/low yields leave the crops unharnessed for the cattle to graze on and they turn around to demand for unreasonable compensation.⁴⁸

The government has been indicted in this drama. Government silence and or inaction on the need for increase grazing field has also fuelled the conflict. Burton posits that the request for increased grazing field is not new as the herdsmen have constantly called on the government to make right the situation.⁴⁹ He author maintains that the government disposition towards resolving the conflict is not encouraging as some people believe that the situation is politicized to the benefit of a few.⁵⁰

These conflicts have attendant consequences that cannot be ignored and some of the consequences include but not limited to the loss of human lives in addition to the loss of livestock; there has been massive destruction of farm produce and crops; the failure of security agencies to control the excesses of the herdsmen has led to reprisal attacks in some communities. There is an increase in the number of internally

⁴⁵ SD Audu, "Conflicts among Farmers and Pastoralists in Northern Nigeria Induced by Freshwater Scarcity", *Developing Country Studies* (2013), Vol.3, No12, 25-32.

⁴⁶ NP Oli and others, "Prevalence of Herdsmen and Farmers Conflict in Nigeria", *International Journal of Innovative Studies in Sociology and Humanities*, (2018), Vol.3, Issue 1, 34.

⁴⁷ YS Yahaya, "Perspectives on Nomads/Farmers Conflict", A paper presented at Zamfara State College of Education, Zamfara State, Nigeria, September 14th – 16th 2018.

⁴⁸ *Ibid.*

⁴⁹ Burton (n37).

⁵⁰ *Ibid.*

displaced persons and there is a possibility that some of these displaced persons may cross internationally recognized boundaries and thereby become refugees. The distrust between the herders and farmers cannot be overemphasized as these groups live in mutual suspicion and anger and this makes them predisposed to violence at the slightest provocation.

IV. Responses from the Buhari Administration

Since the present administration assumed office, the most widely known security threat to Nigeria's corporate existence was the Boko Haram Insurgency. The insurgents, who once controlled vast swathes of territory in their quest to establish a caliphate, have caused the loss of about 20,000 lives and the displacement of over a million others.⁵¹ At the time of President Buhari's inauguration, less known to the international community was another source of insecurity: the attacks by so-called Fulani herdsmen. While the Buhari administration has had measurable success in its fight against Boko Haram, it appears that the menace of the herdsmen-farmer conflicts has defied the government. The brazenness with which suspected Fulani herdsmen slaughter settled communities and raze down villages is a sad reminder of the enormous security challenges still facing the Buhari administration.⁵²

Though the crises obviously predate the Buhari administration, the administration's actions and inactions in the face of continued confrontations have subjected it to much flak by Nigerians. One of the most prominent attacks allegedly perpetrated by the Fulani Herdsmen in the Buhari era was the Agatu Massacre in Benue State.⁵³ In February 2016, about 300 Agatu indigenes in four communities were massacred, while some 7,000 were displaced. Some reports suggest about 500 deaths in ten Agatu communities at the hands of suspected herdsmen in early 2016.⁵⁴ These killings were accompanied by the destruction of houses and other property as well as allegations of rape. According to a leader of the Fulani, the attacks were

⁵¹ *Ibid.*

⁵² D Adetula, "Understanding the Fulani Herdsmen Crisis in Nigeria: Here is Everything you Need to Know" <<http://venturesafrica.com/slavery-in-libya-victim-blaming-and-the-failure-of-african-governments/>> accessed 12 August 2019.

⁵³ *Ibid.*

⁵⁴ G Gololo, "Ortom's aides using anti-open grazing law to send Fulani away from Benue – Herdsmen" <<http://punchng.com/ortoms-aides-using-anti-open-grazing-law-to-send-fulani-away-from-benue-herdsmen/>> accessed 15 August 2019.

reprisals against the Agatu people for killing a prominent Fulani man and stealing his cattle in 2013.⁵⁵

It took the Presidency more than a week to issue a statement of condemnation and order an investigation, and his spokesman defended his taciturn stance on the crisis on the grounds that “the President is not a talkative.”⁵⁶ Moreover, allegations of either inaction or outright collusion with the herdsmen have been leveled against the government and security agencies. There have been accusations against the military of allowing the Fulani herdsmen to occupy the sacked communities, while their cattle, numbering over 100,000 freely grazed on their farmlands.⁵⁷ That the fact that the President is Fulani also added ammunition to his attackers, who saw his slow response as a tacit support for the killers.⁵⁸

Further south, on 25 April 2016, suspected armed Fulani invaders attacked Ukpabi Nimbo, a town in Enugu State, killing about 40 indigenes.⁵⁹ This drew wide-ranging condemnation, and highlighted the potential threat of the conflict feeding other security flash points.⁶⁰ The Movement for the Actualization of the Sovereign State of Biafra, a group agitating for a restoration of the separatist Republic of Biafra, warned of dire consequences should the killings continue⁶¹. The group is viewed as treasonous by the government. Some communities in the South-East zone have threatened reprisals to alleged attacks.⁶² Similar cases of herder-farmer conflicts

⁵⁵ *Ibid.*

⁵⁶ SD Musa and MI Shaibu, “Resource Use Conflict Between Farmers and Fulani Herdsmen in Guma Local Government Area of Benue State, Nigeria. *International Journal of Sciences, Basic and Applied Sciences*, (2014) Vol., 9, 11-21.

⁵⁷ Musa, S.D. and Shaibu, M.I. (2014) “Resource Use Conflict between Farmers and Fulani Herdsmen in Guma Local Government Area of Benue State, Nigeria. *International Journal of Sciences, Basic and Applied Sciences*, Vol., 9, 30-41

⁵⁸ *Ibid.*

⁵⁹ E Akintayo, “Bloodbath in Enugu as Fulani Herdmen Kill 40”, <<https://vanguardngr.com/2016/04/bloodbath-enugu-fulani-herdsmen-kill-40/>> accessed 22nd August, 2019.

⁶⁰ P Fredrick, “Buhari breaks silence, orders “herdsmen” brought to justice”, *Premium Times*, 27 April 2016, 15

⁶¹ H Umoru, “Fulani Herdsmen: Attack threaten Nigeria’s Existence”, <<http://vanguardngr.com/2016/04/fulani-herdsmen-attack-threaten-nigerias-existence-nass/>> accessed 22 August 2018.

⁶² Nigerian Eye, “Abia Community Threatens Reprisals over Fulani Herdsmen’s Attack”, <<http://nigerianeye.com/2016/11/abia-community-threatens-reprisals-over-fulani-herdsmen-attack/>> accessed 22 August 2019.

have been reported in Zamfara and Katsina States in the North,⁶³ as well as Abia⁶⁴ and Osun States in the South-East and South-West respectively.⁶⁵

It is baffling that virtually no successful prosecution or conviction has been secured on any of these incidents of killing and wanton destruction of property by the herdsmen. To aggravate the people's sense of betrayal, the governor of Kaduna State and a powerful ally of the President, Nasir el-Rufai, admitted to paying foreign transhumant Fulani's to stop killing the mainly Christian southern Kaduna people.⁶⁶ Kaduna was embroiled in a crisis involving Fulani herdsmen and southern Kaduna residents in December 2016. The most worrying aspect of the attacks is that, reportedly, they were carried out during a 24 hour curfew.⁶⁷

As in the case of the Agatu Crisis, the Southern Kaduna Killings were said to be reprisal attacks by Fulani herdsmen for previous murders. Even if the compensation was made in good faith, that the governor, a Muslim Fulani, paid fellow Muslim Fulani's rather than bring them to justice, has been seen by many as emboldening the herdsmen.⁶⁸ Even a United Nation press briefing on herdsmen-perpetrated attacks in Nigeria noted "the complete impunity enjoyed so far by the perpetrators".⁶⁹ Reports also suggest that only about five arrests have been made over the Nimbo Massacre even though the Massacre was allegedly perpetrated by up to 500 armed men.⁷⁰ One thing is certain: it is worrying when attacks and reprisals can be carried out in a country, with little or no consequences for the perpetrators.⁷¹

⁶³ W Odunsi, "How Southern Kaduna Crisis Started- MACBAN Scribe", <<https://www.dailypost.ng/2017/02/06/southern-kaduna-crsis-started-macban-scribe/>> accessed 22 August, 2019

⁶⁴ Nigerian Eye, (n57).

⁶⁵ Channels TV, "Osun Civil Defence Arrests Suspected Marauding Herdsmen", <<https://www.channelstv.com/2017/01/13/osun-civil-defence-arrests-suspected-marauding-herdsmen/>> accessed 21 August 2019.

⁶⁶ O Yusuf, "The Solution to Fulani Herdsmen Attack is Unity" <<https://naija.ng/820395-fulani-herdsmen-attack-foolishness-playing-ethnicity.html#820395>> accessed 8 August 2019.

⁶⁷ *Ibid.*

⁶⁸ E Agyemang, "Fulani Herdsmen Conflict" <<http://tribuneonlineng.com/editorial>> accessed 28 July 2019.

⁶⁹ R Colville, "UN Press Briefing Notes ON Mozambique and Nigeria", <<https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19905&LangID=E>, (Accessed 28th July 2019)

⁷⁰ Akintayo (n54). See also Premium Times on Nimbo Massacre, <<http://premiumtimesng.com/news/headlines/204072-nigeria-police-arrest-nimbo-attackers-recover-video-attack-spokesperson.htm>> accessed 28 July 2019.

⁷¹ *Ibid.*

Perhaps the most perplexing question surrounding the conflicts is how cattle herdsmen end up with sophisticated weapons like the AK-47 (semi-)automatic gun. As has been noted by some concerned Nigerians, the specter of a fully-armed Fulani herdsman is new. A number of factors, such as the Libyan Crisis and the resulting free flow of firearms in the wake of Ghaddafi's death, gun running, and local politics, have been blamed for the relatively easy access of Fulani herdsmen to dangerous and sophisticated weapons.⁷²

A related problem is Nigeria's porous borders. The recent spate of herdsmen-perpetrated violence has been blamed on foreign transhumant Fulani's.⁷³ If this is true, the fact that foreigners can travel as far south as Enugu and Osun State to wreak havoc points to an even deeper problem that has plagued successive administrations in Nigeria, and persists under the present Buhari administration: the lack of effective border security.⁷⁴ Even the ECOWAS (Economic Community of West African States) Regulations on Transhumance between Member States does not endorse unregulated and/or armed grazing, and calls for an evolution to ranching.⁷⁵

To be fair to the Buhari administration, there seems to be some desire to prevent future attacks. Currently, the National Grazing Reserve (Establishment Bill) was laid before the National Assembly.⁷⁶ The bill seeks to establish a grazing reserve in each state so as to not only improve livestock production, but also prevent herdsmen-farmer conflicts. However, given the charged nature of the problem, it appears the bill hardly enjoys any support from most southern states. Many see the bill as unjust, alleging that their lands will be expropriated to serve Fulani commercial interests.⁷⁷ Others see it as affording the Fulani a potential leeway to dominate the south. Even more worrying is the fact that some Fulanis disapprove of the bill, insisting that it is an infringement on their rights to movement. The bill was

⁷² T Sola, "Nigeria's Government Must Ensure a Balanced Response to the Pastoralist" <<https://chathamhouse.org/expert/comment/nigeria-s-government-must-ensure-balanced-response-pastoralist-settler-crisis>> accessed 4 August, 2019.

⁷³ "FG Explains Why Foreigners can't be Stopped from Grazing in Nigeria" <<http://dailypost.ng/2016/06/10/fg-explains-why-foreigners-cant-be-stopped-from-grazing-in-nigeria/>> accessed 20 July 2019.

⁷⁴ A Olaniyan, "The Fulani-Konkomba Conflict and Management Strategy in Nigeria", *Journal of Applied Security Research*, (2015) Vol.10, No.3, 330-340.

⁷⁵ Article 3, Regulation C/REG.3/01/03 Relating to the Implementation of the Regulations on Transhumance between ECOWAS Member States, 2003

⁷⁶ SI Nchi, *Religion and Politics in Nigeria: The Constitutional Issues*. (Green world; 2013) 2

⁷⁷ *Ibid.*

subsequently withdrawn from the National Assembly as the Deputy Senate President Ike Ekweremadu contended that the National Assembly lacked the capacity to legislate on matters relating to livestock since the subject was neither in the exclusive nor the concurrent list but in the residual list and falls squarely within the legislative competence of the states.⁷⁸

So far, it appears that the federal government has neither embarked on any systematic enlightenment campaign to douse these concerns, real or imagined, nor proposed an alternative feasible solution.⁷⁹ The lack of a broad-based and coordinated national policy on grazing has the potential to lead to anarchy, where different states take their destiny into their own hands. A case in point is Ekiti State, where an Anti-Grazing Law has been enacted.⁸⁰ The law, which prohibits grazing outside designated places and times, as well as with firearms, has been condemned by the Miyetti Allah Cattle Breeders Association (the umbrella body representing the herdsmen).⁸¹

A careful analysis of the conflicts indicates that allegations of cattle rustling are at the heart of some of the clashes. Herdsmen accused settled communities of stealing their cattle and murdering their colleagues and children, necessitating their bearing of arms. According to Mohammed Abdullahi, the Chairman of the Miyetti Allah Cattle Breeders Association in Plateau State, “The Fulani use the AK47 for defence since the government has failed to protect them.” While not an acceptable solution, such self-defence is an indictment of the security apparatus in Nigeria.

A Nigerian lawmaker, Zainab Kure, has sponsored a bill in the country’s Senate. The bill popularly regarded as the ‘Land Grazing Bill,’ is aimed at securing areas for Fulani Herdsmen across the federation and for the mapping out of grazing routes. Beyond that, the bill seeks to establish a National Grazing Reserves Establishment and Development Commission.⁸² The successful signing of this bill

⁷⁸O Ogunmade, “Senate Rejects Grazing Bill, says Its Unconstitutional” < <https://thisdaylive.com> > accessed 24 August 2019.

⁷⁹ A Olaniyan and M Francis and U Okeke-Uzodike, “The Cattle are Nigerians but the Herders are Strangers: Farmer: Herders Conflicts, Expulsion Policy and Pastoralist Question”, *African Studies Quarterly*, (2015) Vol.15, No.2, .41-53.

⁸⁰ Prohibition of Cattle and Other Ruminants Grazing in Ekiti, 2016..

⁸¹ Olaniyan (n79) 48.

⁸² AU Ofuoku and BL Isife “Causes, Effects and Resolution of Farmers-Nomadic Cattle Herders Conflict in Delta State, Nigeria” *International Journal of Sociology and Anthropology*, (2016) Vol.1, No.2, 44-57.

into law means there will be a limited area reserved for the Fulani Herdsmen and their cattle. On the land required for the grazing routes, Nigeria's Minister of Agriculture, Audu Ogbeh, has said that many northern states have donated several pieces of land for the project. However, states in the southern part of the country have kicked against the idea, noting that they cannot be forced to give out their land for this purpose. Despite the controversy that comes with the proposal, the bill has scaled the first reading in the Senate.⁸³

However, a security-related question is what the police and other relevant security agencies are doing to either forestall or promptly respond to attacks by Fulani herdsmen. That large-scale massacres and pillage can be carried out during a 24-hour curfew as in the Southern Kaduna Killings is reprehensible and speaks to either an ineffectual security apparatus or worse still, active collusion by security agencies. And the general failure of the government to successfully prosecute most of the perpetrators of the violence on both sides not only fails to deter future attacks, but encourages a dangerous arms race on both sides of the conflict.⁸⁴

The Fulani Herdsmen have unabatedly continued to wreak havoc, mostly in the middle belt area of the country. The inability of the Nigerian Police to contain them may spell greater doom for lives in susceptible areas. Some days ago, Ventures Africa reflected on what the silence of President Muhammadu Buhari on the herdsmen crisis could mean. Nigeria needs to take the bull by its horn, else, the Fulani Herdsmen – who are deemed only less deadly than Boko Haram, the Islamic State of Iraq and the Levant (ISIS or ISIL), and al-Shabaab in the entire world – may be Nigeria's worst nightmare.⁸⁵

As public support grows for a government intervention, lawmakers will need to be mindful of avoiding a one-sided approach to resolving this conflict. The Fulani ethnic group has on many occasions called for the Nigerian government to intervene in the conflict – but as an impartial mediator between all sides rather than an antagonist, to provide security and protection for both herdsmen and settled farmer settlements and clamp down on the criminal gangs and opportunists. A security policy

⁸³ *Ibid.*

⁸⁴ S Tonah, "State Policies, Local Prejudice and Cattle Rustling along the Nigerian Border", *Africa*, (2015), Vol.70, No.4, 551-567.

⁸⁵ K Hussein and J Sumberg and D Seddon, "Increasing Violent Conflict between Herders and Farmers in Africa: Claims and Evidence" *Development Policy Review*, (2012) Vol.17, No.4, 397-418.

seen to be against a single party in this crisis effectively dismisses the grievances of the Fulani.⁸⁶

In a country with a history of sectarian violence, the crisis is gradually being seen through an ethno-religious prism. There is a historical trust deficit between the Muslim and Christian communities, and an approach that is seen to be one-sided risks perpetuating the development of a siege mentality within the wider Muslim communities. Should the government resort to a military response against the Fulani pastoralist community, there is a risk the conflict could spread further – drawing in other Fulani communities from across the region and causing widespread instability.⁸⁷

V. Legal and Policy Framework to Address the Conflict

The primary legislation to be examined here is the constitution of the Federal Republic of Nigeria.⁸⁸

The constitution provides for right to freedom of movement.

It states thus:

Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exist there from.⁸⁹

The above provision of the Constitution is to ensure that Nigerians are free to reside in any part of the country of their choice without being expelled. Good provision but how practicable is it? Today in Nigeria, the citizens prefer to live or reside in areas where they feel safe. Quit notices were issued to certain groups of Nigerians in 2017 and hate speeches became the order of the day. The government could not muster enough strength to arrest the perpetrators of these crimes that led to the death of some others. Nigeria has been polarized along ethnic and religious lines that we do not see ourselves as belonging to one nation because some tribes and religion appears to be more superior and preferred.

A major difficulty in resolving the issue around the conflict is the politicization of legal regimes and the blocking of the enactment of or the

⁸⁶ *Ibid.*

⁸⁷ HW Wabnitz, “The Code of Pastoral Farming in Nigeria: Revival of Traditional Nomads Rights to Common Property Resources” <<http://nomadic.com>> accessed 19 August, 2019.

⁸⁸ Hereinafter CFRN 1999 (as amended 2011).

⁸⁹ Section 41(1) CFRN 1999 (as amended 2011).

implementation of legislation that will be able to address the problems or the causes of these conflicts as already discussed. A bill was proposed in 2016 titled “A Bill for an Act to Establish Grazing Reserves in each of the States of the Federation Nigeria to improve agriculture yield from livestock farming and curb incessant conflicts between cattle farmers and crop farmers in Nigeria”.

This Bill was thrown out by the National Assembly because they perceived that the bill was seeking to favour one particular profession practiced mainly by one ethnic group – the Fulani’s. One may be forced to argue that if we do not have grazing reserves and it is impossible for herdsmen to move, how they are expected to take care of their pasture and ensure the constitutional provisions earlier cited are not violated.

This paper is quick to note that even though the creation of grazing reserves or ranches may appear attractive and a simple way out of the herders and farmers conflict, the constraints of land and land ownership in our communities is a huge challenge.⁹⁰ All the states in the South East and South South of Nigeria have kicked against the compulsory acquisition of land by the government for ranching by the herdsmen. The Rural Grazing Area (RUGA) settlement introduced by the federal governments in July 2019 was openly rejected by Nigerians because of the attendant controversies surrounding the initiative.⁹¹ Consequently it has been suspended in the interest of peace and security in the nation even in the face of what the federal government considers as the accruing benefits if accepted.

Nigerians have also suggested to the federal government what it should do with the billions of Naira budgeted for the RUGA settlement. There is dearth of infrastructure in Nigeria but the federal government plans to provide infrastructure such as schools, electricity, water which most Nigerians do not enjoy to the RUGA settlements and this most Nigerians have described as the ‘height of nepotism and clannishness’. There is hunger in the land, Internally Displace Persons (IDPs) are wallowing in pains and agony in the various camps all over the country especially in the north east and north central and most of the IDPs in Benue state were displaced by

⁹⁰ R Akinkuolie, “Herdsmen/Farmers Clashes: Problems and Solutions” the Guardian, <https://guardian.ng/opinion/herdsmen-farmers-clashes-problems-and-solutions>. (Accessed 19th August 2018)

⁹¹ Samson Toromade, “7 things you should know about Buhari’s Controversial RUGA Settlements”, <http://pulse.ng/news/local/ruga-7-things-to-know-about-buharis-controversial-settlements/tcjmr7m> accessed 5 September 2019. See also “RUGA Settlement Plans Stirs Reactions” <https://placng.org/situation_room/sr/ruga-selltment-plans-stirs-reactions/> accessed 5 September 2019.

herdsmen.⁹² Some others have queried Buhari's regime rejection of ranching in favour of RUGA. Prior to this period, some states have enacted laws or are processing bills that will prevent open grazing on their land and such states include Ekiti State that has enacted the Prohibition of Cattle and other Ruminants Grazing in Ekiti, 2016; Benue State Law: A Law to Prohibit Open Rearing and Grazing of Livestock and Provide for the Establishment of Ranches and Livestock Administration, Regulation and Control and other Matters Connected therewith, 2017.

Taraba State: Anti-Open Grazing Prohibition and Ranches Establishment Bill 2017. A Bill for a Law to prohibit open rearing and grazing of livestock and provide for the establishment of ranches and the Taraba State Livestock and Ranches Administration and Control Committee and for others connected thereto 2017; and the Edo State Bill: A Bill for a Law to Establish the Edo State Control of Nomadic Cattle Rearing/Grazing Law and for other Purposes. Some of these laws have already been passed and one cannot deny the fact that some of these states particularly Benue and Taraba have been on the receiving end of the brutality and massacre perpetrated by herdsmen and the argument of free movement cannot stand in the face of stark reality of lives being lost in order to protect cattle.

As it is today, Nigeria does not have a comprehensive legal or policy framework for the development and regulation of livestock production. The National Assembly has also noted that only states can legislate on matters relating to livestock as it is contained in the residual list.

The Northern Grazing Reserve Law and the Land Use Act of 1978 should be updated. The anti-grazing reserve laws from states and the ECOWAS Transhumance Protocol and other related international instruments have to be updated and be in line with current realities. While we await an acceptable legal framework in this regard, Nigeria should note that the grazing of cattle on trails in the 21st century has become antiquated. There are modern ways of cattle rearing with the aim of maximizing benefits which includes job creation, food security, and ultimately the elimination of the conflicts between the herders and the farmers.

⁹² Emma Amaize, "Nigerians Rule on what FG should do with RUGA Money" <https://vanguradngr.com/2019/07/nigerians-rule-on-what-fg-should-do-with-ruga-money>> accessed 5 September 2019.

VI. Recommendations

Flowing from the above discussions the paper therefore makes the following recommendations on the belief that if implemented Nigeria will avoid unnecessary conflicts between the herders and farmers thereby protecting lives and property which is the key role of government.

1. There is need for the herdsmen to be properly educated on the modern ways of rearing livestock. The existing nomadic education should be expanded to include agricultural and technical skills.
2. The federal government should adopt cattle rearing mechanisms in Europe and India. These countries largely depend on dairy products. India has an annual production of 163 million metric tonnes of milk which represents 10% of the world's milk output, yet their cattle's are reared within the confines of village communities, and farmer's cooperatives. The European model for dairy farm is also within confined paddocks which in most places are not as big as football pitches. The average milk yield per cow in Europe is between 40-50 litres a day. A sharp contrast to the 1 – 2 litres a day from the Nigeria cow. This is because the cattle's in Nigeria do not feed well and are worn out by the stress of the grazing trails.
3. The government should introduce the technology that would assist herders to grow their fodder in their locations or in other farms which specialize in growing hays, grains and other animal feeds.
4. If grazing fields must be established in any part of Nigeria, it has to be done through due consultation, dialogue and appeal and regions that do not welcome the idea should be left out of the project. There should be no imposition of grazing reserves on any part of the nation as that would engender more strife
5. Prosecution and punishment of those involved in slaughtering other Nigerians would serve as a deterrence to others but the current attitude of government of not arresting and prosecuting anyone makes government complicit in the matter and appears to give credence to the speculations that the government wants to Islamize Nigeria by using the Fulani herdsmen to subdue oppositions.
6. The Agricultural sector needs to receive a boost from the federal and state governments' budgets. Agriculture was the mainstay of the Nigerian Economy before the discovery of oil. Over dependence on oil revenue has its

disadvantages. There is need for a diversification of the economy. A mono economy for a nation like Nigeria is poor.

7. The problem of climate change can be addressed if the Federal Ministry of Water Resources rises to the challenge. Climate change has led to shortage in fresh water resources and this has led to the migration of the herdsmen to the south. This should be addressed by the Ministry of Water Resources by making sure that there is adequate water and also educating people on how to manage water.
8. Aggressions should be discouraged and effective dispute resolution mechanisms should be established at grass root levels.
9. Our leaders should desist from politicizing or giving religious connotations to the herders/farmers conflict and come up with laws and policies that will put an end to these conflicts.
10. Alternative low water and drought resistant grasses should be produced, in response to the impact of desertification on fodder production. This will help meet the needs of herds.
11. In countries like Chad, Ethiopia and Niger, there is the existence of institutionalized and functional mechanisms for pre-empting and resolving conflicts between farmers and herdsmen and this has enabled them to live in peace. Nigeria should make efforts to copy these practices.
12. There should be a review of existing laws on grazing and bring them in line with current realities especially in the northern states of Nigeria. Regional laws and instruments should be domesticated.
13. The Nigerian government should address the issue of the Nigerian borders. The President, Muhammadu Buhari in United Kingdom blamed the crisis in Libya as the cause of the conflict. He noted that illegal arms from Libya found their ways into Nigeria. This issue must be addressed as the Libyan crises ended six years ago with the death of Muammar Ghaddafi. Nigeria cannot leave her borders unsecured and turn around to blame Libya while Nigerian citizens lose their lives
14. The Government must have the will to end the herders/farmers crises by implementing the law. The Law enforcement agencies must live up to their duty and the courts must be ready to prosecute offenders.

VII. **Conclusion**

The ongoing conflicts between farmers and herdsmen in Nigeria can no longer be ignored. These conflicts have led to the loss of lives of thousands of Nigerians while some others have fled their habitual places of residence and have become internally displaced due to well-founded fears for their lives. The economic and social impact of these crises cannot be over emphasized and in line with these, the paper has made far reaching recommendations that would help resolve the conflicts if the relevant authorities and agencies implements them. Most importantly, the paper is of the opinion that the Indian and European model of cattle rearing should be adopted as the idea of having grazing reserves in the 36 states of the federation will not be a solution rather it would engender strife and fear in the nation. Again there is the need for the root causes of these conflicts as articulated in this paper to be addressed if the government is interested in the security of lives and property of Nigerians.