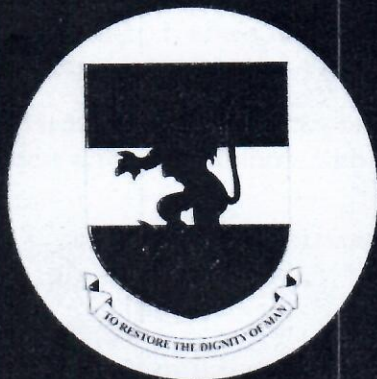


VOLUME 17, NO.3, DECEMBER, 2019

ISSN 0794 - 9928

JOURNAL OF LIBERAL STUDIES

(SPECIAL EDITION)



Farmers-Herders Conflict and Anti-grazing Laws in Nigeria: Issues and Prospects

Anthony U. Onyishi, Kingsley C. Ezechi, and Augustina N. Eze

Department of Political Science and International Relations
Godfrey Okoye University, Thinkers Corner, Enugu
Correspondence: aonyishi@gouni.edu.ng

Abstract

Farmers and herders conflict in the country has risen to an alarming proportion in recent times. This has not always been the case, as there have been a seeming peaceful co-existence between herders and their host communities who are mostly farmers. The recent conflict between these agro-business groups have led to the death of several hundreds of people and destruction of properties where such conflicts have occurred. The agrarian regions of the country are the flash points of this conflict; hence the focus of this article on those areas. It is in the light of the above that some of the governors of States decided to pass anti-grazing laws so as to prevent this ugly trend that have crippled socio-economic activities in the country. In order to understand the reason for this societal anomaly, the study adopted the eco-violence theory. Documentary method of data collection was used and same was analysed through descriptive method and content analysis. The study therefore concludes and recommends that for there to be lasting peace between the farmers and herders in agrarian communities, the regulations of the anti-grazing law should be followed to the letter and the federal government should offer maximum support militarily.

Keywords: Farmers, Herders, Conflict, Anti-grazing Law, Peaceful Coexistence

Introduction

Almost all states in Nigeria, especially those situated within the Middle Belt region, which is "home to fertile crop land, lush livestock grazing pasture, and active corridors for migrating cattle, have faced one form of clashes or the other with herders from the north" (Kwaja, et'al, 2017). These clashes, over the past decade have resulted in hundreds of death and displacements of tens of thousands in states like Benue, Plateau, Adamawa, Enugu, Kaduna, etc (2018, January 9 Punch Newspaper).

The farmer-herders conflict is basically a land-use contest across the country, with Benue State,

facing the highest carnage. It has also metamorphosed into dangerous religious and ethnic dimensions. This, some have argued may be largely because most of the fact that the herders are from the traditionally nomadic and Muslim Fulani who make up about 90 per cent of Nigeria's pastoralists, while most of the farmers are Christians of various ethnicities (Ochayi, C. & Erunke, J. 2017, October 30).

One fundamental reason for the conflict is ecological, which one can call a climate-induced conflict. The climate change effects in the northern part of the country has led to the movement of pastoralists down south in search of forages and grazing sites for their cattles. But when

they arrived the southern part of the country, they found that there were no grazing sites for their cattle. Rather, crop and farmlands were instead besieged by herders to feed their livestock.

Given the above reasons for the cause of the conflict between herders and farmers in Nigeria, some states considered it imperative to pass anti-grazing laws with the hope of resolving the conflict. But this has not been the case, as herders considered the laws highly discriminatory and in breach of the nation's constitution (2017, October 29, Vanguard News).

In light of the above, the study focused on the anti-grazing laws passed by states and to ascertain whether they have been effective since its passage and to also know if there are any constitutional breaches of the law that has fueled the conflict immediately after it was passed.

Statement of the Problem:

According to Nigeria Watch database, the country has recorded 615 violent deaths related to cattle grazing, out of a total of 61,314 violent fatalities in Nigeria. This follows an analysis that was undertaken with 111 relevant cases, reported by the press across the 36 states of Nigeria from June 2006 to May 2014. It seeks to understand the frequency, the intensity, the patterns, and the geography of such violence, based on a study of 7 incidents in 2006, 9 in 2007, 6 in 2008, 13 in 2009, 9 in 2010, 15 in 2011, 17 in 2012, 27 in 2013, and 8 as at May 2014. But in 2017 and 2018, the number of absolute death caused by cattle grazing or farmers-herders clashes is 2981 and 1932 respectively (Nigeria Watch, 2006-2014 and 2017 & 2018).

In light of the above, governments of different states took it upon themselves to pass anti-grazing laws which they believed would solve the problem. However, this was never the case, considering the fact that immediately the law was passed, the herders launched more offensive attacks on the states that passed the laws overtly, while registering their disapproval, in view of the

fact that the laws were highly discriminatory and in breach of provisions of the 1999 constitution of the Federal Republic of Nigeria, and other federal legislations. But few months later, the attacks became abated. With this, the study asked the following questions:

1. What are the effects of the anti-grazing laws to the conflict between farmers and herders in states that have passed the laws?
2. Are there constitutional/federal legislations that were breached by states that passed the laws?

Literature Review

Recent Causes and effects of Herdsmen and Farmers Conflict in Nigeria

According to Ahmed-Gamgum (2017), the main cause of conflict between herders and farmers across the country lies in the disagreement over the use of land. This is as a result of drought and desertification that have dried up springs and streams across Nigeria's far northern Sahelian belt. Consequently, large numbers of herders have had to search for alternative pastures and sources of water for their cattle, down south.

Ugwu (2017) opines that both agro-economic groups have held a positional stance as regards the use of land. While the herders claim that they the to take their cattle to any part of the country for grazing, the farmers on the other hand believe that it will not be at their expense.

Kwaja, et'al (2017) opined that one of the states that has recorded much violence with regard to this conflict is Benue state. Hence, the passage of the anti-grazing law in the state. But instead of the law to curb and help resolve the conflict, it seems to have exacerbated it because more violent acts were launched after the passage of the law in November, 2017. While the farmers are pleased concerning the passage of the law, the herders believe it was discriminatory and that it also breach certain provisions of the 1999 constitution of the

federal republic of Nigeria. This is currently the bone of contention between the two groups in the state and in other states that have similar provisions within their anti-grazing laws (ibid).

The migration of herders into the savannah and rainforest of the central and southern states, they enter regions where high population growth over the last four decades has increased pressure on land. Not surprisingly, disputes over crop damage, water pollution and cattle theft have become more frequent. With the decline of traditional mediation mechanisms and in the absence of mutually accepted alternatives, such quarrels increasingly turn violent (ibid).

Two additional factors have aggravated the conflict. While the jihadist Boko Haram indiscriminately killed both Christians and Muslims, it also heightened religious sensitivities, leading mostly Christian southerners to resent the influx of predominantly Muslim herders, which some southern and Middle Belt Christian leaders portray as an Islamising force. The growing availability of illicit firearms – locally produced, circulating from other Nigerian conflict zones in the North East and Niger Delta or smuggled in from other countries – has also enabled the carnage. Against this backdrop, the 2018 escalation is the result of three more immediate developments: the rise of militias, the persistence of impunity and the passage of grazing bans that are anathema to herders.

Government Responses to Farmers-Herders Conflict

Various state governments in Nigeria well aware of the fact that the country's corporate existence and integrity is indissoluble and non-negotiable. To corroborate this view, Section 1 of the Constitution of the Federal Republic of Nigeria 1999 asserts its supremacy over all authorities and persons throughout the federal republic. Similarly, section 2 provides that Nigeria shall be one and indivisible Sovereign State with a

Federal Capital Territory.

The constitution also has provisions for fundamental rights of every citizen in the country which governments at different level of the federation. This include the right to life, liberty, dignity of the human person, freedom from discrimination, freedom of thought, conscience and religion, etc. With these provisions, the different state governments resolved to handle the farmers-herders conflict in manners that will ensure the peaceful coexistence of both groups. In this section we discuss the various measures adopted by some State Government to achieve peaceful coexistence and continuous development of their respective States.

Jigawa State:

In Jigawa state, the governor provided a grazing location for the herders with windmills to pump water into the grazing areas to allow for fresh and lush forages for the herders' cattle. The windmill also allows for irrigation and provides water for the cattles as when necessary. On the part of farmers who were affected by the grazing location provided by the governor, alternative large expanse of land was provided for them to cultivate their crops with other necessary facilities needed for productive farming. These provisions made by the governor has encouraged a peaceful coexistence between both groups. (Zayyad 2014).

Bayelsa State:

In order to placate the herders, the Bayelsa state governor decided to allocate the state-owned Palm Estate at Elebele, which is about 1,200 hectares of land, for grazing. This action was sternly criticized by his Ijaw kinsmen who vehemently opposed the action because it is a loss of the heritage of present and future generation.

Anambra State:

In Anambra State, there was the setting up of a joint task force to mediate between the conflicting groups. This comprise of the herdsman, security forces, host communities and government officials. There was also the establishment of the

Cattle Menace Committee set up by the state government and headed by the state Commissioner of Police with working collaboration of five traditional rulers and leaders of the Fulani community. With this, an understanding was reached where in it was agreed that wherever herders' cattle destroyed crops on farmlands, such herder will pay for the damaged crops. Similarly, if the farmers were to kill any cattle, they will also have to pay to the owner of the cattle.

In the state, the idea of not paying for damages done by either of the groups was strongly frowned at. The Cattle Menace Committee strongly admonished that herders have no business with wielding sophisticated weapons of any kind in the state. The agreement has been adhered to in the state (Sunday Vanguard; (<https://buzznigeria.com/news/fulani-herdsmen>)).

Abia State:

The state government of Abia has chosen to adopt Alternative Dispute Resolution mechanisms to resolve farmers-herders conflict in the state. When tension rose in the state due to the conflict between the groups, arising from the insistence on the part of herders to have grazing sites, the government established the Farmers-Herders Conflict Resolution Committee (Ugwu, 2017). Just like in Anambra state, the Resolution Committee is headed by the state Police Commissioner with representative from the youth, traditional rulers, community leaders and Fulani herders community and herdsmen representatives (Alaribe, 2016). With this arrangement, the concerned parties have been able to reach agreement on how to compensate those who have violated the agreement by those whose crops have been damaged and cattle killed (Okoli, 2017; Onuoha, 2016; & Ugwuanyi, 2016).

On the part of the government, it undertook to train 10 youths from each of the 17 LGAs of the state, who will be deployed to rural committees to monitor the activities of herders in the state.

Also, owing to the incident of herders in Enugu state, which led to the death of several persons in Okapi Nimbo community, the trained youths will also be saddled with the responsibility to search for arms and ammunition within their areas of deployment.

According to the state government

the purpose is to search and retrieve arms and other dangerous weapons. As well as promptly prosecute herdsmen found in possession of illegal arms. The lawmakers also mandated every community in Abia to be —vigilant, proactive and resist the ugly activities of herdsmen. They advised traditional rulers in the state to sensitize their people on the destructive activities of herdsmen and to engage the leadership of Hausa/Fulani communities in their areas in interactive sessions aimed at embracing peaceful relationship. But in spite of this series of clashes between herdsmen and native farmers in the rural communities were still recorded in Abia. (<https://buzznigeria.com/news/fulani-herds>).

Theoretical Framework

The study adopted Homer-Dixons (1999) eco-violence theory which explains the causes of the conflicts by analyzing relationship between environmental factors and violent conflicts. According to the theory, many developing countries face increasingly complex, fast-moving, and interacting environmental scarcities. Consequently, environmental scarcity sometimes helps to drive society into a self-reinforcing spiral of violence, institutional dysfunction, and social fragmentation. de Soysa, (2002) observed that the issue of environmental pressure as a source of conflict revolves largely around resource degradation and resource scarcity.

The theory explains that environmental

induced scarcity, mishaps and disruptions can contribute to civil violence, including insurgencies and ethnic clashes. The incidence of such violence will probably increase as scarcities of crop, land, freshwater, and forests worsen in many parts of the developing world.

According to Homer-Dixon (1999) cited in Okoli (2015) the affected people may migrate or be expelled to new lands. Migrating groups often trigger ethnic conflicts when they move to new areas. This aptly describes the current situation between the herders and the farmers in Nigeria.

Discussion of Findings

Anti-grazing laws are those which prohibits open grazing of cattles in the territories where such laws have been passed. The passage of anti-grazing laws in Benue, Taraba, Ekiti and some other states contemplating to do so has raised potential conflict of interest with federal legislation. For instance, some provisions of the Law may contravene or contradict the Constitution of Nigeria as it relates to the right of citizens to move, settle, and own property wherever they desire within the country based on their indigeneity status.

These laws have become objects of intense controversy in states where they have been passed. Much of the controversy has dwelt on the constitutionality of the laws itself. The herders believe that the laws are highly discriminatory and denies them their right to free movement, which is against section 42 and 41 of the 1999 constitution of the federal republic of Nigeria. While the farmers claim that the law would ensure their right to life, considering the series of attacks suffered from the herders leading to the deaths of many farmers in the states, as enshrined in section 33 of the constitution. The state government on the other hand asserts that the right to freedom of movement only applies to humans and not animals, and that they have the power to regulate economic activities within their territories as they deem fit.

The herders also raised serious allegation of non-consultation before the laws were passed. But state governments have refuted the claim by stating that all concerned groups were invited to the public hearings before the actual passage of the law. In Benue state, the governor claim that public hearings were held in four different locations in the state. These include Gboko, Otukpo, Katsina-Ala and the state capital Makurdi.

The debate over the legality of the anti-grazing laws have forced the herders to observe it more in breach than in compliance, especially in state like Benue. The herders also abhors the idea of their cattles being confined in pens as opposed to the free movement of their cattle which they are traditionally used to. They are also concerned with issue of buying land, forages and other nutrients for the cattle if they accept the idea of ranching. These are some of the numerous concerns of the herders which have made them to vehemently oppose the law.

Similarly, state governments that have passed the laws opined that they are in sync with Nigeria's Land Use Act of 1978, which puts the administration, allocation and distribution of lands under the authorities of the states. The authorities structure and the legal precedence of this legislation has served as the legal precedence for the anti-grazing law and for similar potential legislation elsewhere in Nigeria.

Conclusion

The study has focused on the farmers-herders conflict and anti-grazing laws in Nigeria, with the intent to know why there has not been peace between the two agro-economic groups, despite the passage of a law to regulate the conduct of their businesses. In view of this, the study found that the reason the conflict did not abate when the laws were passed was because the herders believed it was discriminatory as it was legislated to unfairly target herders in the states where they were codified and passed.

It also set out to know whether there have been constitutional breaches and infringement as a result of the passage of anti-grazing laws by states across the country. On this aspect, the study found that the Benue state Open Grazing Prohibition and Ranches Establishment Law, 2017, were ambiguous in relation to issuance/renewal of ranching leases and the potential conflict of interest with the 1978 Land Use Act. The anti-grazing law provides that state governors can revoke ranch leases without compensation. This is very ambiguous and will present serious tension during implementation.

Recommendations

To the federal government

They should encourage herders to buy lands that would be needed for grazing within their host communities and not force the host communities to provide lands for grazing

The government should not relent with her effort to encourage the herders with necessary incentives needed to thrive in the cattle rearing business, just like they have done for farmers through the provision of soft loans

They should treat any act of violence by any of the agro-economic group as a threat to national security, and confront them with maximum force to ensure deterrence.

To State Governments

The anti-grazing laws passed should have human face without any form of discrimination and intent to unfairly target herders in the states

State governments should muster courage to dispel fears of more conflict arising, should the herders be allowed to own ranches and reside permanently in their states.

To Herders and Farmers

Herders should have the mindset of businessmen who are out to make profit by

investing in ranches and grazing reserves. This they should do by purchasing lands from their host communities, rather than demanding them for free through the federal government

Farmers and herders should see each other as partners in business and not sworn enemies. This is very important for peaceful coexistence and economic prosperity for all.

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