

Farmers-Herders Conflicts and Ranches Establishment Law in Nigeria: A Study of Benue State

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Abstract: Nigeria has in recent times witnessed increased clashes between farmers and herdsmen in different parts of the country especially in the Middle-Belt area like Benue, Taraba, Nassarawa and other states. The fighting, killings and destruction of public and private properties which has always characterized these crises has led to the incessant call by several concerned groups, individuals and organizations to call for the establishment of ranches especially in the states where the crises have been predominant. Benue state thus became the first state in Nigeria to tow the line of this call by establishing the Open Grazing Prohibition and Ranches Establishment Law, 2017. This study, therefore, takes a critical view into the nature of the conflicts between farmers and herders in Nigeria which led to the enactment of the Ranches Establishment Law in Benue state. The study further assesses the nature of relations between the two groups after the law was enacted. The study is anchored on the Structural conflict theory. The study is qualitative in nature and secondary sources of data were used while content analysis was employed for data analysis. At the end of the study, we found that the relations between farmers and herders all over Nigeria have been more characterized by conflict and disagreement than peaceful and collaboration. We also found that despite the different setbacks which the Ranches Establishment Law has faced in Benue state, the farmers-herders relations in the state has been more peaceful since after the law was enacted. It is therefore recommended that the Federal Government should liaise with government of Benue state to ensure that the issues surrounding the farmers-herders conflict in Nigeria is given a lasting solution beyond the Ranches Establishment Law.

Keywords: Farmers, Herders, Conflict, Ranches Establishment Law, Benue State.

BACKGROUND AND STATEMENT OF THE PROBLEM

Open grazing of cattle has been a long standing practice in Africa, especially in Nigeria. Amidst this practice, farmers and herders have also co-existed peacefully since there were adequate grazing fields for herders and land for farmers. The federal government of Nigeria also enacted the Nigerian Government Grazing Reserve Act of 1964 which established grazing routes and reserves ostensibly to protect grazing lands from crop farming; provide easier access for pastoralists to grazing land and water as a means of promoting livestock development (Olayoku, 2014). This facilitated the cohabitation of open grazing and farming in the country.

In recent times, however, factors such as climate change and population explosion has brought critical pressures on land which has necessitated encroachment on these grazing routes and reserves by sedentary farming

communities. Consequently, as herdsmen move cattle across the country in search of pasture, they often trespass farm lands destroying crops, the main source of livelihood of these peasant communities. While attempts by farmers to prevent the herdsmen from having access to pasture inevitably results to violent confrontation between farmers and pastoralists. What ensues is a clash of interest over access to means of livelihood by pastoralists and farmers. Thus, Nigeria has in recent times witnessed increased clashes between farmers and herdsmen in different parts of the country especially in the Middle-Belt area like Benue, Taraba, Nassarawa and other states.

These attacks have been pervasive and have transverse every geo-political zone in Nigeria. According to Ogo-Oluwa (2017), between 2006 and 2014, the Nigerian Watch database recorded 615 violent deaths related to cattle grazing. Again, International Crisis Group (2017) submitted that violent conflicts between nomadic herders and sedentary agrarian communities in the central and southern zones have escalated in recent years and are spreading southward threatening the country's security and stability. In 2016 for instance, an estimated death toll of approximately 2,500 people was recorded and these clashes are becoming potentially as dangerous as the Boko Haram insurgency in the North East (International Crisis Group, 2017).

Scholars have studied and theorized on these crises in an effort to offer explanations on the origin and persistence of the conflict. Ajibefun (2018) found out that the main causes of the herdsmen-farmers conflict in Nigeria included, destruction of crops, harassment of nomads by host youths, disregard for traditional authority, stray cattle, sexual harassment of women by nomads and indiscriminate bush burning and theft of cattle. Blench (2004) believed the conflict is as a result of illegal invasion of farms and destruction of crops by cattle, particularly during the planting season and immediately after the harvesting period. For De Haan (2002), it is destruction of crops by cattle and other property (irrigation equipment and infrastructure) by the cattle herders themselves); while Ingawa *et al.* (1999) submitted that the main cause included changing resource access rights, inadequacy of grazing resources, and decline in internal discipline and social cohesion.

Furthermore, Abubakar (2012) submitted that lack of sensitization of people to apply the land use Act of 1978 has been the major cause of the conflict. On the other hand, Hoffmann *et al.* (2008) opined that the relationship between farmers and nomadic Fulani's started degenerating when the Hausa farmers began to raise animals, including cattle. In a related development, Adamu (2007) also observed that colonial policies in some states has led to the seizure of vast tracts and farming lands and turned it into native authority forest reserve and this has been a source of conflict between herdsmen and farmers. Furthermore, Yahaya (2008) pointed at negligence on the part of both herdsmen and farmers were also seen as a cause of the conflicts. The most predominant causes of conflict between the crop farmers and pastoralist, according to Adebayo and Olaniyi (2008) are damaging of crops and blockage of water points and the preferred informal authority in resolving conflicts.

The Middle Belt is home to some of the largest and most frequented international transhumance routes in West Africa and the Sahel, playing host to the migration of thousands of pastoralists who follow seasonal patterns along traditional and statutory migration routes. Benue state lies at the intersection of international transhumance routes, semi-nomadic pastoralism, and cultivated croplands. Most herders in Nigeria practice a nomadic or semi-nomadic manner of pastoralism – often referred to as “open grazing.” This means that a herders travel across long distance of land to feed their livestock. While the Middle Belt is a major food production and pastoralist hub, many farmers and herders maintain their livelihood on a subsistence basis. As conflicts increase, any threat to their crops or cattle is a direct threat to their source of survival, forcing both groups to vehemently protect their own sources of livelihood.

Furthermore, herding of animals or pastoralism, though practiced in other parts of the country, at least at subsistent level, is a major preoccupation of the Fulani in Nigeria. According to Alhassan (2013), the Fulani own over 90% of the nation's livestock population which accounts for one-third of agricultural GDP and 3.2% of the nation's GDP and so their contribution to the local food chain and national food security cannot be overstressed. According to Ezeonwuka and Igwe (2016), the Fulani are undoubtedly the largest pastoral nomadic group in the world, herding goats, carmel, sheep, horse, mule and cattle. With their dominance in the Sahel region, they are the best known and most numerous of all the pastoral groups in Nigeria.

In Nigeria, the Middle Belt region is considered the “food basket” of the country. The fertile soil and temperate climate offer a favorable environment for farmers and herders to thrive. These two groups have been farming and rearing cattle in Nigeria for centuries, benefiting from mutually beneficial relationships – farmers benefit from cattle manure to fertilize their crops and herders benefit from crop refuse to nutritionally feed their herds. This symbiotic practice tied the wellbeing of the farmer to the wellbeing of the herder and allowed for most disputes between the two groups to be resolved non-violently, through traditional mediation mechanisms (Muhammed, Ismaila & Bibi, 2015).

However, since the year 2000, this interdependence increasingly began to deteriorate due to changing demography, climate variability, shrinking natural resources, and socio-political manipulation. As a result, violent confrontations have become a major defining feature of their interactions (Muhammed, Ismaila & Bibi, 2015). Combined with country-wide challenges including poverty, unemployment, and reduced livelihood opportunities, competition between farmers and herders for limited resources has isolated and deeply polarized the two groups. Political conflicts in the 2000s, such as in Jos, Plateau State, spread religious and ethnic-based fear throughout the region – isolating groups based on ethnicity and/or religion. Herders are predominantly Muslim and from the Fulani ethnic group, and farmers are predominantly Christian. The political and social underpinnings have instilled a deeply-seeded hostility, fear, and reproach towards perceived aggressors. So, when conflict is triggered between the two groups – e.g. cattle damage crops or cultivated farm lands block grazing routes – the resulting tensions often descend into cycles of revenge attacks based on ethno-religious identity.

As a way of offering solution to conflict in its earliest level, the Northern governments created the Grazing Reserve Law of 1965 and in Obudu in Eastern Nigeria in the 1960s where space, water and vaccinations for the livestock by the government while the herdsman paid taxes to the government in return. However, due to several factors among which is the discovery of oil and subsequent exploration and export made Nigeria an oil economy, particularly in the 1970s and 1980s, the grazing reserve system ceased to exist as emphasis shifted from agriculture as the mainstay of the country's economy to crude oil.

Consequently, grazing reserves which were under a neglected agricultural sector could not be sustained. It received little or no attention from succeeding administrations. As a fall-back, herdsman began to resort back to their traditional and seasonal grazing routes which had been interrupted or interfered with by industrialization, urbanization, demographic and other natural factors. This then led to clashes and conflict with farmers and host communities. These conflicts have been on the increase in recent times and now constitute one of the major threats to Nigeria's national security. These problems stem both from the skirmishes that occur between herders and farmers as pasturing animals intrude on farmlands and watering points for free pasture, as farmers encroach on cattle routes for more cultivable land. As this happens, Saidu who is a herder said, ...the encroachment on grazing fields and routes by farmers is a call for war... Wherever we turn, we find the land reserved for our cattle to feast, taken over by farmers... It becomes difficult for our herd to move and graze without veering into crop fields... Once that happens, the farmers confront us and we have no option but to fight back' (Odoh and Chilka, (2012). As Haman, cited in Odoh and Chilka (2012) noted, cattle herders suffer material damages when the crop farmers inflict physical injuries on their cattle by using cutlasses, spears or guns or by poisoning the cattle. Crop farmers, on the other hand, cry and argue that the fear of gun wielding cattle herders not only prevent them from going to the farm but that cultivated farm lands and crop yields are destroyed by cattle, resulting in sweeping poverty and unemployment in the land.

Chronicle of Herdsmen dastardly activities and killings (2002-2018)

S/N	Date	Incidence	Place
1	Jan, 2002	30 people were killed in conflicts between farmers and herders over grazing land in Barkinladi local council area.	Plateau State
2	Feb, 2003	About 100 people were killed in clashes over the past days between Fulani and the Yungar ethnic groups.	Adamawa State
3	May, 2003	Herdsmen attacked and burned 34 farming villages in Adamawa and Gombe states which resulted in 63 dead and over 500 people were injured.	Adamawa/ Gombe States
4	Feb, 2004	49 farmers were killed as they flee nomad attacks by nomads in the farming town of Yelwa.	Plateau State
5	Feb, 2005	Dozens of people were killed in Adamawa state when Fulani herdsman alleged to come from Chad and Niger attacked farming communities in a dispute over grazing land.	Adamawa State
6	Dec, 2009	32 people were killed, scores of houses burned, and several farms destroyed following clashes between pastoralists and farmers in Nassarawa state. About 700 pastoralists were sent away from Borno state	Nasarawa/and Borno State
7	March, 2010	Fulani herders invaded three villages of Dogo Na Hauwa, Ratsat and Jeji in Jos South Local Government Area of Plateau State killing many people including mostly children and women in a barbaric manner.	Plateau State

8	Nov, 2011	Fulani/ farmers clash in Kirikasamma Local Government area of Borno State left one person killed and over 17 people from the farmers' side seriously injured. This was triggered when farmers in the area took measures to protect the perennial destruction of their yet -to-be harvested farm produce and frequent attacks on them by the Fulani pastoralists. Conflicts between farmers and Fulani pastoralists in Benue State, left two soldiers, some 50 men, women, and children dead.	Borno and Benue State
9	March, 2012	The conflict between Fulani pastoralists and sedentary farmers in Gwer West Local Government Area of Benue State left over 30 people dead.	Benue State
10	March, 2012	Sixteen people were killed in a clash between Tiv farmers and Fulani herdsmen in Kadarko community, Giza Local Council of Nasarawa State. About 5,000 residents fled to safer areas in nearby towns.	Nasarawa State
11	April, 2012	April 2012 One person was killed, and several others were injured in a Fulani -Hausa Clash.	Sokoto State
12	May, 2012	clash between farmers and herders in Gwer West area in Benue State left five people dead, and many others displaced	Benue State
13	June, 2012	At least six people were killed, houses burnt, and several farmlands were destroyed in Ngandum Village, Adamawa State as pastoralists and farmers engaged in a fierce battle. These occurred after Herdsmen led their cattle into rice fields resulting in the death of a farmer.	Adamawa State
14	July, 2012	About 200 persons, including a serving federal senator, Gyang Dantong, were killed in Matse and Kakuru villages during a funeral for some people killed earlier by suspected Fulani herdsmen.	Plateau State
15	Dec, 2012	Clashes between Gbagyi farmers and Fulani nomads near Abuja left two people dead, five injured, and over 1,500 people displaced from about 27 settlements that were destroyed.	Plateau State
16	April 23, 2013	10 farmers killed in Mbasenge community, Guma LGA	Benue State
17	May 7, 2013	47 mourners killed in Agatu while burying 2 policemen killed in neighboring Nassarawa town	Benue State
18	May 12, 2013	83 killed by Fulani herdsmen in the Okpanchenyi and Ekwo communities of Agatu	Benue State
19	May 14, 2013	40 killed as over 200 herdsmen stormed Ekwo-Okpanchenyi, Agatu LGA	Benue State
20	June 11, 2013	1 killed, by Fulani rubbers. Also, over 40 cattle belonging to the Catholic Church Otukpo were led away. A number of people were injured. Ichama Village, Okpokwu LGA.	Benue State
21	July 1, 2013	40 people killed Fulani gunmen attacked in Okpanchenyi village.	Benue State
22	July 5, 2013	60 killed following clashes between Tiv farmers and herdsmen in Nzorov, Guma, and LGA.	Benue State
23	July 28, 2013	8 killed as herdsmen invaded 2 villages in Agatu LGA.	Benue State
24	Sept 29, 2013	15 killed in Agatu by Fulani herdsmen	Benue State
25	Oct 13, 2013	30 People killed in Oguiche and Agatu by suspected Fulani Herdsmen	Benue State
26	Nov 7, 2013	7 killed, 6,000+ displaced when attackers struck Ikpele & Okpopolo communities, Agatu LGA.	Benue State
27	Nov 9, 2013	36 killed and 7 villages overrun in Agatu LGA.	Benue State

28	Nov 20, 2013	22 killed and lots of properties destroyed in an attack in Guma LGA.	Benue State
29	Jan 20, 2014	5 soldiers and 7 civilians gunned down in an attack, in Agatu LGA and 3 killed in attack in Adeke Village	Benue State
30	Feb 20-21, 2014	35 killed, 80,000 displaced, 6 villages sacked following an attack in Gwer West LGA	Benue State
31	Feb 24, 2014	8 killed following an attack on a Tiv community along Naka road, Makurdi	Benue State
32	Mar 6, 2014	30 killed, 6 villages sacked in Katsina/Ala and Logo LGAs.	Benue State
33	March 10, 2014	The convoy of ex-Governor Suswan attacked at Umenger. He managed to escape.	Benue State
34	March 12, 2014	28 killed in a raid on Ukpam, in Guma LGA. Yam barns and farms burnt and another 22 slaughtered in an attack on Suswan's village, Logo LGA. The entire village sacked.	Benue State
35	March 25, 2014	More than 60 killed and many houses burnt, prompting Gov. Suswan to seek help from the army.	Benue State
36	March 27, 2014	About 55 were killed at Gbajimba with many houses destroyed. over 52,000 internally displaced people at camp established by the Catholic Diocese of Makurdi.	Benue State
37	March 29, 2014	More than 200 villagers and a few herdsmen in army camouflage killed. 3 Villages (Sankwai, Takum, and Marchek) about 250 kilometers South of Kaduna metropolis destroyed.	Kaduna State
38	April 12, 2014	2 were killed in Gwer West L.G.A	Benue State
39	Sept 10, 2014	Scores dead when herdsmen attacked 5 villages in Ogbadibo LGA.	
40	Dec 14, 2014	10 killed in Benue State by Fulani Herds men.	
41	March 5, 2015	10 people were killed with more than 100 houses burnt in Riyan L.G.A.	Plateau State
42	March, 2015	Farmer's hand was cut off; his sibling was raped and farmland destroyed.	Oyo State
43	May 24, 2015	5 days to the end of Governor Suswan's administration in May 2015 over 100 farmers and their family members were killed in villages and refugee camps located in Ukura, Per, Gafa and Tse -Gusa LGAs of the State	Benue State
44	Apr 12, 2016	15 people were killed as the Fulani herdsmen attacked two villages in Gashaka Local Government Area.	Taraba State
45	April 19, 2016	Twenty-five Local Government Areas in Delta State protested on the Benin -Asaba Expressway, the alleged killing of about 23 persons by herdsmen.	Delta State
46	April 25, 2016	Fulani herdsmen attacked Ukpabi Nimbo in Uzo – Uwani Local Government Area and about 40 people were killed	Enugu State
47	June, 2016	A 46 year old renowned farmer was shot by gunmen suspected to be Fulani herdsmen in Ossissa community in Ndokwa East Local Government Area	Delta State
48	August, 2016	Herdsmen reportedly numbering over 50, armed with machetes disrupted the peace of Ndiagu community of Attakwu, Akegbe- Ugwu in NkanuWest Local Government Area. A Catholic Seminarian, Lazarus Nwafor killed and severely injured four members of the Ogbodo Nwarum family	Enugu State
49	Oct., 2016	Armed Fulani herdsmen opened fire on villagers who attempted to stop	Imo State

		their cattle from grazing their farmlands in Umuekune village of Irete community in Owerri West Local Government Area. Several people were wounded in the ensuing stampede with two of the injured on danger list	
50	Jan. 17, 2017	Herdsmen opened fire in Samaru Kataf market, killing 3 persons and injuring 5 in Zango-Kataf Local Council Area.	Kaduna State
51	Jan., 2017	A fresh crisis between Fulani herdsmen and Idoma farmers at Okpokwu Local Government Area, left not less than five people dead and several others injured	Benue State
52	Jan. 24, 2017	Grazing of cattle and destruction of farmlands led to a bloody fight in which 2 herdsmen and 13 villagers (a total of 15 persons were killed in Ipiga village in Ohimini LGA.	Benue State
53	Jan. 24, 2017	5 students of the College of Education, Gidan Waya in a commercial car taking students to school from Kafanchan were waylaid and shot dead by alleged herdsmen in Jema'a LGA.	Kaduna State
54	Jan., 2017	Fulani herdsmen attacked Rafin Gone and Gbagyi villages in Bosso Local Government Area. At least 6,000 persons displaced and nine people killed, including a police Inspector and an Assistant Superintendent Officer of the Nigeria Security and Civil Defense Corps	Niger State.
55	Feb. 10, 2017	8 people were confirmed dead in clashes between community members and suspected herdsmen in Rukumawa Tsafe LGA,	Zamfara State
56	Feb. 21, 2017	About 21 people were killed when Fulani herdsmen launched attacks on four communities in Southern-Kaduna.	Kaduna State
57	Mar 2, 2017	No fewer than 10 persons were killed in renewed hostilities between herdsmen and farmers in Mbahimin community in Gwer East LGA,	Benue State
58	Mar. 6, 2017	6 persons died in clash between suspected herdsmen and residents of Omumu community in Ika South LGA,	Delta State
59	Mar 11, 2017	7 people were killed in Mkgovur village, a Tiv Community in Buruku L.G.A.	Benue State
60	Mar, 14, 2017	1 person was killed and several others injured in clashes between herdsmen and the people of Umuobasikwu, Ozuitem in Bende L.G.A.	Abia State
61	Mar. 27, 2018	1 killed, 1 injured, women raped in their farms in a suspected Herdsmen attack in Adam Village, Kwande LGA.	Benue State
62	Mar. 28, 2018	3 persons were killed while six others sustained injuries in an attack by suspected herdsmen in Emuhu community in Ika South LGA,	Delta State
63	Apr 1, 2017	Suspected Fulani herdsmen killed no fewer than 10 persons in a raid on Obio Usiere village in Eniong Abatim community, Odukpani LGA,	Cross River State
64	May 8, 2017	3 persons were killed. In clash between herdsmen and farmers in Tse-Akaa village, Ugondo Mbamar District of Logo LGA,	Benue State
65	May 12, 2017	Suspected herdsmen beheaded a commercial motorcycle rider and six farmers who worked with Ugo Farm. They were ambushed on their way home to Ossissa community in Ndokwa East LGA,	Delta State
66	May. 18, 2017	2 persons lost their lives in a suspected herdsmen attack in Afam Uku, Oyigbo LGA,	Rivers State
67	May 22,	2 people were killed and 1 was wounded and lots of persons sacked from	Edo State

	2017	their farmlands. Crops worth millions of naira were destroyed while herdsmen entered farmlands raped two women and strangled them to death in Ewu community, Esan Central LGA,	
68	Dec.31 2017/Jan. 1, 2018	Suspected Fulani herdsmen-turned gunmen also visited several communities in two LGAs (Logo and Guma) and killed over fifty (50) villagers, including women and children.	Benue State

Source: Chukwuemeka, Aloysius and Eneh (2018). The logic of open grazing in Nigeria: Interrogating the effect on sustainable development, International Journal of Family Business and Management Studies, 2(1), 1-17.

Consequently, the spread of conflict into southern states aggravated already fragile relations among the country's major regional, ethnic and religious groups. The south's majority Christian communities resent the influx of predominantly Muslim herders, portrayed in some narratives as an 'Islamisation force'. Herders are mostly Fulani, lending an ethnic dimension to strife. Insofar as the Fulani spread across many West and Central African countries, any major confrontation between them and other Nigerian groups always has regional repercussions, drawing in fighters from neighbouring countries. This has been the nature of relations between farmers and herders before the Anti Open Grazing Law in Benue State in 2017.

The gory nature of these clashes between farmers and herders in different states eventually led to the incessant calls by several concerned groups, individuals and organizations to call for the establishment of ranches especially in the states where the crises have been predominant. Benue state thus became the first state in Nigeria to tow the line of this call by establishing the Open Grazing Prohibition and Ranches Establishment Law, 2017. This study, therefore, takes a critical view into the nature of the conflicts between farmers and herders in Nigeria which led to the enactment of the Ranches Establishment Law in Benue state. The study further assesses the nature of relations between the two groups after the law was enacted.

THEORETICAL FRAMEWORK: THE STRUCTURAL CONFLICT THEORY

This theory has two main sub-orientations; the first is the radical structural theory represented by the Marxist dialectical school with exponents like Marx and Engels, V.I. Lenin etc, the second is the liberal structuralism represent by Ross (1993), Scarborough (1998) and the famous Johan Garltung (1990) on structural violence. The theorists of Structural conflict built their theories on their observations of societies. Structuralisms thus sees incompatible interests based on competition for resources which in most cases are assumed to be scarce, as being responsible for social conflicts (Collier, 2003, p.2). The theorists saw conflict, observed that conflict occurred among groups, and that groups have structures which define the groups. The solution to these types of conflict to the Marxists is that the contradictions will end in a revolution-civil war, or some form of violence leading to the overthrow of the exploitative system. Liberal structuralisms call for the elimination of structural defects with policy reforms.

The theory sees social life as a competition and focuses on the distribution of resources and power which are not evenly endowed by nature. Proponents of the theory view society as a gathering of people of diverse needs and interests with limited resources to meet their needs. This creates inequality that generates social conflict and social change. According to Ojukwu (2013) conflict will occur because people are seeking to protect their varying interests that may place another social group at a disadvantage.

The structural theory attempts to explain conflict as a product of the tension that arises when groups compete for scarce recourses. The central argument of this theory is that conflict is built into the particular ways societies are structured or organized. It describes the condition of the society and how such condition or environment can create conflict. Structural conflict theory identifies such conditions as social exclusion, deprivation, class inequalities, injustice, political marginalization, gender imbalances, racial segregation, economic exploitation and the likes, all of which often lead to conflict (Oakland, 2005).

Structuralists basically look at struggles for power and control in society as a major causal factor of conflict. Conflict occurs when two or more actors oppose each other in social interaction, reciprocally exerting social powers in an effort to attain scarce or incompatible goals and prevent the opponent from attaining them. The quest for dominance and power becomes the currency rather than consensus.

Based on this premise, the farmers-herders crises is explainable in the thesis that the driving force of the clashes is the competition for available resources, especially grazing land. Thus, any solution to such crises must be geared towards problematic. Such solution has to aim at making the resource in question (land) available and accessible to both groups based on certain established guidelines. It is in line with this, that the Benue State government deemed it right to make laws that will provide a platform for peaceful co-existence and relations

between farmers and herders in the state. This therefore brought about the making of the Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017.

FARMERS-HERDERS CONFLICTS IN NIGERIA: THE BENUE EXPERIENCE

The 1st January 2018, Agatu Local Government Area (L.G.A) Massacre

On 1st January, 2018, the Agatu Local Government of Benue State was invaded by Fulani herders. The invaders attacked several villages and farm settlements in broad daylight, gunning down children, women, men and the elderly alike. About 300 villagers were reportedly massacred in the first killing spree with heavy casualties recorded in communities like Aila, Okokolo, Akwu, Adagbo, Odugbehon and Odejo (Maya, 2018).

A destroyed House in Agatu L.G.A.



Source: Maya (2018). Special Report: Inside Agatu killing field: blood on the streets, charred bodies everywhere. <https://www.premiumtimesng.com/news/headlines/200369-special-report-inside-agatu-killing-field-blood-on-the-streets-charred-bodies-everywhere.html>

According to Maya (2018), one of the eye witnesses to the bloody relationship between Agatu farmers and Fulani herdsmen, Mr. Shaibu Ahmadu, who is also a former police officer, narrated in Otukpo IDP camp that, the January 2018 mass killing was the climax of an expansionist agenda that began years ago in Nassarawa State by the Fulani's. The former police officer submitted that Aila, one of the towns in Agatu L.G. A had always been coveted by the Fulanis because of its extremely fertile farmlands. To get to this prized target, the herders chose first to target and conquer Okokolo community.

Further explaining the strategy adopted by the Fulanis, Mr. Ahmadu said: "Okokolo was a kind of fortress populated by a brave and headstrong clan; that was where the Fulani's had met the fiercest resistance to their incursion. So they must have told themselves that if they can attack and run over Okokolo, everyone else will get the message. To achieve this, they attacked Okokolo not once, not twice but three times. They came today, tomorrow and the next".

It is worthy of note that communities like Tom-Anyiin, Tom-Ataan, Mbaya and Tombu in Buruku Local Government Area of the state have earlier fallen to the Fulanis. "The Fulani invaders came from Nasarawa State and crossed the River Benue by boat to get access to Okokolo. It was a war. And once they burnt down Okokolo, they marched on Akwu, Adagbo and finally Aila. It was impossible to repel them; we were just ordinary farmers with hoes and cutlasses while the Fulanis were armed with AK-47", Ahmadu further explained.

Furthermore, Maya (2018) reported that, Agatu Local Government is not the first to be attacked by herders in Benue State. Between 2011 and 2014, suspected herdsmen attacked dozens of communities in the four local government areas of Guma, Gwer-East, Buruku and Gwer-West, some more than once. More worrisome about these attacks by Fulani herders is the pattern of the attack which they have appeared to take. Whilst in the past the herdsmen attacked, killed and disappeared, the Agatu attack appeared to have demonstrated an occupation agenda by the Fulani herders. Maya (2018) reported that the sacked villages had been taken over by the Fulanis who were

pouring in from Nasarawa with their cattle. Thus, the fleeing natives could not return to give mass burial to corpses littering their villages and farmlands.

According to Maya (2018), Adejo who is a motorbike transporter and also interacts with a new anti-Fulani local militia called the Agatu Warriors, submitted that most of the sacked villages had been taken over by the Fulanis who he said were pouring in from Nasarawa with their cattle. “They are coming in large numbers with their cows. The military is not stopping them. If we can go beyond here (Aila) to Abugbe, Ocholonya or Adana, you will see Fulani in combat jackets with sophisticated guns grazing their cows”, Adejo said. “They are not the owners; most of them are merely working for some rich men who own the cattle. It is a billion naira business, yet these big men have refused to build ranches and use irrigation to grow grasses to feed their livestock; instead they have unleashed millions of their cows and herdsmen on the farmlands of poor and defenseless people of Benue”, Adejo argued.

Furthermore, the members of the villages that were attacked in Agatu L.G.A. who also settled in Otukpo, Ojantele, Ataganyi and Ugbokpo refugee camps maintained that a helicopter supported the Fulani attack, dropping off arms and food to the invaders. Again, the inability of the Nigerian soldiers deployed in Agatu to arrest even one attacker has fueled suspicions of complicity by security agents.

On the side of the Fulani herders, they viewed the Agatu massacre as a reprisal attack on the Agatu people because of the crisis they started in 2013 where they killed a prominent Fulani leader in the area. Thus, the Fulani population argued that the Agatu people were also shedding crocodile tears (Maya, 2018). Saleh Bayeri, the interim national secretary of Gan Allah Fulani association, an umbrella body of Fulani associations in Nigeria, submitted that about 20 Agatu and Tiv militia on April 20, 2013 invaded the compound of one Sehu Abdullahi where they killed him and carted away over 200 cows. This action reverberated across all Fulani people in the whole of West Africa and the clamour for revenge began to grow strong. No investigation was carried out and no one was prosecuted based on this act till date.

The Killing of Two Priests and 16 Villagers in Gwer East Local Government Area

Very early in the morning, at about 6:00am on 24 April 2018, residents in Mbalom Village in Gwer East L.G.A woke up to the sound of gunshots, when armed suspected Fulani men attacked the village, leaving at least 16 people dead, including two priests. While some were preparing to head to the village Catholic Church for early morning mass, some were already at the church (Amnesty International, 2018).

Houses destroyed by Fulani Herdsmen during the Attacks



Source: <https://www.bbc.com/pidgin/tori-43901700>

An official of the church told Amnesty International that while service was on, the attackers appeared from the bush and started shooting at people, targeting only men.

The attackers came at around 6am. There were about 20 people in the morning church service. The attackers, all Fulani, appeared from the bush and started shooting. They targeted only the men. I was also at the morning

church service. Everyone started to run away, but the Fulani gunmen kept on pursuing us. They were pursuing only the men.

Part of those that were killed in the attack was two Rev Fathers: Rev Fr. Joseph Gor and Rev. Fr. Felix Tyolaha; two primary school headmasters; Peter Dick and Ape Chia, also a secondary school principal whose name was given as Michael Tor and fourteen other worshipers (Babajide, 2018).

The victims had gone to morning mass at St Ignatius Quasi Parish when their attackers who had laid ambush on the community swopped on them around 5.30 am and snuffed the life out of them.

According to Amnesty International (2018), a 25-year-old student of the state College of Education who availed some information to them said:

My house was close to the church and I was on my way, on a motorcycle, to the church, close to the railway side, when I saw six of the attackers, all young men. Some of them wore bandanas on their heads. Some had on military clothes. They spoke the Hausa language. When they saw me they started shooting at me, but I was able to run into the bush to hide. After about one hour of hiding in the bush, I came out and discovered they had killed many people. They had entered people's houses and taken away money, clothes and phones. They had even entered into my room and taken my phone and the money I kept as school fees, N47, 000 (\$129). They burnt about five motor-bikes and had also burnt our shop. We sell provisions, alcohol.

Meanwhile, irate youth took over the major roads and streets including the ever busy Makurdi/Gboko, Makurdi/Kafia road and the Wurukum Roundabout following the news of the mass killing which filtered into the capital city and the Corpses of the victims, especially the two Catholic priests which were being taken to the Bishop Murray Memorial Hospital Mortuary, Makurdi. Furthermore, there was an apprehension all over the capital city as the major market like Wadatta and Wurukum were hurriedly shot in the afternoon. Both government offices and business premises were also hurriedly closed.

THE ESTABLISHMENT OF THE OPEN GRAZING PROHIBITION AND RANCHES ESTABLISHMENT LAW, 2017 AND FARMERS-HERDERS RELATIONS

Benue State has been one of the most heavily hit states from violence emerging from conflicts between farmers and herders. Located towards the southern boundaries of the Middle Belt, it is home to over 4 million people (National Bureau of Statistics, 2014). The majority of the population are members of the Tiv and Idoma ethnic groups, both of which are predominantly Christian farmers and considered *indigenes*, while most of the herders are in the minority Fulani ethnic group, who are predominantly Muslim and considered *non-indigenes*. Over the past decade, violent confrontations between the predominantly Christian farmers and the predominantly Muslim herders have killed hundreds of people and displaced more than 80,000 people from the state (Punch Newspaper, 2018).

Following the several confrontations between farmers and herders which has led to the loss of many lives and destruction of property, the government of Benue state responded by enacting the Open Grazing Prohibition and Ranches Establishment Law, 2017 through the state House of Assembly as a solution to the problem in line with international best practices on livestock management. Through the law (commonly referred to as the Open Grazing Prohibition Law signed into law by the Governor Mr. Ortom in October 2017), the government of Benue state banned open grazing of livestock in the state of Benue. The Benue state government presented the Open Grazing Prohibition Law as a tool to prevent clashes between herders and farmers by limiting the unrestricted grazing of cattle and instead called for cattle to be reared in ranches.

The Open Grazing Prohibition and Ranches Establishment Law is closely linked to Nigeria's Land Use Act of 1978, which vested authority of land administration within the state governors. While the Land Use Act of 1978 provided the legal precedence for state governors to establish laws dictating how land is distributed within their states, it also provides that there must be means of recourse for the revocation of land rights by the state (Federal Government of Nigeria, 1978).

The major aims and objectives of the law are as follows:

- a) To prevent the destruction of farm crops
- b) To bring to an imminent end clashes between farmers and herders

- c) Protect the environment while optimizing the use of land
- d) To optimize the use of land resources in the face of overstretched land and increasing population
- e) To prevent, control, and manage the spread of diseases
- f) To create a conducive environment for large scale crop production etc

Furthermore, under the law, the Livestock Department of the Ministry of Agriculture and Natural Resources is to give the authority to administer, regulate, and control livestock in the state. The ministry gives permit for ranching to citizens although this is subject to the Governor's approval and businesses regarding ranching are to be done under the laws of the Federal Republic of Nigeria. Ranching Permits are to be issued though it has to be for period of time which must not be more than one year and it can be renewed annually. In cases of natural disaster, the ministry is expected to reimburse in whole or part or postpone payment for ranching fees. The law further stated that an intending rancher is to send an application to the ministry with written consent from the owner or family head of the land where he intends to set up the ranch, the land owner must also get a go ahead from community leaders before a one year lease can be granted to an intending rancher.

Ranching permit according to the law can only be issued with approval from the state government after Environmental Impact Assessment (EIA) has been done by the Ministry of Agriculture and the land is found suitable, a written agreement from the owner/family head of the land approved by the community leaders must be tendered. Upon approval, the rancher is to pay lease to the owner of the land and then get a "notice of permit" from the ministry.

The Anti-Open Grazing law also noted that permits already issued can be revoked by the ministry at any time although with approval from the State Government and compensation must be paid to the rancher. Land owners are not allowed to sell a leased land under any circumstances. The law clearly stated that besides the ranch owners and staff, eligibility of people allowed to enter the ranch will be determined by the ministry. By implication, every ranch must be fenced and movement in and out overseen by the government. The law also stipulates that in cases where livestock wander into someone else's farmland and destroys crops/plants, the owner of the livestock would have to pay damages or pay some sort of compensation to the land owner.

The law included the fact that the ministry is expected to develop an integrated modern livestock and a production strategy for Benue State accompanied with guidelines for its implementation. They are also to monitor programmes which are expected to integrate and boost livestock production/rearing in the state. Providing for training in animal husbandry is an important task to be carried out by the ministry. They are to work together with ranchers from the rural areas and from neighbouring states bordering them.

Section 19 (1) of the Law prohibits "...open nomadic livestock herding or grazing in the State outside the permitted ranches". A violator of this provision will be guilty of an offence and shall, on conviction, be liable to five years' imprisonment or N1million fine or both. Ranchers are also strictly responsible for any injury, loss of life or any accident that might occur and they are strictly disallowed from carrying both licensed and unlicensed gun but they can hire registered security guards, defaulters shall be prosecuted under the Robbery and Firearm Provision Act. According to Section 19(4) of the law, livestock can only be moved in Benue State through truck and wagons and livestock wandering the street shall be impounded and can only be claimed by the owner after paying fine which will be sent into the revenue account of the state.

These laws have been set up to regulate all issues regarding grazing and rearing of livestock in the state and all offenders will be tried and prosecuted by the Magistrate or the High Court.

ISSUES, REACTIONS AND OUTCOMES FROM THE OPEN GRAZING PROHIBITION AND RANCHES ESTABLISHMENT LAW

According to Ugwumba (2018), the issue of 'indigeneity' is particularly important in the case of the Open Grazing Prohibition and Ranches Establishment Law, as it imposes conditions upon potential ranchers based on their status as 'indigene' or 'non-indigene.' For instance, potential ranchers who do not qualify as indigenes of Benue State must submit applications, which require an Environmental Impact Assessment and multiple layers of assessment and approval by the landowner, head of the family, kindred head (otherwise known as the designated heads of family clans), and the Chairman of Traditional Council in the relevant Local Government Area (LGA) (Open Grazing Prohibition and Ranches Establishment Law, 2017, Section 6[1-6] and Section 5a). In the case that a potential application receives consent from all of the above, the application is then subjected to the approval of the Governor (Open Grazing Prohibition and Ranches Establishment Law, 2017, Section 7-9). Once the lease is granted the applicant must then pay concessions to the landowner, family head, and kindred head, whose consent to establish a ranch is valid for one year and must be renewed annually. A secondary process of approval is also needed for the construction of fencing to secure the ranch.

These conditions are only applicable for persons classified as non-indigenes of Benue State. Indigenes who wish to establish a ranch upon their own land are exempt from compliance with these conditions. As stated above, the majority of herders who are non-indigenes of Benue State would have to comply with the application process to procure a ranching lease. The tedious application process, the need to renew the lease annually, and the uncertainty of retaining a permit once granted may be an adequate disincentive for compliance (Ugwumba, 2018).

Furthermore, in reaction to the enactment of the Open Grazing Prohibition and Ranches Establishment Law, 2017, in Benue state, the Miyetti Allah Kautal Hore immediately described it as a time bomb, and called on the Inspector General of Police, Ibrahim Idris, to protect the Fulani people living in the state. Addressing a press conference in Kaduna at the end of its North-Western region zonal meeting, the group said the law was targeted at destroying the means of livelihood of herdsmen, who have grazed in the Benue valley for ages (Agande, 2017).

Again, the National President of the Association, Alhaji Abdullahi Bodejo, stressed that the anti-grazing law was not in the best interest of peaceful coexistence of herdsmen and other citizens of the country. In his words according to Agande (2017), “the grazing law agenda is destroying herders’ means of livelihood and we are appealing for immediate intervention to save Fulani pastoralists from the total destruction of their means of livelihood by current trends from some state governors enacting Segregational Anti-Grazing Law”.

Furthermore, the Federal Government blamed the passage of Anti-Open Grazing Law in some states as the cause of the recent killings by herdsmen in some of the states. Meanwhile, the Federal government was accused of bias in its handling of the crisis between farmers and herdsmen, with critics asking why perpetrators of the violence have not been arrested. The Benue State Governor, Samuel Ortom, whose state suffered greatly from clashes, said two weeks before one of the clashes that he informed the federal government of planned attacks by herdsmen, yet the state received no protection (Agande, 2017).

More reactions also followed the enactment of the Anti-grazing law from Nigerians especially those from the Middle-Belt part of the country. Some were in support of the law while others were in opposition to the law. Many feared that the implementation of the law and the departure of many herders from Benue into neighbouring states would spark renewed violence in neighbouring states and increase the likelihood of confrontations, especially since many crops were yet to be harvested. Those who supported the law also proposed that the law be replicated in other states experiencing the farmers-herders conflict. On the other hand, those that opposed the law argued that (i) it was a deliberate attempt to evict and ostracize a portion of the population from Benue State; (ii) it contradicts the constitutional provision of the freedom of movement; and (iii) the process lacked effective consultation and input of herders before the passage of the bill into law. Many of the comments opposing the legislation were concerned with the economic inability of most herders to establish their own ranch, which is beyond the economic means of most herders in the state. While the law proposed ranches as an alternative to open grazing, the timeframe between passage and implementation did not leave enough time for the state government to make provisions for the herders to overcome the social and economic barriers.

According to Kwaja and Ademola-Adelehin (2017), the Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) and the Miyetti Allah Kautal Hore, the two most prominent Fulani and herder socio-cultural associations, have expressed different public positions on the Open Grazing Prohibition Law. On the one side, the MACBAN expressed its willingness to obey the law, but requested that the implementation date be shifted to allow sufficient time for sensitization of herders on alternatives to open grazing (Vanguard Online Newspaper, 2017). On the other hand, as mentioned previously, the Miyetti Allah Kautal Hore openly opposed the law and threatened to prevent its implementation on the grounds that it contradicts the constitutional provision for freedom of movement (Silas, 2017). The group viewed the law as discriminatory and counterproductive to peaceful coexistence of the herders with the other citizens and called it “obnoxious and a recipe for anarchy” (Jimoh, 2017).

In summary, most of the comments reflected the ‘us’ versus ‘them’ mentality and a ‘perpetrator’ and ‘victim’ division promoted on both sides. Many of the comments contained opinions on the validity (or invalidity) of the legislation or incendiary rhetoric with high potential to further stoke conflict between the two communities. There was limited reflection on the opportunities for farmer and herders to coexist peacefully or work together to improve the shortcomings of the legislation.

Further as an outcome, there was reported increased movement of herders out of Benue State from the last week in October 2017 until the first week in November of that year. No official figure was released on the numbers of herders and animals that left Benue state, but Nasarawa State stated they received the highest influx of herders and cattle into border communities in Awe, Doma, Keana, and Obi LGAs (Joseph, 2017). Other herders moved into Kachia and Zango Katsf L.G.As of Kaduna State, Wase and Shedam L.G.As in Plateau, Ibi and Takum LGAs in Taraba, and also into Cross River and Bayelsa states in Southern part of Nigeria (Odey, (2017). In these LGAs that are neighbours to Benue, many social media comments expressed fears that the influx of herders from Benue would

spark tensions between farmers and the new herders, as well as those herders that had previously resided in their state. While heightened tensions between farmers and herders was reported by residents of communities in Awe and Keana LGAs, for instance, the Nasarawa State Government mobilized security forces to these communities to prevent the expected outbreak of violence (Ibrahim, 2017). However, for the remaining herders in Benue state, their relations with the farmers in the recent years have been cordial and more peaceful.

CONCLUSION AND RECOMMENDATIONS

The enactment of the Open Grazing Prohibition and Ranches Establishment Law, 2017 of Benue state, Nigeria, was triggered by the incessant conflict and clashes between farmer and herders in the state. These clashes have led to the loss of many lives and property in the state. The clashes are often triggered by the trespass of farmlands owned by farmers and destruction of crops by herders and their cattle. This has affected very negatively the relations between farmers and herders in the state over the years. Since after the enactment of the law, however, the relations between the two groups have become more cordial even though, many kicked against the law initially.

To further ensure that there is relative peace existing between farmers and herders in Benue state, we recommend that;

1. The Benue state government should, as a matter of fairness and equity, review the Open Grazing Prohibition Law to amend any actual or potential discriminatory statutes.
2. As a follow-up to the above, the Benue state government needs to find way of countering the assumptions and insinuations that the Law is to evict herders. It should further address the concerns of herders more swiftly and create a platform for both farmers and herders to highlight aspects of the Law that could be interpreted as discriminatory and recommend possible amendments of such aspects.
3. The Benue state government and the federal government should find incentives that will encourage herders to embrace ranching in line with the Law. For those who may not be able to afford the fund required to establish a ranch, government should provide such ranches while they pay for the use of such. The state government can look to engage investors to invest in industrial ranching as well.
4. The federal and Benue state governments should institutionalize mechanisms for peace building in Benue state. In the light of the current tensions between farmers and herders, this step will foster inter-group relations and deepen understanding and trust between the two groups.

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