

Chapter One

Introduction

1.1 Background to the Study

Land in Nigeria as it obtain throughout Africa, is a primary resource for survival and a major source of income and livelihood for the rural population. Land is not only a source of livelihood and valuable economic asset but also carries spiritual values with it. Therefore, access to landed resources is not merely a matter of productive use of the ecological environment; it involves power and symbolic relations¹. Due to increased population pressure, environmental conditions and diversification of the rural land use patterns in Nigeria, adequate access to pasture and water for livestock has diminished thus prompting herdsmen to migrate to the north central, southern and western part of the country. The squeezing out of herdsmen from their traditional grazing lands has spurred the tension and conflicts with farming communities in the last decades.

Land, crops, livestock, water resources and vegetal resources play key role in the development, maintenance as well as sustainability and projection of the socio-economic strength of a society². Hence, resource ownership and its utilization have resulted in to conflicts involving man since time immemorial. As earlier stated, of all the aforementioned resources, land has remained an overwhelming source of conflict among various user groups as well as individuals. In other words, conflicts between farmers and herdsmen over the control of land that leads to diverse attack is becoming fierce and increasingly widespread in Nigeria largely due to the intensification of production activities that are necessitated by the entrenchment of capitalist relations coupled with an increasing human population. Farmers are indigenous members of the community where they reside, and are found in almost all the rural settings where they cultivate mostly at a subsistent level. Herdsmen, on the other hand, are people who rear livestock and are

mostly of the Fulani extraction. The particular group in this study is the transhumant category and not the sedentary type. This is because, the sedentary ones have little record of clashes with their host communities compared to the transhumant category that graze livestock and shifts from one location to another where they can get feeds for their animals.

The vast geographical area of Nigeria has placed farmers in a situation to live with the Fulani herdsmen particularly during the dry season. More so, the Fulani herdsmen still practice the free range system; they move from one place to another in search of pasture and water. This development usually forces them to migrate from the North to the South Valleys, particularly Oyo State, where both pasture and water resources can be found. As a result, this has increased the competition for land between the Fulani herdsmen and farmers resulting in the existing clashes and economic friction among the two groups in the state.

The Fula people also known as Fulani in Hausa language, are one of the largest ethno linguistic groups in Africa, numbering approximately 40 million people. They form one of the most widely dispersed and culturally diverse of the peoples of Africa. The Fulani are bound together by the common language of Fulfulde, and also some basic elements of Fulbe culture, such as The *pulaaku*, a code of conduct common to all Fulani groups. They are a mass population widely dispersed and culturally diverse in all of Africa, but most predominant in West Africa. A significant number of them are nomadic in nature, herding cattle, goats and sheep across the vast dry grass lands of their environment, keeping isolate from the local farming communities, making them the world's largest pastoral nomadic group³. They are massively spread over many countries, and are found mainly in West Africa and northern parts of Central Africa, but also in Sudan and Egypt. Nigeria as a nation state is under a severe internal socio-economic and security threat. At a more general level, the threat has special economic, political

and environmental dimensions. Each of these dimensions has greatly affected the nation's stability and can be traced to the Fulani-herdsmen and farmers clash, ethnic militant armies, ethnic and religious conflicts, poverty, insurgency, armed robbery, corruption, economic sabotage and environmental degradation⁴.

There have been several cases of farmers-herdsmen conflicts across various states and locations in Nigeria. These conflicts have now become so threatening on the country's national integration and development, such that the hitherto peaceful relationship between farmers and herdsmen across various parts of Nigeria is degenerating to a carnage level, leading to loss of lives and properties. Attempts by the federal government to curb the incessant farmers-herdsmen appear to be futile. Farmers-herdsmen conflicts are equally prevalent in Cameroon, Tanzania, Sudan and Kenya⁵. Narrating the incidence of the conflicts in Tanzania, Policy deficiencies and contradictions on land tenure, inadequate capacity of the local institutions in settling such conflicts, violent nature of approach used to resolve and manage the conflicts –using police, corruption and politics of the belly, lack of coordination in settling the herdsmen and the villages lacking in land use plan⁶. He further concludes that, “unless security of tenure on land used by smallholders (both farmers and herdsmen) is restored, the conflicts between them will continue”. Equally recounts that a similar occurrence of farmers-herdsmen conflicts is witnessed in South West Burkina Faso which made state to suggest government roles in the management of the conflicts. It was suggested that state should engage in mediatory role between the conflicting parties so as to resolve the conflicts. Furthermore, they should employ political frameworks such as right policy formulation on habitats and budget allocation, so as to cater for the land and amenities needed in of both rural and urban settlements⁷.

In Nigeria, before the present farmers-herdsmen conflict assumed a dangerous dimension; the relationship between them had been a cordial and symbiotic one⁸. He further posits that, upon herdsmen entry into Nigeria via the Nigeria/Cameroon border in search of pasture, the herdsmen settled in Borno/Adamawa where they found pasture and they had a peaceful symbiotic relationship with the farmers which was beneficial to both groups. He further asserted that the sufficiency of land for both farmers and herdsmen, given the subsistence nature of farming and the few numbers of cows that the herdsmen breed then, made them to co-exist peacefully, void of unhealthy competition over scarce resources. This same cordiality had usually played out between farmers and herdsmen in Nigeria until recently ⁹. However, conflicts between farmers and herdsmen emanated as a result of the increase in population of both the farmers and the herdsmen. This was sequel to the increase in the need for more farmland.

Other causes of the conflict include: change in climate condition leading to drought and desert encroachment; improvement in technology that brought about irrigation; the need to cultivate and produce more of the cash crops newly introduced. Conflict between farmers and herdsmen is also reinforced by the farmers' habit of extending the boundary of their farms to livestock route and the herdsmen's habit of allowing cattle to veer into the farmers' farm to eat their plants and drop their dung either on the farm or on the pedestal route ¹⁰. Take for example, the farmers-herdsmen conflict in Riyom Plateau State; Agatu in Benue State, Nimbo in Enugu State and the alleged kidnapping of Chief OluFalae (who is a farmer), by suspected herdsmen in Ondo State, this pose new twist to the incidents of farmers-herdsmen conflicts which affirm the fact that farmers-herdsmen conflict is assuming a national integration threatening dimension in Nigeria ¹¹. Nevertheless, the recent farmers-herdsmen attacks in Oke-Ogun area of Oyo State, pose threat to the peaceful co-existence of the different ethnic nationalities in Nigeria.

The clashes between the Fulani herdsmen and the farmers usually arise when the former invade community farmland with their cattle and let them graze unrestricted both on cultivated and uncultivated land thereby destroying valuable food and cash crops which are the mainstay of the host communities. When the communities try to resist them and request their exit, the Fulani herdsmen become violent and attack the community sometimes with the aid of hired mercenaries. It is unfortunate that this level of criminal impunity is happening in a sovereign state with a constitution, which declares that the security and welfare of the citizens shall be a major responsibility of the state.

The conflicts in most part of Nigeria especially the Fulani herdsmen and farmers clash are largely uncalled for¹². Farmers can no longer farm peacefully because of Fulani herdsmen. These Fulani herdsmen and farmers clash have pitched Christians and Muslims against each other. The conflict has had devastating effects on inter-group relationships especially in NasarawaEgor in Nasarawa State, Agatu L.G.A of Benue State and recently in Iseyin of Oyo State. Apart from the loss of lives, farmlands, food produce and property, it has profound influence on community relationship and national development, leading to new trends in the polarization of communities. This is evident in a physical manifestation of mono religious areas in Nasarawa and Benue States, with Christians and Muslims living in dominant religious clusters¹³.

Some herdsmen attacks have criminal bearings whenever they occur. This is a new trend in herdsmen violence across Nigeria wherein criminal reports of kidnapping, rape, extortion, and theft have become activities associated with herdsmen attacks within the country. These criminal attacks have oftentimes resulted in the death of many Nigerians to which while debunking the assertion that herdsmen were terrorists, the Nigerian Minister for Information, Alhaji Lai

Mohammed argued that “rather than terrorism, herdsmen were criminals because their activities suggest criminality”¹⁴. This position was reiterated by the Special Adviser to the President on Media and Publicity, Gerba Shehu who stated in an interview on Channels TV that “Fulani herdsmen were criminals and not terrorists”¹⁵. Put aptly by the Governor of Kebbi state, H. E. Abubakar Atiku Bagudu, “not all Fulani herdsmen are criminals...Many are legitimate and peaceful herders, while some few are criminals. There seem to be a consensus among government officials that rather than terrorists, herdsmen are criminals.

So also, are some elements within the bunch of criminals by virtue of their engagement in criminal activities, give reasons for this criminal tag “Pastoralists (Herdsmen) engage in the raping of women, abduction and killing of farmers; and they have taken to Kidnapping and arm robbery activities on highway”¹⁶. The Nigerian Voice 2nd July 2018 report pointed out that “Herdsmen attacks have resulted in the death of about 160 travelers and other road users in Nigeria”, while their attack in Lagelu area of Oyo state resulted in the theft of 500,000 cash¹⁷. In reaction to the criminal activities of Herdsmen in Nigeria, the national secretary of Miyelti Allah Cattle Breeders Association of Nigeria (MACBAN) did state in an interview on Channels TV that herdsmen who made use of lethal weapons such as guns to attack and kill farmers are criminals are not members of MACBAN. In his words:

*I lead an Association which looks after the lives of “legitimate pastoralist”. As far as we are concerned, whoever handles a dangerous weapon is never and will never be “our member” and we consider him to be “a criminal”*¹⁸

The above statement by the national secretary of the largest umbrella body of herdsmen in Nigeria did reveal three important factors. That for one, there exist illegitimate pastoralists in Nigeria. Secondly those illegitimate herdsmen are not members of MACBAN (because to him, the association embodies only legitimate herders). And thirdly, those illegitimate herders are

criminals by virtue of their gun wielding criminal activities. It must be categorically stated that members of MACBAN, the acclaimed legitimate umbrella body of herdsmen oftentimes engage in violent attacks. The above is proven by the statement of the chairman of the association -north central zone of Nigeria, Danladi Ciroma who in defense of a suspected herdsmen attack in Plateau did state that “those violent attacks are retaliatory...those who carried out these attacks must be on revenge mission because some cows were rustled”¹⁹. The simple interpretation of the above statement is that ‘legitimate’ MACBAN herders do engage in violent (retaliatory) attacks.

With regards to lay of claims to violence and criminality, on the 28th of June 2018, Mallam Mohammed Hussein, Chairman of Nassarawa state branch of MACBAN accused Operation Whirl Stroke (OPSL) of extra-judicial killings of some member herdsmen and hundreds of cattle. But reacting to the above claim, the Nigerian Army director of information, Brigadier General John Agim countered the above by stating that:

On the 26th of June 2018, (i.e. 2 days before the accusation) some armed militia Herdsmen attacked and killed two soldiers after a cordon and search operation at a suspected Herdsmen militia camp at Bakinkota village, Keana LGA, Nassarawa..... OPWS troop’s recovered 1 AK47 rifle fitted with magazine, 2 locally made gun, 1 pistol, 1 axe and 800 rounds of 7.62 mm special. This was a criminal group that our team was able to destroy their camp. For the chairman of MACBAN, Nassarawa to identify and associate them as members begs for questions that demand answers ²⁰.

From the above evidence several conclusions can be deduced. For one, MACBAN did lay claim to the military labeled criminals as being members of the association. That the accused individuals found with guns and other deadly weapons were indeed herders, criminals and members of MACBAN as claimed. Evidently, some herdsmen are criminals by virtue of their activities of rape, kidnapping, robbery and theft. Their criminally oriented attacks have resulted in the deaths and loss of properties of many Nigerians. While it could be that criminal elements

parade themselves as herdsmen in their bid to perpetrate crimes. Bottom-line is that criminality is but a perspective with which Herdsmen attacks in Nigeria could be understood, and it does pose security threats to the citizenry of the country.

The Criminal Justice System of a nation represents a system or structure through which the laws guiding the existence and order of such a society is applied and the rights of the citizens are upheld. Certain characteristics have been associated with Criminal Justice System. They include fairness, justice, equality effectiveness and efficiency ²¹. These characteristics spell out equity, offence-punishment proportionality, constitutionality, public order and safety and integrity among others. Criminal justice implies ascertaining whether or not an accused is guilty of a crime and ensuring that due process is involved in the determination of guilt or innocence and the administration of punishment or compensations as appropriate. Thus, the Criminal Justice System is a social influencing agent that is concerned with orderliness, peace and tranquility in most societies. In influencing others, behaviors can be regulated and managed. However, if the process of influencing others is, in any form, tainted, then such influence may become either negative, difficult to achieve and, or, may be met with outright rebellion and disregard. Persuading, exerting influence and ensuring compliance, the agents of influence must be credible ²².

A criminal justice system is a system made up of different agents charged with the responsibilities of investigating and prosecuting criminal cases and the correction and rehabilitation of those found guilty of opposing the laws. Evaluation of the effectiveness of the Nigeria Criminal Justice System is an issue that apparently requires attention; given the seemingly unchecked lawlessness that pervades the nation, the phenomenon and increased rate of recidivism in Nigeria, as in many other societies, give the general opinion and perception of

justice as a mirage. Nigeria criminal justice system ought to connote an orderly system within which rights of the citizens are protected and those who err on the side of the law are prosecuted. Thus, it would be an aberration for this same system to be characterized by ineptitude and injustice. Because glaringly, a system whose principal constituents demonstrate utter disregard for the office and purpose for which they are sworn to uphold is an aberration. The management of social order in Nigeria polity poses serious challenges²³. The point of arrest, to investigation, arraignment in court, case hearing, verdict and execution of court verdict, the Nigeria Criminal Justice System is tainted.

Thus, Nigeria seems to continue to struggle with upholding its laws amid myriad criminality that seem beyond the power of the Criminal Justice System to solve. The principal actors in the Nigeria Criminal Justice System charged with the responsibility of maintaining one aspect of the law or the other including: the Economic and Financial Crime Commission (EFCC), the Federal Road Safety Commission (FRSC), the Police, the judges, the prisons and so on are often said to be enmeshed in ineptitude, corruption, and injustice. However, this study focuses on the criminalities of fulani herdsman and farmers clashes and its implications on criminal justices system in Nigeria.

1.2 Statement of the Problem

A lot of scholars have written extensively on farmers and herdsman clashes, so it is not new on academic. But the researchers have mostly focused on the clashes and the effects on the economy, development and the security of lives and properties. Scanty research has focused on the response and the impact on the community. How they have reacted, responded and what actions had been taken and what does it portend to the Nigeria criminal justice system, have been largely neglected. As example; there has been no high level of court pronouncement, no

constitutional amendment has been put in place, no severe court penalties on Fulani herdsmen that perpetrate these evil behavior. All these and many more steps are yet to be taken.

Take for instance; Nigeria is seriously threatened by Fulani herdsmen and farmers clashes. The frequent occurrence of Fulani herdsmen and farmers' clashes in Nigeria has left adverse effects on food and socio-economic development of the people and this has posed a serious obstacle to a successful national security²⁴. Fulani herdsmen and farmers has become a major threat to the national security and development due to the fact that, its increase operation has caused diversion and removed government attention on some key areas of the economy, as huge amount of human and material resources are channeled into curbing the menace.

This clash in Nigeria, like other parts of the world, have created a rift in human relations, caused serious threat to peace, unity and food security among many other effects²⁵. Violence leaves us with various forms of retardation and underdevelopment resulting from the destruction of lives, farmland and property. The menaces of violent crisis have been on the increase in some most Nigerian cities in the last two decades²⁶. Most of these crises are generally regarded as ethno-religious bigotry and antagonism.

The crises in most part of Nigeria especially the Fulani herdsmen and farmers' clash are largely uncalled for²⁷. Farmers can no longer farm peacefully because of Fulani herdsmen. These Fulani herdsmen and farmers' clashes have pitched Christians and Muslims against each other. The clash has had devastating effects on intergroup relationships especially in Iseyin Local Government Area of Oyo State. Apart from the loss of lives, farmlands, food produce and property, it has profound influence on residential relationships, leading to new trends in the polarization of communities.

The trends in Fulani's herdsman and farmers clashes have both social and economic effects which this study will try to do justice to²⁸. The social effects includes among others sexual harassment of women, acquisition of weapons/arms, reduction in quality of social relationship, reduction of social support, loss of human life, high cases of rape in the attacked community. And the economic effects are: loss of produce in storage, displacement of farmers, reduction in output and income of farmers/nomads, scarcity of agricultural products, Loss of houses/properties and infrastructural damages.

Also, in the work "effects of pastoralists imperialism on the economic development of Kogi state and the apathy of political elites in the state", explores the aspect of historical antecedent of the Fulani group imperialism in Western and Central Sudanese state now West Africa, the repeat of the saga in recent times on agrarian communities and the political elites' action and inactions implication on the state²⁹. This research asserts the historical antecedents and how Fulani group kept on emerging from state to state in Nigeria.

From the above, the researcher is of the opinion that, there are limited research to the criminality and injustice aspect of the fulani clashes and if the Fulani's herdsman and farmer's clashes continues, it will be as a result of the negligence of the criminal justices system of the nations. It will also pose a threat to the development of individuals, family, communities and the nation generally. Having seen all this, the study is set to critically review the criminalities of Fulani herdsman and farmers' clashes in Iseyin Local government Area of Oyo State and its implications on criminal justices system in Nigeria.

1.3 Aim and Objectives of the study

The aim of this study is to critically investigate the implications of Fulani herdsmen and farmers clashes in Nigeria; A case study of Iseyin community. To achieve our aim our specific objectives includes to;

1. Examine the causes of Fulani herdsmen attack and farmers crisis;
2. Ascertain the level of fear of local people on issues relating to Fulani herdsmen and farmers clashes in the area;
3. Examine the level of crime as a result of Fulani herdsmen and farmers clashes
4. Evaluate the effect of Fulani herdsmen and farmers clashes on Iseyin community.

1.4 Research Questions

The following research questions will guide this study;

1. What are the causes of Fulani herdsmen and farmers clashes in Iseyin?
2. What is the level of fear of local people on issues relating to Fulani herdsmen and farmers clashes in the area?
3. What is the level of crime as a result of Fulani herdsmen and farmers clashes?
4. What are the effects of Fulani herdsmen and farmers clashes on Iseyin Community?

1.5 Research Hypotheses

For the purpose of this study, the following hypotheses were formulated

1. There is significant influence of language communication barriers on incessant classes of herders and farmers in Iseyin;
2. There is a significant relationship between the level of fear of Iseyin people and Fulani herders clashes in the area;
3. There is commission of crime among herders and farmers in Iseyin.

4. There are adverse effects of Fulani herdsmen and farmers clashes in Iseyin.

1.6 Rationale of the Hypotheses

The frequent attack and killings which can be attributed to be a criminal act carried out by the Fulani herdsmen and farmers are not seen as criminal offenses which are against the law of the nation. It's so sad to see this act of criminality performed over the years and still ongoing simply because the act is not seen as an offence to law and to humanity. This has posed an urgent need to carry out this research and to further test the above formulated hypotheses to clarify and justify if these clashes and criminality has an implication on Iseyin Community.

1.7 Operationalization of Variables

This study comprises two variables: the independent variable (Farmers- Herders clashes) and dependent (Iseyin Community) In line with the work³⁰. The independent variable which is Fulani Herdsmen and Farmer clashes will be measured using four constructs: providing relevant information, consulting with the supervisor and colleagues, providing alternative ideas to the supervisor about the problem being faced, discussing recent clashes of Fulani herdsmen and farmers. The dependent variable is the Iseyin community and will be measured using three components: law enforcement agencies, courts and accompanying prosecution and defense lawyers and agencies for detaining and supervising offenders, such as prisons and probation agencies. The two key variables in this study will be operationalized in a model.

1.8 Significance of the Study

This research will fulfill an academic requirement. Nevertheless, it is hoped that it would go a long way to encourage more meaningful developmental efforts on issues relating to the effects of Fulani herdsmen and farmers clashes on criminal justices system in Nigeria. This study is not intend to break an entire new ground, rather, it is undertaken on the premise that it will add

to the existing literature in the area of the study (Iseyin, Oyo State). This work is also expected to guide government, geographers, educationists, scientists, planners, engineers, architects, environmentalists, and all those whose livelihood are affected to gain understanding of how Fulani herdsmen and farmers clashes have affected the community.

This research will provide useful details to concerned stakeholders and government at all levels on how to resolve the conflict, pacify the aggrieved parties and sow preventive seeds of it future occurrence as contained the recommendations. In addition, this research will practically provide valuable details to policy makers and existing constituted authorities faced with the challenge of conflict resolution and management in Nigeria. Finally, it will practically provide useful background information to future research in the contribution of geography education towards nation building.

1.9 Scope of the Study

The scope of the study is majorly based on the clashes between farmers and herdsmen, spate of destruction, level of destruction and also the implication of their clashes on Iseyin community. The study will be carried out in the district/towns in Iseyin local government area; Ado Awaye, Iseyin, Osogun, Igboho, Iwere-Ile, and part of Igbeti town.

1.10 Location and Size

Iseyin lies approximately on latitude $07^{\circ} 58^1$ North of the equator and on longitude $03^{\circ} 36^1$ east of Oyo state. Iseyin is a city located in the Nigerian state of Oyo. It is approximately 100 kilometers north of Ibadan. The city was estimated to have a population of 236,000, per a United Nations 2005 estimate, which increased to 302,990 in 2011. (*National Population Commission of Nigeria*). Iseyin is centrally located and accessible via road networks from Ibadan, Oyo, Abeokuta, and Ogbomosho. There are expanses of land which can be used for industrial,

agricultural and institutional purposes in and around the city. The title of the monarch of Iseyin is “The Aseyin of Iseyin”.

Economic Activities

Tobacco is grown in Iseyin, amongst other food and cash crops³¹. It is as a result of this that a big tobacco company- British American Tobacco-has a “leave office” in the city. Iseyin is part of the Oke-Ogun towns referred to as the ‘food Basket’ of Nigeria. Because of sustainable annual rainfall in the area, the major agricultural activities are farming, hunting, fishing, and food processing, among others. Iseyin produces virtually all farm products such as yam, maize, cassava, plantain among many others.

1.11 Operational Definition of Terms

Fulani: A member of a people living in a region of West Africa. They are traditionally nomadic cattle herders of Muslim faith

Herdsmen: This is defined as the owner or keeper of herd of domesticated animals.

Fulani Herdsmen: These are nomadic or semi-nomadic Fulani people whose primary occupation is raising livestock

Farmer: This is a person who owns or manages a farm land.

Clash: This means violent confrontation, to meet and come into violent conflict.

Crime: This is an action or omission which constitutes an offence and is punishable by law.

Criminality: It is defined as a behavior that is contrary to or forbidden by criminal law

Criminal Justice System: This is the system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.

Implication: This is a conclusion that can be drawn from situations or happenings although it is not explicitly stated.

1.1 Historical background of the unit analysis

Iseyin is a city located in the Nigerian state of Oyo. It is approximately 100 kilometers north of Ibadan. The city is estimated to have a population of 236,000. This was jumped to 302,990 in 2011 (National population commission of Nigeria (web)). The primary industry of the area is cotton-based textiles. Iseyin is the fourth largest city in Oyo, after Ibadan, Ogbomoso and Oyo. Iseyin is also known as the home of asooke. AsoOke or Ofi is a popular traditional fabric mostly used for ceremonies amongst the Yoruba people of Nigeria.

Tobacco is grown in Iseyin, amongst other food and cash crops, it is as a result of this that a big tobacco company-British American Tobacco-has a “leave office” in the city. Friesland Campina (Wamco) also has a milk processing center in the city.

Ikere Gorge dam is located in the city, it was said to be the second largest dam when it was developed alongside Kanji dam, during President Obasanjo’s regime (Military). Iseyin has technical College and the Oyo state Nysc (National Youth Service Corps) permanent orientation camp is also cited in the city. There are expanses of land which can be used for industrial, agricultural and institutional purposes in and around the city. Iseyin is centrally located and accessible via road networks from Ibadan, Oyo, Abeokuta, and Ogbomoso. The local government is located along Saki road, Oluwole, Iseyin. The title of the monarch of Iseyin is “The Aseyin of Iseyin”

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Chapter Two

Literature Review and Theoretical Framework

2.1.0 Conceptual Review

The concept of glamorization implies that crime and violent activities which Fulani herdsmen are involved across the country are portrayed or looked upon as glamorous (good, acceptable, not condemnable, and applauded) by government, hence the impunity, intensity and pattern in which they are executed without any check. The study is concerned that it is government in-action on these activities that have caused the spread that has created serious security concerns locally and internationally. It is also government's inability to handle the issue head long that has made the public believe the criminals have the support of government thereby escalating the crisis.

The concept of crime has a general interpretation and acceptance. This is because the concept must be defined by the public (state) as an act against the state. It must be proscribed as a crime and must have punishment attached to its violation^{1,2}. The acts which Fulani herdsmen have been involved violate all extant Nigerian laws and naturally justice demands that they should be brought to book, ironically they are left untouched. So in justice, some person's crime can be over looked while their victims are brought to justice for just being victims of criminal violations.

This has raised a lot of theoretical and logical interpretations as to the place and positions of ethnic groups in Nigeria. It has also buttressed the issue of ethnic agitation for secession as marginalization; ethnic cleansing and religious superiority seem to play out without any disguise.

Violent crime here is heralded, celebrated and whitewashed as something normal and condoned because it is committed by a particular group against another group. In this kind of glorification of criminality, we must be careful because no particular group has the monopoly of violence. More so, “The balance of power is a major antidote to the abuse of power, and the balance should not tilt in favor of any group”³. There is every tendency by government imputation that criminal activities committed by Fulani people cannot be questioned by any extant law in Nigeria. There is a kind of assumed posture of supremacy of the Fulani ethnic group above the constitution and laws of the land. Based on this, people are forcefully ordered to relinquish their rights to their land inheritance for Fulani cows to graze after spilling their bloods. While this may look like a dream, the reality is right before us, but only time will tell.

2.1.1 The Fulani People of Nigeria: A Brief History

According to historical accounts, the Fulani people constitute a distinct ethnic group in Nigeria and are found in several other African countries, including The Gambia, Mali, Sierra Leone, Benin, Burkina Faso, Cameroon, Côte d'Ivoire (Ivory Coast), Niger, Togo, the Central African Republic, Ghana, Liberia, and The Sudan. In general, they are minorities in the countries they are found. In terms of language, they speak Fule. It should be noted that the popular name Fulani is a corruption of the local name of the people which is ‘Fula’ (also spelt Foulah or Fulah). Etymologically, the name Fulani was partly borrowed from Hausa language and from Mandingo language.

In modern times the Fulani people may be categorized into two groups, namely, (1) the nomadic/cattle-rearing Fulanis (the Bororoje); and (2) the sedentary/urbanized Fulanis (the Gida). Of these two groups, however, the nomadic/cattle rearing or mobile Fulani are closer to the

traditional way of life of the Fulani people than the sedentary Fulani who now dwell in cities and engage more in agriculture, trade and politics than in the traditional Fulani nomadic lifestyle.

There are different versions of the origin of the Fulani people and this seems to vary from country to country where they are found. The Fulani people first entered Hausa-land in present day Nigeria in the 15th century and settled in established Hausa city-states such as Kano, Katsina and Zaria; some of them as Islamic clerics. This continued in the 16th and 17th centuries with new arrivals that settled and intermingled with local Hausa people. Through the process of time, most of the nomads became acculturated and increasingly sedentary.

The urban culture of the Hausa was attractive to many Fulani. These Town or Settled Fulani became clerics, teachers, settlers, and judges—and in many other ways filled elite positions within the Hausa states. Soon they adopted the Hausa language, many forgetting their own Fulfulde language. Although Hausa customs exerted an influence on the Town Fulani, they did not lose touch with the Cattle or Bush Fulani.

It should be noted that this development was to lay foundation for future spread and political domination of the Fulani people in Nigeria. It should also be noted that about 99% of Fulani people are Muslims. In fact, it can be said that a cultural or religious identity of Fulani people is Islam. As time proceeded in the 18th and 19th centuries, the Fulani people began to resent being ruled by their host Kings who were regarded as infidels (imperfect Muslims). In 1804, that resentment snowballed into jihad (religious or so-called holy war) launched and led by a Fulani cleric, Usman Dan Fodio, to overthrow the Hausa Kings. The jihad was successful, as most Hausa states were conquered and a new powerful state called Sokoto Caliphate established.

To this day the Caliphate exists as the centre of Islamic leadership in Nigeria under an Emir/Caliph. Anter rightly notes that the ties between the nomadic/cattle rearing Fulani (also called pastoral Fulani) and the sedentary/urban Fulani became helpful during the 19th century jihad when the latter joined the jihad. In his words, 'they tied their grievances to those of their pastoral relatives. The cattle Fulani resented what they considered to be an unfair cattle tax, one levied by imperfect Muslims'.

In contemporary times, the Fulani people resent and oppose the anti-grazing laws enacted in Benue State, Taraba State, Plateau State, and some other States in Nigeria to check the frequent clashes between farmers and Fulani herdsmen. As the International Crisis Group (ICG) argues, some of the attacks and mass killings in recent years are traceable to this resentment.

In the political arena, the Fulani people of Nigeria occupy high political offices since the time of their victory in the 19th century jihad. Before the formation of Nigeria, the Caliph of the Sokoto Caliphate was the highest religious and political leader of the Hausa/Fulani Kingdoms. This pre-eminent leadership position continued after the formation of Nigeria and up to the present day, with Fulani people occupying the highest political office of the land and several other high-ranking political offices. Specifically, at independence on 1 October 1960 Alhaji Tafawa Balewa (a Fulani man) became the first Prime Minister of Nigeria and served till 15 January 1966 when he was killed in a military coup. In more recent years, it is noteworthy that President Umaru Musa Yar'Adua (2007-2010) was a Fulani man, and the sitting President of Nigeria, Mohammad Buhari, is also a Fulani man.

To conclude, there are indications to suggest that there is an alliance between the nomadic/cattle rearing Fulanis (herdsmen) and the urban/sedentary Fulanis who control the coercive force of government in the ongoing recurrent killings by the herdsmen. Firstly,

President Buhari (urban/sedentary Fulani man) owns cattle which are herded by the herdsmen and he is a patron of *Miyetti Allah* (an association of Fulani herdsmen). Secondly, President Buhari is manifestly unwilling to take any decisive security action against the impunity, massive and recurrent killings of innocent Nigerians perpetrated by Fulani herdsmen. Thirdly, he is unwilling to declare Fulani herdsmen as a terrorist group and rejects any suggestion that Fulani herdsmen attacks are a continuation of the Fulani 19th century jihad. Notably, apart from President Buhari's support, similar support for the Fulani herdsmen abound among other urban/sedentary Fulani people in high political positions and other high offices in Nigeria. Finally, the alliance can also be seen in the fact that the Fulani herdsmen are known to use sophisticated weapons— such as AK47 assault rifles and other weapons of violence and mass destruction—in the various attacks, which they cannot possibly acquire personally given their lack of education and nomadic lifestyle except someone (most likely their sedentary Fulani brothers) helped them to acquire and trained them on the use.

Importantly, notwithstanding denials by President Buhari, the Sultan of Sokoto, and some other Muslims historical statement by a Fulani man – Alhaji Ahmadu Bello, who was the Sarduana of Sokoto and Premier of the Northern Region of Nigeria –coupled with recent declarations of the leadership of *Miyetti Allah* as noted above, arguably supports the proposition that the Fulani herdsmen are currently engaged in jihad. In the 1962 historical statement, Ahmadu Bello said: ‘When the time comes I will mobilize the people of the region [Northern Nigeria/Muslims/Fulani people] so that they can play their full part in this all-important task which might be likened to a jihad... A jihad is war waged for some sacred interest to protect the faith, life, property, liberty and self-respect [interest]’. Having regards to recurrent mass killings by Fulani herdsmen and the tacit support of President Buhari and other influential and powerful

Fulani people, it may be that for the Fulani successors of Ahmadu Bello the time may have come to mobilize Fulani herdsmen and other Muslims for jihad. In any case, having regards to the foregoing background one needs to consider the possible legal implications of recurrent mass killings in Nigeria by Fulani herdsmen.

2.1.2 Land Tenure / Land Act in Nigeria

Before the advent of the British colonizing Nigeria, the land tenure system was different across the country. Meek⁴ opined that apart from the land system in the Lagos colony where an English freehold system was established following its annexation in 1861, alongside was the use of the customary land law system in rural areas. According to Mabogunje⁵, the freehold system was evident in northern Nigeria where land was placed under the Governor by the colonial administration. On this note, in the 19th century, the Maliki law that operated under the Fulani in Hausa, land confers on the conquerors of the land, all the rights to the area conquered. There are no title deeds on the land occupied by virtue of conquest, and no legal requirement for consent from the Governor, as such land use was valid for the occupants who own the land by virtue of conquest or original ownership as first settlers. According to the Land Use Act of 1978, the ordinance of 1910 allows the Governor to administer and hold the land for the benefit of this people via a trusteeship. Any native or native community lawfully using and occupying land following native law and custom enjoys a full right of occupancy with the protection of the Ordinance of 1910, and no rent is paid in respect of such rights. Mabogunje⁶ further reiterated that in the case of all other persons, no title is valid which has not been conferred by the Governor, who happens to be empowered to grant rights of occupancy for fixed or unfixed terms, to impose conditions and to charge a rent.

Mabogunje⁷ mentions that in the South, land was owned by lineages or extended families, individuals or persons have only right of use on such family land. The only land held at the Governor's behest was that which had been expressly acquired for public purposes as crown land.

Having seen the huge contrast between land tenure systems in Northern Nigeria and Southern Nigeria and of course not forgetting the harrowing experience in getting land for public use more especially in southern Nigeria, in a bid to address this contrast the military government in 1978 sought to bring about the nationalization of land through the Land Use Decree.

Mabogunje⁸ listed seven factors that guided the Land Use Decree of 1978, listed below are the seven factors;

1. All land situated in the territory of each state in the country is vested in the Governor of the state. For southern Nigeria in particular, this means state appropriation of land from families and communities without any compensation except for economic crops and other betterment on the land.
2. All land control and management, including land allocation in urban areas come under the Governor of each state while land located in rural areas becomes the responsibility of the various local governments. Only the Governor can declare parts of the state territory governed by him as an urban area by an order published in the state gazette;
3. All land in urban areas is to be administered by a body known as the Land Use and Allocation Committee which has the responsibility of advising the Governor on the management of urban land; similarly, a Land Allocation Advisory Committee is provided to advise local governments in like manner;

4. All land which has already been developed remained the possession of the person in whom it was vested before the Act became effective;

5. The Governor is empowered to grant statutory certificate of occupancy (C of O) which would be for a definite term to any person for all purposes and rights of access to land under his control;

6. The maximum area of undeveloped land that any person could hold in any one urban area in a state is one half of a hectare; in the rural areas this must not exceed 500 hectares except with the permission of the Governor;

7. The consent of the Governor must be secured for the transfer of a statutory right of occupancy through either mortgage or assignment. The consent of the Local government or that of the Governor in appropriate cases must also be obtained for the transfer of customary right of occupancy. To ensure the validity of this decree it was enshrined as an integral part of the 1979 constitution and later in the 1999 constitution.

Mabogunje⁹ argues that, the Decree to a very large extent has made it easy for Governments to acquire land for public purposes, drastically minimizing the burden of land compensation and considerably reduced court litigations over land, it has, since its inception over two decades, created a new wave of serious problems for land management in the country. Nine of these are indicated below^{10, 11}:

i) The Decree, as it stands, represents an abrogation of the right of ownership of land hitherto enjoyed by Nigerians, at least in the southern half of the country, and its nationalization by government is inconsistent with democratic practices and the operations of a free market economic system;

ii) Many State Governments failed to establish the Land Use and Allocation Committee in their states for many years. This has hampered the steady and continuous delivery of land for building purposes;

iii) Many Governors do not give the urgent attention needed to their responsibility of granting consent for land assignments or mortgaging, thereby impeding the development of an efficient land market and housing finance institutions in the country;

iv) Equally serious is the attempt by some Governors to use the provision requiring their consent for assignments or mortgaging as a means of raising revenue for their States through imposing heavy charges for granting such consent, thereby again obstructing the development of an efficient land market and housing finance institutions in the country;

v) At least in the case of one State, the attempt of the Governor to declare all land in his state as urban land gave rise to considerable absurdities in the operation of the land market;

vi) The inconveniences and delays in securing Statutory Certificates of Occupancy have induced many land transactions among Nigerians to move to the informal market or be falsely dated as having been concluded before March 28, 1978, the operative date for the Land Use Decree;

vii) The exclusion by the Decree of the rights of families or individuals to develop private lay-outs has led to the emergence of a disjointed, uncoordinated and incoherent system of physical planning in Nigerian cities and a declining rate of housing provision in the country;

viii) The power of Governors and the Local Governments to revoke any right of occupancy over land "for overriding public interest" has been used arbitrarily in the past and helps to underscore the fragility of the rights conferred by the Certificate;

ix) In consequence of the above, there is increasing reluctance by both the Courts and the banks to accept the Statutory Certificate of Occupancy neither as conclusive evidence of the title of the holder to the land nor as adequate security in an application for loan.

Taking a cue from the foregoing, the plethora of defects embedded in the Land Use Decree of 1978 has become one of the major factors inducing Farmer-Herders conflict in Nigeria, a situation that has been brought about by the out-dated statutory provisions of the Land Use Act and the cattle-owners lack of understanding of land possession from a legal perspective

2.1.3 Measuring the Performance of the Nigeria's Criminal Justice System

Share of Conversation

The perception about the criminal justice system in Nigeria is overwhelmingly negative. Amnesty International tagged the criminal justice system in Nigeria a “conveyor belt of injustice, from beginning to end”¹². A senior Advocate of Nigeria, Chief Bolaji Ayorinde referred to the system as “dysfunctional, outdated and absolutely not fit for purpose”. The former Speaker of Nigeria's House of representative once stated that “our criminal procedure has remained largely old and unresponsive to the quick dispensation of justice”. Alhaji Abdullahi Yola, The Solicitor General of the federation and permanent secretary at the ministry of Justice, also stated that the Nigerian criminal justice system lacks the necessary policies and legislation that facilitates fair trial of suspects.

Timing and Relevance

Utilizing timing and relevance as another index of measurement reveals that the system's critical components are out of sync and underperforming. Four out of the five major legislative pieces that collectively regulate criminal justice in Nigeria- the Penal Code, the Criminal Code, the Criminal Procedure Act and the Evidence Act are all substantially relics of colonial

legislations and culture and all amendments have failed to effect a Nigerian-specific agenda on criminal Legislation. The same can be said of the Police Act 1943, which was reenacted by a decree in 1967. The Judiciary in terms of speed and quality of Justice does not fare better, as it takes an average of 5.9 years for a contested case to move from filing to delivery of justice¹³. The Prisons are nothing but overwhelmed human warehouses, the actual capacity of the Nigerian prisons is about 50,153 but the prison currently holds 57,121 inmates. 39,577 (69%) of the total prison inmates are awaiting trial inmates (Nigerian Prison Service, 2014).

2.1.4 The Nigerian Criminal Justice Policy

The design of each country's criminal justice system should reflect its social and cultural orientation as criminal justice as an instrument of social control must be situated within the cultural milieu within which it operates. An effective criminal justice policy regime requires every society to create its own institutions of social control, which reflects popular societal mores and values. Criminal law legislation should holistically mirror government's policies as it relate to the control of conducts that threaten law and order in a territory. However, there is no policy document articulating comprehensively the end of criminal justice system in Nigeria¹⁴. Criminal legislation is the most important component of the criminal justice system because it defines rights, duties, obligations and relationships with other components. The basic law dealing with crime in Nigeria is the Criminal Code, which is applicable southern states and the Penal Code, which operates in the Northern states. These pieces of legislation were originally enacted in 1902 and 1960 respectively and are more reflective of British colonial interests than current Nigerian social needs. They are not products of public policy processes targeted by the Nigerian government at defined social problems within Nigeria's current social milieu. Continuous changes in the social interactions and configuration demands a progressive review of criminal

legislations. Basing a criminal justice system on an outdated criminal code that has limited alternatives to imprisonment, in an age of non-custodian sentencing, indeterminate sentencing systems and Community supervision is certainly one of the reasons for Nigeria's dysfunctional criminal justice system. However, sixteen years of democratic governance has not produced a fundamental change in the criminal justice system regime in Nigeria, only Lagos State out of the 36 States in Nigeria has comprehensively reformed its criminal justice legislations. The following six critical criminal justice system bills are pending before the federal legislature in Nigeria: Administration of Justice Commission Bill, Police Act Amendment Bill, Community Service Bill, Victims of Crime Remedies Bill, Prisons Act Amendment Bill and The Elimination of Violence in Society. The social framework of our criminal legislations is foreign and outdated; it is therefore safe to state that Nigeria has no comprehensive criminal justice policy, engendered by contemporary social demands.

2.1.5 Some Recent Incidents of Mass Killings by Fulani Herdsmen: 2013-2018

Isolated incidents of mass killings by Boko Haram are still occurring in Nigeria, especially in the north-eastern states of Nigeria. However, as already noted, the most worrisome, nation-wide and recurrent source of mass killings in Nigeria in recent years is the violent campaign of armed/militant Fulani herdsmen. This point was well-made by Gadzama, a former Director-General of State Security Service, thus:

Attacks by herdsmen without doubt have become the most potent threat to national security in the last couple of years. What makes the attacks by herdsmen very disturbing are, the frequency, the level of destruction and sheer brutality. The development in almost all cases is characterized by high casualty rate and massive displacement of communities. One can say with certainty that never has

the country experienced this level of destruction and social dislocation. What however is so disturbing with the development is how the attacks in almost all cases took place under the eyes of security agencies.

Similarly, in a report published on 26 July 2018 the International Crisis Group (ICG) notes that the Fulani herdsmen have killed more people in recent times than Boko Haram. In its words:

The conflict between herders and farmers in Nigeria, centred in the Middle Belt [also known as north central states, consisting of Benue, Kwara, Kogi, Niger, Nasarawa, and Plateau States and the Federal Capital Territory Abuja] but spreading southward has escalated sharply. Since September 2017, at least 1,500 people have been killed, over 1,300 of them from January to June 2018, roughly six times the number of civilians killed by Boko Haram over the same period. The first half of 2018 has seen more than 100 incidents of violence and more fatalities than any previous six-month period since the conflict started worsening in 2014. The surge of violence is concentrated in Plateau, Benue and Nasarawa states in the North Central geopolitical zone and in the adjoining Adamawa and Taraba States in the North-East zone. [In the North-West zone, Zamfara State is also a major victim of the violence].

For purposes of this study, it is sufficient to outline some incidents and criminality offences of mass killing perpetrated by the Fulani herdsmen in order to illustrate the gory picture of the problem. Noteworthy, the killings are mostly targeted at people of non-Fulani ethnic group

and Christians. The Figure below contains selected incidents of mass killings between 2013 and 2018:

Figure 1: Statistics of Mass Killings and Destructions in Nigeria by Fulani Herdsmen: 2013-2018

1. 23 April 2013

10 farmers were killed in an attack on Mbasenge community in Guma local government area of Benue State by Fulani herdsmen.

2. 14 May 2013 Over 200 herdsmen surrounded Ekwo-Okpanchenyi, Agatu LGA of Benue State and killed 40 indigenes.

3. 5 July 2013

20 people were killed in a clash between Tiv farmers and Fulani herdsmen at Nzorov, Guma local government area of Benue state.

4. 6 July 2013

Fulani herdsmen invade 2 villages in Agatu local government area of Benue State and killed 8 villagers. They claimed this to be in retaliation for the killing of 112 cows.

5. 20 January 2014

Fulani herdsmen attacked Agatu local government area of Benue State and killed 5 soldiers on duty and other 7 persons.

6. 20-21 February 2014

In a two-day onslaught, Fulani herdsmen attacked Gwer West local government area of Benue State; killed 35 persons, displaced 80,000 persons who became internally displaced persons (IDP), and sacked 6 Council Wards.

7. 12 March 2014

Fulani herdsmen raided Ukpam village of Mbabaai in Guma local government area of Benue State; killed 28 persons and burnt farms and yam barns.

8. 23 March 2014

In Gbajimba, Guma local government area of Benue State, Fulani herdsmen killed 25 persons and injured over 50, using sophisticated weapons.

9. 29 March 2014

Fulani herdsmen attacked 4 villages in Agatu local government area of Benue State; killed 19 persons and abducted 15 others.

10. 27 January 2015

17 persons killed in attacks by Fulani herdsmen on Abugbe, Okoklo, Ogwule and Ocholoyan in Agatu local government area of Benue State.

11. 30 January 2015

Over 100 attackers stormed 5 villages in Logo local government area of Benue State, killing 9 persons in the attack.

12. 15 March 2015

Egba village in Agatu local government area of Benue State was sacked by herdsmen and over 90 local people, including women and children, were killed.

13. 27 April 2015

28 persons were killed by Fulani herdsmen in attack on 3 villages at Mbadwem, Guma local government area of Benue State; additionally, houses and farmlands were razed.

14. 11 May 2015

Ikyoawen community in Turan Kwande local government area of Benue State invaded by Fulani herdsmen; 5 persons were killed and 8 others wounded.

15. 14 May 2015

100 persons were killed in an attack by Fulani herdsmen in villages and refugee camps at Ukura, Gafa, Per and Tse-Gusa, Logo local government area of Benue State.

16. 7 July 2015

1 person was killed and several others injured following an attack on mourners in Imande Bebeshi in Kwande local government area of Benue State.

17. 5 November 2015

12 persons were killed and 25 others injured in Buruku local government area of Benue State following an attack by Fulani herdsmen.

18. 8 February 2016

10 persons were killed and over 300 persons displaced in clash between herdsmen and farmers at Tor-Anyiin and Tor-Ataan in Buruku local government area of Benue State.

19. 21-24 February 2016

Over 500 locals were killed and 7000 displaced in an attack on Agatu local government area of Benue State by Fulani herdsmen. Moreover, over 7 villages were razed during the attack.

20. 29 February 2016

11 persons were killed in Edugbeho Agatu local government area of Benue State, including a police inspector.

21. 5 March 2016

Houses burnt in Agatu local government area of Benue State.

22. 9 March 2016

8 residents killed by Fulani herdsmen in attacks on Ngorukgan, Tse Chia, Deghkia and Nhumbe in Logo local government area of Benue State.

23. 10 March 2016

Two persons were killed in attack on Obagaji Agatu local government area of Benue State.

24. 13 March 2016

6 people were killed by Fulani herdsmen in an attack on Tarka local government area of Benue State.

25. 24 January 2017

15 persons were killed by rampaging Fulani herdsmen, who attacked farmers in Ipiga village in Ohimini local government area of Benue State.

26. 2 March 2017

About 10 persons were killed in a renewed hostility between Fulani herdsmen and farmers in Mbahimin community, Gwer-East local government area of Benue State.

27. 8 May 2017

Three persons were confirmed killed by Fulani herdsmen in Tse-Akaa village, Ugondo Mbamar District of Logo local government area of Benue State.

28. 11 March 2017

7 persons were killed when Fulani herdsmen attacked a Tiv community, Mkgovur village, in Buruku local government area of Benue State.

29. 13 May 2017

Less than one week after many persons were killed by Fulani herdsmen in three communities of Logo local government area of Benue State, armed Fulani herdsmen struck again on 13 May 2017 killing eight more people.

30. 24 December 2017

A farmer identified simply as Atuanya was killed by Fulani herdsmen in Anaku in Ayamelum local government area of Anambra State.

31. 8 March 2018

Armed Fulani herdsmen killed five persons in Miango District of Plateau State and another six in Ganda Village in Bokkos local government area of Plateau State.

32. 12 March 2018

Fulani terrorists killed 25 persons, including three children and two women in Dundu Village of Kwall District in Bassa local government area of Plateau State. An injured girl later died in the hospital. This incident occurred about 7pm on a day several persons who were earlier killed in Bassa local government area of Plateau State were given mass burial.

33. 16 March 2018

5 persons, including a University undergraduate, were killed about 7.30pm by Fulani herdsmen who attacked Ugboha, Esan South-East local government area and Odiguete Ovia North-East

local government area of Edo State. Besides the dead, 12 persons sustained various injuries during the attack.

34. 14-15 April 2018

Suspected Fulani herdsmen killed 32 persons of Tiv ethnic group in various communities in Nasarawa State.

35. 18 April 2018

Fulani herdsmen killed four persons while they were collecting sand for construction at Jebbu-Miango Village, Bassa local government area of Plateau State, but were repelled by troops while they were moving to attack Taraba State on the same day.

36. 2 May 2018

Fifteen persons were killed and four communities completely burnt down by Fulani herdsmen who attacked Numan local government area of Adamawa State.

37. 23 June 2018

Over 150 persons were killed in the night and within 48 hours in about 5 villages of Gashish District of Barkin-Ladi local government area of Plateau State.

38. 9 July 2018

Herdsmen attacked communities in Rabah local government area of Sokoto State, killing over 30 persons.

39. 2 October 2018

At least 14 persons were killed by Fulani herdsmen in the night of Tuesday 2 October 2018 in an attack in Jol village, Rivom local government area of Plateau State.

40. 3 October 2018

19 persons were confirmed killed in yet another fresh attack by Fulani herdsmen on 3 October 2018 in Ariri village of Bassa local government area of Plateau State.

From Figure 1 above, it is clear that Fulani herdsmen had been killing innocent Nigerians since 2013; that is, two years before President Buhari came into office on 29 May 2015. However, at the time President Buhari came into office the major insecurity problem in Nigeria was occasioned by the activities of a terrorist group called Boko Haram. This fact is indisputable, and was recognized in the following extract from the inaugural speech of President Buhari shortly after +

his inauguration on 29 May 2015. Addressing the issue of security challenges at the time, he said:

The most immediate is Boko Haram's insurgency... But we cannot claim to have defeated Boko Haram without rescuing the Chibok girls and all other innocent persons held hostage by insurgents... This government will do all it can to rescue them alive... Boko Haram became a terrifying force taking tens of thousands of lives and capturing several towns and villages covering swathes of Nigerian sovereign territory... For now, the Armed Forces will be fully charged with prosecuting the fight against Boko haram. We shall overhaul the rules of engagement to avoid human rights violations in operations... Boko Haram is not only the security issue bedevilling our country. The spate of kidnappings, armed robberies, herdsmen/farmers clashes, cattle rustlings all help to add to the general air of insecurity in our land. We are going to erect and maintain an efficient, disciplined people-friendly and well-compensated security forces within an over-all security architecture... As ever, I am ready to

listen to grievances of my fellow Nigerians. I extend my hand of fellowship to them so that we can bring peace and build prosperity for our people (emphasis added).

In fact, one of the key electoral promises of President Buhari was ending insecurity in Nigeria. However, few months to the end of his 4-year tenure insecurity in Nigeria is increasing instead of ending. The reality is that Boko Haram insurgency has not ended and Fulani herdsmen attacks have escalated under his watch. The people of Nigeria are currently insecure and have no peace. This leads us to inquire about the Fulani people, especially as this will further help in the legal analysis that follows. Accordingly, the next section will briefly trace the historical origins and disposition of the Fulani people of Nigeria.

2.1.6 Some Legal Implications of Mass Killings by Fulani Herdsmen

From the foregoing incidents of mass killings and destruction of property as well as the brief historical account of the Fulani people, it is clear that some legal issues are intertwined. For purposes of analytical presentation, the issues will be discussed under the following headings: fundamental human right to life and the crime of murder; other criminal offences other than murder (such as assaults, arson, and terrorism); genocide and crimes against humanity; and trespass to land and to the person. For lack of space, these are the only legal issues that will be examined below, and in turn.

Fundamental Human Right to Life and the Crime of Murder

The first legal issue raised by the mass killings perpetrated by the Fulani herdsmen is the violation of right to life. The sanctity of life is guaranteed under section 33(1) of the Constitution of Nigeria 1999 (as amended), which provides: 'Every person has a right to life, and no one shall

be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria’.

Under section 33(2) of the self-same Constitution, killing a person is not considered a deprivation of life in contravention of the substantive provision stated above if a person dies ‘as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary’ in three circumstances. Firstly, if a person was killed ‘for the defence of any person from unlawful violence or for the defence of property’ belonging to the assailant or another. Secondly, if death occurred ‘in order to effect a lawful arrest or to prevent a person from escaping from lawful custody’. And, thirdly, if a person was killed in the course of security operations to ‘suppress a riot, insurrection or mutiny’.

Similar provisions can be found in Article 3 of the Universal Declaration on Human Rights (UDHR) 1948,⁵⁸ Article 6 of the International Covenant on Civil and Political Rights 1966,⁵⁹ and Article 4 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act 1983.⁶⁰ Importantly, the 1983 Act is a domestication of the African Charter on Human and Peoples’ Rights 1981 in Nigeria. More importantly, Nigeria is a State Party to these international/regional instruments and their provisions are binding on the country. In effect, the right to life of a Nigerian citizen as well as those within the territory of Nigeria is derived from multiple sources, including the Nigerian Constitution.

There is no question that the victims of the Fulani herdsmen killings have a right to life under the above legal provisions. However, the critical question is whether the killings were a violation of their right to life. Clearly, the various killings did not occur in any of the circumstances set out under section 33(2)(a), (b) and (c) of the Nigerian Constitution nor can they be justified under the provisions of any of the relevant instruments. However, it would

appear from the first possible reason/ground of the attacks stated above that the Fulani herdsmen seek to justify the massive killings as reasonably necessary for the defence of their property (i.e. cattle). Even so, not a few people will dispute the validity of this claim. A proper interpretation of the relevant provisions will require that the defence of property and the killing must be contemporaneous. But, from all indications, most killings were not done contemporaneously. On the contrary, it appears that the attacks and killings were premeditated before execution and so in clear violation of the Constitution and extant laws – including the Criminal/ Penal Code Act. Under the Nigerian criminal justice system, both the Criminal Code Act (applicable to the southern states of Nigeria) and the Penal Code Act (applicable to the northern states of Nigeria) prohibit the unlawful killing of a human being. Specifically, section 306 of the Criminal Code Act provides that ‘it is unlawful to kill any person unless such killing is authorised or justified or excused by law’. As can be observed, this is consistent with section 33(1) of the Constitution of Nigeria 1999 (as amended).

Under the Criminal Code Act, unlawful killing is of different kinds - the greatest of which is murder. Section 316 of the Code defines the offence of murder, *inter alia*, as unlawful killing of a person in circumstances where the offender ‘intends to cause the death of the person killed, or that of some other person’ (section 316(1)). Similar provision can be found in section 220 of the Penal Code Act which provides, *inter alia*, that ‘whoever causes death by doing an act with the intention of causing death or such bodily injury as is likely to cause death commits the offence of culpable homicide [murder]’ (section 220(a)).

In conclusion, the various killings of innocent people by Fulani herdsmen violate not only the Nigerian Constitution but also opens them up for criminal liabilities/charges for multiple

murders under the Criminal Code Act/Law or Penal Code Act/Law depending on whether the crime was committed in southern or northern Nigeria respectively.

Other Criminal Offences other than Murder

Apart from the crime of murder, other sundry criminal charges revealed by the account of the attacks by Fulani herdsmen include arson, assaults, and terrorism. Specifically, as has been seen above, the herdsmen often set fire on the houses of their victims. This is arson, which is defined, in part, under section 443 of the Criminal Code Act as ‘wilfully and unlawfully’ setting fire on ‘any building or structure whatever, whether completed or not’. Regarding criminal assaults, sometimes when the herdsmen molest some of their victims they manage to escape with or without injuries. In this situation, the attackers, if arrested, may be prosecuted on charges of assault or assault occasioning harm under sections 351 and 355 of the Criminal Code Act or under other relevant criminal provisions.

Furthermore, the herdsmen may also be liable to charges of terrorism under the provisions of the Terrorism (Prevention) Act 2011 67 (as amended). Section 2(2) of the Terrorism (Prevention) Act 2011 (as amended) defines ‘acts of terrorism’ in part as meaning ‘an act which is deliberately done with malice aforethought and which’: (b) is intended or can reasonably be regarded as having been intended to– (ii) seriously intimidate a population; and (c) involves or causes, as the case may be– (i) an attack upon a person's life which may cause serious bodily harm or death; (ii) kidnapping of a person...

The Act provides penalties for the various acts of terrorism, triable exclusively in the Federal High Court, and vests powers of prosecution in the Attorney-General of the Federation or any relevant agency he may delegate his powers to. Furthermore, arrest and investigation of suspects are the responsibility of the National Security Adviser and the Nigeria Police/Inspector

General of Police, both of which are controlled by the federal government. In effect, the offences created under the Terrorism (Prevention) Act 2011 (as amended) are federal offences which federating states cannot prosecute.

As can be seen from the foregoing, the recurrent killings of innocent persons across Nigeria by the Fulani herdsmen, their attacks on communities/villages and their kidnapping activities are all within the purview of the Terrorism (Prevention) Act 2011 (as amended). Yet, the federal government has not arrested and prosecuted any of the perpetrators; nor has she declared the Fulani herdsmen and/or their organizations such as *Miyetti Allah* as a terrorist organization, as required by the law. As already suggested, this may be explained on the basis of alliance between the Fulani herdsmen and the urban/sedentary Fulani who are currently controlling the federal government –headed by President Buhari. Nevertheless, the perpetrators would remain potentially and perpetually liable to account for their acts of terrorism under the relevant statutes.

As yet no state law on terrorism has been made. However, some states of the federation have made law on kidnapping. An example is the Rivers State Kidnap (Prohibition) Law No. 3 of 2009 (as amended). Noteworthy, Kidnap law can be used to prosecute Fulani herdsmen who engaged in acts of kidnapping. Recall that under section 2(2)(c)(ii) of the Terrorism (Prevention) Act 2011 (as amended) ‘kidnapping of a person’ is an act of terrorism. However, prosecution for kidnapping under a state law on kidnapping cannot be regarded as a prosecution for terrorism *strictosensu* under the federal statute.

Genocide and Crimes against Humanity

Some commentators, including Christian bodies, have described the recurrent and massive killings of innocent people (mostly indigenous Christians) by Fulani herdsmen as

genocide. For example, this is the position of a former governor of Plateau State, Jonah Jang. According to him, the killings of over 200 persons of Berom ethnic group perpetrated by ‘Fulani militias [herdsmen]’ is a ‘heinous crime against [my] people, genocide, and an attempt to forcefully take over and occupy the ancestral land of the Berom nation’. Similarly, the Berom Educational and Cultural Organization (BECO) says that ‘the Fulani have driven out the Beroms from over 10 of their villages and farms, and are now forcefully occupying them’. Furthermore, the Christian Association of Nigeria (CAN) condemns the ‘unholy act of systematic genocide...[and] deliberate attempt to destroy the cultural heritage of the Plateau people, in particular the most affected areas.’ The association restated this position in a wider perspective in a later press statement:

We are particularly worried at the widespread insecurity in the country where wanton attacks and killings by armed Fulani herdsmen, bandits and terrorists have been taking place on a daily basis in our communities unchallenged despite huge investments in the security agencies. The perpetrators are being deliberately allowed to go scot free. It is even more worrisome that... over 6000 deaths in 2018 alone have been recorded in various attacks, especially in the northern and middle belt states...and other states when the country is not in a state of war...There is no doubt that the sole purpose of these attacks is aimed at ethnic cleansing, land grabbing and forceful ejection of the Christian natives from their ancestral land and heritage... *What is happening in Plateau state and other select states in Nigeria is pure genocide and must be stopped immediately* (emphasis added).

Of all, the most authoritative claim of genocide can be found in the Resolution of Nigeria's Federal House of Representatives made on 3 July 2018, describing the killings in Plateau State as genocide. The Resolution demanded that 'the masterminds and perpetrators of the attacks and massacres be arrested and prosecuted, adding that there should be a coroner's inquest and forensic examination of the weapons and ammunition used to determine the cause of deaths, caliber and source of the weapons used'.

In international law, genocide is recognized as a crime and is defined in Article II of the Convention for the Prevention and Punishment of the Offence of Genocide 1948 as meaning, among others, 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; and (b) Causing serious bodily or mental harm to members of the group'. Similar definition can be found in Article 6 of the Rome Statute of the International Criminal Court (ICC)1998. Noteworthy, under Article I of the 1948 Genocide Convention the crime of genocide may be committed in time of peace or in time of war. In contrast, crimes against humanity is defined in the ICC statute as meaning an act 'when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack', including murder, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health (Article 7).

Interestingly, the two concepts were developed differently in early 1940s by two men who attended the same law school part of an ancient university which is older than the University of Harvard in the US located in present-day Ukraine.

More importantly, while the two concepts are closely related genocide differs from crimes against humanity in one significant way. Essentially, genocide protects a group while crimes against humanity protect individuals. This point was well-made by Philippe Sands in an interview he granted Robert Coalson of the Radio Free Europe in 2013, thus:

Crimes against humanity and genocide are two distinct concepts. They became part of international law in the mid-1940s, after the end of World War II, and really around the time of the Nuremburg trials. They were new concepts – they are relatively recent in that sense...The basic difference between crimes against humanity and genocide is as follows: Crimes against humanity focuses on the killing of large numbers of individuals. The systematic, mass killing of a very large number of individuals will constitute a crime against humanity. Genocide has a different focus. Genocide focuses not on the killing of individuals, but on the destruction of groups. In other words, a large number of individuals who form part of a single group. And the two concepts in this way have different objectives.

One aims at protecting the individual; the other aims at protecting the group.

Crucially, notwithstanding their conceptual difference the ‘international crimes’ of ‘genocide’ and ‘crimes against humanity’ are subject to universal jurisdiction – meaning that they are triable anywhere in the world regardless of where the crime was committed. Moreover, prosecution and punishment for the crime of genocide and crimes against humanity do not admit of exceptions or immunities. According to Article IV of the 1948 Genocide Convention, ‘persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.’ In other words, constitutional or diplomatic immunities cannot avail any accused person.

Hence, even a serving Head of State may be prosecuted in a foreign land. For example, in the past couple of years the serving President of The Sudan, Omar Al-Bashir, is wanted by the ICC for prosecution for alleged crimes against humanity and war crimes he allegedly committed during the Sudanese wars.

Noteworthy, the famous case of Augusto Pinochet clearly illustrates the concept of universal jurisdiction and the non-availability of immunity to accused persons. In brief, Augusto Pinochet was the Head of State of Chile who ruled his country with terror. Under his rule, many people were tortured, killed and many disappeared. When his reign eventually ended, he became a life senator and enjoyed immunity from prosecution in Chile by virtue of exit laws he had signed. In 1997 he travelled to London to seek medical attention. While there, two Spanish Stipendiary Magistrates issued two separate arrest warrant and request for extradition to Spain to face charges of torture, murder and other crimes against humanity. Following that, he was refused exit from the UK while extradition hearings were ongoing. His lawyers raised the issue of immunity, arguing that as former Head of State he was immune from prosecution for acts committed during his time in office. In general, the House of Lords rejected the defence arguments and held that immunity does not apply to crimes against humanity and so Pinochet could be extradited to Spain for trial.

Interestingly, after his ordeal in London and he was eventually allowed to return to Chile on grounds of ill-health he was to face prosecutions at home as the courts nullified the immunity law he signed. All of this show that persons who perpetrate genocide, crimes against humanity or allied crimes may eventually be held accountable in their home country or in a foreign country before a domestic court or international tribunal such as the ICC which has jurisdiction to try and

punish for the crime of genocide, crimes against humanity, war crimes, etc. (Rome Statute, Article 5).

Noteworthy, Nigeria is a State Party to the above-stated international instruments. Under Article I of the Genocide Convention 1948 the Contracting Parties 'confirm that genocide, whether committed in time of peace or in time of war is a crime under international law' and 'undertake to prevent and to punish' perpetrators of the crime. Moreover, under Article 5 of the Convention 'the Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention'.

Moreover, they undertake to 'provide effective penalties' for persons guilty of genocide, conspiracy to commit genocide, direct and indirect incitement to commit genocide, attempts to commit genocide and complicity in genocide (enumerated in Article 3). To date, however, Nigeria is yet to fulfil its obligation under the Convention by domesticating its provisions in accordance with section 12(1) of the Nigerian Constitution 1999 (as amended). Even so, her obligations remain binding on her and her citizens under international law and so it is possible for the perpetrators of genocide in Nigeria to face prosecution in other jurisdictions world-wide.

As in Nigeria, similar incidents of mass killings recently occurred in Myanmar. Crucially, in a recent report by a UN-backed Independent International Fact-finding Mission the experts concluded that targeted killings of Rohingya Muslim minorities by the military smack of commission of genocide, clearly stating that the 'Myanmar's military, known locally as the Tatmadaw, had demonstrated 'genocidal intent,' and that 'the Tatmadaw's contempt for human life... and for international law, should be a cause of concern for the entire population of Myanmar and for the international community'. The experts rejected the defence of the Tatmadaw which seeks to justify the killings on grounds of security and self-defence: 'Military

necessity would never justify killing indiscriminately, gang raping women, assaulting children, and burning entire villages. The Tatmadaw's tactics are consistently and grossly disproportionate to actual security threats...'

Importantly, much the same thing can rightly be said regarding recurrent killings of Christians and burning of houses and Churches by rampaging Muslim Fulani herdsmen in Nigeria. Apart from being Christians, the victims belong to other ethnic groups in the country other than the Fulani ethnic group, and this perfectly fits into the Myanmar situation.

In the Myanmar case, following the publication of the UN-backed report the ICC has ruled that 'it has jurisdiction to probe the forced expulsion of Rohingya as a possible crime against humanity'. This may well be the experience of Nigeria in the future regarding the killings by the Fulani herdsmen. Certainly, the perpetrators remain potentially and perpetually liable to investigation and prosecution as the passage of time is immaterial to prosecution under the Rome Statute which recognizes no time limit for the investigation and prosecution of crimes within the jurisdiction of the court.

2.1.7 Trespass to Land and to the Person

Apart from the criminal implications of the recurrent Fulani herdsmen attacks, there are also the civil aspects of trespass to land and to the person. The law of tort forbids the unauthorized or unjustified entry or interference with land in the immediate and exclusive possession of another. Crucially, the wrong inheres in possession of land and not ownership. In other words, it is possible for a land owner who is not in possession to be held liable on trespass to land. In the law of tort, possession means right to use, control or deal with something such as chattel or land. Importantly, in a suit for trespass it is not necessary to prove that actual harm was suffered by the claimant.

Noteworthy, most trespass to land are intentional although they may also be committed negligently. With regard to the grazing activities of the Fulani herdsmen in Nigeria, there is evidence to assert that the herdsmen intentionally commit trespass on land in possession of another (especially farmers) in order to graze their cattle. In a meeting held in Plateau State to discuss the problem of cattle grazing on the Plateau State University (PLASU) Campus, a representative of the *Miyetti Allah Cattle Breeders Association of Nigeria* (MACBAN)— an association of Fulani herdsmen – categorically pledged that ‘we will ensure that our members do not trespass into the premises of PLASU [henceforth]’. The Vice Chancellor of the University elaborated the nature of the trespass thus:

The activities of herdsmen had been disturbing, as they usually break through the university fence to graze their cattle both during the day and night. The incessant trespass by the cattle breeders had always resulted to breach of peace in the institution. We agreed that henceforth, the herdsmen would stop any form of grazing within the university premises as there was no cattle route running through the university community to warrant such action...

The general defences to the tort of trespass to land are license, justification, and necessity. Briefly, license avails a defendant where he proves express or implied permission from the possessor of land to enter thereon.

On its part, justification is a statutory defence which allows a person such as a policeman to enter a land for the purposes of arrest. In the case of necessity, the defendant must show that it is absolutely necessary to enter the land. As can be seen from the illustrative Plateau State University trespass, these defences may not avail the Fulani herdsmen in any action for trespass to land against them jointly and severally.

Furthermore, the activities of Fulani herdsmen as outlined above may also constitute trespass to the person. Essentially, this tort protects the inviolability of the human person. The protection comes in three variants, namely (i) assault; (ii) battery; and (iii) false imprisonment. In the case of assault, the claimant must establish that the defendant behaved in such a menacing way that created apprehension of immediate physical contact with him. If physical contact actually occurs, this will graduate to battery – defined as the intentional and direct application of force to another person without justification. Lastly, false imprisonment occurs where a person is deprived of freedom of movement without a lawful justification. Proof of intention is critical for liability in assault and battery while false imprisonment is a tort of strict liability.⁹⁸ From the nature of the Fulani herdsmen attacks, it will be easy to establish intention to assault or commit battery on the victims of the attacks, particularly the survivors. And for those who had to hide indoors in order to escape attack it may be possible for them to succeed in an action for false imprisonment even if the herdsmen did not know that they were stopping someone from moving freely because of their attacks.

2.1.8 The magnitude of Farmers-Herders Conflict in Nigeria

The conflict between pastoralists and farmers has been in existence since the beginning of the practice of agriculture. This conflict is as a result of scarce resources, such as; Land. In recent times the conflict has assumed a different form of insecurity with an increase in large numbers of casualties and displaced people across the affected states. If the conflict is allowed to escalate further, the impacts will be on food and animal products because of the grave loss of animals, crops and valuable properties¹⁵.

Regardless of the disagreement between the herders and farmers over the scarce resources of land, the incidents of conflicts that lead to fatalities between the two groups were

not as alarming as it is in the present day. Available statistics show that between the 1997 and 2011 the conflict between herdsmen and farmers are pronounced in specific geographical locations in the middle belt (Plateau, Nassarawa and Benue states) while isolated incidences were recorded in few other states. Although in Plateau State, there have been historical conflicts of who owns the land between the Fulani and Berom people of Jos. This explains while more than 500 people were brutally murdered and many wounded in three villages in Jos South and Barakin-Ladi local government areas of Plateau State in the north-central geopolitical zone of Nigeria by persons suspected to be Fulani herdsmen on 7th March 2010¹⁶.

The increase in conflicts incidences between 2011 and 2015 is not limited to the Northern part of the country where there is a sizable population of Fulani herdsmen but the Fulani herdsmen have moved deeper into the Southern part clashing with the indigenous people of different communities. The intensity and magnitude in which the farmer-herders conflict has escalated are no doubt worrying. The crises were previously located in the north and north-central geopolitical zone, but it had spread to the western and core southern part of the country¹⁷. The widening conflict has affected the country socio-political and economic stability. While there is no recent map available to represent the escalation in conflicts and fatalities in the conflict between 2016 and 2018, there are few documented reports that describe the continuous escalation of the conflict.

The farmers-herders conflict has increased over the years¹⁸ and according to the Global Terrorism Index of 2015, the death toll of 63 associated to Fulani herdsmen killings skyrocketed to 1,229 by the end of 2014. The killings continue without any sign of slowing down with more than 350 death recorded in February and March 2016¹⁹, 15 casualties in May 2016, and 80 fatalities in July 2016²⁰. Most villages in Benue state have experience attacks from herders,

villages like Loggo, Katsina-Ala, Gwer West, Gunna, Makurdi, and Agatu. In the Shengev community, 200 people were killed by the Fulani herdsmen²¹. Also, on the 25th of April 2016, nine villages in Uzo-Uwani local government area of Enugu state in the Southeast of Nigeria were attacked by Fulani herdsmen, and they left carnage of destruction of over 11 lives and millions of naira worth of properties destroyed²². The Agatu people in Benue state in north-central zone of Nigeria were not left out from the continuous attacks, killing and destruction of properties in 2017 that left more than a hundred people killed by the herdsmen²³. No fewer than ten persons were killed in an attack on the 5th of March 2018 in Omosu Village in Ojigo ward Edumoga of Okpokwu local government of Benue State; when armed herdsmen opened fire on civilians²⁴. In Ogun State, on the 5th of February suspected herdsmen attacked some local communities in Ketu Local Council Development Area destroying their farmlands and resulted in 30 primary schools being shut down²⁵. On the 28 of February 2018, 20 people were killed in Adamawa states by armed Fulani herdsmen in Fulani herdsmen clashes in Gwamba village in Demsa Local government area of Adamawa state²⁶. The magnitude of farmer-herder conflict has claim lives and properties, and this has made many people describe the Fulani herdsmen more dangerous than the Boko-Haram terrorist group terrorizing the northern part of Nigeria for years²⁷.

Unfortunately, the compelling account of Fulani herdsmen killings and attacks on farming community as discussed above did not in totality represent the true nature of the farmers-herders conflict in Nigeria. The statistics about the killings of Fulani and their cattle are hardly reported by the Nigeria media²⁸. For example, the media coverage of the December 2017 massacre where more than 800 Fulani herdsmen and their families were massacred with the destruction of their abodes in Taraba in comparison with the total media outburst on the killings

of 73 non-Fulani in Benue state. This is a reflection that the media have been criminally biased in their coverage of the farmers-herders conflict in Nigeria²⁹. Also, on January 31, 2018, there was breaking news all over the media with a mass killing in Benue state with the headline “Bandits killed and burnt seven travellers to ashes.” It will take on a whole effort to read the full story to discover that the victims were Fulani and the native Tiv militia that carried out the killings were represented as Bandits³⁰. Balogun maintained that if the killers were Fulani, the headline would have been different.

Besides, the predominant pattern of reporting attacks on Fulani herdsmen and their cattle have always hide the identity of the perpetrators and classified them as bandits. While the bias reporting against Fulani herdsmen did not in any way insulate the Fulani herdsmen from blame of escalating the conflicts, however, the repeated representation of killer herdsmen as ‘Fulani’ by the vast majority of media outlets in Nigeria was implicitly suggesting that the Fulani people are nothing but criminals. Apparently, “the frequent use of the term Fulani by the media to describe killer herdsmen is not only a stereotype”, the unbalanced reporting of the conflict between the Fulani herdsmen and farmers can also escalate the conflict³¹. The media shaped public opinion, as suggested by many scholars^{32, 33} that the moment the media allocate blame by identifying a perpetrator without proper investigation, the public start to build the image of an enemy.

Be it as it may, there are from various commentators that the new prevalent phenomenon of hired herders might be responsible for the increase in conflict; as a result, the next section of this chapter will look into the hired herders and herds owner’s relationship as a premise for the increase in the conflict situation between farmers and Fulani herdsmen.

2.1.9 Hired Herder and Herd Owners Factor

Hired herders is not an alien practice in cattle management most especially in West African where there are hired herders whose roles in the management of herds can never be underestimated. Several studies^{34, 35, 36} have documented the usage of hired herders by wealthy Fulani of high echelon in the Middle Belt of Nigeria and the Maasina region of Mali with large cattle herds but lack the manpower to manage the herds and as a result employed herders to guard their livestock. Typically, the hired herders are from a poor background who are left with no other option to provide for their households other than to seek employment in cattle management or herding.

Bassett went further to state that even with the level and the increasing demand for hired herders in West Africa, very little is being known about them, and how this influences the management of herds. The management of herds is being entrusted to a labor surplus household, or most time there is the agreement of exchange of milk. In line with this argument,^{37, 38} stated that in the classical model shows that there is an imbalance between livestock owners and labor supplies among herders households.

Historically, it has been shown that there has been a constant exchange between stock-rich and labor supply households. The relation between livestock owners and labor-surplus households is a long-term commitment towards caring for the cattle^{39, 40} questioned the relationship between livestock owners and herders, stating that relationship between livestock owners and pastoralist has become monetary, and can lead to a decline in the level of commitment that the herders will put in herding. Recent studies indicate that the relationship in ownership and practices of herding regarding entrusting of cattle, the numbers of herds owned by labor rich herders are determined by the level of diligence of labor cattle herders.^{41, 42} went

further to argue on the relationship and practices of herding and livestock owners, stating that a decline in livestock owned by the labor-rich household, the risk of careless herding, livestock productivity, and range degradation. With the above statement, Bassett conversely assumed that when there is an increase in the number of self-owned livestock in the herd, incentives for proper management of cattle and resources increases.

Arguing differently, ⁴⁴ stating that there is a different reason why self-owned cattle can be less diligent in raising cattle, not because of lack of incentive, but as a result of labor scarcity using the case of Maasina in cattle entrustment.

Scholars have argued that the search for pastures by the nomadic pastoralists constitutes an encroachment on the farmers' farmland, without due compensation when the property is destroyed. The discourse on containment of the herdsmen which has formed the hallmark of a reachable solution to the conflict is still resisted by the pastoralist heads referred to as the Myetti-Allah. The Fulani claim their freedom of movement, which is guaranteed under chapter four of the Nigerian constitution. Specifically, in section 41(1) which indicates that "every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any site therefore and no citizen shall be expelled from Nigeria or refused entry to it or exit from there."

Consequently, the position of scholars like Bassett⁴⁴ should be taken into the discussion of the relationship of the kind of herdsmen practice which is the hired and herds' owners. Bassett identified a sharp distinction among the two groups where he maintains that the hired, who are referred to as those that have labor capacity and are responsible for the search for pastures, protect the cattle and grazing livestock. On the other hand, the owners are traditionally recognized to be persons who own the cattle, direct and manage the hired cattle herders. In

assessing Bassett postulations, these two categories of persons (hired herders and cattle owners) need a stable interface regarding social and community relations.

Unfortunately, the compensation received which allows the cattle herders to continue grazing is not well accounted for or disseminated among the farmers in the concerned affected communities. Consequently, the unawareness of the affected farmers of the compensation received by the village heads prompts the farmers to prevent further grazing on their farmland. To further prevent the herdsmen from persistent encroachment, the aggrieved farmers tend to form themselves into groups to attack the cattle. In most cases, they adopt the use of traps which kills the cattle, thus, leading to aggression between the hired herdsmen and farmers.

Furthermore, evidence has shown that community heads encourage the farmers to build vigilante networks who are empowered with local weapons to guard their territory. On the other hand, other scholars like Aluko⁴⁵ maintained that farmlands of indigenous farmers are continually encroached upon by the Fulani herdsmen due to the growing demands of pastures for their cattle. Unfortunately, in carrying out the responsibility of providing pasture by the herdsmen for their livestock, they do adopt guerrilla warfare approach by invading farmlands of farmers.

It evident that the repelling of the herdsmen on the farmer's farmlands which if not done may constitute a substantial economic loss for each victim is usually countered by the hired herdsmen through the act of violent approach to suppress the aggressor. The hired herdsmen who are most heavily armed do not hesitate to release fire on their aggressors with the ripple effect leading to the death of high numbers of victims and mass displacement of the affected persons or communities in Nigeria. However, the hired herdsmen are just one of many other factors responsible for the increase in conflict between herders and farmers in Nigeria.

2.1.10 Climate Change, Migration, and Population Growth

The far north of Nigeria which is an arid and semi-arid region experiences lesser rainfall compared to other regions in the country. Meanwhile, the National Meteorological Agency (NMA) reported in 2008 that the annual rainy season dropped from an average of 150 to 120 days over the course of the last 30 years. The report also noted that in the last six decades, over 350,000 km² of the almost arid region was gradually turning into a desert, a phenomenon notified to be at the rate of 0.6km per year progressing southward.⁴⁶ alerted our minds to the fact that states like Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara, were gradually becoming deserts with 50-75 percent of the land area drying up progressively. These environmental changes according to the report have affected human livelihoods and also been a factor contributing to pastoralist's southward migration, in search for pastures for their cattle.

Initially, migration was seasonal, with herders spending December to May in the central zone before returning north⁴⁷. With observations from the last two decades, available pastures kept dwindling in the far north; herders have been noticed to stay in the central zone longer from December to June or July. The report by the International Crisis Group⁴⁸ alerted our minds to the fact that more recently, some herders have chosen to graze their herds permanently in the Central and South zone of Nigeria.

This forced migration has led to the massive influx of herders in the south, which has given rise to the increase in violent clashes between herdsmen and residents of the community where they migrate to especially the farmers^{49,50} therefore concluded that climate change promotes national and regional instability.⁵¹ maintained that "regarding migration, the influx of migrants into new areas has been a significant factor in many "environmental conflicts'...

massive migrations have at times led to violent conflict, and massive migrations may be a consequence of climate change."⁵² further mentioned the attractive plains of the south with high altitude grasslands and the fact that the risk of disease was a lot lower and pastures were more palatable for the cattle.

According to⁵³, the Fulbe began their southward expansion by settling in the plains around the Emirate of Bauchi and further into the grassland of the Jos plateau. Also, the movement towards the south was favored by the Fulani herdsman because the increase in population in the south acted as an eliminator of the wild animals preying on cattle as human activities which include hunting reduced their numbers drastically. Furthermore, the clearing of land for agricultural purposes acted as a significant factor that eliminated the tsetse fly scourge. As a result of these factors,⁵⁴ concluded that the herders began to permanently pitch their tent in the southern savannah, and even began to line the banks of the Niger-Benue system.

However, the movement towards the south is not without negative consequences as ⁵⁵argued that the increase in population has, in turn, had drastic effects, like shortage in food, land conflict and the expansion of agriculture that give rise to competition for natural resources. Using hindsight during the decades of 1960-1990,⁵⁶ points out that new force came into play, the expansion of cultivation in the semi-arid zone. This zone no doubt has always been more populous than the middle belt as the most critical locations for the towns central to the Hausa Emirates. This expansion of cultivation threatened the nomads who traditionally saw uncultivated bush as a shared resource. These made pastoralists seek new pastures, either going further south or to neighboring countries and the quest for pasture bring the herders into contact with sedentary farmers⁵⁷.

The migrations of Fulbe during the colonial era were seasonal between the semi-arid north and the dry season pastures along the Niger-Benue system.⁵⁸ further opined that as the rains gathered momentum, the tsetse fly populations expand, and herders were forced to migrate back to the north. However, the continuous exploration of southern pastures led to discovering new methods of staying and grazing livestock in these regions all year round. Also, with the growing population of sedentary crop farmers, the permanent stay of herders in the south has triggered disputes over land and water.

2.1.11 An Overview of Criminal Activities of Fulani Herdsmen

The criminal activities of Fulani herdsmen cut across various violent acts which in most cases have no direct bearing to their illegal occupation of land for grazing but solely for criminal purposes as they engage in armed robbery, murder, looting, kidnapping, kidnap for ransom, rape, arson, destruction of communities and Churches. These criminal acts are subsumed under the guise of land struggle for cow rearing.

Most importantly, no government security agency in Nigeria has taken punitive action aimed at apprehending, investigating and prosecution of these criminals. The heinous crimes committed by these Fulani herdsmen have remained unchallenged and glamorized and thus their impunity unabated. Below are just few of such cases of criminal impunity without any government action to contain it.

Fulani herdsmen carried out an attack on three villages in Kuje Area Council of Federal Capital Territory, Abuja on November 13, 2016 and killed 3 persons while 10 persons were abducted^{59, 60}. On August 25, 2016 Fulani herdsmen attacked Ndiagu Attakawu Akegbe Ugwu Community in Nkanu West Local Government Area of Enugu state killing a Seminarian of the Catholic Church while four others were seriously wounded⁶¹. On April 15, 2014, Fulani

herdsmen attacked Nwokyo, Wukari Local Government Area, Taraba state and killed 10 people while 18 others were seriously injured⁶². On April 20, 2016, Fulani herdsmen attacked about five communities in the Lagelu Local Government Area of Oyo State killing and injuring unspecified number of persons⁶³. On December 22, 2016 Fulani herdsmen attacked Agbarha kingdom in Delta and kidnapped the traditional ruler Orhifi Enemor II. The kidnappers (Fulani herdsmen) demanded for ₦50 Million (Fifty Million Naira) ransoms for his release. It was also the Fulani herdsmen that kidnapped and killed the traditional ruler of Ubulu Uku kingdom in Delta state Chief Edward Akaeze Ofulue III on January 5, 2016^{64, 65}. Similarly, on December 21, 2016 Fulani herdsmen attacked and kidnapped a female Youth Corper named Grace Oghene Edegware and two other persons after robbing them of their properties at Kwali Area Council, Abuja Federal Capital Territory. The kidnappers (Fulani herdsmen) are said to have demanded for ₦15 Million (Fifteen Million Naira) ransoms for their release⁶⁶. On September 21, 2015 Fulani herdsmen attacked and kidnapped the former Minister of Finance and Secretary to the Federal Government Chief OluFalae in his farm in Ondo state. The kidnappers (Fulani herdsmen) demanded for a ransom and were paid ₦5 Million (Five Million Naira) before releasing him^{67, 68}.

Between September 24-26, 2016, Fulani herdsmen attacked the Godogodo village, Southern Kaduna and over 8 Christians while many others were seriously injured. The same village (Godogodo) was attacked on October 15, 2016 by Fulani herdsmen who killed over 40 Christians while many Churches were burnt down⁷⁰. On August 21, 2016 some Muslim Fulani herdsmen attacked Unguwan Anjo community near Godogodo in Jema'a Local Government Area, Kaduna state and killed three person including Pastor Luka Ubangari of Redeemed Christian Church of God, Unguwan Anjo. They also attacked Ningon village which is about 6

kilometers away from Gwantu, headquarters of Sanga LGA, Kaduna state on August 23, 2016 and killed about 2 persons⁷¹. On December 25, 2016 despite the 24 hours curfew imposed on Southern Kaduna, Fulani herdsmen carried out an attack in Goska village of Kaninkon Chiefdom in Jema'a Local Government Area of Kaduna State and killed about 10 persons while several houses were burnt down⁷². In December 2015 Fulani herdsmen killed about 22 persons during their attack of Kwata in Jos South Local Government Area of Plateau State. In February 2016, more than 300 people were killed in Agatu village in Benue state by Fulani herdsmen⁷³. This attack has been described as one of the worst acts of violence against humanity ever witnessed in recent times. In May 20, 2016, Fulani herdsmen carried out an attack in OkeAko in Ikole Local Government Area of Ekiti state and killed two persons while six others were seriously wounded⁷⁵.

Several other heinous crimes carried out by Fulani herdsmen include the following: On February 18, 2016, 5 people were killed in Okokolo village in Agatu Local Government Area of Benue state. Similarly, 500 people were killed in a simultaneous attacks carried out in 9 communities –Aila, Akwu, Adagbo, Okokolo, Ugboju, Odugbeho, Ogbaulu, Egba and Obagaji in Agatu Local Government Area of Benue state on March 5, 2016. 15 persons were killed in two communities in Gashaka Local Government Area of Taraba state on April 12, 2016. On April 19, 2016 the entire Local Government Areas of Delta state brought economic activities of the state to a halt while protesting against the killing of 23 persons in the state by Fulani herdsmen. 59 persons were killed in Ugondo, Turan and Gabo Nenzev communities in Logo Local Government Area by Fulani herdsmen on June 20, 2016⁷⁵. Most recently, on January 11, 2017, Fulani herdsmen attacked Sabon Daga village in Bosso LGA of Niger state and killed 4 persons while several others were seriously wounded⁷⁶. In these cases, government security

agencies seem to be mute and incapacitated in the arrest, investigation and prosecution of those involved. It also seems that human lives destroyed have no meaning to our laws. Paradoxically, when cows are killed those who killed the cows are arrested and prosecuted according to the laws of the land. Our criminal laws seem to be effectively enforced when cows are killed rather than when human beings are killed. What a paradox of political jinx calculated at encouraging and promoting one ethnic group against the other. The tyrannical posture of government inherently undermines the rule of law in a democratic dispensation. The promotion and encouragement of one ethnic group to trample upon the rights of others is contrary to our national security initiative.

2.1.12 Perceived Causes of Fulani Herdsmen Criminal Activities

Various Scholars have tried to explain the reasons, genesis and causes propelling farmer-Fulani herdsmen conflict cum violent crimes across the country^{77,78, 79,80} found in their studies that poor resource governance was a key cause in the conflict between farmers and Fulani herdsmen. They also found that “the role of government has not been very encouraging” in tackling the problem. This poor resource governance for them is a grave “threat to both natural resources and human security” and also “detrimental to rural livelihood, food security and social co-existence”. This problem is exacerbated further when there is no institution to contain or control the situation⁸¹. It is important to understand that the Fulani herdsmen “hardly request any permission to move or stay around any community, and are thus regarded as invaders by the host communities”⁸². This on its own is an affront on the authority of the host community and enough to generate serious conflict, if not carefully handled. It is no gainsaying that the Fulani herdsmen use their cows to chase people away from their farms and thereafter take possession.

The cause to contamination of rivers by cattle, spraying of farms with pesticide and insecticides which the Fulani herdsmen see as an action which is done to prevent them from grazing and also to kill their cows through water poisoning. They also identified raping of women, burning of bushes especially grass area, communication barrier, cultivation of crops along cattle routes, cattle rustling and killing as other factors responsible for farmer-Fulani herdsmen conflict^{82,83}. The reasons are very plausible but insufficient to explain the level of violent crimes committed against host communities. It does not explain the relationship between raping of women and use of grazing land. It does not explain the rights of Fulani herdsmen to determine when or not farmers should burn their farm or bush. Every citizen has a place of birth, inheritance and possession; and when you migrate to another area, you do not use force to demand for a portion of land to build your house or keep your animals. You do not rape their wives or kidnap their children to ask for land space. You do not burn Churches or destroy communities to seek permission to use another man's land. You do not walk in the dark of the night to attack and kill your host in the name of asking for his land to breed your cows.

Naturally, those who operate under the cover and protection of the night are evil men who engage in acts of wickedness and destruction of lives. They are common criminals and should be treated as such instead of glorifying and glamorizing their heinous crimes. These are criminal activities that are punishable under the laws of our land but nobody has ever discussed about this in like manner or even seen their criminal activity as a security threat to national development and peace. Government only sees their criminal activity as mere conflict of interests instead of viewing it as an act, chargeable and punishable under the laws of the land.

Violent conflict between farmer and Fulani herdsmen had be attributed to environmental factors, climate change and exploitation of scarce resources. They believe that global climate

change and desertification has reduced green grass areas thereby compelling pastoralists to move southward in search of pastures for their cattle. In addition, capitalist tendency in acquiring land for farming has also reduced the land space available for cattle grazing^{84,85}. This is worsened by government indiscriminate allocation of grazing lands for government layouts or reserve areas without alternative provision of grazing lands for pastoralists. The cause may also be attributed to redistribution of land resources which are the moment some persons are using violent and criminal means to acquire. The rhetoric used in explaining the rise and causes of farmer-Fulani herdsman conflicts (Fulani herdsman criminality against host communities) fall within the conspiracy theory; an attempt foisted through the back door in order to impose ones supremacy on the other with the view of getting the victim to beg for negotiation for his own property. It is manifestly visible that through the killings natives or host communities in most cases have released their lands unwillingly to Fulani herdsman for grazing. This ordinarily would not have been negotiable under normal circumstances, so far the purveyors of these conspiracies have succeeded in imposing their will on the people in order to force them to release what they would not have let go under justice and fair play. The law on criminal trespass has been jettisoned to provide the enabling ground for Fulanis to unlawfully, forcefully and criminally take over people's land in the name of grazing. The activities of the Fulani herdsman said to be conflictual are actually criminal acts and fraudulent way to appropriate another man's property. There is no greater fraudulent act committed in the land than this forceful imposition of Fulani cows on farmlands and communities across the country. The mode is criminal, fraudulent and a mockery of our fundamental rights.

2.1.13 Government Responses to Fulani Herdsmen Violent Crimes

The response of government against the violent activities of Fulani herdsmen has been that of silence, full of mystical politic king and rigmarole. For the first time in history, police officers will see criminals committing crime in their presence but turn their face away from the scene only to appear to arrest victims of the culprit. This was aptly demonstrated when in March, 2016; 76 people from Ugwuneshi autonomous community, Awgu Local Government Area of Enugu State, were arrested by the police while trying to protect and rescue their wives from the criminal violence and captivity of the Fulani herdsmen⁸⁶. In this case, the victim became the criminals and vice versa. This is appalling and a serious indictment of the sensibility of the Nigeria police to the activity of the Fulani herdsmen across the country. This was further manifested in the attack of Nimbo village in UzoUwani Local Government Area of Enugu State, where the police and other federal government security agencies refused to defend the community after having been informed in advance of the proposed violent attack of the community by the Governor of Enugu State⁸⁷. Is it not an irony and a misplacement of value priority for federal government to start investigation of the incident long after lives and property have been lost? What do government intends to achieve by their purposeful and deliberate failure or negligence to act at the nick of time?

On May 29, 2015 while being sworn as President of Nigeria, President Muhammadu Buhari assured Nigerians that he will tackle the issue of cattle rustling headstrong. This means that the President sees cattle rustling as very serious crime than the criminal killings, destruction of communities, kidnapping, rape and other violent crimes committed by Fulani herdsmen. Thus, he promised to deal with cattle rustling than the violent human killings of Fulani herdsmen. He failed to mention specifically the various violent crimes and the serious security threat posed by

Fulani herdsmen. More so, on May 29, 2016 during his one year broadcast to the nation, President Muhammadu Buhari stated that Boko Haram insurgency and Niger Delta Avengers were serious security threats to his government and economic development of the country. The President failed also to mention anything about the Fulani herdsmen violent attacks across the country as a serious threat to National security in spite of Fulani herdsmen being declared as the fourth most deadly terrorists group in the world by Global Terrorism Index in 2015.

Most importantly, it's been muted that Fulani herdsmen has caused most heinous and deadly attacks and great damage to our national interest and security than Niger Delta Avengers (NDA) and Indigenous People of Biafra (IPOB) put together⁸⁸. Yet their crimes and destructions of lives and property do not attract President's genuine condemnation. This Presidential attitude to the criminal activities of Fulani herdsmen across the country has formed the basis in which government security agencies respond to the various criminal activities of the Fulani herdsmen. It is obvious that the President is more interested in defending and protecting cows cum propagating the ideals of Fulani hegemony than protecting the lives of millions of Nigerians who are not Muslims/Fulanis in contradiction to his sworn oath to protect all citizens of the country irrespective of religion, culture, language or ethnic group. This body language of government provides the live line for the glamorization of the violent activities of Fulani herdsmen and the pivotal attitude of government security agencies towards Fulani herdsmen criminality.

The laws prohibiting the possession of dangerous arms are flung buoyantly and glamorously scorned by Fulani herdsmen without any criminal arrest. It seems the law forbids the police and military men at road check points from stopping and checking trailers carrying cows across the country. This has created the fulcrum or nexus required for the Fulani herdsmen to convey their light and heavy weapons without any hitch. The porosity of Nigerian security

borders have been the jet through which the Fulani herdsmen fly at digital speed of light unhindered. This explains in part why Boko Haramism have been sustained. We have to observe unfortunately, that another twice deadly group worst than Boko Haram is gathering momentum as its operations are glamorized in politicking and scapegoating. Its impact when fully actualized will change the ethno-religious and geographical landscape of Nigeria. Government lackadaisical attitude and inaction will be the enabling fuel required to enthrone and sustain it. This game plan displayed by government is being manifested in the levity in which criminal activities relating to Fulani herdsmen are handled by security agencies.

In spite of the opposition and without considering the plight of victims of the violent activities of Fulani herdsmen the government went ahead to set aside a whopping sum of ₦940 Million (Nine Hundred and Forty Million Naira) to be spent on grazing reserve across the country⁸⁹. To worsen the matter and to demonstrate the level of government tactlessness and support for the Fulani herdsmen killings, Mr. Nasir El-Rufai the Governor of Kaduna State said he paid off the Fulani herdsmen to stop them from further killings in Southern Kaduna⁹⁰. How much has the Governor El Rufai paid to the victims of the violent attacks by Fulani herdsmen? This action of the governor is a confirmation of the fact that government overtly or covertly provides the green light for the killings and also the basis for the inaction of security force to combat the menace. It is in a country like Nigeria that you can see murderers; armed robbers, kidnappers, rapists and other violent criminals are paid for executing their assignment instead of being punished for their crimes. It is only in Nigeria, that you can see purported foreign illegal immigrants who have carried out series of attacks on citizens are helped to escape the law. No wonder, none of the so-called foreign Fulani herdsmen was arrested. It is a paradox which

government alone can unveil. However, it is a burden as no government has ever talked about how to compensate victims of the attacks and killings committed by

Fulani herdsmen neither have they said anything on how to rehabilitate those whose communities nor farms have been taken over by cows. The major headache of government is how to coerce communities to release their lands for cows at the detriment of food crops and their source of livelihood. We must not be in a hurry to forget that the North has a vast land mass which stretches over 80% of the land mass in Nigeria. The result of poor management of the land space has put pastoralists' struggle violently for land in the South. This is outrageous as it intends to short change Southerners, who naturally are subsistence farmers of their farm lands through disguise, suppression and violence. These attacks and illegal acquisition of farm lands in the Southern Nigeria for grazing is a time bomb that will determine the future of Nigeria when it eventually explodes.

2.1.14 Policies in Relations to Farmer-Herder Conflict

Grazing Area/ Cattle Routes

With the increasing intensity of the farmer-herders conflict, the necessity to enact laws that would guide the day-to-day interactions between these two classes was born. In a bid to ameliorate the unpleasant situation the federal lawmakers proposed to introduce a Grazing Commission Bill in 2008 to address the burning issue. The Bill empowered the commission to acquire land in any part of the country for the purpose of establishing grazing reserves and cattle routes but unfortunately the empowerment of the commission to do so is tantamount to violation of the subsisting Land Use Act and traditional means of landholding if enacted (Guilbert 2016). The International Crisis Group (2017) mentions for example that the Afenifere (a socio-political Pan-Yoruba movement) disagreed entirely with this proposed bill alleging that the bill was to

favor the business of the Fulani herdsmen at the expense of the farmers whose farms were destroyed continuously by the Fulani cows. Furthermore, they believe this bill is an offensive one. What it attempts to do according to this group would be to rob citizens of their rightful possessions and award these possessions to those who do not own these properties; this, of course, negates the tenets of natural law.

Ineffective Role of the State

The International Crisis Group⁹¹ which compiled a very elaborate report on the farmer-herder conflicts in Nigeria shows that the Nigerian government's response to the said conflict tends to swing between the deployment of military and mediation by persons with reputation at a crisis point. When military forces are deployed to contain particular bursts of violence, the treatment of the civil population has itself become a critical political and security challenge. The accounts of the excessive use of force, extra-judicial killings and other human rights abuses cannot be overemphasized. The dual efforts have failed as clashes have continued unabated over the years. Furthermore, the International Crisis Group reported that between 2002 and 2010, the federal government appointed four commissions to investigate the violent conflict (largely herdsmen/farmers) around Plateau, Nasarawa, and Benue States⁹². Commissioner like Justice Okpene Judicial Commission of inquiry into communal conflicts in Benue, Nasarawa, Plateau and Taraba states in 2002; Presidential Peace Initiative Committee on Plateau State, headed by Shehu Idris, Emir of Zazzau, May 2004. Furthermore, the Federal administrative panel of inquiry into the 2008 crisis, led by Major General Emmanuel Abisoye; and Solomon Lar in 2010 on the Presidential Advisory Committee on the Jos Crisis. However, there has not been any strong political will to implement the recommendations of the several commissions of inquiry⁹³.

According to official figures, in Nigeria, more than 35 percent of land area of 923,768 square kilometers is threatened by desertification this no doubt affects the livelihoods of more than 40 million people. President Goodluck Jonathan's in 2014, formed up an inter-ministerial technical committee on grazing reserves, proposing strategies to end the conflicts. Concurrently, a political committee was also set up on grazing serve, and it has been chaired by the former governor of Benue state. A report issued by the committee stating that the Central Bank of Nigeria should release the sum N100 billion (\$317 million) for the construction of ranches in all the 36 states in the country.

With the defeat of the then president in March 2015, the implementation was interrupted even after the proposal was approved by the National Executive Council (NEC). After assuming office in 2015, President Buhari who directed the Federal Ministry of Agriculture and Rural Development (FMARD) to formulate a comprehensive livestock development plan including measures to curb farmer-herder clashes. In August 2015, an FMARD committee recommended short-, medium-and long-term strategies, including the development of stock routes and grazing reserves. According to the International Crisis Group, on 25 January 2016, an announcement was made by the government as a temporary solution for a plan to map grazing routes, as to when the herdsmen will accept ranching. Furthermore, the International Crisis Group report that most central and southern states, however, opposed the plan, which they viewed as favoring Fulani herders⁹⁴.

Security Agencies

The International Crisis Group report (2017) further interrogated the security agencies and judicial system in Nigeria to ascertain how they function and what methods they employ in ameliorating the farmer-herders conflict which is almost setting the Nigerian state ablaze. The

federally-controlled Nigeria Police Force (NPF) and the Nigerian Securities and Civil Defence Corps (NSCDC) are thinly deployed to rural areas and often lack early warning mechanisms that violence would erupt in any of the communities. We could succinctly argue that the lack of technology, the rugged geographical terrain makes it almost impossible for these security apparatuses to act swiftly. Furthermore, responses to distress were often late, and sometimes the parties in the conflict are so frustrated that both seek self-help through engaging in violence. In most cases the army and the police are deployed after the clashes have taken place. In a few cases, police have arrested and prosecuted both herdsmen and vigilantes wielding firearms. More often, however, the country's dysfunctional law enforcement and criminal justice system fail to arrest or prosecute any perpetrators that unleash this mayhem.

Moreover, authorities have treated these crimes as political rather than criminal acts, arguing that sanctioning suspects could spark further violence and conflagrations. Even if commissions of inquiry are established, they typically are used as instruments to calm tensions rather than for the pursuit of justice. These responses, in the long run, create a climate of immunity to the culprits.

On 24 April 2016, Information and Culture Minister Lai Mohammed said the government was working "silently" toward ending the violence, promising in his very own words that: "In a few weeks from now, we will begin to see the result of that". Again, there was no follow up. On 15 July 2016, the chief of defense staff, General Gabriel Olonisakin, announced "Operation Accord" to stop the violence. Nothing more was heard of that campaign. Following clashes in southern Kaduna in late 2016, which killed about 200 to 800 people, the army deployed troops to the area⁹⁵. Still, attacks have continued unabated.

Implications to National Security

The criminal activities of Fulani herdsmen which have remained unchecked have several implications to national security. At the moment the Fulani herdsmen have been tagged as the 4th most dangerous terrorist groups in the world. This has far reaching implications to Nigerian image coupled with insurgency in the North East and militants in the Niger Delta. Nigeria's unity is on the verge of collapsing courtesy of Fulani herdsmen criminal impunity and government political lopsidedness in combating the menace. There is general apathy and feeling that governance in Nigerian state is weak and a failed one. This kind of image will create the impression that Nigeria is a risky country to do business. This means the desired economic growth and sustainable development goals for our country in the year 2030 are completely a mirage. National security thrives when there is developmental growth to sustain it.

Increased Refugee Camps and Health Hazards

Across the country the camp of internally displaced persons are swelling courtesy of Fulani herdsmen rampage and wanton destruction of lives and property. On daily basis people are assuming the status of refugees in their own country. The ever increasing refugees at IDPs camps have great demand on shelter, food, portable drinking water, health facilities, clothing, education, security and funding. More so, the health of people is at risk as a result of water pollution resulting from animal dungs⁹⁶. The Fulani herdsmen have been reportedly and persistently accused of rape especially in Southern Zone of Nigeria. It is common that these sexual activities took place without protection. It is also known that these criminals (Fulani herdsmen) move around for days and weeks without bath. It is also possible some have sexually transmitted diseases (STDs) inherent in them and might have passed on these STDs to their victims. Thus, their act can impose serious health hazard not only to their victims but the

possibility of spreading the incurable diseases to a larger members of the society. This is countless number of unwanted pregnancies their victims may be subjected to bear.

Increased Under Development

Since the rebirth of democracy in Nigeria in 1999, efforts have been made to sustain national development through the application of the principles of democracy in governance. The principles of federal character, due process, rule of law, basic applications of the fundamental human rights (freedom to religious worship, movement, fair hearing, life, association etc.) and building integrity and trust before the comity of nations have been the common thrust to building a sustainable development and national security. These present government have by implication and applications jettisoned all these through the so called body language posture of the APC leadership to the detriment of national security and sustainable development. The government has encouraged hate speech, terrorism, corruption, marginalization, nepothism, ethnocentrism, parochial interest, organized criminality, subjugation and suppression of people through the use of national security forces to the demise of genuine national development and growth. The implication is that instead of building and sustaining the development so far made, we have ended up in further impoverishing and underdeveloped the people and the country. Instead of building bridges across ethnic regions, we have been busy creating and encouraging divisions and imposing one's will on another thereby destroying the already existing bridges and things that kept us together as one country. Century old bridges built to keep us together as one nation have been deliberately destroyed by parochial ethnic interest without hope for building other ones.

Increased Food insecurity and Socio-Economic underdevelopment

Countries all over the world are working very hard to move away from the Millennium Development Goals (MDGs) into Sustainable Development Goals (SDGs) by the year 2030 through massive industrial and technological productions and availability of food for everyone. In Nigeria, the activities of Fulani herdsmen and government inaction have increased food insecurity, hardship and starvation cum economic underdevelopment. This is as a result of massive dislocation of people from their farms and homes by herdsmen which has increased the number of people at the IDPs. People who should have been busy working in their farms have without fault of theirs become beggars and refugees depending on aims for the survival of their families in their own country while their homes and farms lie waste at the hands of criminal herdsmen. It is important to recognize that no matter the guise government may want put forward in this matter, the economic and human waste these criminal activities have caused do not permit for sustainable development and security. More so, the wanton destruction of farm lands, fish and water has great consequences on food security. The effect is that food supply is negatively affected both in quantity and price⁹⁷. Perhaps, one may aver that the profit government is making through corruption in the allocation of funds to IDPs and reception of grants from foreign donors compel them to do nothing to solve the menace of the Fulani herdsmen and the increasing capacity at the IDPs camps.

Increased Illiteracy and School Dropouts

It must be recalled that the attack in Ukpabi Nimbo Community of Uzo Uwani Local Government Area in Enugu state on April 24, 2016 occurred at a time students were writing their Senior Secondary School Certificate Examination (SSSCE). As a result of the attack, officials of West African Examination Council who were conducting the examination in the community fled the community for their safety⁹⁸. It is know that in the execution of their criminal activities,

Fulani herdsmen have burnt down schools and worship centers. This means that such communities are deprived of basic facilities for schooling and education. Education is vital to development and without the necessary education; sustainable development is impeded with dire consequences on national security. It was in the realization of the damage and threat imposed by these criminal acts of Fulani herdsmen that made the National Assembly to say that the “development was capable of threatening the corporate existence of the country”⁹⁹. We would say that the action is not only capable of threatening the corporate existence of the country but it has actually done great harm and threatened the foundation of our corporate existence as a country. Government it must be mentioned have not assumed the responsibility of rebuilding any of the destroyed schools. Most of the children enmeshed in this crisis may never have the opportunity of writing the SSSCE for life or going back to school due the poverty and other social dislocations.

Exposure of Nigeria’s Internal Security Deficiencies

There have been gross allegations that the suspected Fulani herdsmen who are committing various degrees of violent crimes in Nigeria are not Nigerians. Aside from the porosity of our borders, it further indicts our security agents of their inability to properly police our country domestic security. The fact that foreigners can move from neighboring countries into the country’s hinter lands with dangerous AK 47 rifles unchecked by the numerous road blocks across the country speaks volumes of our security agencies inefficiency, experience, professionalism and patriotism. This is a great danger for our national security.

Increased Proliferation of Light Arms

There has been various calls by individuals that citizens should arm themselves with rifles for self-defense against the rising profile of Fulani herdsmen violent crimes since

government have shun their responsibility of providing security for its citizens. This move and its implementation will spell doom for the country. The country is experiencing serious agitations for self-determination from various ethnic groups. This will just be the needed impetus to actualize acquisition of their armory for their actualization of their dreams.

2.1.15 The implications of Herdsmen and local farmers Clashes in Nigeria

In actual fact, the Fulani herdsmen attacks have raised security concern involving all the states of the federation. Nigeria has become a bandit's stricken country and is regarded as the hotbed of killings. It must be noted that not only does Nigeria's national security predicaments make life more perilous for the inhabitants, they also drain the federal and state governments' resources, inhibit the delivery of public services, unsettle government strategies, discourage potential investors, affect rapid economic growth and hinder political development. The impact is multifaceted as it affects the social, political, economic and environmental spheres. The implication of the current clashes between Fulani herdsmen and local farmers is evident on prospective and existing business enterprises. While potential foreign and local investors are deterred from making actual investments because of the high security risk, already existent ones are unsure of the safety of their investments. In addition, existing businesses are affected in their inability to do well in their functional areas (production, finance and marketing, among others). The resultant effect of these crippling factors is that the productivity of businesses will be receded, poverty will be more manifest, social dislocation and population displacement as well as the disruption of family and communal life, will become more pronounced, all of which will inadvertently increase crime rates.

Another implication in the clashes between herdsmen and farmers is the destruction of lives and farmlands, which has become a major threat to the nation's food production. Some of

the food-producing states in Nigeria experiencing this sort of clashes have experienced heavy loss of lives and property. Such loss of lives has adversely affected farming activities and other related businesses and socio-economic activities, resulting in a drastic reduction in farm outputs, and thus, heightening the fear of hunger. Already, most farmers in the affected states have abandoned farms and schools for the fear of being attacked by the Fulani herdsmen. For once predominant farming communities, the agricultural occupation is no longer a business as usual. Too many farmers have been displaced and dispossessed of their farms by armed Fulani herdsmen.

Agricultural development experts are unanimous in their predictions that the gains recorded in the agricultural sector of the economy, especially in the area of food production, may suffer a serious setback as a result of the negative effects of clashes with Fulani herdsmen. Currently, virtually all states in Nigeria have been affected by the rampaging Fulani herdsmen. The effects of the sustained Fulani herdsmen crisis in the affected localities have led to farmers' reluctance to go back to their farms, even as the current farming season goes on. Local farmers have fled, leaving their farms unharnessed and fallow, thereby subjecting farms to unwarranted grazing by the Fulani herdsmen.

In all the clashes, heavy casualties in human lives and properties are recorded on both sides. While the local farmers count losses in terms of houses and farm produce, the Fulani herdsmen are counting theirs in terms of cattle. Farms and schools in the affected areas have been overtaken with weeds and those that were ready for harvesting have been left unattended to¹⁰⁰. According to the Governors Forum, "this will negatively affect food supply of local farmers to all parts of the country, since most of the local farmers have moved to safe places where they are not farming and are staying idle"¹⁰¹. While the conflict between the sedentary

local farmers in Nigeria and the Fulani nomadic cattle herdsman is decades old, the present escalation into a full-blown crisis between the Fulani herdsman and the local farmers is a recent phenomenon. As the killings continue on a higher proportion, security agencies appear to have been overwhelmed by the sophisticated nature of the arms used by the mercenaries. The killing of men, women, and children, and the destroying of farm crops and animals have become a trademark of this war, which has chased people out of their ancestral abodes into intolerable situations as internally displaced person.

2.2.0 Theoretical Framework

2.2.1 Modernization Theory

This study is anchored on the modernization theory, the Resource Conflict Theory and Theory of Access. It used more than one theory because many related issues, on the incessant bloody clashes between the Fulani herdsman and local farmers in Nigeria, cut across different dimensions and contexts; therefore, a single theory would not suffice for rigorous analysis¹⁰². The major premise of the modernization theory is that the traditional societies were developed as they adopted more modern practices¹⁰³. There are different terms used in explaining the level of incessant clashes between herdsman and farmers, from the perspective of alleged trespass on farmlands for grazing purposes which destroys crops and deprives local farmers of high productivity and projected profits. The theoretical approach has its origin in the link between internal conflict and the processes of state building. The resource scarcity theory was also used to understand incessant bloody clashes between the Fulani herdsman and local farmers who are now under pressure from different factors such as owners of lands, local farmers and armed Fulani herdsman and the state agencies in Nigeria¹⁰⁴.

The modernization theory is a good testing ground to address land use clashes between the Fulani herdsmen and local farmers, because from the colonialists' point of view, the traditional land use and tenure systems practices among the Fulani herdsmen and local farmers were considered primitive, unproductive and needed to be transformed and "modernized". It is from this perspective that colonial and post-colonial governments introduced a number of interventions including resettlement programs, destocking, new land tenure systems and land policies, strengthened by the present state governments in the form of the open grazing law, which in turn has triggered incessant bloody clashes between Fulani herdsmen and local farmers. The modernization theory as attributed to anti-colonial campaign on land alienation favors the settlement, re-settlement and open grazing of Fulani herdsmen on any land as well as the attendant impacts.

Limitation of Modernization theory

As earlier stated, this study used more than one theory because many related issues, on the incessant bloody clashes between the Fulani herdsmen and local farmers in Nigeria, cut across different dimensions and contexts; therefore, a single theory would not suffice for rigorous analysis. Modernization theory maintains that traditional societies will develop as they adopt more modern practice. Modernization theory could not only be used because it focuses on the causes of the farmers and herdsmen clashes majorly while conflict theory searches on the causes and how it can be solved via various laws to be emanated from the government and society. Modernization theory looks to improvise on and modernize what is causing the clashes

between the herdsmen and farmers but conflict theory did more justices to having solutions to the clashes. This helps us to proceed to discussing the conflict theory.

2.2.2 Conflict Theory

Another theory employed is the resource conflicts theory. Clashes between the concerned parties often occur as a result of land scarcity caused by climate change, population growth and the ineffectiveness of land tenure systems on the part of the government¹⁰⁶. Such causes both parties to harbor grievances. However, internal conflicts always put pressure on society to produce norms to govern violent conflicts. These norms include laws and policies which are used to handle tension. In addition, federal and state governments have developed various means to handle incessant bloody clashes between the Fulani herdsmen and local farmers. However, if the established organs dealing with incessant bloody clashes between the Fulani herdsmen and local farmers are challenged by poor implementation of their resolutions, the violent conflicts over resources will remain inevitable.

The resource conflict theory addressed land scarcity and violent conflicts between the Fulani herdsmen and local farmers because the local communities are inhabited by both the Fulani herdsmen and local farmers, and each group has different interests over land use, thus, making violent conflicts inevitable. From this point, the paper established the triggers of violent land-related conflicts and incessant bloody clashes between the Fulani herdsmen and local farmers during the period under review, and the efficacy of mechanisms used in the attempt to resolve them.

The contemporary society is characterized by different schools of thought, each analyzing social phenomenon from its own orientation. For the purpose of this study, the conflict theory is adopted to explain herders-Farmers "conflicts in Iseyin local government Oyo State. In its

general usage the word or term “conflict” envelops view of difference and disagreement, strife and struggle. The conflict perspective or conflict theory was derived from the ideas of Karl Marx the German theorist and political activist believed that society is a dynamic entity constantly undergoing change driven by conflict.

According to Marx, men, in the social production of their existence, inevitably enter into definite relations which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production the totality of which constitutes the economic structure of society. The fact that the dominant or ruling class (the bourgeoisie) controls the social relations of production, the dominant ideology in capitalist society is that of the ruling class. Ideology and social institutions, in turn, serve to reproduce and perpetuate the economic class structure, According to Marx, the real foundation upon which the superstructure of social, political and intellectual consciousness was built, has been the exploitative economic arrangements of capitalism. Marx believes that any social setting based on exploitative economic arrangement generated within it the seed of its own destruction¹⁰⁶.

In general, conflict perspective view Society as made up of individuals competing for limited resources. Competition over scarce resources is at the heart of all social relationships. Competition, rather than consensus, is characteristic of human relationships. Broader social structures and organizations reflect the competition for resources and the inherent inequality competition entails, some people and organizations have more resources, such as; (power and influence), and use those resources to maintain their positions of power in the society¹⁰⁷. According to the conflict perspective, society is constantly in conflict over resources, and that conflict drives social change. For example, conflict theorists might explain the civil rights movements of the 1960s by studying how activists challenged the racially unequal distribution of

political power and economic resources. As in this example, conflict theorists generally see social change as abrupt, even revolutionary, rather than incremental. In the conflict perspective, change comes about through conflict between competing interests, not consensus or adaptation. Conflict theory, therefore, gives sociologists a framework for explaining social change. All conflicts share common qualities. The first is that there is a kind of contact between the parties that are involved, secondly, the parties in conflict perceive conflicting views and finally, one of the parties always wants to redress existing contradictions¹⁰⁸.

2.3 Empirical Review

Conflict in resource use is not uncommon and perhaps not unnatural in human ecosystems. Moore¹⁰⁹ noted that conflict, is not bad: it is perhaps a necessity in the evolution and development of human organizations. But when conflicts degenerate to violent, destructive clashes, they become not only unhealthy but also counterproductive and progress-threatening. Nyong and Fiki¹¹⁰ pointed out that resource-related conflict are responsible for over 12 percent declines in per capital food production in sub-Saharan Africa.

Competition-driven conflicts between arable crop farmers and cattle herdsman have become common occurrences in many parts of Nigeria. In a newspaper study of crisis in Nigeria between 1991 and February 2005, Fasona and Omojola¹¹¹ found that conflicts over agricultural land use between farmers and herdsman accounted for 35 percent of all reported crises. Politico-religious and ethnic clashes occurred at lower frequencies.

Another study of 27 communities in North Central Nigeria showed that over 40% of the households surveyed had experienced agricultural land related conflicts, with respondents recalling conflicts that were as far back as 1965 and as recent as 2005¹¹². De Haan¹¹³ observed that no less than twenty villages were involved in farmer-herdsman conflicts annually in the

states covered by his study. Nyong and Fiki's¹¹⁴ study found a spatial differentiation in conflict occurrence, as more violent conflicts took place more frequently in resource-rich areas like the Fadama (flood plains) and river valleys than resource-poor areas.

The Fulani cattle herdsman have identified conflicts arising from land use as the "most important" problem they face in their occupation. Describing the annual herding cycle of the Fulani cattle herdsman, Iro stated that the herding season begins with southward movement of the herd and along rivers and stream valleys from October to December marking the end of rainy season and beginning of dry season. January to February is the harmattan season that is characterized by longer grazing hours, herd splitting, and more frequent visits to stable water sources. These thus increase southward movement of the herds. The months of March and April are usually the toughest for the herdsman and his cattle, as it is the hottest period in the grazing calendar. Indeed, he now herds his cattle only in the evenings and nights¹¹⁵. May and June signify the end of dry season and vegetation begins to appear. This also marks the beginning of northward movement of cattle herds. From this period up till September, which is the peak of rainy season, though characterized by cattle-breeding, more milk production and shorter grazing hours, cattle herding coincides significantly with arable crop production. Farmer-herdsman conflict therefore becomes prevalent during this period. The resultant increase in competition for arable land has often times led to serious manifestation of hostilities and social friction among the two user-groups in many parts of Nigeria. The conflicts have not only heightened the level of insecurity, but have also demonstrated high potential to exacerbate the food crisis in Nigeria and other affected countries due to loss of farmer lives, animals, crops and valuable properties¹¹⁶. For instance, the conflict in Darfur region of Sudan started as a resource-based conflict between herdsman and farmers before transforming into a full-blown war that has claimed over 200,000

lives and rendered over a million people homeless¹¹⁷. Just as in The Sudan, farming and cattle-herding respectively are predominantly associated with distinct ethnic groups.

The threat to human security occasioned by these conflicts is quite real. Indeed¹¹⁸ showed that there appears to be a “very strong correlation” between the patterns of the clashes and human security. Human restiveness and communal clashes have become more prevalent in the savannahs where intensive and extensive crop production activities are particularly predominant around the flood plains. The cattle herdsman are now being found in the south – the Guinea savannah and forest belt - in search of pasture for their herds^{119, 120}. Indeed, ¹²¹reported farmer-herdsman conflict in Imo State, south east of Nigeria.

In a study carried out in Nigeria’s Guinea savannah, ¹²² reported that out of about 150 households interviewed, 22 reported loss of a whole farm of standing crops, 41 reported losses of livestock, while eight households from both sides reported loss of human lives. Their study also indicated that stores, barns, residences and household items were destroyed in many of the violent clashes. Serious health hazards are also introduced when cattle are reared to water bodies that serve rural communities.

The implications of all these may put question marks on the achievability of the 10% growth rate in the agricultural sector being proposed by the federal government of Nigeria. Neither would it be easy for the Oyo State government to achieve 20% increase in area under actual cultivation nor grain yields from the present 0.99 to 2.5 metric tonnes per hectare being proposed in its State Economic Empowerment and Development Strategy (SEEDS). Conflicts resulting from the use of Fadama land may also jeopardize huge financial investment by government, Africa Development Bank and World Bank in the Fadama projects nationwide¹³¹.

The causes of farmer-herdsmen conflicts are often not far-fetched. However, there appears to be no consensus among both groups on the causes of their mutual conflict.

According to¹²³, while farmers cite destruction of crops by cattle and other property by the pastoralists as the main direct causes for conflicts cited, burning of rangelands and Fadama and blockage of stock routes and water points by crop encroachment are major direct reasons cited by the pastoralists.¹²⁴ described the role of what she referred to as 'meta conflict'- on going disagreement as to what the conflict itself is about, opining that until there is substantial agreement about the cause of the conflict, reaching agreement on how the divided society reconcile may be almost unattainable. An in-depth insight into the perceptions of conflict actors could thus be useful tool towards resolving farmer-herdsmen conflict.

2.4 Summary and Gap in the Literature

This chapter has reviewed several literatures of researchers and has been able to figure out the gap to be filled by this study. The conceptual review pointed at the overview of some cases of criminal activities of Fulani Herdsmen, perceived causes of Fulani Herdsmen criminal activities, government responses to Fulani Herdsmen violent crimes, implications to national security to be ; increased refugee camps and health hazards, increased under development of the nation, increased food insecurity and socio-economic underdevelopment, increased illiteracy and

school dropouts, exposure of Nigeria's internal security deficiencies, increased proliferation of light arms. Under the theoretical review, two theories were applied to the study for better understanding which are; Modernization Theory and Conflict Theory. Empirical review was also included in this chapter to prove and access the various studies done on this research before by other researchers.

As indicated in the review of literature presented above, research studies have been conducted in Nigeria on Fulani Herdsmen and Farmers clashes and conflict. However few studies have looked at the criminal offences committed by the herdsmen. No particular studies have looked at the implications of these clashes on the criminal justice system of Nigeria and how it influences the national security and security personnel. This is the gap to be filled by this study.

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Chapter Three

Methodology

The procedures adopted in carrying out this study are presented in this chapter under the following sub-headings; Research Design; Population of the Study; Sampling Unit; Sampling Frame; Sampling technique; Sample Size Determination; Method of data collection; Research

Instruments; Pilot Study; Method of Data Analysis; Conceptual Model; Model Specification; Ethical Consideration; Prior expectation and Limitation of the methodology.

3.1 Research Design

The Descriptive Survey Design is used to carry out the study. The design allows data to be collected from a small sample of the target population to enable the researcher describe in a systematic manner the characteristic features and facts about the phenomena examined in the study. Survey design is very useful in this because it has a wide range of scope and coverage, hence generalization is possible. It also has a great deal of information, which makes it economical for independent researchers. The research is a survey design because it covers a large areas, since survey design studies selected sample to discover the relative incidents, distribution and interrelationship of the variables. The descriptive research of the survey type studies a small sample from a large population from where inferences would be drawn about the characteristics of the chosen population.

3.2 Population of the Study

Population for this study are the people living in Iseyin city which also comprises of Fulani herdsmen, farmers, police officers, prison officials and lawyers in Iseyin city of Oyo state. The Fulani herdsmen, farmers, police officers, prison officials and lawyers in this study will include those that are accessible for this research. From the data base of United Nation (2005) with re-estimation in (2011) which was confirmed by (*National Population Commission of Nigeria*) that the population of Iseyin a city in Oyo is 302,990. The Iseyin people, Fulani herdsmen, farmers, police officers, prison officials and lawyers to be selected will be chosen from the three districts Ado-Awaye, Iseyin and Osogun because the clashes affect all the districts in Iseyin Local government.

3.3 Sample Unit

The sample units of the study are Fulani herdsmen, farmers, police officers, prison officials and lawyers in Iseyin Local Government Area of Oyo state.

3.4 Sampling Frame

Sampling frame is a list of all the items in population. It is a complete list of everyone or everything that the researcher wants to study. The researcher involved the Fulani herdsmen, farmers, police officers, prison officials and lawyers in Iseyin local government area of Oyo state.

3.5 Sampling Technique

Purposive sampling technique is used in selecting the Fulani herdsmen, farmers, police officers, prison officials and lawyers who can provide the necessary information on Fulani Herdsmen and farmers' clashes and its implication on Criminal Justice System in Nigeria.

3.6 Sample Size determination

The population of the study is 302,990 and therefore we can use the Taro Yamane formula to determine the sample size as shown below:

$$S = \frac{N}{1 + N(e)^2}$$

Where S= the sample size

N= Population of the study

e = error margin

$$S = 302,990 / 1 + 302,990(0.05)^2$$

$$S = 400$$

3.7 Method of Data Collection

The method of data collection is both primary and secondary sources. The primary sources employed the use of questionnaires. The questionnaires were personally administered to the people in their various districts and locations. An explanation was given to them on what they are expected to do and collection of data made on the spot to avert loss of questionnaires since most respondents are itinerant.

3.8 Research Instrument

A questionnaire coded “Farmers and Fulani Herdsmen clashes Questionnaire” (FFHCQ), and Criminal Justices System Questionnaire (CJSQ) is the main instrument used to collect data for the study. The questionnaire is constructed by the researcher under the guidance of the supervisor. There are two sections in the questionnaire: Section A deals with the Bio data and other relevant information of the respondents while section B deals with the subject matter of the study. The questionnaire items cover issues that focus on the study such as impact of Farmers and Fulani Herdsmen clashes, its criminalities and implications on the Criminal Justice System in Nigeria. In addition, an interview guide is used during the oral interview of some of the farmers and individuals. (A copy of the questionnaire and the interview guide is presented in the appendix)

3.9 Pilot Study

A pilot study, in which the questionnaire will be administered on individuals of a state not involved in the study, was conducted to ascertain the dependability, stability and consistency of the instrument. This assisted the researcher to familiarize himself with any probable problems

of the study. The pilot study also highlight the limitations that the researcher may encounter during the actual administration of the instrument for data collection.

The pilot study was conducted in a different environment of the researchers' study population. Onyishi (2012) confirmed that a try-out procedure is very essential to the development of a sound research plan for it allows the researcher to gain valuable experience of the actual work.

3.10.1 Validity of the Research Instrument

The face content validity of the instrument is ascertained through the approval of the supervisor. The initial draft of the questionnaire, with the objectives of the study was given to the supervisor for his critique and inputs. The inputs reflected in the final draft of the questionnaire as presented in appendix

3.10.2 Reliability of the Research Instrument

The questionnaire was administered within the interval of two (2) weeks. The scores for the administration is subjected to test and retest test to show that the instrument is reliable to use in the study.

3.11. Method of Data Analyses

The data is analyzed by using Descriptive Statistical Analysis. This involve computation of percentages, frequency tables and arithmetic mean from data. Multiple regression analysis is used to address the hypotheses of the study.

3.12.1 Conceptual Mode-Showing the Hypothesis of the Study

3.12.2 Model specification

The model specified to suit this study, is in line with the work of Ojokuku and Sajuyigbe,. It is a linear Multiple Regression Model used to assess the implication of independent variables on Criminal Justice System. The modification developed below is used for this study:

Therefore, FHFC= f(CJS), that is; Fulani Herdsmen and Farmers clashes has implications on the Criminal Justice System

$$FHFC = f(\text{CJS-Prison, CJS-Court, CJS-Police})$$

$$FHFC = \alpha + \beta_1 \text{CJSP} + \beta_2 \text{CJSC} + \beta_3 \text{CJSP} + U \dots \dots \dots \text{eqtn 3.1}$$

FHFC= Fulani Herdsmen and Farmers clashes

α = Constant

β = Coefficients

CJSP =, Criminal Justices System-Prison

CJSC =, Criminal Justices System-Court

CJSP =, Criminal Justices System-police

U =Error term

3.13 Ethical consideration

Ethical approval will be obtained from the appropriate authority of Iseyin local government of Oyo state. Verbal consent will be obtained from the respondents after the purpose of the study would have been explained to them. The respondents were assured of confidentiality and security of data. They were also assured that they can decline participation in the research without any prejudice.

3.14 A priori expectation

The priori expectation in the model is that the independent variable is expected to have negative implications on Criminal Justice System measured by the level of criminalities. The mathematical representation is as follow; $\beta_1, \beta_2, \beta_3 > 0$. Implying that increase in the independent variables will lead more implications on the Criminal Justices System.

3.15 Limitation of the methodology

The research method on primary source of data collection is limited to questionnaire. The model specification is only set out to investigate the negative implication of the Fulani herdsmen and farmers clashes on criminal justice system in Nigeria.

Chapter Four

Results and Summary

Introduction

This section explains the results obtained from the study and presented it in tabular form in which references are made. A total of 400 respondents including farmers, hunters, police officers, lawyers and prison officials in Iseyin community were randomly selected for this study. Out of 400 copies of questionnaire administered, 330 representing 82.5% of the sample size were retrieved from the respondents and were considered to be representative enough and were used for the study. The research data were analyzed and presented with interpretations in this section. Frequency and percentage summary was utilized to test the respondents personal information. The research questions were also analyzed using frequency and percentage distributions, while the formulated hypotheses were analyzed using Chi-Square method of analysis.

Responses On Socio-Demographic Information

Table 1: Frequency Distribution showing Respondents' Sex

Sex	Frequency	%
Male	171	51.8
Female	159	48.2
Total	330	100.0

On the bases of gender, it was observed that 51.8% of the respondents were male, while 48.2% were female. This eliminates any bias that could be attributed to gender since both sex types were duly represented.

Table 2: Frequency Distribution showing Respondents' Age Range

Age	Frequency	%
20-30	46	13.9
31-40	60	18.2
41-49	140	42.4
50 and above	84	25.5
Total	330	100.0

It was noted in Table 2 that 13.9% of the respondents were within the age grouping of 20 and 30 years, 18.2% were within the age grouping of 31 and 40 years, 42.4% were within the age grouping of 41 and 49 years while 25.5 were within the age grouping of 50 years and above. This implied that the sampled respondents were actually within the age categories of adults. The ranges of 41 to 49 confirmed that the various age categorizations were well represented within the study.

Table 3: Frequency Distribution showing Respondents' Profession

Profession	Frequency	%
Farming	184	55.8
Police Officer	48	14.6
Lawyer	29	8.8
Prison Official	44	13.3
Hunting	25	7.6
Total	330	100.0

Table 3 revealed that from the distributed questionnaires found valid for the research purpose, 55.8% were into farming profession, 14.6% were Police officers, 8.8% were Lawyers, 13.3% were Prison officials, while 7.6% were into hunting as a profession.

Table 4: Frequency Distribution showing Respondents' Religion

Religion	Frequency	%
Christianity	170	51.5
Islam	158	47.9
Traditional African Religion	2	0.6
Total	330	100.0

On the bases of religion, it was observed that 51.5% of the respondents were Christians, 47.9% were Muslims while 0.6% were traditionalist. This eliminates any bias that could be attributed to religion since all religion was duly represented.

Table 5: Frequency Distribution showing Respondents' Ethnic Group

Ethnic Group	Frequency	%
Yoruba	298	90.3
Igbo	30	9.1
Hausa	2	0.6
Total	330	100.0

On the bases of ethnic group, it was observed that 90.3% of the respondents were Yorubas, 9.1% were Igbos while 0.6 % were Hausas. This eliminates any bias that could be attributed to ethnic group since all three ethnic groups were duly represented.

Table 6: Frequency Distribution showing Respondents' Marital Status

Marital Status	Frequency	%
Single	54	16.4
Married	250	75.8
Divorced	26	7.8
Total	330	100.0

On the bases of marital status, it was observed that 16.4% of the respondents were still single, 75.8% were married while 7.8% are divorcee.

Table 7: Frequency Distribution showing Respondents' Educational Background

School	Frequency	%
Primary School	76	23.0
Secondary School	148	44.9
National Diploma	30	9.1
HND/B.Sc.	63	19.1
Post-graduate	7	2.1
Never attended school	6	1.8
Total	330	100.0

Table 7 shows the Educational qualification of the respondents, Primary education, representing 23.0%, 44.9% representing secondary education, 9.1% representing National Diploma, 19.1% representing HND/B.Sc., 2.1% representing Post-graduate while 1.8% representing Never attended school. This proved that, respondents with secondary, primary and HND/B.Sc. are more represented for the study.

Analysis Of Research Questions On Farmers/Hunters Responses

Research Question 1: What are the causes of Fulani herdsmen and farmers clashes in Iseyin?

Table 8: Frequency and Percentage summary on statement regarding the causes of Fulani herdsmen and farmers clashes in Iseyin

S/N		ITEMS					Respondents' Responses
		SA	A	UD	D	SD	TOTAL
1.	I find it difficult to communicate in a different language outside my language hence, there is communication gap between the herders and farmers like me						
	F	78	89	75	64	24	330
	%	23.6	27.1	22.7	19.4	7.3	100.0
2.	Not spraying my farm with weedicides and insecticides is not good for farm produce						
	F	99	106	53	42	30	330
	%	30.0	32.1	16.1	12.7	9.1	100.0
3.	Burning of bushes/grasses in the community is our habit and I do it regularly to curb harmful substances to life and to crops						
	F	85	146	37	19	43	330
	%	25.8	44.2	11.2	5.8	13.0	100.0
4.	Farming being one of our occupation in the community, made us occupy almost all the land spaces and the river areas						
	F	54	70	96	50	60	330
	%	16.4	21.2	29.1	15.2	18.2	100.0
5.	As a farmer, I always want good produce and not been disturbed by pest						

F	112	96	64	28	30	330
%	33.9	29.1	19.4	8.5	9.1	100.0

6. I know that climate change can cause the clashes between farmers and Fulani herdsmen

F	49	204	43	30	4	330
%	14.9	61.8	13.0	9.1	1.2	100.0

Average Total F	80	119	61	39	32	330
%	24.1	35.9	18.6	11.8	9.7	100

The test on statements relating to causes of Fulani herdsmen and farmers clashes in Iseyin were summarized in Table 8. It was noted that (50.7%) of the respondents were in support of the statement that they find it difficult to communicate in language different from their own, (26.7%) felt the contrary while (22.7%) of the respondents are not sure. It was also observed that (62.1%) of the respondents affirmed the statement that not spraying their farm with pesticides and insecticides is not good for farm produce, (21.8%) of the respondents did not while 16.1% are indecisive. In a similar trend, majority of the respondents (70%) agreed with the statement that burning of bushes/grasses in the community is their habit and they do it regularly to curb harmful substances to life and to crops, (18.8%) said otherwise while (11.2%) of the respondents were not sure. It was observed that (37.6%) of the respondents agreed with the statement that farming being one of our occupation in the community, made us occupy almost all the land spaces and the river banks, (33.4%) of the respondents were not in support while (29.1%) of the respondents are indecisive. Also, (63%) of the respondents affirmed the statement that as a farmer, they always want good produce and abhor pest, (17.6%) of the respondents did not support while (19.4%) were not certain. Lastly, (76.7%) of the respondents affirmed the statement that climate

change can cause the clashes between farmers and Fulani herdsmen, (10.3%) of the respondents felt contrary while (21.5%) of the respondents are not sure.

Considering the average summary, it could be summed up that majority of the respondents (60%) confirmed the causes of Fulani herdsmen and farmers clashes in Iseyin, thus serving as way out to reduce the clashes between Fulani herdsmen and farmers in Iseyin.

Research Question 2: what is the level of awareness of Iseyin people on issues relating to Fulani herdsmen and farmers clashes in the area?

Table 9: Frequency and Percentage summary on statement regarding the level of awareness of Iseyin people on issues relating to Fulani herdsmen and farmers clashes in the area

S/N	ITEMS	Respondents' Responses					TOTAL
		SA	A	UD	D	SD	
1.	My farming activities has reduced because of the fear of attack						
	F	124	70	17	57	62	330
	%	37.6	21.2	5.2	17.3	18.8	100.0
2.	My farm produce constantly decrease due to inconsistent farming activities						
	F	96	89	75	46	24	330
	%	29.1	27.1	22.7	13.9	7.3	100.0
3.	The increase in price of food commodities has made me farm only for my family around my homestead						
	F	47	59	94	72	58	330
	%	14.2	17.9	28.5	21.8	17.6	100.0

4. I get disturbed as well as angry anytime we experience strange killing of farmers and their farming in the community

F	88	175	15	32	20	330
%	26.7	53.0	4.6	9.7	6.1	100.0

5. I prefer to stay at home with my family because of the daily fear of Fulani attack

F	156	97	47	30	-	330
%	47.3	29.4	14.2	9.1	-	100.0
Average Total F	102	98	50	47	33	330
%	31.0	29.7	15.0	14.4	10.0	100

The test on statements relating to the level of awareness of Iseyin people on issues relating to Fulani herdsmen and farmers clashes in the area were summarized in Table 9. It was noted that (58.8%) of the respondents were in support of the statement that their farming activities has reduced because of the fear of being attack,(36.1%) of the respondents disagreed while (5.2%) of the respondents where indecisive. It was also observed that (56.2%) of the respondents affirmed the statement that their farm produce constantly decrease due to inconsistent farming activities, (21.2%) of the respondents disagreed while (22.7%) are indecisive. In a similar trend, majority of the respondents (39.4%) disagreed with the statement that increase in price of food commodities has made them farm only for their family, (32.1%) of the respondents agreed with the statement while (28.5%) of the respondents are not sure. It was as well observed that (79.7%) of the respondents agreed with the statement that they get disturbed as well as angry anytime they experience strange killing of farmers and their farming in the community, (15.8%) of the respondents disagreed while (4.6%) were not sure. Lastly, (76.7%) of the respondents affirmed

the statement that they prefer to stay at home with their family because of the daily fear of headers attack at the farm, (9.1%) of the respondents did not agree while (14.2%) are not sure.

Considering the average summary, it could be summated that majority of the respondents which is (60.7%) of “farmers and hunters” confirmed the high level of awareness and fear of Fulani headers attack by Iseyin people in the area.

Research Question 3: What is the level of criminalities in the Fulani herdsmen and farmers clashes in Iseyin Local government area in Oyo state?

Table 10: Frequency and Percentage summary on statement regarding the level of criminalities of Fulani herdsmen and farmers clashes in Iseyin Local government area in Oyo state

S/N		ITEMS					Respondents' Responses	
		SA	A	UD	D	SD	TOTAL	
1.	When farms are invaded, I see it as a punishable offence							
	F	90	63	86	41	50	330	
	%	27.3	19.1	26.1	12.4	15.2	100.0	
2.	In the process of invading farms, rape cases were recorded							
	F	65	72	85	57	51	330	
	%	19.7	21.8	25.8	17.3	15.5	100.0	
3.	Kidnapping rate is now high and most of it results in death							
	F	84	107	78	33	28	330	
	%	25.5	32.4	23.6	10	8.5	100.0	
4.	I have witnessed the burning of churches and houses as result of the clashes							

F	53	48	92	82	55	330
%	16.1	14.6	27.9	24.9	16.7	100.0

5. The clashes between the Fulani herdsmen and farmers is over ownership of the community, I do attest to it

F	127	82	59	48	14	330
%	38.5	24.9	17.9	14.6	4.2	100.0

Average Total F	84	74	80	52	40	330
%	25.4	22.6	24.3	15.8	12.0	100

The test on statements relating to the level of criminalities as a result of Fulani herdsmen and farmers clashes in Iseyin Local government area in Oyo state were summarized in Table 10. It was noted that (46.4%) of the respondents were in support of the statement that when farms are invaded, they see it as a punishable offence, (27.6%) of the respondents were not in support while (26.1%) of the respondents are not sure. It was also observed that (41.5%) of the respondents affirmed the statement that in the process of invading farms, they learnt that rape cases were recorded, (32.8%) of the respondents felt contrary while (25.8%) of the respondents are indecisive. In a similar trend, majority of the respondents (57.9%) were in support of the statement that kidnapping rate is now high and most of it results in death, (18.5%) of the respondents said otherwise while (23.6%) are not sure. It was observed that (30.7%) of the respondents were in support of the statement that they have witnessed the burning of churches and houses during clashes, (14.6%) of the respondents said they have not while (27.9%) of the respondents are indecisive. Lastly, (63.4%) of the respondents affirmed the statement that the

clashes between the Fulani herdsmen and farmers is over ownership of the community, (18.8%) of the respondents do not attest to it while (17.9%) of the respondents are not sure.

Considering the average summary, it could be summated that majority of the respondents (48%) confirmed the high level of criminalities as a result of Fulani herdsmen and farmers' clashes in Iseyin Local government area in Oyo state.

Analysis Of Research Questions On Police Officers, Lawyers And Prison Officials

Responses

Research Question 4: What are the effects of Fulani herdsmen and farmers clashes on Criminal Justices System in Nigeria?

Table 11: Frequency and Percentage summary on statement regarding effects of Fulani herdsmen and farmers clashes on Criminal Justices System in Nigeria

S/N		ITEMS		Respondents' Responses			TOTAL
		SA	A	UD	D	SD	
1.	I am proud to be called a police officer/lawyer/prison official						
	F	195	83	-	32	20	330
	%	59.1	25.2	-	9.7	6.1	100.0
2.	I always want to be identified as a member of arm of criminal justice system						
	F	105	90	81	54	-	330
	%	31.8	27.3	24.6	16.4	-	100.0
3.	There is a threat on the constitutions and policies guiding the discharging of our duties in Criminal Justice System in Nigeria						
	F	64	49	145	40	32	330

%	19.4	14.9	43.9	12.1	9.7	100.0
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4. As a member of an arm of Criminal Justice System, I frowned at the clashes as it claims the life and properties of people

F	91	95	26	66	52	330
%	27.6	28.8	7.9	20	15.8	100.0

5. The continuous increase in the clashes as made me see it as a criminal offence and needs to be treated as one

F	43	162	45	37	43	330
%	13.0	49.1	13.6	11.2	13.0	100.0

6. Necessary steps to stop the clashes has been flagged on by the Criminal Justice System and I am in support

F	104	142	54	30	-	330
%	31.5	43.0	16.4	9.1	-	100.0

Average Total F	100	104	58	43	25	330
%	30.4	31.4	17.7	13.1	7.4	100

The tests on statements relating to the effects of Fulani herdsmen and farmers clashes on Criminal Justices System in Nigeria were summarized in Table 11. It was noted that (84.3%) of the respondents were in support of the statement that they are proud to be called either a police officer/lawyer/prison official, (15.8%) of the respondents were not in support It was also observed that (59.1%) of the respondents affirmed the statement that they always want to be identified as a member of arm of criminal justice system,(16.4%) of the respondents felt contrary while (24.6%) of the respondents are indecisive. In a similar trend, majority of the respondents (34.3%) were in support of the statement that there is a threat on the constitutions and policies

guiding the discharge of their duties in Criminal Justice System in Nigeria,(21.8%) of the respondents said otherwise while (43.9%) are not sure. It was observed that (56.4%) of the respondents were in support of the statement that they frowned at the clashes as it claims the lives and properties of people, (35.8%) of the respondents said they do not while (7.9%)of the respondents are indecisive. Also, (62.1%) of the respondents were in support of the statement that the continuous increase in the clashes as made them see it as a criminal offence which needs to be treated as one,(24.2%) of the respondents said they do not while (13.6%)of the respondents are indecisive. Lastly, (74.5%) of the respondents affirmed the statement that necessary steps to stop the clashes have been flagged on by the Criminal Justice System and they are in support, (9.1%) of the respondents do not attest to it while (16.4%) of the respondents are not sure.

Considering the average summary, it could be summated that majority of the respondents (61.8%) confirmed the effects of Fulani herdsmen and farmers clashes on criminal justices system in Nigeria.

Research Question 5: What are the implications of Fulani herdsmen and farmers clashes on Criminal Justices System in Nigeria?

Table 12: Frequency and Percentage summary on statement regarding the implications of Fulani herdsmen and farmers clashes as it affects Criminal Justices System in Nigeria

S/N	ITEMS	Respondents' Responses					TOTAL
		SA	A	UD	D	SD	
1.	Criminal Procedure of the Criminal Justice System has been altered						
	F	96	51	85	43	55	330
	%	29.1	15.5	25.8	13.0	16.7	100.0

2. We are deficient in necessary policies and legislation, so we cannot facilitates fair trial of suspects

F	31	46	20	167	66	330
%	9.4	13.9	6.1	50.6	20	100.0

3. The society institutions of social control in the community has not been effective

F	50	49	67	80	84	330
%	15.2	14.9	20.3	24.2	25.5	100.0

4. I have not been responsive in discharging my duties due to government silence on the clashes

F	76	82	93	47	32	330
%	23.0	24.9	28.2	14.2	9.7	100.0

5. Defending the system has been one thing I am not bold to do

F	13	17	31	149	120	330
%	3.9	5.2	9.4	45.2	36.4	100.0

Average Total F	53	49	59	97	72	330
%	16.1	14.9	17.9	29.4	21.7	100.0

The test on statements relating to the implications of Fulani herdsmen and farmers clashes as it affects criminal justices system in Nigeria were summarized in Table 12. It was noted that (44.6%) of the respondents were in support of the statement that our criminal procedure of the criminal justice system has been altered, (29.7%) of the respondents were not in support while (25.8%) of the respondents are not sure. It was also observed that (23.3%) of the respondents affirmed the statement that they are deficient in necessary policies and legislation, so they cannot facilitates fair trial of suspects, (70.6%) of the respondents felt contrary while (6.1%)

of the respondents are indecisive. In a similar trend, majority of the respondents (30.1%) were in support of the statement that the social control in the community has not been effective, (49.7%) of the respondents disagree while (20.3%) are not sure. It was observed that (47.9%) of the respondents were in support of the statement that they have not been responsive in discharging their duties due to government inaction on the clashes, (23.9%) of the respondents said they have while (28.2%) of the respondents are indecisive. Lastly, (9.1%) of the respondents affirmed that the defending the system has been one thing they are not bold to do, (81.6%) of the respondents do not attest to it while (9.4%) of the respondents are not sure.

Considering the average summary, it could be summated that majority of the respondents (51.1%) affirmed there is no implications of Fulani herdsmen and farmers clashes on Criminal Justices System in Nigeria.

Test of Hypotheses

Hypothesis 1: There is no significant relationship between Fulani herdsmen attack and farmers' crisis in Iseyin

Table 13: Chi Square summary on statement regarding the significant relationship between Fulani herdsmen attack and farmers' crisis in Iseyin

Items	Response					Total
	SA	A	U	D	SD	
F	80	119	61	39	32	330
%	24.1	35.9	18.6	11.8	9.7	100.0
Chi Square	X2			136.122		

df **3**

p **< .05**

It was observed that 60% of the respondents confirmed that there is significant relationship between Fulani herdsmen attack and farmers crisis in Iseyin, 21.5% felt otherwise while 18.6% are indecisive. The X^2 value of 136.122, df of 3 revealed a p value that was less than 0.05 level of significant. This implied that the observed variation in responses were valid for conclusion. It could therefore be summated that there is significant relationship between Fulani herdsmen attack and farmers' crisis in Iseyin. This negates the formulated hypothesis 1 and it was rejected.

Hypothesis 2: The level of awareness on the clashes between the headsmen and the farmers in Iseyin community is very low

Table 14: Chi Square summary on statement regarding the level of awareness of Iseyin people and Fulani herdsmen and farmers clashes in the area

Items	Response					Total
	SA	A	U	D	SD	
The level of awareness on the clashes between the headsmen and the farmers in Iseyin community is very low.						
F	103	98	50	47	33	330
%	31.0	29.7	15.0	14.4	10.0	100.0
Chi Square	X2		140.367			
	df		3			

p < .05

It was observed that 60.7% of the respondents confirmed that there is significant relationship between the level of awareness of Iseyin people and Fulani herdsmen and farmers clashes in the area, 24.4% felt disagree while 15.0% are indecisive. The X² value of 140.367, df of 3 revealed a p value that was less than 0.05 level of significant. This implied that the observed variation in responses were valid for conclusion. It could therefore be summated that there is significant relationship between the level of awareness of Iseyin people and Fulani herdsmen and farmers clashes in the area. This negates the formulated hypothesis 2 and it was rejected.

Hypothesis 3: There are no criminalities in the Fulani herdsmen and farmers clashes in Iseyin Local government area in Oyo state

Table 15: Chi Square summary on asserting criminalities between Fulani herdsmen and farmers during clashes in Iseyin Local government area in Oyo state

Items	Response					Total	
	SA	A	U	D	SD		
F	84	74	80	52	40	330	
%	25.4	22.6	24.3	15.8	12.0	100.0	
Chi Square	X2					148.204	
	df					3	
	p					< .05	

It was observed that 48.0% of the respondents confirmed that there are criminalities between Fulani herdsmen and farmers' during clashes in Iseyin Local government area in Oyo state, 27.8% felt disagree while 24.3% are indecisive. The X^2 value of 148.204, df of 3 revealed a p value that was less than 0.05 level of significant. This implied that the observed variation in responses were valid for conclusion. It could therefore be assumed that there are criminalities between Fulani herdsmen and farmers' during clashes in Iseyin Local government area in Oyo state. This negates the formulated hypothesis 3 and it was rejected.

Hypothesis 4: The Fulani herdsmen and farmers clashes in Iseyin local government area has no effect on the Criminal Justice System in Nigeria.

Table 16: Chi Square summary on statement regarding the significant effect of Fulani herdsmen and farmers clashes on criminal justices system in Nigeria

Items	Response					Total
	SA	A	U	D	SD	
There is significant effect of Fulani herdsmen and farmers clashes on criminal justices system in Nigeria						
F	100	104	58	43	25	330
%	30.4	31.4	17.7	13.1	7.4	100.0
Chi Square	X2			152.110		
	df			3		
	p			< .05		

It was observed that 61.8% of the respondents confirmed that there is significant effect of Fulani herdsmen and farmers' clashes on criminal justices system in Nigeria, 20.5% felt otherwise while 17.7% are indecisive. The X^2 value of 152.110, df of 3 revealed a p value that was less than 0.05 level of significant. This implied that the observed variation in responses were valid for conclusion. It could therefore be summated that there is significant effect of Fulani herdsmen and farmers' clashes on Criminal Justices System in Nigeria. This negates the formulated hypothesis 4 and it was rejected.

Hypothesis 5: There is grievous criminal activities perpetrated by headers on the farmers and this has significant implication on the Criminal Justice System in Nigeria.

Table 17: Chi Square summary on statement regarding the significant implication of Fulani herdsmen and farmers clashes on criminal justices system in Nigeria

Items	Response					Total
	SA	A	U	D	SD	
There is grievous criminal activities perpetrated by headers on the farmers and this has significant implication on criminal justices system in Nigeria	53	49	59	97	72	330
%	16.1	14.9	17.9	29.4	21.7	100.0
Chi Square	X2		150.220			
	df		3			
	p		< 0.011			

It was observed that 31.0% of the respondents confirmed that there is significant implication of Fulani herdsmen and farmers' clashes on criminal justices system in Nigeria, 51.1% felt otherwise while 17.9% are indecisive. The X^2 value of 150.220, df of 3 revealed a p value that 0.011 level of significant. This implied that the observed variation in responses were valid for conclusion. It could therefore be summated that there is no significant implication of Fulani herdsmen and farmers clashes on iseyin community. This does not negate the formulated nor nullify hypothesis 5 and it is accepted.

Discussion of Findings

The research question one on the causes of Fulani herdsmen and farmers in Iseyin community revealed that herders drive their cattle into the farms especially on the grown crops like maize, cassava, yam, sorghum and millet thereby destroying the livelihood of farmers. The farmers source of income is thereby affected, this coupled with poor language communication between farmers, hunters and Fulani herdsmen making resolution on the issue very complicated. Also spraying pesticide on the farmland by farmers which can serve as food for the herders cattle, which ultimately kills the cattle that feed on the crops infuriate the herders for lack of food for their cattle and killing of the cattle. This is in line with the International Crisis Group Report (2017), it alerted our minds to the fact that states like Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara, were gradually becoming deserts with 50-75 percent of the land area drying up progressively. These environmental changes according to the report have affected human livelihoods and been a factor contributing to pastoralist's southward migration, in search for pastures for their cattle. As also said by Isola (2018), the forced migration has led to the massive influx of herders to the south, which has given rise to the

increase in violent clashes between herdsmen and residents of the community where they migrate to especially the farmers. Reenberg et al., (1998) pointed out that the increase in population has, in turn, had drastic effects, like shortage in food, land conflict and the expansion of agriculture that give rise to competition for natural resources. Overall, the causes of these clashes are significant enough and it should be worked on for peace and for more productivity in the state and country.

This however affirms the hypothesis that says there is significant effect of herdsmen and farmers living together in the same community of Iseyin. The clashes has affected the cordial and peaceful relationship and living together of the two parties.

Considering the research question two which enquired the fear of Iseyin people on issues relating to Fulani herdsmen and farmers clashes in the area, the findings revealed that this reduces farming activities due to the fear of not being attacked as a result of farmland invasion and this has result into constant decrease in farm produce due to inconsistent farming thereby resulting to high price of food commodities, Fear, which made them prefer to stay at home more often with their family indicate the level harassment and danger experienced by Iseyin community.

In line with their level of fear, Esho (2016), gave a report that serve as an information for the people in Iseyin local government area he said on the 20th of April (2016), Fulani herdsmen attacked about five communities in the Lagelu Local Government Area of Oyo State killing and injuring unspecified number of persons. Overall, the high level of awareness of the clashes between the two parties has brought a lot of precautions in the community, affecting their daily and farming occupation. Hypotheses 2 that says there is no relationship between the fear

exercised by the farmers and the herders clashes is hereby refuted. Findings revealed that the farmers are afraid of the incessant clashes and atrocities of herders.

On the research question three which inquired on the level of crime committed as a result of Fulani herdsmen and farmers clashes in Iseyin Local government area in Oyo state, the findings of the study revealed that farms are invaded and destroyed by Fulani herdsmen. During these invasion, rape cases, kidnapping, killing and burning of churches and houses of farmers, and threat to take over ownership of the community by the Fulani herdsmen in Iseyin Local government area in Oyo state. In line with this contribution Oluwole and Nathaniel (2015), assert that the criminal activities of Fulani herdsmen include violent acts which most cases have no direct bearing to their illegal occupation of land for grazing but solely for criminal purposes such as armed robbery, murder, looting, kidnapping, kidnap for ransom, rape, arson, destruction of communities and Churches. These criminal acts are subsumed under the guise of land struggle for cow grazing. However, no government security agency in Nigeria has taken punitive action aimed at apprehending, investigating and prosecuting these criminals. The heinous crimes committed by these Fulani herdsmen have remained unchallenged and glamorized and thus their impunity becomes unabated. Hypotheses 3 that says there is no crime committed by farmers and herders clashes has been debunked. It is revealed that there is raping, killing, kidnapping and destruction of properties. This result into loss of livelihood, destruction of sources of income and fear of loss of lives and properties. Hypotheses 3 is hereby refuted.

On the research question four probing the effects of Fulani herdsmen and farmers' clashes on Criminal Justices System in Nigeria, the findings of the study revealed that the arms of Criminal Justice System in Nigeria (police officer, court and prison official).

There had been reported cases of herders intransigencies, attacks and destructions on farmers farmlands and properties. There are cases of raping ,killings, dismembering of body parts and kidnapping. Arrests were made by police in iseyin and culprits were taken to court for prosecution; some were jailed and imprisoned for the crimes committed. The criminal justice system have been alert to their work and the findings revealed that herders and farmers who engaged in criminal acts have been prosecuted. This indicated that there is no negative implication on the criminal justice system. This refutes hypotheses four that says there is no significant adverse effect on criminal justice system. Furthermore, the implications of Fulani herdsmen and farmers clashes as it affects Criminal Justices System in Nigeria, the findings of the study revealed that criminal procedure of the Criminal Justice System has not been altered till date. They are not deficient in necessary policies and legislation, so they can facilitates fair trial of suspects, the society institutions of social control in the community has been effective, they have been responsive in discharging their duties. In line with this, Onimajesin (2009), asserts that design of each country's Criminal Justice System should reflect its social and cultural orientation as an instrument of social control that situate within the cultural milieu in which it operates. An effective Criminal Justice policy regime requires every society to create its own institutions of social control that reflects popular societal mores and values. Criminal law legislation should holistically mirror government's policies as it relate to the control of conducts that threaten law and order in a territory.

The Theory of modernization that explains inability of people to adopt modern techniques to lives and livelihood aptly elucidates the clashes between the herders and farmers. Ranches and modern grazing in Argentina, Russia ,Brazil, United States of America, Sweden, Denmark is the

other of the day and no longer cattle rearing which involves taking cattle from the north to the south due to climate change.

Conflict Theory that says economy being the super structure on which all other structure lie also explains the herders and farmers' clashes. Farm crop is the main livelihood of farmers and cattle is the main livelihood of herders. All parties want to protect their economic interest and this has led to conflict between the two.

Chapter Five

Conclusion

5.1 Summary of Findings

The study investigates Fulani herdsman and farmers clashes: a critically reviewing the criminalities and implications on the Criminal Justices System in Iseyin Local government area in Oyo state. The purpose of the study is to examine the causes of Fulani herdsman attack on the farmers in Iseyin. This is to ascertain the level of awareness of Iseyin people on issues relating to Fulani herdsman and farmers clashes in the area, examine the level of criminalities of Fulani herdsman and farmers clashes, evaluate the impact of Fulani herdsman and farmers clashes on criminal justices system in Nigeria and determine the implications of Fulani herdsman and farmers clashes as it indicts Criminal Justices System in Nigeria.

Four research questions and four hypotheses guided the study, to elucidate the objective and aim of the study. The study reviewed literatures on The Fulani People of Nigeria: A Brief History, Land Tenure / Land Act in Nigeria, Measuring the Performance of the Nigeria's Criminal

Justice System, The Nigerian Criminal Justice Policy , Statistics of Mass Killings and Destructions in Nigeria by Fulani Herdsmen, Fundamental Human Right to Life and the Crime of Murder, The magnitude of Farmers-Herders Conflict in Nigeria, Climate Change, Migration, and Population Growth, Overview of some Cases of Criminal Activities of Fulani Herdsmen, Perceived Causes of Fulani Herdsmen Criminal Activities, The implications of Herdsmen and local farmers Clashes in Nigeria, Theoretical Review, Empirical Review and summary and gap in the literature.

The study adopted a mixed research method and design. The population of the study comprised the people living in Iseyin city which also comprises of Fulani herdsmen, farmers, Police officers, Prison officials and lawyers in Iseyin city of Oyo state. Purposive sampling technique was used to randomly select four hundred (400) respondents which include Fulani herdsmen, farmers, police officers, prison officials and lawyers as sample for the study. A self- structured questionnaire that is made up of section A (Bio-data) and B (question statements) was designed and used in collecting the data for this study. The data collected were analyzed using frequency count and simple percentage for the research questions and chi-square was used to test the hypotheses of the study. The findings of the study revealed that:

The following accounts for the clashes;

1. herders invasion and destruction of farmlands that are sources of livelihood for farmers, destruction of properties and criminal activities of raping.
2. Language differences between farmers, hunters and Fulani herdsmen, spraying the grasses on the farm by farmers which can serve as food for the cattle, burning of grasses that harm the cattles if they eat the crops, caused the herders to attack the farmers on the farm.

The fear and trepidations of Fulani incursion has led to; reduction of farming activities as a result of farm invasion, constant decrease in farm produce due to inconsistent farming which results to high price of food commodities, people pass through emotional and psychological disturbances and fear which made them prefer to stay at home with their family.

The crime perpetrated by the Fulani headsmen include but not limited to farm invasion by Fulani herdsmen, rape cases during invasion of the farms, high rate of kidnapping resulting into killings of the victims, killing of Christians and burning of churches and houses of farmers and a threat to take ownership of the community and all these affect the living together of herders and farmers

The three arms of criminal justice system in Nigeria (police officer, court and prison official) despite the threat on the constitutions and policies guiding the discharge of their duties have been alert to their duties. The arms of the criminal justice system frowned at the clashes as it claims the life and properties of people, being criminal offences, in light of this, necessary steps to stop the clashes have been flagged up by the system.

The study revealed, criminal procedure of the criminal justice system has not been altered, as there is no deficiency in necessary policies and legislation. The Criminal Justice System facilitates fair trial of suspects and the society institutions of social control in the community has been effective, they have not been unresponsive in discharging their duties due to government silence on the clashes and defending the system.

The results of the tested hypotheses indicated that there is high rate of Fulani herdsmen attack on farmers' in Iseyin. There is a high level of fear in Iseyin people about Fulani herdsmen criminalities in the area and the level of criminalities of Fulani herdsmen and farmers' clashes in

Iseyin Local government area in Oyo state has significant effect on farmers. Also, there is significant adverse implications of Fulani herdsmen and farmers' clashes on criminal justices system in Nigeria.

5.2 Conclusion

Based on the findings of the study, it can be concluded that the causes of Fulani herdsmen and farmers' clashes in Iseyin could be averted if the people would understand each other's language other than their mother tongue for easy communication. Also, clashes would be minimal if they understand climate change and be accommodating which may result to a better farming experience for both farmers and Fulani herdsmen. The Iseyin people as a result of the clashes in the community prefer to stay away from farming to be safe from being killed. Criminalities during these incessant clashes between the Fulani herdsmen and farmers include invading of farms, rapping, kidnapping, and burning of properties perpetrated by the herdsmen. Also, effect of Fulani herdsmen and farmers' clashes on criminal justice system in Nigeria has strengthened the arms of the system to support the steps flagged up to curb the clashes. Lastly, it was concluded that there is no implication of Fulani herdsmen and farmers clashes on effectiveness of the criminal justice system in Nigeria.

5.3 Recommendations

Based on the findings of the study, the following recommendations are made:

Federal government should adopt both short-term and long-term measures towards tackling the incessant farmers and Fulani herdsmen crisis.

Federal government should discharge her primary constitutional responsibility to the people by arresting and prosecuting the Fulani herdsmen who perpetrate the attacks for the various possible crimes.

Federal government should take the lead and ensure that grazing laws are enacted for the entire country.

Federal government should develop the legal structure and framework for restorative justice, to complement the extant criminal justice system in Nigeria and encourage farmers and herdsmen to bring their misgivings to the constituted authority.

Federal government should adopt critical policy decision (s) in collaboration with all the states of the federation and criminal justice system that could end the recurrent killings and other criminalities.

The criminal justice system should ensure to put in undiluted efforts in discharging their duties and ensure the enforcement of law and punishment giving by the government

The Oyo state government can also make complementary by-laws. These laws should clearly provide for ranches and define grazing lands, and should mark out grazing routes across the state and country.

The Oyo states government should follow possible civil actions against the Fulani herdsmen because it would help to curb the recurrent Fulani herdsmen attacks.

Limitation of the Study

The researcher encountered some difficulties in the course of this study. It was difficult to get the respondents (Police, Lawyers, Prison officials, farmers and hunters) to complete the questionnaire in the locations due to the COVID 19 pandemic and their duties. Also not all the respondents supplied valid data for the study. Sourcing for materials on the internet, processing and analyzing data in the course of the study was a challenge.

5.4 Contribution to Knowledge

This study provides information for the Criminal Justices System in Nigeria for national security in their daily activities because of the level of insecurity posed to the nation. This study also provides the necessary information on the causes of the farmers and Fulani herdsmen clashes in Nigeria for policy making in the state.

Suggestion for further study

This study was conducted in Oyo state in the Southwestern Nigeria. Further studies could be conducted in other part of Nigeria in order to generalize this study. It could also be suggested that study should be done on each arm of criminal justices system in Nigeria order to access their capacity and ability and to extend frontier of knowledge.

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