

# **Human Rights, National Insecurity and Fulani Herdsmen Attacks in Nigeria**

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## **Abstract**

*This article is one which is deliberately undertaken to examine the problem of human rights violations and the insecurity caused by Fulani herdsmen attacks in various states of the Federation of Nigeria. It provides the details on the legal regime on human rights in Nigeria, and the law to contend with the activities of herdsmen so as to guarantee security of the citizens in the country. It further unravels why irrespective of the existence of the legal regime, the hostilities between the Fulani herders and farmers have continued to be on the increase resulting to the degree of human rights abuses and the prevalent problem of insecurity being witnessed or experienced in many states of the federation of Nigeria, that are invaded. The researcher has used the doctrinal method of research and has discovered that problems of Fulani herdsmen attacks and the insecurity it has posed in the country, is worsened by the compromising attitude of Nigeria's security operatives, the docile attitude of the Federal Government towards the attacks, the use of mercenaries and sophisticated weapons in the attacks etc. The write up concludes that for this problem to be addressed the Federal Government must rise up to check the porous nature of its borders, the source of the arms used in the clashes and the attitude of security operatives must be put under constant check or supervision. Finally, it is suggested that if the Federal Government of Nigeria cannot defend the citizenry against the Fulani attacks, the people should be mobilised to defend themselves under the concept of self-defence, which is constitutionally recognised.*

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## **Introduction**

This article, examines the current incidence of Fulani herdsmen/farmers conflicts over farm land and how the clashes have often resulted into the destruction of many lives and properties, resulting into the violation of Fundamental Rights guaranteed in chapter IV of the 1999 Constitution and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.<sup>1</sup> It also undertakes a review of the Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017 and that of Taraba State enacted in 2018.<sup>2</sup> The paper further examines why, in spite of, the enactment of this legislation by some states in Nigeria, there is still high incidence of Fulani herdsmen unprovoked attacks and conflicts with farmers over land in the country. In showcasing the veracity of these attacks and their human rights and insecurity implications, some states that are bedeviled with the attacks are identified and the incidence of human rights violations and insecurity caused by these attacks are elaborated, as a proof of these invasions infraction on the citizen's rights and the insecurity posed in the nation. The paper is followed by an identification of the factors are responsible for these attacks or have protracted the attacks, and the solutions the Federal Government ought to adopt, in order to overcome this ugly situation in the country

## **Conceptual Clarifications**

### ***Human Rights***

'Human Rights' are those inalienable rights of man. They are rights which are believed to have been with man right from creation in the Garden of Eden.<sup>3</sup> It is on the above backdrop that a famous Jurist, delivering judgment in a case remarked that, even God did not condemn Adam and Eve in the Garden of Eden, without granting

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<sup>1</sup> CAP A9 Laws of the Federation of Nigeria, 2004.

<sup>2</sup> Open Grazing Prohibition and Ranches Establishment Law, Taraba State, 2018

<sup>3</sup> See the story of creation of man in Genesis chapter 1.

them the opportunity to be heard.<sup>4</sup> By this, it means, human rights are those rights accorded to man right from the beginning. They are selected rights that have followed man from one historical stage to another. At a stage of human history, they were considered so sacrosanct and thought to be vague and imprecise and incapable of being reduced into barest minimum standard with precision. They are considered significant in human history because without them, the value of life of humanity such as happiness, wellbeing and his productivity are drastically diminished<sup>5</sup>.

### ***Insecurity***

The word ‘insecurity’ as used here, connotes the feeling of lack of safety, freedom, protection in one’s life, property, trade, movement or other activities of life that promote man’s happiness and welfare in the society or country. Factors leading to citizen’s insecurity in any society or country are manifold. They range from religious strife, political wrangling, ethnic rivalry, disputes over resource control<sup>6</sup> etc.

Any of the above factors is likely to pose national insecurity which affects a plethora of rights guaranteed to the citizens such as right to life, respect to the human dignity of their persons, right to personal liberty, freedom of movement, freedom of assembly and association, right to private and family life, as well as, the freedom to own and dispose of their movable and immovable properties.<sup>7</sup>

‘Insecurity’, whether arising from political, religious, ethnic, resource control, or any social upheaval, affects the happiness, welfare and wellbeing of the citizens in no small measure. It is based

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<sup>4</sup> See R V Chancellor of University of Cambridge (1723) 93 E R, 6 98

<sup>5</sup> See Oputa C.A., *Human Rights in the Legal and political of Nigeria* (Lagos: Nigerian Law Publications, Limited, 1988) 32

<sup>6</sup> See the crisis in Republic of Sudan, leading to the division of the country into the Republics of North and South Sudan and the current agitations in the Niger Delta Region of Nigeria on the resource control formula of the country entrenched in the Constitution

<sup>7</sup> See the following Constitutional Provisions. Sections 33 – 46 of the Constitution of the Federal Republic of Nigeria , 1999 (as amended)

on the above that, this article is written to expose the causes of herdsmen/farmers conflicts in Nigeria, its negative dimension on human rights, and the degree of insecurity that it has caused, resulting into serious threats to the peace, unity and corporate existence of the country.

### ***Herdsmen***

The word ‘herdsmen’ or ‘herders’, used in this article, means the nomadic and semi-nomadic Fulani cattle rearers whose main trade or business is the rearing of sheep and cattle by roaming about in the open in search of green pasture and water.

### ***Attacks***

The word ‘attacks’ denotes the series of invasions made by Fulani herders in many states of the federation, some of which are identified and discussed in the paper. Emphasis in the paper is placed on Fulani herdsmen, because other livestock rearers, like horses, donkeys, dogs and pigs are not involved in any of these attacks, except the Fulanis.

## **The Constitutional Provisions for the Safeguard of Fundamental Rights of the Citizens in Nigeria**

To ensure that citizens in Nigeria are free, protected or secured in carrying out their socio-economic and political activities; and are full of happiness in the country, the constitution has provided for a number of rights for the protection of lives of the citizens and their properties against any form of deprivation. These rights indeed, cover the right to life, the right to the dignity of human person, which renders citizens free from torture, inhuman and degrading treatment; the holding of any person in slavery or servitude and the subjection of any person to force and compulsory labour.<sup>8</sup> It also guarantees to

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<sup>8</sup> Section 34 of CFRN, 1999 (as amended)

citizens the right to personal liberty<sup>9</sup>, right to fair hearing before a court or Tribunal established by law;<sup>10</sup> and their right to privacy in their homes, correspondence, telephone conversation and telegraphic communications.<sup>11</sup> They are also to enjoy the freedom of thought, conscience and religion, including the freedom to change their religion and belief, either alone or in community with others, and in public or private. Citizens are also allowed to manifest and propagate their belief in worship, teaching, practice and observance.<sup>12</sup> They are allowed to assemble freely and associate with other persons for political purposes and to form or belong to any trade union or association for the protection of their interests.<sup>13</sup> They are to be free, to move freely throughout Nigeria and to reside in any part of the country. They are not to be expelled from or refused entry into and exit from the country.<sup>14</sup> Equally provided, is the right of the citizens to acquire and own immovable and movable properties anywhere in the country<sup>15</sup>

The guaranteed Constitutional Rights are to be respected by the state apparatus and the citizens at all times, and not derogated from, except in the interest of defence, public safety, public health, public order, public morality and for the purpose of protecting the rights and freedoms of other persons.<sup>16</sup>

***A Review of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria, 2004***

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<sup>9</sup> Section 35 of the CFRN 1999 (as amended)

<sup>10</sup> Section 36 (1) of the CFRN 1999 (as amended)

<sup>11</sup> Section 37 of the CFRN 1999 (as amended)

<sup>12</sup> Section 38 (1) of the CFRN 1999 (as amended)

<sup>13</sup> Section 40 of the CFRN 1999 (as amended)

<sup>14</sup> Section 41 (1) of the CFRN 1999 (as amended); see Shugaba Darman V Ministry on Internal Affairs (1982) 2 NWLR, (PT.) P. 68 and Olisa Agbakoba V Attorney General of the Federation of Nigeria (1994) 6SCNJ, 15.

<sup>15</sup> Section 43 of the CFRN 1999 (as amended); see Emeka Ojukwu V Military Governor of Lagos State (1986) 1 NWLR (PT18) P. 62

<sup>16</sup> Section 45 (1) of the CFRN 1999 (as amended)

The legal regime on human rights provided in Chapter IV of the Constitution is consolidated by the Federal Governments adoption of the provisions of the African Charter on Human and Peoples' Rights which was passed by African Heads of States and Government in Banjul, 1981.<sup>17</sup>

Under the charter every human being is entitled to respect of his life and the integrity of his person<sup>18</sup> and every individual, to have respect of the dignity inherent in a human being and for the recognition of his legal status.<sup>19</sup> The Charter further prohibits all forms of exploitation and degradation particularly, slavery, slave trade, torture, cruel inhuman punishment and treatment.<sup>20</sup> It also guarantees the right to the people to be allowed to freely participate in the disposition of their wealth and natural resources which shall be exploited exclusively in the interest of the people. And nowhere shall the people be deprived of the sale of the resources of their nation.<sup>21</sup> It guarantees freedom of movement, personal liberty, freedom of worship, prohibition against discrimination and the right to private and family life<sup>22</sup>

By the charter, state parties that are signatories to this document are placed under obligation to promote and ensure through teaching, education and publication, the respect to these rights and freedoms as contained under the regional instrument. The provisions of this regional instrument are considered higher in status than all the laws in the country, except the constitution.<sup>23</sup>

### ***Attempts by States to Stem Herdsmen/Farmers Conflict in Nigeria.***

As standard as Nigeria has evolved a descent legal regime for the safe guard of citizens Fundamental Rights and established

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<sup>17</sup> Section 12 of the CFRN 1999 (as amended); and *Fawehinmi V Abacha* (2000) FWLR, (PT 13) 2227

<sup>18</sup> See Article 4 of African Charter

<sup>19</sup> See Article 5 of African Charter

<sup>20</sup> See Article 6 of African Charter

<sup>21</sup> See Article 21 of African Charter

<sup>22</sup> See Article 22 of African Charter on Human and people's Rights, 1981 which is domesticated in Nigeria as CAP A9 Laws of the Federation of Nigeria, 2004

<sup>23</sup> See *Peter Nemi V The State* (1993) SCNJ, 75 and *Fawehinmi V Abacha*, *Supra*.

other laws and set up numerous security outfits to protect its citizenry, the country in recent time is thrown into a state of insecurity arising from, unprovoked attacks/frictions between Fulani herdsmen and farmers in their bid, to have free access to grazing rights on every land in the country. These clashes and conflicts as they have occurred in many states of the federation, have resulted into social tension, displacement of people attacked from their ancestral land; and have dislodged and separated family members, distorted free movement and association in many parts of the country and destroyed crops and houses and other properties that cannot be precisely quantified in monetary value.

In order to contend with the problem of Fulani and farmers clashes over land in some parts of the Federation, some states like Benue and Taraba, took the bull by the horns, by enacting the Anti Open Grazing Prohibition and Ranches Establishment Law, 2017 which they sincerely believed will accommodate the interest of the farmers as well as the herders. Unfortunately, this law has rather become a subject of criticism from the public, the press; political, religious groups particularly, *Miyetti Allah Kautal Hore*, the mouth piece, mentor or surrogate of the Fulani herdsmen in Nigeria that, this legislation is unconstitutional and inconsistent with certain provisions of the Land Use Act, 1978. Before this law was enacted, Benue State had enacted the Grazing Reserve Law<sup>24</sup>

### ***A Review of the Anti-Open Grazing and Ranches Establishment Law of Benue State, 2017 and its Legal Implications***

Responding to the growing violence/animosity between farmers and Fulani herdsmen in Benue State and their prevalent attacks on other communities in the Middle Belt Region, the Benue State Government was propelled to enact the Open Grazing Prohibition and Ranches Establishment Law, 2017 followed by that

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<sup>24</sup> CAP 72, Laws of Benue State, 2004.

of Taraba State in 2018. This law, enacted in some states of the federation, is similar in respect of its contents and targets.

The law essentially prohibits open rearing and grazing of livestock and provides for the establishment of ranches, livestock Administration, Regulation and Control.<sup>25</sup> This part of the article has discussed what this law is all about, what it prohibits, the institutions or public bodies empowered to enforce it, and identified the potential legal implications in the process of implementation of the enactment. The main objectives of this law are contained in section 3 of the legislation, which enumerates six objects as its goals:

- i. To prevent the destruction of crops farms by open grazing;
- ii. To prevent clashes between nomadic livestock herders and crops farmers;
- iii. To protect environment from degradation and pollution caused by open rearing and over grazing of livestock;
- iv. To optimize the use of land resources in the face of over stretched Land and increasing population;
- v. To prevent control and manage the spread of disease and enhance the production of high quality or healthy livestock for Local and International markets; and create conducive environment for large scale production.<sup>26</sup>

In order to achieve its legislative targets, the law vests the authority for its implementation in the Livestock Department of Benue State Ministry of Agriculture and Natural Resources.<sup>27</sup> The Livestock Department which functions under the Commissioner of the ministry and on behalf of the Governor, is vested with the authority to issue ranches permits and withdraw the permits, provide guidance and regulation for the enforcement of the law by the

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<sup>25</sup> See section 19 (1) of Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017

<sup>26</sup> See Section 3 *ibid*

<sup>27</sup> See Section 4 Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017



Livestock Taskforce, as well as, co-ordinate the actions of the Advisory Committee.<sup>28</sup>

The idea of ranches incorporated in the Benue State Law Prohibiting Open Grazing and Permitting for the establishment of ranches was born from the initial policy statement by the Federal Government Minister of Agriculture and Natural Resources, Chief Audu Ogbe, on radio broadcast and television that the establishment of ranches across the country was the best solution to the burning conflicts over land between Fulani herdsmen and farmers in the nation. It is when this legislation was passed that the same Minister, put a reverse gear by demanding on the states to carve out land for the establishment of *colonies* for the herders. The second suggestion by the minister for the establishment of colonies was not well received across the federation by the Governors, farmers and well intended Nigerians, who perceived the suggestion as a ploy to divest certain communities permanently of their communal lands, to satisfy the invading Fulani cattle herders, desire to reside permanently in those parts of Nigeria that they never domiciled before.

### ***Legal Implications Arising from the Open Grazing Prohibition and Ranches Establishment Law, Benue State, 2017***

One of the critical legal issues discerned from the Anti-Open Grazing Law is the authority to issue or grant leases and permits for the establishment of ranches. In the issue and renewal of permits for ranches, the law has placed premium on potential ranchers, based on their status as “indigene” and “non-indigene”.<sup>29</sup> By the provision of the law, potential ranchers who do not qualify as indigenes of Benue State must submit their application for Screening to the Environmental Impact Assessment and further undergo multiple layers of assessment and approval by land owner, head of the family, kindred head and Chairman of the Traditional Council in the Local

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<sup>28</sup> See Section 4, *ibid*

<sup>29</sup> See Section 5 Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017

Government Area of the State, where the herder proposes to reside and graze.<sup>30</sup>

Where a potential application has received the consent of all the above, the application is then subjected to the approval of the Governor. Once the lease is granted, the applicant must pay concessions to the land owner, family head, kindred head whose consent to establish a ranch is valid for one year subject to annual renewal.<sup>31</sup> The second requirement in the process of approval is the construction of a fence to secure the ranch.<sup>32</sup> Here, every livestock herder who is issued a permit to establish a ranch in the state must construct a fence in order to keep the livestock reared by him under control.

To the critics of this legislation, the above conditions which are made applicable to non-indigenes of Benue State, who wish to establish a ranch, are discriminatory as indigenes of Benue State are exempted from compliance.<sup>33</sup> To these critics, the conditions laid down by the law make it difficult for majority of the cattle herders who are not indigenes of the state capable of acquiring land for grazing purposes.

The Anti-Open Grazing Law is defended on the ground that this is not the first time a state in Nigeria has enacted a law permitting the establishment of Grazing Reserve in the country. Under the regional government of Sir, Ahmadu Bello, a man of Fulani stock, there was an enactment in the Northern Region Nigeria that, espoused the establishment of Grazing Reserve in the Northern Region of the country. The Benue State Government under the visionary leadership of Mr. Aper Aku, evolved a policy that warranted the establishment of Ikyogen Cattle Ranch in Kwande

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<sup>30</sup> See Section 6 Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017

<sup>31</sup> See Section 26 Open Grazing Prohibition on Ranches Establishment Law of Benue State, 2017

<sup>32</sup> See Section 14 Open Grazing Prohibition on Ranches Establishment Law of Benue State, 2017

<sup>33</sup> See Section 10 Open Grazing Prohibition on Ranches Establishment Law of Benue State, 2017

Local Government Area of the State. The Federal Government had also evolved a policy that warranted the establishment of ranches. On this account, it had favoured the establishment of Obudu Cattle Ranch, which has today become an internationally recognized tourist centre in the country. One then begins to wonder, why the option of the Benue State Government and other states, that enact a law for the establishment of ranches, should become an issue of controversy and agitations in some quarters. In fact, all developed nations have embraced the idea of Ranches for the rearing of livestock in their territories. In African, the Republic of Botswana that is known to have the highest number of cattle in the continent, have laws which provide for the confinement of livestock in ranches. The same trend is obtainable in developed countries like the USA, Australia, Canada and France. Nowhere in the developed world, do one find cattle roaming about as they are allowed to do in Nigeria.

***Supposed Areas of Conflicts of the Anti-Open Grazing Law of Benue State with the Constitution and the Land Use Act, 1978***

A critical examination of the Anti-Open Grazing enactment of Benue State portrays some contradictions with certain provisions of the constitution. For instance, some critics have alluded that the use of words like “citizens of other part of Nigeria” in the legal framework, introduces the element of the discrimination against citizens of other communities of the country in the law making process of Benue State and likely, in the executive action of the state by conferring an advantage, privilege or benefit on citizens of Benue State, which citizens of other communities in other parts of the federation are not allowed to enjoy in respect of permits to establish ranches in the State.<sup>34</sup>

Constitutionally too, discrimination is allowed in the law making process and in executive actions when public interest, public

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<sup>34</sup> See Section 42 (1) (a) – (b) CFRN 1999 (as amended)

safety, public security becomes an issue in consideration<sup>35</sup>. What then is more than public safety and public security, when Fulani herders in their demand to reside in every part of the country as a constitutional right, have flippantly invaded farmers on their farms, resorted to unprovoked killings on the people while sleeping in their homes.<sup>36</sup>

It is this ugly situation that propelled the Benue State Government to rise to the challenge by enacting a law that will curtail the free movement of cattle in the state so as to protect its defenceless citizens who are farmers and whose total livelihood and existence depend on land.

The Anti-Open Grazing law enacted in Benue State and some states in the federation should be embraced as a law that is reasonably justifiable in a democratic society for the purpose of protecting the lives and freedom of the defenceless and helpless citizens in those states which are continuously invaded by the Fulani herders using sophisticated armaments, such as AK47, which only the conventional army is permitted by law to carry.

It is further contended that, the provision of the Anti-Open Grazing enactment in Benue State which restricts the issuance and renewal of leases to non-indigenes is contrary to section 41 (1) of the Nigerian Constitution that stipulates that: “Every citizens of Nigeria is entitled to move freely throughout Nigeria and to reside any part thereof” On this issue, it is submitted by the writer that, the provision of the Anti-Open Grazing Law of the state on indigene and non-indigene in the grant and renewal of permits to establish ranches does not run contrary to the constitutional provisions. In that, the Fulani herdsmen in their demand for grazing rights and the right to reside in any part of the country does not divest the state Governors of their constitutional responsibility to protect the helpless and

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<sup>35</sup> See Section 45 (1) CFRN 1999 (as amended)

<sup>36</sup> Note the occurrence on January 1<sup>st</sup>, 2018 in Guma, Logo Local Government Area of Benue State, where about 76 people were murdered in cold blood, without any provocation or confrontation to the Fulani herders.

defenceless farmers who are being mowed down in numbers and their numerous constitutional rights being trampled upon, by the Fulani intruders.

In this write up, certain practical questions come to mind when the issue of Fulani/Farmer clashes over land is raised: Can other Nigerian citizens in the name of constitutional right also go freely to such states like Zamfara, Sokoto, Kano, Katsina, Gombe and Jigawa to make demand for particular lands to be allocated to them so that they can reside and rear their livestock such as dogs and pigs without causing a revolution of religious kind in those states? Also why is it that, certain people in this country disregard the constitution as a man-made law calling for the establishment of a constitution that derives its source from their Holy book-the-Koran, only to run to the gutter and fetch the same document they had disregarded, to use to substantiate their claims, when they find certain provisions therein relevant to their cause?

Indeed in Nigeria, laws have been made which are discriminatory to the interest of others and yet, they are allowed to remain in force. For instance, Zamfara State in 2000 enacted the Sharia Penal Code, which divested itself from the Northern Nigeria Penal Code of 1963.<sup>37</sup> In the provisions of the law, the sale of beer, alcoholic drinks and other liquor were banned in Zamfara State. This law was later enacted in other states of Northern Nigeria like Kano, Katsina, Kaduna, Gombe and Sokoto etc. Following the provisions banning the sale of beer and alcohol, the license of the dealers in alcoholic liquor who were citizens of other parts of Nigeria were revoked, and their business premises sealed. The agitations from those citizens of other parts of Nigeria that, the ban affected their constitutional rights such as the freedom to assemble and associate with their customers who were consumers of these liquor fell on deaf ears. The law remains in force in those states that enacted it, and the

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<sup>37</sup> See Cap 89 Laws of Northern of Nigeria, 1963

issue of its inconsistency with the constitution has been jettisoned to the dust bin.

The promulgation of the Land Use Act, 1978 introduces major reforms in the area of land acquisition when the Act vested the authority over Land or Land Administration to the various Governors of the states and not the Federal Government.<sup>38</sup> By this position, each state governor has exclusive right to grant legal title over any land in their states and withdraw same in public interest, subject to the payment of prompt compensation.<sup>39</sup> It is this legal position that has rendered the Federal Government incapable of enacting a law that covers the administration of land in the country.

The Act also empowers Local Governments to grant rights of occupancy to individuals or organizations for agricultural, residential and other purposes. With this provision, the Local Governments have the right to allocate up to five thousand hectares (12,355 acres) for grazing purposes.<sup>40</sup> Under the Land Use Act, where the right of occupancy is revoked, the Act does accord to the citizens the right to compensation to be determined by the state through a Land Use and Allocation Committee appointed by the State Governor.<sup>41</sup> The Anti-Open Grazing Law of Benue State like the ones enacted in other states of the federation, shares many features with the Land Use Act, 1978. Like the Land Use Act, it has vested legal power in the Governor to enact laws providing how land in their state shall be distributed. It also grants the right for the Governors to revoke permits to land rights granted to livestock owners to establish Ranches.<sup>42</sup>

The area of likely contradiction in the law with the Land Use Act however arises, where ranching leases and permission granted can be revoked without provision for payment of compensation to the lessee. This is likely to put the lessee to financial losses as he may

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<sup>38</sup> See Section 6 (1) Land Use Act, 1978

<sup>39</sup> See Section 44 (1) (a) of the CFRN, 1999 (as amended)

<sup>40</sup> See Section 6 (1) & (2) of the Land Use Act, 1978

<sup>41</sup> See Section 29 (1) – (6) and Section 30 (1) of the Land Use Act, 1978

<sup>42</sup> See Section 57 (1) Open Grazing and Ranches Establishment Law, 2017

have spent so much in erecting a fence around his ranch or in the provision of other facilities for the smooth operation of his ranch.<sup>43</sup> Here, it is the view of this writer that the legislature needs to quickly revisit this part of the law

This law has also vested the authority to issue and approve ranching permits, ultimately on the Governor of the state. He is vested with the authority to grant title for ranching rights for the sole reason of *overriding public interest*<sup>44</sup>. At present, the overriding public interest used in the law is not defined to enable one ascertain its basis or meaning. The Land Use Act and the Constitution require an interest in movable immovable property to be taken possession of compulsorily, and no right over or interest in any or such property shall be acquired in any part of Nigeria, except in the manner and for the purposes prescribed by a law that requires for prompt payment of compensation<sup>45</sup>. This position conflicts with the provision of the open grazing prohibition law that permits the revocation of leases and ranches without payment of compensation<sup>46</sup>. The Benue State Anti-Open Law which is considered above, it also enacted by the some states in the federation, such as Taraba State. It is found to be similar in content, procedure and punitive measures.

### **Causes of the Herders/Farmers Conflict in Nigeria**

Nigeria is a country that is replete with series of conflicts and attacks from Fulani herdsmen that have engendered serious insecurity in the country. The cause of this conflicts mainly arises from the pressure and demand on land due to the Fulani massive influx into the country. This fight has become an issue of concern to the political class as well as the academia because of the dimension it has assumed, where the Fulani herdsmen are discovered to be using sophisticated arms that are used in conventional wars. The question

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<sup>43</sup> See Section 11 (2) Open Grazing and Ranches Establishment Law, 2017

<sup>44</sup> See Section 11 (2) Open Grazing and Ranches Establishment Law, 2017

<sup>45</sup> See *Ojukwu V Governor of Lagos State*; *Supra*; *Obeya Memorial Specialist Hospital Anor V A.G Federation* (1987) 2 SCNJ, P 42

<sup>46</sup> See Section 44 of CFRN, 1999 (as amended); and *Ojukwu's case*, *Supra*.

that agitates the mind here is: what are the factors responsible for the prevalent Fulani/farmers conflicts and clashes in the country? One of the reasons flows from the natural endowment of the Middle Belt Region of the country in green pasture and fresh water. Another reason is the ecological problems faced by the Fulani herders in other parts of Africa such as, the dry up of the Chad Basin. Yet another factor is attributed to the social, political and religious upheavals that are witnessed in some parts of West Africa, such as the fight that erupted in Gambia, after general election involving President Gbagbo, wars in Liberia after the fall of Charles Taylor and the turbulence in Somalia due to the religious hostilities caused by Al-Shabaab.

### **Instances of Herdsmen Attacks in some States of Nigeria and the Implications on Human Rights and Security Situation in the Federation**

#### ***Herdsmen Attacks in Benue State and incidents of Human Rights Abuses/Insecurity***

Since 2013 – 2018 Benue State has been confronted with the problem of unprovoked attacks by Fulani herdsmen.<sup>47</sup> For instance, on February 2013, the Fulani herdsmen attacked and burnt villages in Agatu, such as Inoli, Ologba, Olegeje, Ologede, Adana, Olegogboche, Abugbe, Iniminy, communities. 186 lives were reported lost to butchery and gun shots of the herders. In the same year in May, 200 herdsmen barricaded Ekwo-Okpanchengi, and killed 40 people. They were only dislodged when soldiers were deployed to the area. In July 2013, they again re-attacked and killed 8 villagers alleging that 112 of their cows were killed by the locals.<sup>48</sup> On March 29, 2014, the herders attacked 4 villages in Agatu, killing 19 people and 15 abducted. They repeated the attack in Obagaji, the

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<sup>47</sup> See <http://ipnews.into.timeline.attack-benuestate-2013-2016> downloaded on 27-4-2018

<sup>48</sup> See <https://www.vanguardngr.com/2017/06/herdsmenattacksanotherboko-haram> downloaded on 27-4-2018



headquarters of the Local government on April 15, 2014 and killed 12 youths. On January 27 2015, 17 persons were killed in attacks on Agbugbe, Okoido and Ocholoyan by the herdsmen. On March 15, 2015 it was the turn of Egba village which was sacked by the herdsmen, leaving over 90 people dead, especially women and children.<sup>49</sup> On 21 to 24 January over 500 locals were killed in the same Local Government with over 7000 people displaced by the Fulani herdsmen and over 7 villages were razed down.<sup>50</sup> The same carnage was unleashed on 29 February, 2016 in Edugbehu area which witnessed the killing of 11 people, including a Police Inspector.<sup>51</sup>

Next is the attack of Guma Local government by the Fulani herders. On April 23, 2013 10 farmers were killed in attacks on Mbasenge community in Guma by the Fulanis. On July 5, 2013, the herders attacked and killed 20 people in clashes with Tiv farmers at Nzorov community. Following the above, is another attack in the area on the 20 November, 2013 which led to the killing of 22 people and the destruction of properties worth millions of naira. On March 2014, there was an attack on Ukpan village, in which 28 people were killed and unharvested crops were set ablaze and the inhabitants forced to flee into IDPs camps. On 23 March, 2014, 25 people were killed and 50 injured by the herdsmen having sophisticated arms in Gbajumba, the Local Government Headquarters of Guma LGC. On March, 2014, 7 corpses were recovered following an attack on Agena village by herdsmen.<sup>52</sup>

The Fulani attacks on the Guma people and their displacement has persisted to April 2018 when this article was being compiled. For instance, on January 1 2018, the people of Guma and Logo Local Government Areas were thrown into mourning, when armed herdsmen attacked in the dead of the night, while the

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<sup>49</sup> *ibid*

<sup>50</sup> *ibid*

<sup>51</sup> *ibid*

<sup>52</sup> *ibid*

inhabitants were asleep and slaughtered many. The attack persisted up to 2 February, 2018 resulting in the death of more than 100 persons. The situation led to the displacement and rendering of many homeless. This led the Benue State Government to quickly respond, by setting up IDPs camp across 5 accessible locations for 6000 people that were displaced. The IDP camps are located at Daudu, Gbajumba, Tse-Gbinde in Guma Local Government Area.<sup>53</sup>

Bordering the Guma Local Government is the Logo Local Government Area, which also received its share of attacks from 2014-2018. On March 12, 2014, Fulani herdsmen invaded Anyiin village and slaughtered 22 people and rendered homeless the entire village. On 12 March, over 100 herdsmen invaded 4 villages in Ukemberagya/Tswarev Ward and killed 6 people and destroyed numerous properties. On 30 January, 2015, over 100 herdsmen again stormed 5 villages in Logo, killing 9 persons in a surprise attack. On March 24, 2015, 100 people were attacked and killed by herdsmen in Ukur, Gafa, per, and Tse-Gusa in Logo Local Government. On March 9, 2016, 8 residents were killed in Ngo-Ukaan, Tse-Chia, Deke and Humbe Villages.<sup>54</sup>

On May 2017, 3 persons were confirmed killed by the herdsmen in Tse-Akaa in Ugondo, Mbamar District while on May 13, the herdsmen invaded and killed 8 more people in Logo area. Between 31 December, 2017 and January 2, 2018, 50 persons were reported killed in a fresh attack of the Logo communities of Ayilamo, Turan, Gambe-Tiev.<sup>55</sup>

In the Gwer-West Local area, the herdsmen attacked and killed 35 persons and displaced 8000 people on 20-21 February, 2014. In the same attack, there was a suspicious use of chemical

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<sup>53</sup> See Benue State Humanitarian Emergency situation Report, January 2018, Compiled by Benue State Emergency Management Agency on January, 2018, p2-8

<sup>54</sup> *ibid*

<sup>55</sup> See <https://punchng.com/herdsmen-kill-20-burn-houses-infesh-benusttacks/>; <https://www.vanguardngr.com/2017/06/hersdmen-attacks-another-bokoharam-senate/>; <http://ipnnews.info/timeline-attack-benue-state-2013-2016>

weapons on the Shagev community of the Local Government, leaving 15 people dead. On 2 March, 2017, no fewer than 10 persons were killed in renewed attacks between herdsmen and farmers in Mbahimin community. The most recent of the killings is that of two priests, Rev. Fr. Felix Tyolaha and Rev. Fr. Joseph Gor of St. Ignatius Catholic Church in Mbalom where 17 parishioners, were also killed by the herdsmen in unprovoked attack on 22 April, 2018.

Other Local Governments affected are Buruku Local Government Area, where 12 persons were killed on November 5, 2015 and 25 others injured. Yet, on February 8, 2016, 10 persons were killed and 300 displaced in a clash between herdsmen and farmers at Tom-Anyiin and Tom-Ataan areas of the Local Government. There were renewed attacks in the area on March 11, 2017, where 7 people were killed by the herdsmen in Mkovur village.<sup>56</sup> Herders attacks were also witnessed in other Local Government areas of the state, like Ogbadibo, where the herdsmen attacked 5 villages on September 10, 2014, leaving many dead. On January 24, 2017, Ohimini Local Government was invaded by the herders, 15 people were killed when the Fulanis attacked farmers in Piga village.<sup>57</sup>

In kwande, Katsina-Ala and Logo areas, 30 people were recorded killed on March 6, 2014, when the attackers dressed in military uniform, deceived the unsuspecting farmers and inhabitants attacked 6 villages. While, on May, 2014, Ikyoawen community in Turan area of Kwande was attacked by the herdsmen, where many persons were killed and 8 others were wounded on May 11, 2015. Tarka Local Government Area had its share of the attacks on March 13, 2016, leaving 6 people dead.<sup>58</sup> In these attacks, farmers and the locals are often displaced into IDPs camps as their houses, farm products are destroyed and the environment rendered insecure in respect of movement, assembly, association and free access to their

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<sup>56</sup> *ibid*

<sup>57</sup> *ibid*

<sup>58</sup> *ibid*

land for cultivation. These attacks have revealed the compromising role played by the security operatives by either rendering active support, giving tip-off, offering their services as mercenaries or refusing to make arrest or intervene to save the disadvantaged farmers/inhabitants that are attacked.<sup>59</sup>

### ***Herdsman Attacks and the Human Rights and Security implications in Kaduna State***

The attacks that have been made in Benue State by Fulani herders, are equally launched in other states of the country. For instance, on December 26, 2016, over 200 people were reported killed in Southern Kaduna and 4000 people displaced in several attacks.<sup>60</sup> Also on June 23 – 24, 2014 suspected Fulani gun men attacked a number of villages in the Southern Kaduna, killing 150 people. On July 18, 2017, 37 people were killed in a violent clash between farmers and the herdsman in Kajure Local Government Area of Kaduna State in a reprisal attack. A total of 27 Fulani people resident in the area were killed by the angry villagers in two separate attacks.<sup>61</sup>

Since 2010 when the attacks in Kaduna State began, suspected Fulani herdsman are alleged to have set ablaze over 500 houses and killed more than 400 people in southern Kaduna. The crises have been on the increase, due to the bias posture of the Governor of Kaduna State, Mallam El-Rufai, which often tilts in favour of the herdsman.<sup>62</sup> The attacks and insecurity in Southern

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<sup>59</sup> A Good Example of this is the burning down of Naka town by soldiers on 24-4-2018 on the pretext that suspected herdsman killed in Naka Town was a soldier. Unfortunately the name and number of that soldier could not be identified. Also the killing of the Mambilla people in Taraba State shows the compromising attitude of the Divisional Police officer in Gembu and other security operatives intended to assist the herders.

<sup>60</sup> See [www.pulse.ng/../audu-makori-writesabout-fulani-hersdmen-killings-in-kaduna-id59](http://www.pulse.ng/../audu-makori-writesabout-fulani-hersdmen-killings-in-kaduna-id59)

<sup>61</sup> See <https://www.vanguardngr.com.news>

<sup>62</sup> For instance, in most of the Fulani attacks when they killed and vandalized, no arrest are made by the state, but when one Fulani is Killed the state rises to its feet to uncover who are the killers.

Kaduna have been persistent up to 2018. For instance, on January 14, 2018, 10 persons were confirmed killed by the rampaging Fulanis in unprovoked attack in two villages of Birnin Gwari Local Government Area, many were seriously injured and were rushed to the General Hospital in Birnin Gwari.<sup>63</sup> Also, on July 21, 2017, there were herdsman and farmers clashes in Kajure village, 50 kilometers outside Kaduna town in which the State Commissioner of Police was quoted to have reported that, a total of 33 people were killed in the violent clash between the two groups<sup>64</sup>. After the general election 2019, Southern Kaduna was seriously ravaged by the Fulani Herdsmen. These attacks, judging from the utterances of the Governor of Kaduna State sent signal to the minds of many members of the public that the state government was in support of it.

### ***Herdsman Attacks in Ebonyi State and the Human Rights and Security Implications***

The herdsman attacks and carnage unleashed against many defenceless citizens in their demand to acquire land for pasture, have recorded negative impact on the human rights regime and posed a serious problem of insecurity in Ebonyi state as well. On March 12, 2018, 4 persons were confirmed killed by herders by Ebonyi State Police Command, following violent clashes between Fulani herdsman and farmers in Enyibichiri community, Izzi Local Government Area of the State.<sup>65</sup> On 27 February, 2018, it was again reported that the herdsman from Mpu, Enugu State invaded the farmland in Akaeze area and destroyed crops worth millions of naira. Their attitude annoyed the Governor of Ebonyi State, David Umahi, who banned open grazing in the Local Government Area.<sup>66</sup> Yet on February 28, 2018, 4 persons were injured again in the clash between

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<sup>63</sup> [www.information.ng.com.2018/01/herdsmen-attack-kaduna-state-kill-10persons.html.downloadedon14-1-2018](http://www.information.ng.com.2018/01/herdsmen-attack-kaduna-state-kill-10persons.html.downloadedon14-1-2018)

<sup>64</sup> [www.punchng.com/herdsmen-framers-clashes-kill-33-in-kaduna/7/21/2017](http://www.punchng.com/herdsmen-framers-clashes-kill-33-in-kaduna/7/21/2017)

<sup>65</sup> See [dailypost.ng-newsofmarch12,2018](http://dailypost.ng-newsofmarch12,2018)

<sup>66</sup> See <https://www.premiuntimesng.com/--/260063-four-injured-farmers-herdsmen-clash-february27,2018>

the herders and farmers in Ivo Local Government Area of Ebonyi State. Those injured were from both sides, that is, farmers and the herdsmen.<sup>67</sup>

### ***Herdsmen Attacks in Enugu State and the Human Rights and Security Implications***

From 2012 and 2017, several communities in Enugu State had their bitter taste of the Fulani/farmers clashes. On 26 April, 2016, 7 villages in Nimbo, a border town in Uzo-Uwani area of Enugu were invaded and scores were massacred by over 500 armed Fulani men. In the attack, security agents were accused of compromising in these attacks in favour of the herdsmen. The communities invaded in the area were, Nimbo-Nwoko, Ugwuijoro, Ekwuru, Ebur, Enugu, Nimbo, Umuone and Ogwuachara Local Government Area.<sup>68</sup> Again on 25 August, 2016, the sleeping community of Ndiagwu, Attakwu, Akegbe-Ugwu in Nkanu Local Government was thrown into mourning following a heavy attack on the community by over 500 Fulani herdsmen armed with spears and matchets. In the attack, a catholic seminarian, named Lazarus was slaughtered.<sup>69</sup> Yet, on 29 April, 2016, there was another attack by the Fulani herdsmen on the community of Onitsha Ukwuani in Ndokwu West Local Government Area of Delta State which left three people dead. While, on February 11, 2016, the herdsmen attacked Abbi community in Uzo-Uwani Local Government Area in Enugu killing 2 siblings and burnt down houses, motor cycles and other valuable properties.<sup>70</sup>

The incessant attacks by the herdsmen on the local communities compelled the citizens of Ozaka community in Nkanu West Local Government Area of Enugu State to rise and protest over the herdsmen attacks in their communities carrying placards with

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<sup>67</sup> ibid

<sup>68</sup> <https://www.vanguardngr.com.newsof26april,2016>

<sup>69</sup> ibid

<sup>70</sup> ibid

these inscriptions: “Enugu Government come to our rescue; Fulani, stop raping our women; Fulani release our chief.....”<sup>71</sup>

### ***Herdsmen Attacks in Kwara State and the Human Rights and Security implications***

Between 2016 and 2017, Kwara State which is one the states in the central region of Nigeria experienced a number of hostilities and clashes between Fulani herdsmen and farmers in the state. On a particular day, Fulani herdsmen invaded Yakira a community in Bruten Local Government and killed 4 people and others were injured and many displaced from their homes as a result of their attacks.<sup>72</sup> On May 12, 2017, there was fresh attack by the Fulani herdsmen on farmers in Yashikira community of same Bruten, in which 3 herders were killed in retaliation to their killing of the farmer in the area.<sup>73</sup> In March 2018, the herders invaded and burnt the palm tree and orange plantation of Rear Admiral Afolah. Also, on 29 April, 2016, Fulani herdsmen attacked Motokun village, in Patigi Local Government and the Oro-Ago community in Ifelodun Local Government of the State. They extended their attacks on Niji and Ropp villages of Plateau State where they left 27 persons dead.<sup>74</sup>

### ***Herdsmen Attacks in Taraba State and the Human Rights and Security Implications***

In Taraba State, the clashes between farmers and Fulani herdsmen started slowly in 2017 and became intensified in 2018 when an armed Fulani attacked and killed an armless farmer in Nyiwa village in Mambila Plateau, Sadauna Local Government Area on March 1, 2018.<sup>75</sup> The attacks intensified when the farmers in attempt to re-erect the fence around the land in which one of the

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<sup>71</sup> See <https://www.vanguardngr.newsofjuly252017>

<sup>72</sup> See <https://www.naija.ng-businesandeconomy>

<sup>73</sup> See <https://www.ilorin.infor/fullnews.php?id=20652>

<sup>74</sup> See <https://www.premiuntimesng.com/./208360-investigation-herdsmen-attacks-claim-1>

<sup>75</sup> See Fulani Herdsmen Farmers in Taraba, core many-crime-naira of1/3/2018

farmers was killed, were again attacked by the Fulanis who had laid ambush. They opened gun fire on them, killing 2 farmers, instantly. The head of one of the farmers who was killed was quickly matcheted to pieces. The report of the gruesome killing spread to the village resulting into panic.<sup>76</sup>

This mode of killing in Nyiwa community of Mambilla sparked off a wave of fightings between herdsmen and farmers, which quickly spread to villages like Yerimaru on March 2, 2018. In this attack, one of the herdsmen leader, Bello Gidado, who lived in Yerimaru village drove in a Hilux van to the entrance to the village and blocked the road out of the village, shouting that: “No Mambilla man will get out here alive today”.<sup>77</sup> He was armed with a submarine gun and magazines of many rounds of life ammunitions strapped around his waist. The killing in Nyiwa on March 2, marked the beginning of coordinated attacks by the Fulani leaders, which spread to Yerimaru, Kasalasa, Ngesoo, Yelwa and Mambilla Escarpment road.<sup>78</sup>

At Ngesoo and Tela, the Fulani herdsmen and their militia were able to attack freely due to the assistance they enjoyed from the soldiers stationed by the state at Tela to maintain peace. Two soldiers at Tela in company of two Fulanis went to Ngesoo, claiming that they were on armed search mission that targetd only Mambilla people. On reaching the village, some of the Fulanis started matcheting a Mambilla man in the presence of the soldiers who did nothing to prevent the killing.<sup>79</sup>

The two soldiers sneaked back to Tela village, and were led by Fulanis to shoot at Mambilla women going to the stream to fetch water. Two of the Mambilla women were shot, with one of them known as Hawa, fatally struck by bullets through her heart. Her nine months child in her hands was equally shot. The other woman was

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<sup>76</sup> ibid

<sup>77</sup> ibid

<sup>78</sup> ibid

<sup>79</sup> ibid



shot at the arm. Hawa, later died at the General Hospital, Gembu on March 4, 2018 leaving behind her injured nine months baby or child with the other injured women, to continue to receive medical attention.<sup>80</sup>

On March 4, 2018, the soldiers returned to Ngesoo, arrested six Mambilla people who were not in the village when the incident of the previous day took place. The DPO of Gembu police station, Alah Bara, was more inclined at arresting victims of Fulani attacks than the attackers.<sup>81</sup> On Sunday March 3-4, 2018, there were reports of Fulani mercenaries arriving Maisamari, Nguroje and Gembu. Some of these mercenaries were reported to be lodged at the residences of certain *Miyetti Allah* leaders, such as Ardo Juli and Ardo Ali in Nguroje.<sup>82</sup>

The Fulani mercenaries along with their local militia settled in these residences, and began the unprovoked killings of the Mambilla people on the March 3, 2018. The heavily armed mercenaries selected Mambilla houses in Yelwa, killing men, women and children and burnt down houses. None of the Fulanis in Yelwa were affected and several girls were reported missing, as they were alleged to be kidnapped by the ruthless invaders.<sup>83</sup>

On Sunday March 24, 2018 the entire Mai Samari Tungan Ahmadu, Escarpment highway was swarmed by hundreds of Fulani Mercenaries coming from Gashaka area. The locals who were eye witnesses to the killings, testified how at Iwo, two flying helicopters hovered over the Mambilla Escarpment and the Gashaka-Gumti National Park, suspected to be dropping arms to the Fulani mercenaries and militia. Several Mambilla people were killed by the mercenaries and the corpses of Mambilla men and women travelling from Jalingo to Gembu were found thrown to the nearby bush. A Mambilla family, travelling down the Escarpment in a car, came

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<sup>80</sup> ibid

<sup>81</sup> ibid

<sup>82</sup> ibid

<sup>83</sup> ibid

under Fulani Mercenary attack and narrowly escaped the volleys of the bullets only to be hospitalized at Serti Army Hospital.<sup>84</sup> The Fulani terrorists afterwards mounted a road block at the Mambilla foot Hill near Tungan-Ibi, shooting indiscriminately at travelers. The commissioner of police, Aderemi's convoy ran into these mercenaries on his way from Mambilla and captured four of the mercenaries and took them with him to Gembu.<sup>85</sup>

The children of a Fulani man, by named "Gandi" who lived around Maisamari-Tungan-Escarpment axis, were sported guiding and supervising the foreign mercenaries to the selected Mambilla targets. They were trained in the use of sophisticated arms at Dujire bush by one "Sergeant Sangirr" alongside with the children of Alhaji, Faruk of Belel village, near Maisamari.<sup>86</sup> This militia was responsible for the killing of five Mambilla people and injury of six others in their private homes in Maisamari on January 7, 2018. This team constituted themselves into a terrorist outfit in the area, unleashing terror to motorists and travelers that plied in the area. In their attacks, the DPO Gembu compromised as he ensured that they operated without let or hindrance. He ignored all reports and information lodged before him requiring the arrest, interrogation and prosecution of this team. This behaviour was the second of it, the first occurred in 2002, when *Meyitti Allah* leaders hired mercenaries from Republics of Niger and Chad to attack and kill the people of Mambilla people who are the indigenous inhabitants of the area.<sup>87</sup>

The above discussion and instances of Fulani/famers clashes resulting into abuse on human rights or insecurity problem presented above, is not exhaustive, but selective, as it is intended to highlight how the Fulani/farmers conflicts have impacted negatively on two important aspects of Nigeria's national life, which are human rights regime, and the insecurity situation in the country.

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84    ibid

85    ibid

86    ibid

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## **Recommendations to the Problem of Fulani Herdsmen and Farmers Conflicts in Nigeria.**

To solve the current problem of insecurity and human rights abuses in Nigeria, arising from Fulani/farmers conflicts, the Federal Government must put the following measures in place:

- a. Develop ways of keeping constant surveillance at the borders of the country with its neighbouring countries like Republic of Chad, Niger, Cameroon and Benin Republic. The porous nature of the country's borders is responsible for the easy influx of terrorists and the fall-out arms from Libya and other parts of Africa resulting to the massive influx of Fulani herdsmen from other parts of West Africa in the country in search of green pasture, which has brought about the resultant pressure on the land, leading to the spate of Fulani herdsmen/Farmers conflicts, the country is currently going through.
- b. The Federal Government needs to constantly give orientation to security operatives during crises situations such as Fulani herdsmen attacks in the country, reminding them to maintain the spirit of neutrality and service to the nation when deployed on such assignment. The gradual erosion of the spirit of national service by security operatives are seen in the Federal Government efforts to scuttle Boko-Haram, and presently the Fulani herdsmen attacks where some security operatives supported, compromised, supervised or looked the other way for carnage to be unleashed on the disadvantaged group. Where security operatives appear to be compromising or found wanting, they should be relieved of their duty and changed where they are discovered to be bias, supportive to any side of the conflict.
- c. In order to convince the Fulani herders to embrace the modern scientific approach to the rearing of cattle, the state must embark on a prolonged programme that gives

orientation and education to the herders on how to abandon their traditional mode of rearing livestock to the modern and scientific approach, where livestock are reared in ranches. The state must begin to acquire veterinary and modern ways of supply of feeds for the livestock that are ranches, as it is done in developed countries and some countries in Africa, like Botswana. Since the power to grant consent to title in respect of land is vested by the Land Use Act, 1978 on the State Governors, and now that the state Governors have started restricting open grazing by law, as it is the case in Benue and Taraba, the states should begin to evolve incentives structure to entice livestock rearers into ranching or provides such enticing veterinary services and feed distribution facilities required to help the Fulani herdsmen/other livestock rearers, transit from open grazing to the management of ranches.

- d. Since the herdsmen attacks across the country involve the use of sophisticated arms and ammunitions, the Federal Government as a matter of urgency, must begin to investigate the source and legitimacy of these arms, before the nation will be thrown into uncontrollable turmoil that it will find difficult to contend with. The intelligent unit of the security of the nation needs to be jostled to be awake always in order to discover when mercenaries from other parts of Africa are being hired for conflicts in Nigeria, such as Boko-Haram and the current Fulani attacks in the country. These law must be accepted and obey by all and sundry.
- e. Laws which are made by states in the federation must be motivated and guided by the yardsticks of public interest, public safety and for the purpose of ensuring peace, order and good governance only. They should be reasonable and not prejudicial; otherwise they will spark-off unbearable conflicts and crises in the federation.

- f. The Federal government should try to be consistent in its policy direction and utterances on sensitive issues like the Fulani herder/farmers clashes in the country. The situation where the Federal Government through its minister of Agriculture and Natural Resources came out suggesting that Ranches should be established in the states to address the prevalent conflicts between farmers/Fulani herdsmen, only for the same minister to change button, calling on the states to delineate land into colonies for the Fulani herders, is a clear invitation to anarchy, which is likely to deepen the present clashes and accentuate the crises.
- g. Finally, Nigeria in her digital age needs new crop of leaders, who are much more current and abreast with national issues and problems and are more pro-active in taking decisions on such critical issues and problems that affects the nation. Most of the people occupying public offices in the country must begin to realise that their time to rule is up and should be prepared to handover to the younger generation.
- h. Since the Federal Government of Nigeria appears helpless in dealing with the problem of insecurity arising from Fulani attacks, which has resulted into the masses being killed in numbers on daily basis, the people should be mobilised to embrace the concept of self-defence which is recognised and provided under the law in dealing with lawlessness and criminal behaviour such as the on-going bizarre attacks by Fulani herdsmen on several innocent communities across the federation.

## **Conclusion**

This paper or article is undertaken to research on human rights and insecurity situation as it relates to Fulani/Farmers clashes in Nigeria. The work covers conceptual clarification of the key terms used in the write up. Followed by a representation of the provisions of African charter on Human and Peoples Rights Act, and the

substantive provisions on Fundamental Rights provided in Chapter IV of the Constitution of Federal Republic of Nigeria, 1999. Next is the x-ray of the Anti-Open Grazing Law of Benue State, 2017 and the legal issues arising therein; and the identified conflicts of the law with the constitution as well as those areas the two laws are found intadem with one another. The paper further identifies the causes of herdsmen/farmers conflicts in Nigeria and has supplied instances of such attacks that have posed human rights and insecurity problem in the federation of Nigeria; it is revealed that, the problem of herdsmen/farmers conflicts has become exacerbated due to massive influx of Fulani from other part of West Africa to Nigeria, as a result of ecological problems or social conflicts arising from those places; followed by the compromising attitude of Nigeria security operatives such as the police and army in some of the attacks; the docile and complacent attitude of the Federal Government of President Mohammadu Buhari's administration; the porous nature of Nigeria borders with her neighboring countries; the usurpation by some religious bigots by turning the conflict situation into a holy war etc. The write up terminates with such recommendations that will assist the Federal Government in tackling effectively the ongoing problem of herders/farmers clashes in the country. It also suggested that constant check of the Nigerian porous borders, constant orientation of the country's security operatives such as the police and the army to remain loyal and detached in carrying out their official assignment at all times, and the need for the vulnerable citizens to resort to the principle of self-defence whenever unprovoked aggression is lashed out against them. This must be so where the federal government appear docile or demonstrate incompetence in defending them against the attacks. Finally, it is suggested that corruption which is the root cause to our social, economic and political problems must be tackle to conclusion if we must move forward to attain the level of development desired.