

ANALYSING THE LAND USE ACT, THE GRAZING RESERVES ACT AND THE PROPOSED FULANI CATTLE COLONIES (RUGA SETTLEMENT) AND NLTP^{*}/^{}/^{***}**

Abstract

Agriculture is a major source of Nigerians livelihood, and it consists of mainly agricultural crops or plants and livestock. The farmers and herdsmen are the major stakeholders in Nigeria Agriculture. In 2011 it was said by Central Bank that Nigeria Agriculture had the potential to grow tremendously in 2030. Despite the above, it had been observed that there had been a series of violent clashes and conflicts between the farmers and Fulani herdsmen. The reason for the conflict is as a result of accusation and counter-accusation that there had been land encroachment and destruction of agricultural crops by herdsmen cattle. The Fulani herdsmen also complain of cattle theft by people residing in the host community. However, in order to curb the clashes between the farmers and Fulani herdsmen, the Federal Government of Nigeria sort to introduce Rural Grazing Area (RUGA Settlement) and National Livestock Transformation Plan (NLTP), which was widely criticized and condemned. In view of the above, this research adopted the qualitative methodology, using a doctrinal method of research. It was, therefore, concluded that there is a need to ensure that the farmers and herdsmen live in peace, unity, and harmony in making use of the available resources for agricultural purposes. It was therefore recommended that the Land Use Act and the Grazing Reserved Act that provided adequately for grazing reserved for livestock should be duly and completely implemented.

KEYWORDS: Land Use Act, Grazing Reserved, Land, Grazing, Cattle Colonies, Settlement

1 Introduction

Nigeria has the largest population in Africa¹ and often refers to as the giant of Africa, blessed with agricultural resources and livestock production². The essence of the green colour in the National flag of Nigeria is a result of the fact that agriculture plays a vital part in Nigeria's history, and it is the major livelihood of over 75% of the population. In 2011 Central Bank of Nigeria stated that Nigeria's agriculture sector has the potential of growing output by 160%

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¹ M Mansour, T Fei , (2008). 'Securing Pastoralism in East and West Africa: Protecting and Promoting Livestock Mobility' 2008, *Niger/Nigeria Desk Review*, p,8.

² D B Ewubare, S Kakain , 'Natural Resource Abundance and Economic Growth in Nigeria (1980-2015)'. *Global Journal of Agricultural Research*, 2017, Vol. 5(3) p.1-11

from USD 99 billion and USD 256 billion by 2030.³The majority of the Nigeria Agricultural sector consists of farm produces and animals rearing mainly.⁴ The Fulani herdsmen and farmers within the urban and rural areas are also part of the major stakeholders in the Nigerian agriculture sector.⁵

In recent times, there had been a series of conflicts between the Fulani herdsmen and farmers, as a result of the fact that there had been counter-accusation.⁶The farmers are of the view that Fulani herdsmen are encroaching on the farmland land, while the Fulani herdsmen are accusing the host community of cattle theft.⁷However, the conflicts between the herdsmen and farmers had generated into violent attack (Involving the use of firearms and dangerous weapons) that had led to the killing of people, displacement of people from their abode, destruction, and loss of property.⁸ In search of a lasting solution in resolving the clashes and violent conflict between the Fulani herdsmen and farmers, the Federal Government proposed or established Rural Grazing Area (RUGA settlement) and furthermore, the National Livestock Transformation Plan (NLTP).⁹ However, the proposal had been severely criticized and rejected by the affected States of the Fulani herdsmen and farmers clashes, the reason for the rejection is as a result of the fact that the proposal by Federal Government is not legal and the whole idea was designed to empower the Fulani herdsmen over host or indigenes of a community.¹⁰

It is in regard to the above that this study tends to examine and analyze the legality of the proposal of the RUGA settlement (Fulani cattle colonies) and, furthermore, the National Livestock Transformation Plan (NLTP) juxtaposing with it the Land Use Act and the National Grazing Reserve Act.

2 Issues, Controversy of Fulani Herdsmen and Farmers Clashes in Nigeria

It is a known fact that Nigeria's agricultural producer consists of farmers and herdsmen. While the farmers mainly cultivate the land in a growing variety of food crops, grains, and sometimes cash crops, the herdsmen simply live a nomadic life in caring or rearing herds of cattle and sheep, etc. Herdsmen in Nigeria are Fulani pastoralists who are nomadic, as it is their usual

³ Central Bank of Nigeria Incentive Based Risk Sharing for Agricultural Lending (NIRSAL), November 16, 2011 p2

⁴ History of Agriculture in Nigeria https://www.agricultureNigeria.com/research/history-of-agriculture-in-Nigeria/m_edn10 access 6th December, 2019

⁵ M Mansour, T Su Fei, 'Securing Pastoralism in East and West Africa: Protecting and Promoting Livestock Mobility', *op cit*, p 4.

⁶ C M A Kwaja, and I A A Bukola, (2018). 'Responses to Conflict Between Farmers and Herders in the Middle Belt of Nigeria: Mapping Past Efforts and Opportunity for Violence Prevention. The Forum on Farmer and Herder Relations in Nigeria (FFARN)', 2018 *Search for Common Ground*, pp. 5- 6

⁷ *Ibid*.

⁸ P A Aidonjio & P Egielewa; 'Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria'. *International Journal of Comparative Law and Legal Philosophy*, 2020, Vol. 1 (3), 47-56 <https://www.nigerianjournalonline.com/index.php/IJOCLLEP/article/view/1089>, accessed 20th September, 2020; T Kegnku., K Alom, and J D Fanafa, 'Herders And Farmers Conflict and Its Implication For The 2019 General Elections In Nigeria: What Can Public Relations Do?'. *American International Journal of Social Science*, 2019, Vol. 8(1), 16

⁹ W Joseph , A Nnamdi 'Stakeholders Benue State Reject FG's Livestock Transformation Plan' <https://www.pressreader.com/nigeria/the-guardian-nigeria-nigeria/20190816/281556587469076> accessed 12th December, 2020

¹⁰ D Terhemba, J Falaju 'Osinbajo Distances Self From Ruga Settlement' <https://www.pressreader.com/nigeria/the-guardian-nigeria/20190629/282213717367029> accessed 6th December, 2019

way of caring for the cattle; they often move from one region to another in search of grazing area. However, there have been clashes between the Fulani herdsmen and farmers in Nigeria, as stated by Egbas that as of 1996-2006, over 121 people have been killed in the herdsmen and farmers clashes in Bauchi and Gombe states¹¹ and no measures were put in place to prevent future occurrence of such clashes. In recent times, there have been incessant Fulani herdsmen and farmers' violent attacks, which had led to the loss of lives, displacement of people from their homes from fear of being attacked, loss, and destruction of properties.¹² In 2014 and 2015, it was reported that suspected Fulani Herdsmen attack and killed Tamgbo Ogueji, a chief of Eke Community in Udi Local Government Area and a woman in a town of Nkpologu Community in Uzo Uwani Local Government Area both in Enugu State.¹³ The worse violent hit of the Fulani herdsmen on the farmers was in 2016, and it was reported in April 2016 that over 100 Fulani herdsmen with weapons such as guns, machetes, swords and bows, and arrows invaded Ukpabi Nimbo Community in Uzo Uwani Local Government of Enugu State, killing several people and dead destroying their homes and property. Also, 10 Agatu communities in Benue State, Abia State, Ibadan, Oyo, and several states in the Federation had also had a fair share of this incessant attacked by the Fulani Herdsmen. In view of the incessant Fulani herdsmen violent attacked Aniche and Ngwu stated thus;

According to the Global Terrorism Index Report (2018), herdsmen killed nearly 1,700 people between January and September 2018... The majority of Farmers and Herdsmen Conflicts have occurred between Muslim and Fulani Herdsmen Peasants, exacerbating ethnic-religious hostilities. Most deaths occurred in the Nigerian Middle Belt, in particular in the States of Benue, Kaduna, Nasarawa, Plateau, and Taraba, with recorded 847 deaths. The State of Zamfara in the Northern Belt recorded 229 deaths. In June 2018, over 200 people died, and 50 houses were burnt in clashes between farmers and herdsmen in Plateau State. In October 2018, herdsmen killed at least 19 people in Bassa. By 2018, over 2000 people were killed in those conflicts.¹⁴

In 2018 there was a series of attacks by the Fulani Herdsmen in several communities in Plateau State.¹⁵ On the 23rd -24th June 2018, there was series of deadly attacked emanating from the Fulani herdsmen against the people (who were mainly farmers) living in Barkin Ladi Local Government Area in Plateau State, Nigeria, which killed over 200 people.¹⁶ Currently, in 2019, the clashes between the herdsmen and farmers had known no bound. In February 2019, there were suspected Fulani herdsmen attacked an Adara community of Kajuru Local Government

¹¹ J Egbas, '5 Ways to Stop Killings by Cattle Grazers' Retrieved from <https://www.pulse.ng> 7/12/2019

¹² P A Aidonojie & P Egielewa 'Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria', *International Journal of Comparative Law and Legal Philosophy*, (2020). Vol. 1 (3), 47-56. <https://www.nigerianjournalonline.com/index.php/IJOCLLEP/article/view/1089>, accessed 20th September, 2020

¹³ A N Aniche, U L Ngwu ., 'Herdsmen and Farmers Conflicts in Nigeria: The Implications for Social Work Practice' http://eprints.gouni.edu.ng/2154/1/Conflict_between_farmer_and_haerdsmen-4%5B1%5D.pdf retrieved 7/12/2019

¹⁴ *Ibid*

¹⁵ T Osine; 'Herdsmen Kill Twenty-five, Raze Houses in Plateau', *New Telegraph*, 14 March 2018

¹⁶ K Kasuma; 'Plateau Attacks: IDP Figure Hits 11,515, Death Toll 233 – Report', *The Punch*, 9 July 2018; 'Plateau Imposes Curfew as Fulani Herdsmen Attack Eleven Villages', *Punch*, 24 June 2018; 'Police: 86 persons killed in Plateau', *The Nation*, 24 June 2018.

Area of Kaduna State, which led to the killing of 11 people. However, there was reprisal attacked by the community of Adara on Fulani settlement, and 141 people were killed. Furthermore, in November 2019, it was reported that there was also a farmer and herdsman clash at Hong Local Government Area in Adamawa State, and about 4,392 individuals (623 households) were severely affected. Several persons were displaced and missing.¹⁷

3 Proposal for RUGA Settlement and NLTP Plan

The attack and counter-attack by Fulani herdsman and farmers over the complaint of the destruction of crops, assault, banditry, and cattle theft had led to the injury, death, and displacement of several people.¹⁸ In responding to the lingering catastrophe arising from the Fulani herdsman and farmer, the Federal Government resolved to establish Rural Grazing Area, also known as RUGA settlement.¹⁹ Though, the concept or scheme of RUGA was to ensure that there is adequate ranching for breeding cattle commercially.²⁰ However, it was also aimed at providing settlement for herdsman and cattle in various States of the Federation.²¹ The proposed RUGA settlement will be sited in developed communities in various States, where there is water, market, security for protection against cattle theft, pastures for cattle grazing, schools, and other basic social amenities.²² According to the Federal Government, the establishment of RUGA settlement will solve the violent clash between the herdsman and farmers. Aniche *et al.* further stated thus;

The overall benefit of the RUGA to the nation includes a drastic reduction in conflict between herders and farmers, a boost in animal protection complete with a value chain that will increase the quality and hygiene of livestock in terms of beef and milk production, increased quality of feeding and access to animal care and private sector participation in commercial pasture production by way of investments.²³

However, irrespective of the above advantage of the establishment of RUGA settlement, as stated by Aniche *et al.*, the proposed RUGA settlement had been seriously criticized by most host communities in various states.²⁴ The whole idea of RUGA settlement had been viewed as favouring the herdsman over farmers who are the host communities.²⁵ This idea of criticizing

¹⁷ Nigeria — Herdsmen and Farmers Clash in Adamawa Flash Report (25 November 2019) <https://displacement.iom.int/reports/nigeria-%E2%80%94-herdsmen-and-farmers-clash-adamawa-flash-report-25-november-2019> retrieved 7/12/2019

¹⁸ O E Okeke, 'Conflicts Between Fulani Herders and Farmers in Central and Southern Nigeria: Discourse on Proposed Establishment of Grazing Routes and Reserves', *International Journal of Arts and Humanities*, 2018, Vol3(1), pp.66–84.

¹⁹ A N Aniche, U L Ngwu, 'Herdsmen and Farmers Conflicts in Nigeria: The Implications for Social Work Practice' http://eprints.gouni.edu.ng/2154/1/Conflict_between_farmer_and_haerdsman-4%5B1%5D.pdf retrieved 17th December, 2019, they stated that "the implementation of Rural Grazing Area (RUGA) in 2019 was the latest plan by the President Muhammadu Buhari led administration to put an end to a recurring conflict between nomadic herders and farmers.".... the following States were to be used as an experiment; Sokoto, Adamawa, Nasarawa, Kaduna, Kogi, Taraba, Kastina, Plateau, Kebbi, Zamfara, and Niger

²⁰ *Daily Trust*, 14 January 2018, *Daily Trust*, 28 January 2018

²¹ *Ibid*

²² A N Aniche, U L Ngwu, *op. cit* at p 1

²³ *Ibid*

²⁴ *Ibid*

²⁵ 'Kwara South Leaders Reject Cattle Colony', *New Telegraph*, 5th of February 2018, 'Igala Nation, Others, Tackle Gov Bello on Proposed Cattle Colony', *Independent*, 21st of January 2018, 'Cattle Colonies: Southern States Shun FG's Request for Land', *The Punch*, 23 January 2018.

the Federal Government proposed RUGA settlement stems from the fact that the host communities' farmers who had been severely affected had not been compensated. Most of the host farmers' agricultural plant and crops had been damaged, loss of life, destruction of property, and most of them had been displaced from their ancestral home, yet no compensation.²⁶ It is in view of the above, that the proposed RUGA settlement was opposed by most host communities, that it is not in the public interest, but rather it empowers the herdsmen to lord it over the host communities who are mainly farmers.²⁷ According to the International Crisis Group in their report in assessing the herdsmen and farmers clash, the reason while most host communities opposed the RUGA settlement proposal when they stated thus;

First, many considered the name provocative. To many Nigerians' ears, the term "colony" connotes an administrative space acquired not through negotiation and with indigenes' consent but by force, conjuring memories of British imperial conquest. As narratives of "Fulani colonization" already aggravate the farmer-herder problem and passions still run high over the Benue killings, the government's adoption of the term was ill-advised... Many farmers in the Middle Belt and southern zones viewed the proposal as an indirect attempt by the federal government to take their ancestral land and hand it over to Fulani herders at their expense.²⁸

Furthermore, it was also opposed on the ground that it amounts to a usurpation of the power given to the State Government in managing and controlling land within their territory.²⁹ The majority of the States of the Federation, having opposed the Federal Government proposal of RUGA settlement, the Federal Government, further came up with another scheme called National Livestock Transformation Plan (NLTP).³⁰ The proposed NLTP aimed at building 94 ranches, which can accommodate 30, 60, 150, and 300 cows. The plan was proposed to experiment for three years in ten States. These States are; Adamawa, Benue, Ebonyi, Edo, Kaduna, Nasarawa, Oyo, Plateau, Taraba, and Zamfara. Some farmers and herdsmen (All Farmers Association of Nigeria) commended the Federal Government for the proposed NLTP.³¹ However, some of the piloting States had opposed the NLTP proposed plan. Their opposition to it stemmed from the fact the NLTP is an offshoot and an advance strategy of the initially rejected proposed RUGA settlement,³² while some State rejection is on the basis of non-availability of land for the proposed NLTP.

²⁶ T Kechku, K Alom, and J D Fanafa, 'Herdsmen and Farmers Conflict and Its Implication for The 2019 General Elections in Nigeria: What Can Public Relations Do?' *Op cit* page 5 and 6

²⁷ 'Southern Kaduna Rejects Cattle Colonies, Says It'll Create Problems', *Nigerian Pilot*, 25th of January 2018

²⁸ International Crisis Group 'Stopping Nigeria's Spiralling Farmer-Herder Violence' Report 262 / Africa 26 July 2018. file:///C:/Users/aidonjje/Desktop/ALL%20RESEARCH%20WORK/new%201%20grazing%20article/New%20folder/Farmer-Herder%20Violence%20_%20Crisis%20Group.html accessed 18th December, 2019

²⁹ As provided in the Land Use Act, Cap L5, Laws of the Federation of Nigeria 2004 as amended.

³⁰ 'Federal Government to Build Ninety-Four Ranches in Ten States', *The Nation*, 20th of June, 2018.

³¹ 'Farmers, Herdsmen Hail FG Over Ranches in Ten States', *Daily Trust*, 21st June, 2018

³² 'We've no Land for FG's Ranches – Benue Stakeholders', *Vanguard*, 23rd June, 2018; 'Ebonyi Kicks Against FG's Ranching Programme', *Daily Trust*, 22nd June, 2018

4. Land Use Act, RUGA and NLTP Proposal

The essence of the Land Use Act³³ is to ensure effective regulation and land information management administration systems.³⁴ In view of this, the land is not an ordinary private asset owned and controlled by individuals, rather by virtue of the Land Use Act, ownership of land is transferred to the various States of the Federation and the Local Governments of the various States, who hold the land in trust for the public interest.³⁵ Section 1 of the Land Use Act³⁶ provides thus;

Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State, and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

However, it was further made clear by virtue of 2(1) (a) and (b) of the Land Use Act³⁷, that the management and control of all land in urban areas is under the sole control of the Governor of each State. Every other land within the rural area is subject to the control and management of the Local Government, within the area of jurisdiction of which the land is situated. The essence of entrusting the land in the urban and rural area to State Government and Local Government respectively is to prevent inequality access to land and tenure, to ensure a better administration of land registration. In this regard, individuals and corporate bodies that acquired land *via* the appropriate means, as specified in the Land Use Act³⁸, hold such lands as the statutory owners. The process of acquiring land, as specified in the Land Use Act, must be duly complied with. Section 26 of the Land Use Act³⁹ provides that any transaction or any instrument which purports to confer on or vest in any person any interest or right over land other than in accordance with the provisions of this Act shall be null and void.

5. Circumstances where the Federal Government can Acquire Land for Public Interest under the Land Use Act

From the wordings of the Land Use Act, the power to manage and control land within the urban and rural areas is conferred on the State and Local Government, respectively. However, there are circumstances where the Federal Government can forcefully acquire land in urban and rural areas. These circumstances at which the Federal Government can acquire land is as provided in Section 28 (1), (2)(b)(c) and (3)(a)-(c) of the Land Use Act⁴⁰ which provides thus;

- (1) It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest.
- (2) Overriding public interest in the case of a statutory right of occupancy means--
 - (b) the requirement of the land by the Government of the State or by a Local Government in the State, in either case for public purposes within

³³ Land Use Act 1978, No.6, Land Use Act Chapter L5 Laws of the Federation of Nigeria 2004

³⁴ L M Ojigi , 'An Evaluation of the Efficiency of the Land Use Act 1978 of the Federal Republic of Nigeria and its Implications in Minna and Environs', a Peer Review Paper FIG Working Week 2012.

³⁵ See the introductory statement, section 1 and 3 of the Land Use Act

³⁶ *Ibid*

³⁷ *Ibid*

³⁸ Land Use Act Chapter L5 Laws of the Federation of Nigeria 2004, sections 9 and 10 of the Land Use Act. The statutory ownership of a given portion of land is evidenced by a Certificate of Occupancy (C of O) signed by the Governor or the Chief Executive of a State.

³⁹ *Ibid*

⁴⁰ *Ibid*

the State, or the requirement of the land by the Government of the Federation for public purposes of the Federation;

(c) the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith.

(3) Overriding public interest in the case of a customary right of occupancy means -

(a) the requirement of the land by the Government of the State or by a Local Government in the State in either case for a public purpose within the State, or the requirement of the land by the government of the Federation for public purposes of the Federation.

(b) the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith;

(c) the requirement of the land for the extraction of building materials;

The wordings of the above section is very clear and unambiguous as it states clearly that land can be acquired by the Federal Government for public interest or purposes and for mining purposes or oil pipelines. However, section 51(1) (a)-(h) of the Land Use Act which is the interpretation section of the Act interpret public purposes to mean or includes; exclusive Government use or for general public use, for use by anybody corporate directly established by law or by anybody corporate registered under the Companies Act 1968 as respects which the Government owns shares, stocks or debentures, for obtaining control over land contiguous to any part or over land the value of which will be enhanced by the construction of any railway, road or other public work or convenience about to be undertaken or provided by the Government, for obtaining control over land required for or in connection with mining purposes, for obtaining control over land required for or in connection with planned urban or rural development or settlement, for obtaining control over land required for or in connection with economic, industrial or agricultural development.

From the above, it is evident that the Federal Government Proposal of acquiring land in the various States of the Federation for the purpose of establishing Fulani cattle colonies or RUGA settlement⁴¹ was not against or contrary to the Land Use Act. This is in regard to the fact that it is against the intendment of the Land Use Act, which confers the power of administration of land in the State and Local Government. Furthermore, the proposal of the Federal Government proposal of establishing Fulani cattle colonies and RUGA settlement was also criticized on the basis that the idea was not for public interest, agricultural purposes or ending the lingering conflict between the Fulani herdsmen and farmers, but rather to favour and strengthen the Fulani herdsmen against the farmers in their own territory.⁴² However, the above argument may suffice as a result of the fact that the Land Use Act had already specified who have the power to administered land in an urban and rural area and the essence of why the State and Local Government should allocate land to individual and corporate bodies. The introductory part of the Land Use Act⁴³ stated clearly that the State and Local Government have the responsibility of allocating land in urban and rural areas to individuals and organizations residing in the state for residential, agricultural, commercial and other purposes.

⁴¹ (though the Federal Government still came up with NLTP proposal) which was aptly opposed Egbas, J ‘Five Ways to Stop Killings by Cattle Grazers’, *op cit*.

⁴² *ibid*

⁴³ *Ibid*

However, the Land Use Act had already cater to the need to ensure that there is adequate grazing reserve for herdsmen, empowering the State Governor to approve massive hectares of land for the agricultural and grazing purpose. Section 6(2) of the Land Use Act⁴⁴ provide thus:

No single customary right of occupancy shall be granted in respect of an area of land in excess of 500 hectares if granted for agricultural purposes, or 5,000 hectares if granted for grazing purposes, except with the consent of the Governor.

From the wording of the above sections of the Land Use Act, the essence of the Federal Government proposing Fulani cattle colonies, RUGA settlement, and the NLTP terming it as a way of ensuring effective Fulani herdsmen grazing, had already been catered for by the Land Use Act. However, the Land Use Act did not in any way contemplate creating RUGA or Fulani Cattle settlement as part of what agriculture or grazing entails. Section 51(1) of the Land Use Act provides that “grazing purposes” includes only such agricultural operations as are required for growing fodder for livestock on the grazing area.

In essence, the establishing of RUGA Settlement or Fulani cattle colonies in the various States (that herdsmen and farmers reside) is in conflict and is not of public interest. Rather, it may further generate or breed fatal conflict that may lead to more catastrophe. The establishment, management, and control of grazing lands are the responsibility of individual State governments.⁴⁵ However, in order to ensure a better and effective herdsmen cattle grazing, to secure land grazing for herdsmen and to further prevent the herdsmen-farmers clashes⁴⁶, the Grazing Reserve Act⁴⁷ was enacted. It was in view of this that the issue of grazing reserved had always been given National attention. The Second National Development Plan in 1970 to 1980 gave due regard to grazing reserve, by providing for and implementing national development strategy, for an effective grazing land for cattle and other animals grazing. This was further reflected in the third (1975 to 1980) and Fourth National Development Plans (1980 to 1985).⁴⁸

In this regard, by virtue of the Grazing Reserve Act, the process of moving or migration of herdsmen in search of pastures for their livestock was, to a greater extent, solved.⁴⁹ The Act provides for 415 grazing reserves in the various States of the Federation. The reserve was

⁴⁴Land Use Act Chapter L5 Laws of the Federation of Nigeria 2004, sections 9 and 10 of the Land Use Act.

⁴⁵ M J Ducrotoy , A O Majekodunmi , A P M Shaw, H Bagulo, W J Bertu, A M Gusi, R Ocholi, and S C Welburn, ‘Patterns of Passage into Protected Areas: Drivers and Outcomes of Fulani Immigration, Settlement and Integration into The Kachia Grazing Reserve, Northwest Nigeria.’, *op. cit* 4.

⁴⁶ S A Ingawa, C Tarawali , and R Von Kaufmann,’ Grazing Reserves in Nigeria: Problems, Prospects and Policy Implications; ALPAN - African Livestock Policy Analysis Network, A Revised Version of A Paper Presented at the National Workshop on Guidelines for Development of Settlements in Grazing Reserves in Nigeria, Zaranda Hotel, Bauchi State from 29/8 to 1/9/1988.

⁴⁷ The Grazing Reserve Act 1965

⁴⁸ Ducrotoy et al, *op cit*, foot note 45. For Example, the Third National Development Plan (1975 to 10) proposed the establishment of a total of 22 million hectares in grazing reserves. By the end of 1977, (only) 2 million hectares had been acquired by both the State and Federal Governments. Officially, Nigeria now has 415 grazing reserves, but only one third is in use as the remainder have not been gazetted.”, Page 4

⁴⁹ C M A Kwaja , and I A A Bukola , ‘Responses to Conflict between Farmers and Herders in the Middle Belt of Nigeria: Mapping Past Efforts and Opportunity for Violence Prevention’ The Forum on Farmer and Herder Relations in Nigeria (FFARN), Search for Common Ground 2018.

created exclusively for livestock grazing. However, as of 1980, out of the 415 grazing reserves provided for in the Grazing Reserve Act, not more than 1% were gazetted within the Northern region.⁵⁰ In 1998, only 52 of the 313 grazing reserves acquired by the government was gazetted.⁵¹ Over time, there had been an encroachment of the grazing reserve area by Urban and Rural dwellers. This is in regard to the fact that the Federal and State Governments, were nonchalant in gazetting a larger percentage of the grazing reserve as provided for by the Act.⁵² Furthermore, no long term plan of taking care of the grazing land for effective grazing. In analyzing the challenges faced by herdsmen with regard to the grazing reserve provided for in the Grazing Reserves Act, Kwaja and Bukoka stated thus:

Herders were often unable to find sufficient pasture and water within the confines of the reserves due to climate changes and poor maintenance. Keeping livestock in one place increases the animals' vulnerability to disease and banditry, which incentivized herders to keep their herds moving outside the boundaries of the reserves.⁵³

From the above, the issue of providing adequate grazing reserve for herdsmen had always been legally given due recognition. The challenges that often confront grazing reserve is mainly the implementation of the laws and policy that provide for grazing reserves.⁵⁴ In this regard, to resolve the issues between farmers and herders conflict, does not lie in establishing RUGA or Fulani Cattle colonies settlement, but rather utilizing and implementation of the existing laws that provide and regulate grazing reserve.

Although the National Assembly at their session proposed the National Grazing Reserve (Establishment) Bill 2017,⁵⁵ in establishing and creating an institution known as the National Grazing Reserve Commission.⁵⁶ Section 12 of part II, sections 18 and 31 of part IV of the Grazing Reserve Bill⁵⁷, empower the Commission to acquire and establish a cattle grazing reserve land in the various States of the Federation. Though, it has been canvassed by the Federal Government that the essence of the Grazing Reserve Bill⁵⁸ is to put to an end, the conflict between farmers and herders. Furthermore, it also stated that the Bill is for the public interest. However, in view of the fact that there is already existing law, such as the Land Use

⁵⁰ M Mansour, T Su Fei, 'Securing Pastoralism in East and West Africa: Protecting and Promoting Livestock Mobility', *Niger/Nigeria Desk Review*, October 2008.

⁵¹ *Ibid*

⁵² Grazing Reserve Act 1965.

⁵³ C M A Kwaja, and I A A Bukola, 'Responses to Conflict between Farmers and Herders in the Middle Belt of Nigeria: Mapping Past Efforts and Opportunity for Violence Prevention', *op cit* at p 6.

⁵⁴ M Mansour, T Su Fei, 'Securing Pastoralism in East and West Africa: Protecting and Promoting Livestock Mobility', *op cit*, they thus; "less than 1% of targeted grazing reserves had been gazetted in the northern states by 1980, and the situation has remained largely unchanged. An ambitious programme to support pastoral livelihoods was launched by the 1988 National Agricultural Policy which aimed to grant 10% of national territory, as "grazing reserves for lease allocation to herders" ... but note that it has not been enforced"

⁵⁵ A Bill for an Act to Establish Grazing Reserve in Each of the States of the Federation Nigeria to Improve Agriculture Yield from Livestock Farming and Curb Incessant Conflicts between Cattle Farmers and Crop Farmers in Nigeria.

⁵⁶ The Grazing Reserve Bill *Ibid* section 1

⁵⁷ *Ibid*

⁵⁸ *Ibid*

Act⁵⁹ and the Grazing Reserve Act⁶⁰ that adequately provide for grazing reserve, the Bill had been severely opposed. One of the controversial reasons for the rejection of the Bill was that the Bill is tantamount to taking away the power of the Governor to manage and control land.⁶¹ Furthermore, Aniche and Ngwu gave another reason for opposing the Bill, by stating thus:

Many have kicked against the proposed bill to create grazing zone across the country, arguing that the decision is ill-advised, against the Land Use Act and over-riding public interest.⁶²

From the above, most States have already considered the fact that the essence of the Grazing Reserve Bill was to legally establish RUGA Settlement and Fulani cattle colonies already kicked against. In view of this, enacting a law that caters to the need of a group of persons, over other groups within their indigenous and ancestral land, would even create more conflict and chaos.

6 Conclusion

This study has focused and x-rayed the violent conflict between herdsmen and farmers, the attempt by the Federal Government in combating the conflict, by proposing the acquisition of land in establishing Rural Grazing Area (RUGA settlement, also known as Fulani cattle colonies) and National Livestock Transformation Plan (NLTP).⁶³

However, it has been revealed and argued in this study that the proposal for acquisition of land in establishing RUGA settlement and NLTP undermines the provision of the Land Use Act, which empowers the State and Local Government to control and manage land within their territory.⁶⁴

Furthermore, it will worsen and breed more ground for violent clashes between the herdsmen and farmers. This is in regard to the fact that the host communities where RUGA settlement and NLTP will be cited are mainly farmers who had been severely affected by the catastrophic conflict, and most of these farmers had not been compensated.⁶⁵

⁵⁹ Land Use Act 1978

⁶⁰ Grazing Reserve Act 1965

⁶¹ *op cit*, C M A Kwaja, and I A A Bukola, 'Responses to Conflict Between Farmers and Herders in the Middle Belt of Nigeria: Mapping Past Efforts and Opportunity for Violence Prevention', *op cit*, It was quoted by them that; "Benue State Government enacted the Open Grazing Prohibition and Ranches Establishment Law, 2017, on May 22, 2017, in response to the lingering conflict between farmers and herders in the state. Implementation of the law began on November 1, 2017. In the wake of the Benue State legislation, other States have considered similar legislation to respond to lingering conflicts between farmers and herders within their borders. For instance, the Taraba State Governor also signed the Open Grazing Prohibition and Ranches Establishment Bill 2017 into law on July 24, 2017

⁶² A N Aniche, U L Ngwu, *op cit*.

⁶³ C M A Kwaja, and I A A Bukola, *op cit*.

⁶⁴ Land Use Act Section 2(1) (a) and (b) of the Land Use Act

⁶⁵ M J Ducrotoy, A O Majekodunmi, A P M Shaw, H Bagulo, W J Bertu, A M Gusi, R Ocholi, and S C Welburn, 'Patterns of passage into protected areas: Drivers and outcomes of Fulani immigration, settlement and integration into the Kachia Grazing Reserve, Northwest Nigeria.', *op cit* at p 4.

In view of this, the proposal of RUGAL settlement (Fulani cattle colonies) and NLTP had been adjudged as an act of empowering the Fulani herdsmen to lord it over and take control over host communities' ancestral land.⁶⁶

The study further revealed that the Land Use Act and Grazing Reserve Act had adequately provided for grazing reserve for cattle grazing and rearing, but had yet to be adequately implemented and utilized.⁶⁷

7. Recommendations

This paper recommends as follows:

A full implementation of section 6(2) of the Land Use Act. This will bring an end or combat the violent clashes between Fulani herdsmen and farmers. There is a need to fully implement section 6(2) of the Land Use Act and the Grazing Reserve Act, which provides for a large expanse of land for livestock grazing.

Government at the Federal and State levels should ensure that both the fulani herdsmen and farmers are properly educated on the relevance of living in harmony and ensure that they are disarmed from possessing arms and weapons not authorized or allowed by law.

Furthermore, the Federal and State governments must ensure that whatever plan or proposed they have in combating the violence must be inclusive, i.e., it must be beneficial to both farmers and the herdsmen, most especially the host communities.

In conclusion, it is apt to clearly state that allowing a continuous rift will amount to committing crime that may be immoral.⁶⁸

Therefore, Federal and State Governments should ensure that before any plan and peace initiative is proposed, victims (farmers, host communities, and Fulani herdsmen) who suffered from the violent clash between the Fulani herdsmen and farmers are adequately compensated and rehabilitated.

⁶⁶ 'Kwara South Leaders Reject Cattle Colony', *New Telegraph*, 5th of February 2018, 'Igala Nation, Others, Tackle Gov Bello on Proposed Cattle Colony', *Independent*, 21st of January 2018.

⁶⁷ S A Ingawa , C Tarawali, and R Von Kaufmann, 'Grazing Reserves in Nigeria: Problems, Prospects and Policy Implications' *op cit* at p 8.

⁶⁸ U F Masajuwa & P A Aidonjio; 'Sustainability of Plea Bargain in Nigeria Legal System: A Comparative Analysis of the Past and the Present'. *Nigeria Bar Association on Legal Practice Law Journal*, 2020, Vol. 9(1), 97.