

Herders and Farmers Competition over Natural Resources and Its Impacts on Human Rights in Nigeria

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Abstract: The increasing undocumented migration of foreign Fulani herders into Nigeria through over 1,000 porous borders has brought about an influx of illegal foreign herders into the country. The super increase in the numbers foreign herders which came into the country with their numerous cattle automatically exacerbated competition between local farmers and increased herders over the same natural resources like pastures, water resources and land. This escalated violent conflicts between herders and indigenous farmers in Nigeria. This violent conflict has led to huge infringements of people's Fundamental Human Rights to life, shelter, human dignity, and freedom of religion. Aside poor enforcement of relevant laws, competition over scarce natural resources, environmental and overpopulation issues, and ethno-religious and alleged Nigerian government complacency, have all been eluded as combined causations of this conflict and its human rights impacts. Most times, these herders fail to recognize and compensate the local farmers whose land and natural resources have been depleted due to their grazing activities. Instead, they attack them and infringe their fundamental right to life when these local farmers confront them. This paper is an attempt to intellectually investigate this crisis vis-a-vis its human rights impact as well as government policy and legislative approaches towards resolving the same. The paper adopts a qualitative and doctrinal research methodology. The objectives of this paper are; to establish a nexus between the poor implementation of the relevant extant laws and herders-farmers conflicts in Nigeria. Also, to understand how competition over scarce natural resources, environmental factors, ethno-religious reasons, and government lopsided approaches to the crisis have escalated the crisis and its consequent human rights violations. Also, the paper examines the nature of Nigerian border crossing issues and interrogates the nature and causes of the conflict including; environmental causes and alleged "fulanisation" and Jihadist agenda. The paper also x-rays the human rights implications of this endemic crisis. The paper conclusively makes recommendations for resolving the illegal herders' border crossing, conflicts, and human rights issues discussed in the paper.

Keywords: Herders Border Crossing, Illegal Immigration, Natural Resource Conflicts, Human Rights Violations, Competition over Natural Resources

1. Introduction

The porosity of Nigeria's numerous borders which are inadequately manned by Nigerian immigration authorities has brought about an unchecked influx of illegal immigrants, particularly foreign herders in Nigeria. As consequence, the proliferation of illegal arms, unhealthy competition for natural resources, insurgencies, violent conflicts, and massive human rights infringements have become the order of the day in the country. Immigration existed before and during the colonial era but restrictions were not enforced because African empires or kingdoms overlapped each other due to

the extended family system. Colonization or the quest for colonies and the need for trading partners resulted in the scramble for Africa. Once colonization was achieved, the tide of movement in West Africa changed along commoditized lines [1]. Around 1888, prominence was therefore given to immigration as a result of the partition of Africa in Berlin which took place in 1884/1885. During this partition, artificial lines were drawn through the middle of ethnic territories. With the creation of Nigeria in 1914, the British ruled through the Royal Niger Company and later used the West African Frontiers force to protect or guard her borders. This action led to the restriction of the free movement of

people and goods across the borders. In addition, various regulations requiring certain formalities to be accomplished before the admittance of non-citizens were introduced. However, despite control measures, illegal aliens still cross international boundaries through unapproved routes [1]. In recent times, the Nigerian state has been bedeviled by ethno-religious and political crises or violence that have threatened the peaceful coexistence of the various ethnic nationalities. Increased illegal activities of both Boko Haram and Fulani herders have had negative effects on the nation and have jeopardized its political economy. The powers and sources of the weapons of these groups may not be unconnected with the porosity of the Nigerian borders with her neighbors. These have led to the serious invaluable loss of lives and properties.

Ingawa et al [2] stressed that the key underlying causes of herdsman and farmers' conflicts in Nigeria are tied around changing resource access rights, the inadequacy of grazing resources and the decline in internal discipline and social cohesion of traditional rules regarding grazing periods.

Hoffman et al [3] identified government policy as a cause of herdsman and farmers conflicts. For instance, when the government approves the expansion of farmlands, it might lead to the conversion of water points and stock routes into farmlands.

Abubakar [4] pointed out that the fact that grazing resources including pasture and water are found in different places at different times of the year has contributed in no small way to the constant mobility among cattle herders for opportunistic resource use.

Adisa [5] has also stressed that land tenure system ownership of land can be regarded as a major cause of the herders' and farmers' conflict in Nigeria. Farmers being regarded as the land owners while the herdsman are regarded as the landless has stirred more agitations because the farmers dictate the way their lands should be used, which most time does not cater to the herdsman.

These writers have pointed out various factors they consider to be the causes of the herders and farmers conflict in Nigeria. However, none of the writers addressed the issue of illegal immigration amongst these herdsman. This should be considered as a serious issue on this subject matter, knowing that the herdsman, who are majorly Fulanis have their territory extended beyond Nigeria to other neighbouring countries around Nigeria. Some of these herdsman migrate their herds into Nigeria to compete for natural resources with local farmers. This questions Nigeria's territorial integrity and the competence of our immigration institution to salvage our rather porous borders from disguised terrorists.

Also, these writers did not argue that the conflicts could also be triggered by other factors besides from natural land resources. Some of the conflicts have been tribal and religiously informed.

This paper is discussed in four segments. The first segment examines the nature of Nigerian immigration and border crossing issues. The second segment interrogates the nature and causes of the conflict. Here two schools of thought are

examined as perceived causes of the conflict. The first school comprises mainly Northern Nigeria Islamic Fulani theorists. They identify environmental causes, ranging from climate change, desert encroachment resulting in scarcity of green grasses, and disruption of old grazing routes by modernization among others as causes of the conflict. They argue that these situations are forcing herders to migrate from hotter climates towards the middle belt and Southern parts of Nigeria with rain forests and greener pastures. The second school of thought referred to in this paper as the conspiracy theory school, is comprised mainly of Southern Nigerian Christian theorists. They contend that the conflict is a product of some hidden '*fulanisation*', '*islamisation*', and '*jihadist*' agenda by the Federal Government of Nigeria headed by a Fulani President. This school cites apparent lopsided federal appointments and security agencies' headship in favor of The Fulani ethnic group; security agencies' inaction in tackling and disarming illegally armed Fulani herders and militia, federal government silence over the slaughter of indigenous farmers and taking over of their villages by herders as part of central government tacit support of herders and part of the plan for "*fulanisation and islamisation*" of Nigeria.

The third phase of this paper examines the human rights impacts of the conflict vis-à-vis domestic and international human rights legal frameworks. It identifies deprivations of rights to life, human dignity, property ownership, freedom of worship, etc, through unlawful and arbitrary killings, burning of houses, villages, and rape cases as human rights violations fall out of the conflict. The paper examines infringements of both national and international human rights legal frameworks by actors in the perennial violent conflicts between herders and indigenous farmers. In conclusion, the paper makes recommendations of options for solutions to the conflict and illegal border crossing in Nigeria.

2. Nigerian Immigration and Border Crossing Issues

2.1. Nature of Nigeria's Porous Borders

The major border countries with Nigeria are Cameroon (1,690 kilometers) in the east, Niger (1,497 kilometers) in the north, Benin (773 kilometers) in the west, and Chad (87 kilometers) in the northeast. Most of these border areas are either mountainous or in the jungle which makes effective surveillance in the borders very difficult [6]. In these major borders, there are hundreds of illegal routes in Nigeria that link or lead to some neighboring African countries. Nigeria's borders are massive with hundreds of footpaths crisscrossing to neighboring countries of Cameroon, Chad, and Niger with links to Mali, Libya and Sudan. From conservative estimates by locals, there are well over 250 footpaths from Damaturu/Maiduguri axis that link or lead directly to Cameroon, Chad, or Niger. These paths are mostly unknown by security agencies, unmanned, unprotected, and thus serve as leaky routes for arms and ammunition trafficking into Nigeria. It is disheartening and unfortunate that the

“merchants of death” have since devised methods used to beat security agencies at the borders and through the footpaths. These methods include the use of camels, donkeys, and cows to traffic arms, ammunition, and drugs, like cocaine into Nigeria. The fact that most of the weapons are small, light, and collapsible makes it easy to be concealed and moved on camels and donkeys’ back in specially crafted skin or thatched bags mainly meant for the illegal “expedition” unexpected, unsuspected, and therefore undetected.

Similarly, some cattle and grains merchants in the North-East sub-region of the country, devise a means of hiding a cache of arms and ammunition in empty fuel tankers, under vehicles’ engines, and inside bags of grains mostly undetected by security agencies at the affected border posts. The “grains” are transported in large numbers via trucks, trailers, lorries, and old model pickup vans and jeeps with little attention given to them by security agents [7].

Further analysis on security challenges can be drawn from the series of a report on borders criminal activities resulting from outnumbered illegal routes as against Legal routes which lack adequate management coverage [8].

2.2. Nigeria Immigration and Border Crossing

In 1952, the first batch of Principal Immigration Officers took up positions at some of Nigeria’s airports, three seaports and six frontier posts. Progressively, the number of control posts increased from 13 to 147. At the dawn of Nigerian’s independence, efforts being made to establish more control posts on some of the identified illegal routes, led to the establishment of the Nigeria Immigration Department by the Legislature of the Federal Parliament on 1st August, 1963. It was also removed from the Nigeria Police Force and transferred to the Federal Ministry of Internal Affairs [1].

As it is widely known, the core duty and responsibility of the Nigeria Immigration Service is to control both immigration and emigration within the State. Therefore, the role performance of the service can solely be measured and ascertained by the activities they engage in. It has been observed that Border guards play important roles at border posts in carrying out checks on individuals (immigrants with their possessions, that are either crossing on foot or in a car, or employees transporting goods for a company from one country to another) [9]. Control carried out on individuals involves checking the authenticity of a variety of documents (passports, etc.). However, they revealed that as much as they want to perform this crucial role, they are constrained to a large extent [1].

The geography of border zones can make certain parts of a land border difficult to monitor as a result of the presence of desert, forest or mountainous zones, hence, the need for aerial surveillance for effective monitoring of the area [10]. However, Nigerian immigration officers have been constrained in performing this crucial role because the Service doesn’t have surveillance aircraft to perform this role effectively and efficiently [1]. Be that as it may it remains the responsibility of the service to make adequate provision of necessary equipment like patrol vehicles, motorcycles, arms and ammunitions needed for efficient performance of its

functions including Nigeria’s borders protection through effective security policing.

2.3. Nigeria Immigration Legal Framework

2.3.1. Immigration Act, 2015

Section 1 makes provision for the establishment of the Nigeria Immigration Service while Section 2 makes provision for General duties of the Immigration Service which includes: (a) the control of persons entering or leaving Nigeria; (b) issuance of travel documents, including Nigerian passports, to bona fide Nigerians within and outside Nigeria; (c) issuance of residence permits to foreigners in Nigeria; (d) border surveillance and patrol; (e) enforcement of laws and regulations with which they are directly charged; and (f) performance of such para-military duties within or outside Nigeria as may be required of them under the authority of this Act or any other enactment.

Section 18(1) – (2) provides for Entry Requirement thus:

- 1) An immigration officer shall, unless the Minister or the Comptroller-General of Immigration otherwise directs, admit into Nigeria a person who-(a) has in his possession 3 valid passport or such other travel document as is approved by the Minister or Comptroller-General of Immigration for admission into Nigeria; (b) is in possession of a valid visa, residence or work permit, or any other permit, or other form of approval; (c) is not a prohibited immigrant; (d) is not considered to be a risk to public health, public interest or national security; and (e) should not be admitted into Nigeria on any other ground that may be prescribed from time to time by the Minister or the Comptroller-General of Immigration.
- 2) A resident or work permit granted to a foreign Immigrant shall be treated for purposes of entry into Nigeria as a multiple entry permit.

The question remains as to what extent the Nigerian immigration has been able to perform this constitutional duty of effectively scrutinizing these illegal immigrant herders who have continued to pose a threat to the Nigeria’s national security.

2.3.2. Immigration Regulation, 2017

The objectives of these Regulations are, to provide legal framework for the effective implementation of the Act; and consolidate existing Immigration Regulations. This Regulation is divided into 10 parts and sub-divided into 80 sections. Part I covers the objectives of the Regulation; Part II – Entry into and Departure from Nigeria; Part III – Residence and Employment of Foreign Nationals in Nigeria. However, neither the Act nor the Immigration Regulation is complied with as foreign herders’ troop into Nigeria illegally with their cattle with impunity. Thus, the unchecked violation of Nigeria immigration law in the full glare of Nigerian immigration authorities has attracted illegal migrant herders from Chad, Mali, Niger, Libya, Sudan and Cameroon and has exacerbated the crisis between farmers and herders leading to loss of thousands of human lives and properties over the years.

3. Nature of Conflicts Between Herders and Farmers in Nigeria

Some scholars have described the Nigerian herders and farmer's conflict as resource based; others have identified it as an environmental conflict, while some others have likened it to ethno-religious conflict in nature. Be that as it may, the conflict manifests all the aforementioned ingredients.

3.1. Resource-Based Issues

It has been reported that scarcity of and competition for resources, particularly land, water and pasture are highly contributory to clashes between herders and farmers in Nigeria. Prior to the influx of foreign herders to Nigeria, there had existed a long cordial relationship between farmers and herders based on a long-established understanding amongst the community of farmers and pastoralists so that during farming season, nomadic herders would move away from farmlands for farmers to come back at the end of harvest season. However, the conflict started when the number of cattle breeders increased and farmers started practicing dry season farming which diminished the grazing area for herders' cattle [11]. Again, the competitive need for water bodies that herders used for their cattle and farmers needed for irrigation became a contentious issue. This was especially noticeable in Adamawa State. To compound the competition, when farmers also started rearing cattle, and not just draught oxen, both farmers and herders needed same grazing areas consequently increasing the competition for water resources and escalating the conflicts. Confirming this report, a Fulani official in Adamawa, during a study carried out by the Amnesty International had this to say:

"In the past, the Bachama [12] had no cows. They only fished or farmed. Now, they have learnt how to own cattle because they saw that the land was fertile for grazing and our cows were doing very well. So, I think it is about jealousy because they saw that our cows were feeding well. So, they wanted to prevent us from grazing, saying only their cows could graze there. They claim the place is farmland but that is not true."

"They put laws in place that 'from this time to this time, there should be no grazing' and we abided by that but when it was time for grazing, they would still attack us and our cattle. We were expected to leave in May every year because of farming season and return in the first week of January. We were fine with that but when it was time for us to graze, from January to May, they still attacked us. This, to us, is not right [13]."

Prior to the escalation of the conflicts, precisely in the early 1970s, crop production was separated from livestock farming in Northern Nigeria. However, there was a link between the two which was mainly practiced after farming seasons where cattle are allowed to graze on crop residues after harvest while some farmers make use of draught oxen. Fundamentally the question of land rights was not in issue during this time (in the early 1970s), as herders did not

acquire land rights given that there was a communal ownership rights of lands by local communities kept in trust in the hand of traditional rulers and family heads. The practice then was, those herders sought and were given permission (grazing permits) by the community heads to graze their cattle on community lands not used for agricultural purposes [14].

Given the passage of time, the two means of livelihood are now practiced by both farmers and herders. While farmers have delved into cattle rearing, herders on their part have diversified into crop production. It should be observed here that no one ethnic group or community has the monopoly of either animal production or crop production. However, the basic question should be whether or not farmers or herders seeking land use, has the legal right or title to the land where either crop or animal production is practiced.

3.2. Environmental and Ethno-Religious Issues

The growing scarcity of resources is worsened by growth in Nigeria's population (about 200 million people) desertification and influx of victims of war between Nigerian army and the terrorist group of Boko Haram forcing the population in the areas affected by the conflict in parts of northeast Nigeria, mainly Borno, Adamawa and Yobe states to flee to safer parts of the country. Most of these areas experienced unusual exodus of internally Displaced Persons, (IDPs) who flocked into the country and increased the population of neighboring communities. This affected farming equations, including cattle grazing during dry season farming including in parts of the northeast. This increase in farming and other large scale developmental activities such as schools, petrol stations, markets and power installations in the country, have resulted in growing encroachment on what used to be grazing routes or reserves via urbanization [15], meaning access to land for grazing or passage is diminishing at the same time the region is seeing a growing cattle population [14].

Again, as reported by Amnesty International's areas like Adamawa State, other developments including farmlands, schools, petrol stations and other structures have caused disruptions to grazing routes in areas covering about 500-kilometres grazing route that extends from Toungo local government area to Limankara on the border with Cameroon [16]. Consequently, herders using this route resorted to herding cattle around these structures up to the expressway.

In some of the conflict areas, conflict parties are polarized along two dominant religions lines of Christianity and Islam. Perfect examples can be drawn from conflicts between the predominantly Christian farmers and predominantly Muslim herders in Benue state which have killed hundreds of people and displaced more than 80,000 people from the state [17]. Benue State has been one of the most hardly hit states from violence emerging from conflicts between farmers and herders. Located towards the southern boundaries of the Middle Belt, it is home to over 4 million people [18]. While the indigenous farmers are predominantly Christians from Tiv, Edoma and other indigenous ethnic groups, the cattle

breeders are predominantly Muslims of Fulani extraction. Consequently, whenever conflicts arise, religious and primordial sentiments are invoked to create a situation of “we” and “them” conflict parties.

4. Causes of Herders and Farmers Conflicts in Nigeria

There exist two different schools of thought that have identified and postulated causes of herders and farmers conflicts in Nigeria from two perspective.

4.1. The Conspiracy Theorists

This school of thought advances the argument that “Islamisation” and “Fulanization” agenda are the actual reasons for massive Fulani herders’ unchecked border crossing and migration to Nigeria through very many Nigeria’s porous borders. The new word ‘Fulanisation’ (which may not be found in any dictionary) was recently coined by the former President of Nigeria, Chief (Dr.) Olusegun Obasanjo, in attempting to describe the real motive of the government of the day in Nigeria, for refusing or being indifferent to addressing the escalating conflicts between migrant Fulanis and indigenous farmers in Nigeria resulting in killings, house burning, land grabbing and natural resource capturing by herders. The slow responses and lack of decisive actions by the government of the day in dealing with this crisis and certain uncomplimentary comments by federal government officials which are largely seen by most Nigerians as being sympathetic to Fulani herders has become so disappointing to most citizens. Thus, the government’s body language has been put on a spot light as given tacit support to violations of human rights of indigenous farmers, massive illegal border crossing into Nigeria by foreign Fulani herders. The Nigerian President has been criticized as being afflicted by conflict of interests as a grand patron of Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) an organization rated as the world’s fourth deadliest organization, on the one hand and the President of the Federal Republic of Nigeria, on the other hand. Functioning in these two conflicting capacities has incapacitated the president from taken decisive actions against the Fulani herders’ criminal behaviours [19]. This is more so given the additional fact that the incumbent president of Nigeria is not only a Fulani man but also a cattle breeder himself.

The former president of Nigeria, Chief (Dr.) Olusegun Obasanjo at the 2019 Synod of the Church of Nigeria (Anglican Communion), Oleh Diocese Isoko, Delta State on May 18, 2019 while delivering a keynote address on Mobilizing Nigeria’s human and natural resources for national development and stability, stated as that:

“Every issue of insecurity must be taken seriously at all levels and be addressed at once without favouritism or cuddling. Both Boko Haram and herdsman acts of violence were not treated as they should at the beginning. They have both incubated and developed beyond what Nigeria

can handle alone. They are now combined and internationalised with ISIS in control. It is no longer an issue of lack of education and lack of employment for our youth in Nigeria which it began as, it is now West African fulanisation, African islamisation and global organised crimes of human trafficking, money laundering, drug trafficking, gun trafficking, illegal mining and regime change. Yet we could have dealt with both earlier and nib them in the bud, but Boko Haram boys were seen as rascals not requiring serious attention in administering holistic measures of stick and carrot. And when we woke up to the reality, it was turned to industry for all and sundry to supply materials and equipment that were already outdated and that were not fit for active military purpose. Soldiers were poorly trained for the unusual mission, poorly equipped, poorly motivated, poorly led and made to engage in propaganda rather than achieving results. Intelligence was poor and governments embarked on games of denials while paying ransoms which strengthened the insurgents and yet governments denied payment of ransoms. Today, the security issue has gone beyond the wit and capacity of Nigerian government or even West African governments [20].”

This is considered as a clarion call for a globalised action as in the case of ISIS can decimate Fulani herdsman. The need for the foregoing call is justified by the fact that successive Nigerian Governments have been overwhelmed by the herders and farmers conflict in, hence the need for global actions to contain same.

4.2. Second School of Thought: Environmental Causes of the Conflict

4.2.1. Climate Change Impacts

Desert encroachment in the Sahara – Mali, Chad, Niger, etc. is said to be driving herders to the middle belt and Southern Nigeria that is blessed with greener vegetation and water needed by cattle.

The root cause of the herdsman - farmers’ conflict has been attributed to climate change which necessitates the Fulani and their cattle to migrate further south. The shortage of annual rainfall led to drought and desertification which contribute immensely to the occurrence of herdsman- farmers’ conflict in Nigeria. States in the north eastern and northwestern zones of in Nigeria are within arid and semi-arid regions, which always experience prolonged dry seasons [21]. The United Nations Institute of Peace special report on climate change [22] reveals that the reduction of animal feeds and water in the Sahel region is majorly caused by desert encroachment and drought which has forced nomadic cattle breeders to move towards the southern part of Nigeria “outside their normal grazing route”. In the same vein, “a mix of weather-related factors has caused a change in farming patterns whereby farmers cultivate more land than before every year leaving nomadic herders who wonder for grazing routes, fewer places to water and gaze their cattle [23].” Again, the Nigerian National Metrological Agency report of 2008 [24] revealed there has been a diminishing of

the yearly wet season has in Northern Nigeria for the past three decades from an average of 150 to 120 days thereby turning over 350, 000 sq. km of some northern states to either desert or semi-desert. This report further reveals the rapid encroachment of that desert southward at the speed rate of 0.6 km per annum. Again, a report published by the FAO Country Programming Framework (CPF) (2013- 2017) [25] reports that 50-75 per cent of the land areas of four northeastern and six northwestern states are turning to deserts, which have affected areas where these Pastoralists group resided. These states are; Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara States. In the same vein, these environmental degradations also impact on agricultural production and water for both the human and animals. The effects of this climate change pattern are seen in pastoralists' movement to the Southern part of Nigeria in search of pasture and water for their cattle thereby breeding the conflict under consideration [26].

4.2.2. Disruption of Old Grazing Routes Established in the 1960s by the Old Northern Regional Government

After Nigeria's independence in 1960, the Northern Nigeria regional government mapped out grazing routes for herders which did not encroach into farmlands. However, the expansion of farming on pastures and grazing reserves has disrupted these routes [27]. These grazing routes policy was giving the force of law through the enactment of the grazing reserves Act of 1968 which defined and demarcated grazing reserves and transhumance routes throughout the old northern region. The purposes of these routes were to serve as passages, grazing reserves and routes meant for cattle breeding without straying into farmlands [28]. Unfortunately, however, while some of these grazing routes were annexed and converted to housing areas others were encroached upon by farmers leading to outbreak of the deadly crises. The inability of successive governments in Northern Nigerian states to implement the grazing reserves Act of 1968 is blamed on this. By virtue of this law, about 4125 grazing reserves exist in Nigeria. Unfortunately, only one-third is utilized, while the rest are either built on or converted to farm lands [29]. Again, some cattle pathways close to urban areas were taken over by business structures like filling stations and mansions [30]. It has been observed that most of the crises between herders and farmers usually happen during dry season when the bush and grasses get dry. During this period, farmers in preparation for the next farming season, clear their farms and burn grasses residue which herdsman expect to use to feed their cattle. This competitive use of grasses and water by both herders and farmers lead to a crisis. Grass burning and the scarcity of water push nomadic cattle breeders to cross the line and at the same time enter farmers' land and this action ignites the crisis [31]. It is observed that this old grazing route system is an outdated cattle breeding practice that should be discarded with in a modern Nigeria. As practiced in modern agrarian economies all over the world, and as recently adopted by Benue State a new national cattle grazing Act should be enacted banning open grazing

and promoted cattle ranching. In May 2017, the Benue State Government enacted the Open Grazing Prohibition and Ranches Establishment Law, 2017 (commonly referred to as the Open Grazing Prohibition Law) banning open grazing of livestock in the state of Benue. This Law serves as a tool to prevent herders and farmers crisis by prohibiting open grazing and promoting breeding cattle in ranches. The ranching system will require growing of special breeds of grasses for cattle and breeding of cattle in specially designated ranches void of crisis and unhealthy competition for grasses and water. This would not only mitigate the crisis, but also reduce unemployment in Nigeria and equally advanced milk production in the country.

4.2.3. Cattle Rustling

A cattle rustling is an unlawful act of stealing cows by leading them away by persons other than the cattle owner or breeder. This unlawful act is sometimes perpetrated by either other herders who cross the borders or avenging farmers who in retaliation to the destruction of their farms take away herders cattle. Cattle rustling and rural banditry is a major cause farmer's herder's conflict in Nigeria. According Hame Saidu, a Pastoralist, *"Our herd is our life because to every nomad life is worthless without his cattle. What do you expect from us when our source of existence is threatened [32]?"* To an average Fulani herder, cattle rustling is a call for war anytime any day.

It is worthy of note that sometimes cattle rustling is practiced among Fulani herders and this is sometimes the case in the North-west and North-central zones of Nigeria. At other times it is farmers' on vengeful missions who rustle cattle. Some of these rustlers have formed armed groups who specialize on cattle rustling moving and attacking rural communities and steal their cattle. The bands usually have their hideouts base in remote bushes where there is little or no presence of state security. It has been reported that in 2018 alone, over 500 people were reported to be killed in different crises arising from cattle rustling and banditry. In Talatan Mafara, Shinkafi and Dansadau Local government areas of Zamfara, Birnin Gwari LGA of Kaduna, Numan LGA of Adamawa, Gwer West in Benue respectively and some were held for ransom [33]. Again, it has been reported that Boko Haram terrorist group is equally into the crime of cattle rustling from their base in remote areas of Borno State. It has been reported that from 2011-2016 the sect has killed over 1,900 Shuwa Arab pastoralists and unlawfully taken away over 227,000 livestock [34]. Cattle rustling, therefore, are major causes of the crisis in Nigeria. To stem the tide security operatives should build their capacity in intelligence gathering, secure porous borders properly and beef up security in affected areas.

5. Human Rights Impacts of Conflicts Arising from Herders' Migration

The illegal herders' migration and border crossing in Nigeria has led to various crises between the Herders and

farmers with its attendant infringements of human rights in Nigeria. Below are the human rights impact of illegal herder's migration and border crossing in Nigeria.

5.1. Impacts on Indigenous People's Customary Right of Ownership and Use of Their Ancestral Land

Indigenous people of Nigeria derive their customary right of ownership through customary land tenure system/holding. Land tenure is the system of holding land in any given society. It also means the right to hold land referred to as "Rights of Occupation" which is usually derived from the initiative or decisions of the founders of the land. Under the Nigerian traditional land tenure system, land is of fundamental importance as lands were communally owned; see the case of *Amodu Tijani v. Secretary of Southern Nigeria*. Though individuals or families can acquire and own land through allotment of part of the large communal piece or parcel of the land to them [35]. It is a source of wealth and is greatly valued as an indispensable factor of means of production and livelihood of the indigenous people as they are meant mainly for agricultural purposes which have been the oldest occupation of mankind [35]. The introduction of the Land Use Act in 1978 provides for a uniform system of and effective control and management of land in Nigeria. This Act still preserved and recognized the customary right of ownership/occupancy of land by indigenous people [35]. The Land Use Act introduces two types of rights of occupancy. First, in urban areas, a right of occupancy is granted by the Governor which is called the Statutory Right of Occupancy. This Act empowers the governor to grant to an applicant upon application, a Certificate of Occupancy (C of O) mainly for lands in urban areas and second, for lands in rural areas, a right of occupancy granted by the Local Government Area authority, called the Customary Right of Occupancy (CRO) mainly for lands in the non-urban areas [35]. The illegal migration and border crossing by foreign herders to Nigeria and their land grabbing approaches and trespass upon indigenous people's farm lands, has impacted indigenous people customary rights over their communal lands for which they have traditional rights of ownership, occupied and exercised acts of possession from time immemorial. Thus, foreign herders interfere with indigenous people's enjoyment of peaceful occupation of their ancestral lands which has been their cultural heritage. Again, these foreign herder invaders are in infringement of both Nigerian constitution of the Federal Republic of Nigeria 1999, Section 43, which provides for every citizen of Nigeria the right to acquire and own immovable property anywhere in Nigeria and Article 17(2) of the UDHR which guarantees 'the right to property ownership by citizens of every country.

5.2. Impact on Indigenous Peoples' Right of Human Dignity

Deprivations of person means of livelihood has been upheld in plethora's judicial cases and international instruments to mean deprivation of human dignity when such

persons are hindered from living a standard life due to deprivation of his/her means of livelihood. When a forced unemployed handicaps a person from providing for the well-being of his or herself self and that of their family such persons right to human dignity has been infringed upon and it is a violation of human rights as provided in Article 4 and 5 of the African Charter on Human and Peoples' Right of 1981, Article 25 of the Universal Declaration of Human Rights 1945 and Section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

5.3. Impact on Indigenous Peoples' Rights to Life

Trespass to and cattle grazing on indigenous peoples farmlands by cattle belonging to illegal foreign herder migrants and border crossers has led to various clashes between them and indigenous farmers which had led to several lost of lives. Loss of life has emanated from these crises. Suffice to mention a few cases; attack on Zilian village in Kaduna state where a middle- aged woman from the village lost her husband and her six- year old daughter who was badly burnt when their house was set on fire on 20 February 2017; On 24 and 25 September and 15 October 2016, Fulani gunmen attacked Godogodo Village in Kaduna State, killed at least 30 people and injured 16 others, a major store owner in the town lost his goods worth more than 20 million naira as they burnt down his warehouse, 111 people were killed in one week in Birnin-Gwari, Kaduna [36]. In February 2016, over 300 persons from Agatu, Benue State were massacred. On April 2018, 40 miners were killed at Janruwa Village and a week later (5 May), 71 people were killed in Gwaska. Numan and Desa villages of Adamawa State were attacked by suspected Fulani gunmen and leaving at 51 people dead, still in the village 80 Fulani, including three-day -old baby, were killed. From 8 to 18 October 2017, suspected Fulani's gunmen launched attacks on six villages in Bassa LGA of Plateau State (Nkiedowro, Hukke, Kpachudu, Nzhweruvo, Taagbe, and Rostu), killing a total of 50 people, three days later killed 27 villagers. On 24 April 2018, two priests Reverend father Joseph and father Felix) among 16 villagers killed in Benue community as they were preparing to head to the village Catholic Church for early morning mass by armed suspected Fulani men [36].

It has been reported that one of the worst affected states in Nigeria, by the attacks and reprisal attacks by armed members of herder and farmer communities occurred on 4 June where gunmen on Motorcycles attacked Jarkuka Village in Anka local government area of Zamfara State at around 1pm killing 26 peoples, a week after four people were killed on their farms allegedly for disobeying an order given by the gunmen that no one should go to farm [36].

At the South Eastern axis of Nigeria, in the early hours of 25th April, 2016, Fulani herdsman attacked Ukpabi Nimbo in Uzo-Uwani Local Government Area, Enugu State, killing over 40 people. Two days after, there was another attack by the Fulani herdsman in Umuchigbo community in Enugu East Local Government Area of Enugu State, Nigeria [37]. On 25th August, 2016, the Fulani herdsman invaded the

Ndiagu, Attakwu, Akegbe-Ugwu community, Nkanu-West Local Government Area of Enugu State, slaughtering a Catholic Seminarian, Lazarus Nwafor, while 4 members of the Ogbodo Nwarum family, where the Catholic Seminarian was a tenant, sustained severe machete cuts and slit the stomach of a 6-month pregnant woman, Mrs. Nwarum [38].

In December 2021, it was reported that about 20 Tiv farmers were killed and 5,000 others displaced in Lafia, Obi, and Awe Local Government Areas of Nasarawa State following an invasion of 12 communities by gunmen suspected to be Fulani herdsman. The attack was linked to a corpse of a Fulani herdsman which was recently discovered by his kinsmen in a community in Obi LGA [39].

Sometimes in July 2021, some suspected Fulani herders on a Sunday night attacked a farm settlement in Uzo-Uwani Local Government Council in Enugu State and reportedly killed many farmers and injured others. It was reported that the attack was provoked by the insistence for compensation by one of the farmers whose crops were destroyed by the cattle. The herders had agreed with the farmer to pay a certain sum but turned back and played ambush on the farmer and killed him [40].

In July 2022, two people were confirmed dead and two others injured in an attack by suspected herdsman on Mgbuji and Agu-Amede Communities in Isi-Uzo Local Government Area of Enugu State. It was also reported that in recent times in this State, suspected Fulani militias had killed not less than 16 people in Eha-Amufu communities, destroying 14 farm settlements with over 3,000 people [41].

The killing or taking of any person life is a breach of the person's fundamental human rights and therefore prohibited by both domestic and international human rights law as provided under Section 33(1) and (2) of the Constitution of the Federal Republic of Nigeria 1999 as amended. (save execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria) Article 3 of the Universal Declaration of Human Rights (UDHR) provides that, 'everyone has the right to life, liberty and security of person.' Article 4 of the African Charter on Human and Peoples Right (ACHPR) provides that, 'every human being shall be entitled to respect for his life and the integrity of his person. Articles 6(1) of the International Covenant on Civil and Political rights (ICCPR) provide thus 'every human being has inherent right to life. This right shall be protected. No one shall be arbitrarily deprived of his life'. Article 2 of the European Convention on Human Rights (ECHR) also provides for right to life of persons. Notwithstanding these stated provisions, violations of the rights to life of person are glaring in herder-farmer clashes arising from land use and freshwaters conflict between the farmers and herdsman.

5.4. Impacts on the Right to Freedom of Worship and Religion

Continual evasion by herdsman and killing of indigenous people and burning their church buildings have been interpreted as having religious connotations. The attacks by

herds men has religious connotations hence churches are targeted for destructions. Indigenous farmers are largely Christians and have refused to convert to Islam despite all pressures by Fulani herdsman who are largely Muslims. This can be seen in the December 2016 crisis killing of Kaduna Christian southern Kaduna people, burning of churches and targeting of Christian religious leaders, abduction of Christian girls by Muslim men for forced marriages. There was also report of the killing of Bridget Agbahime on June 2, after she was accused of insulting a man prior to his prayers. On July 9, a Redeemed Christian Church of God female gospel minister Mrs. Eunice Elisha was killed while preaching in Abuja [41]. June 5, 2022, was a black Sunday for Christian worshippers across the South-West region of Nigeria as there was a reckless wastage of defenseless worshippers by terrorists suspected to be Fulani herdsman at St Francis Catholic Church in Owo, Ondo State. Over 40 innocent worshippers, including children, men and women, and nursing mothers were murdered in cold blood by gunmen, as they gathered for Pentecost day. This brutal incident sent a rude shock of insecurity to Christians across the country. This incidence has been viewed as an open attack against the state, being the most vocal state against herdsman attacks and the menace of open grazing [42].

These are infringements on the indigenous people right to freedom of worship (Section 38 of the constitution of the Federal Republic of Nigeria 1999, and Article 18 of the Universal Declaration of Human Rights).

5.5. Impact on Gender Rights and Vulnerable Peoples Human Rights Violations

Attacks on villages and house burnings by both local and illegal foreign herders, have turned many indigenous peoples to refugees in their own land, due to loss of their homes. The majority of these victims are women and children who as a result of forceful ejections from their land and burning of their houses turn to refugees camped in Internally Displaced Peoples (IDP) camps. Given the report of Nigeria's Population Commission (NPC) the number of persons in IDPs in camps has drastically increased due to herders/farmers clash. These victims are consequently deprived of right to education, and access to primary health care facilities which are progressive breaches of their human rights provided in various statutes. Article 25(1) of the UDHR provides that, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. However, this has not been the case with indigenous person in IDPs camps as a result of the conflict.

Many of the persons in IDPs camps are largely children between ages 5 to 10 that needs to be educated. However, host communities of these camps, have little or no school facilities for these children. The environmental conditions of these IDPs camps and their host communities are unhealthy for the required good standard of living and Poor water sources, insufficient food supply, clothing, and limited shelters are suffered by these vulnerable people.

Thus, these constitute infringements of the human rights of

the indigenous people pursuant to Section 15 of Child's Right Act, Article 17 of the African Charter on Human and Peoples' Right 1981. There is also violation of girl Children's and women right to personal dignity in IDP camps. There are so many allegations of rapes by law enforcement agents and terrorists when they capture these children. This is a violation of the right to dignity of the child as provided in Child's Right Act, 2003, Section 11 of the Act. Because of the babies born as result of rape, it brings social stigmatization and community isolation which in turns affect the child's dignity of person. Again, other increased cases of harassment and intimidation are denial of women and girl children food and water in IDP camps except in exchange of sex for food and other immediate needs. In extreme cases women are forced to yield to this cruel condition as they have to get food for themselves and their children's survival. This act is in violation of the women right as provided for in Women's' Right under the Human.

Rights Bill of United Nations and Fundamental Human Rights as regard to dignity of person stated in the Chapter IV 1999 Constitution (as amended) Section 34(1) (a) no person shall be subject to torture or inhuman or degrading treatment, subjecting women to sex for food is a degrading treatment and violation of their human rights.

6. Legalizing the Illegality

In an attempt to manage these conflicts, the Federal Government of Nigeria, has adopted some scholars considered as inappropriate conflict management strategies. These approaches were aimed at seeking to legalize herders' activities apparently seen by many 'as illegalities given both domestic and international human rights legal regimes; this segment shall attempt to highlight some of these strategies.

6.1. Attempt to Enact an Act for Grazing Route

In 2015, the Nigerian Federal Government presented a bill titled, "National Grazing Route and Reserve Bill of 2015", to the National Assembly as a legislative measure of addressing the conflict. The objective of the Bill was to enable the FGN acquire lands in all the 36 states of the federation for the purpose of open cattle grazing routes. It further states that the aim was to curb incessant conflicts between nomadic herdsman and livestock farmers and settlers in Nigeria [43]. However, the Bill was rejected by Nigerian citizens because some of the provisions of the Bill contravened Constitutional provisions guaranteeing citizens right to property ownership as guaranteed by the 1999 Constitution of Nigeria. In addition, the Bill was not only considered unconstitutional but also repugnant to natural justice, equity and good conscience. The bill was also seen as being politically motivated and ill- conceived. Again, the Bill was in contravention of Nigeria's' Land Use Act provision with regards to land acquisition and overriding public interest matters [43]. Based on the foregoing the bill was not passed by the national assembly.

6.2. Legislative Move by the Government to Enact a National Water Resources Act

The National Water Resources Bill first received attention in 2016 when it was proposed by the current governmental administration in Nigeria. However, the Bill was perceived to be hostile and ominous to sustaining and ensuring national peace in the light of the insecurity of Fulani herdsman across the nation. The Bill was outrightly rejected in 2016 but it has since resurfaced for deliberation about three times in the space of six years, with 29th June 2022 being the recent resurfacing on the floor of the National Assembly.

This insistence has made citizens believe that there is a surreptitious plan being hatched somewhere to deprive Nigerians of their indigenous land and resources and make these open to herdsman or Jihadists. Some provisions of the bill evidence people's concern about the Federal government having so much control over water resources in the country.

The contents of the 2016 and the present 2020 bills are clear with the fact that there would be no private ownership of water resources in Nigeria. There are provisions in the bill that ensure that citizens must obtain licenses to build facilities to access water. For example, a license must be obtained to drill a borehole for commercial purposes, the building of drainage and irrigation systems.

Section 2(1) of the 2020 bill provides that:

The right to the use, management, and control of all surface water and groundwater affecting more than one State pursuant to item 64 of the Exclusive Legislative list in Part 1 of the Second Schedule to the Constitution of the Federal Republic of Nigeria, 1999 as amended, and as set out in the First Schedule to this Act ("is vested in the Government of the Federation to be exercised in accordance with the provisions of this Act.

(2) States may make provisions for the management, use, and control of water sources occurring solely within the boundaries of the State but shall be guided by the policy and principles of the Federal Government in relation to Integrated Water Resources Management, and this Bill.

Section 62 of the bill highlights the various water operations that require a license. These operations include:

- (a) abstraction of surface water and groundwater.
- (b) diversion, pumping, storage or use on a commercial scale of any water.
- (c) the construction of boreholes for commercial purposes.
- (d) construction and operation of hydraulic structures for rivers, dams, water intake barrages, groynes, bed and bank stabilisation, dykes, polders, wells.
- (e) public and private irrigation and drainage systems.
- (f) diversion or impoundment of water for the purposes of mining and discharge of waste water from mining into any water course.
- (g) discharging industrial or agricultural waste or wastewater into a water body through a pipe, canal, sewer, sea outfall or other conduit according to environmental standards.

- (h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process according to standards defined by the relevant environment standards enforcement agency.
- (i) undertaking drainage and land reclamation.
- (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people.
- (k) leachate containment activities according to environmental standards.
- (l) capital dredging.
- (m) sand dredging, rock blasting and rock removal in rivers.
- (n) construction of infrastructure, roads and bridges across rivers and streams.
- (o) any works affecting the banks and beds of water courses.
- (p) carrying out commercial inland fisheries.
- (q) transportation of "Specified Substances" over the watercourse.
- (r) activities that reduce stream flow and
- (s) using reservoirs for recreational purposes.

It is unequivocal by the provisions of the bill that the Federal government will be in total control of all water resources in the country if the bill is passed eventually. Knowing that the current administration is headed by a Fulani tribe man, citizens' agitation abounds on the ground that the Fulani herdsmen will have an upper hand in contesting for natural resources.

6.3. Attempt to Enact an Act for the Establishment of Ranches Throughout the Federation with Taxpayers' Money

Again, the executive arm of Nigeria's government attempted to use public funds to establish cattle ranches for Fulani herdsmen. However, there was an overwhelming public opinion against it following the superior argument that cattle rearing being a private business its funding should be private sector driving.

6.4. An Attempt to Establish Cattle Colonies

Shortly after the failure of the above two attempts, the initiative of establishing cattle colonies was proposed in 2018 by the Federal government as an alternative strategy for resolving the incessant herders/farmer conflict. Again, this was rejected aggressively by Nigerian citizens. The following and many other reasons were adduced for the rejection of the idea: To start with, the argument that cattle business is a private enterprise carried out by individuals and groups of individuals like other private sector businesses and should be funded strictly by the private sector given that they are profit-oriented is applicable here [44]. Also, the cattle business is primarily dominated by members of a particular ethnic group, the Fulanis. Therefore, cattle business to the Fulanis is like the retail trade business to the Igbos, Hausas, Yorubas, and

Urhobos, fishing business to the Ijaws, Ibibios, Itsekiris, and Ilajes, cocoa business to the Yorubas and farming business to the entire Nigerian farming population [44]. Again, cattle are owned by very rich and powerful individuals in Nigerian society. They exploit the nomadic Fulani to take care of the cows. It does not make sense for the Federal Government of Nigeria to subsidize an industry dominated by very rich and powerful individuals who have the financial wherewithal to buy or rent land to establish ranches, as in other parts of the world. Again some Nigerians critiqued the idea, and labeled it an ulterior motivated agenda and cunning device by President Muhammadu Buhari who is a Fulani cattle breeder himself and the life and grand patron of MACBAN, to spread his kinsmen, alleged by some Nigerians as "violent religious fundamentalists Islamic Fulani Jihadists" across 36 states of Nigeria with state funds to enable them accomplish the long-desired ambition of overrunning and taking over the whole East, West, North and South of Nigeria, which they claim is their heritage. Although the president denied this allegation, but majority of southern Nigerians did not believe him. Nigerians are highly suspect that, given their antecedents, when provided a land in each State of the Federation, the Fulani might rise up one day to overpower their host communities when they see it necessary to expand more than the spaced colony [44]. Again, cattle colonies will also enthrone the Fulanis as super lords of Nigeria when they are settled in every part of the country. It was seen as major [44]. Hence Nigerians especially Southern and Northern Christians vehemently rejected cattle colonies in Nigeria.

6.5. Recently On-Going Efforts to Establish RUGA (Rural Grazing Areas) Settlements for Fulani Cattle Rears

Having been defeated for the umpteenth time, the president Muhammadu Buhari lead federal Government of Nigeria, has recently initiated a fresh policy of RUGA settlement initiative for cattle breeders in all the states of the federation. This policy proposal has been another subject of controversies. The news media, newspaper publication, and television interviews in Nigeria are a washed with debates on this subject. Different ethnic groups especially from Southern and North Central parts Nigeria, represented by their socio-cultural associations and youth groups have made representations that vehemently oppose the idea of RUGA. Examples, socio-cultural groups like Afenifre representing the Yoruba's (South Western States of Nigeria) Ohaneze Ndi Igbo (South Eastern states Nigeria,) South South people's Assembly, (South-South States, Assembly Middle Belt Forum (North Central States) Ijaw youth council made it known that Ijaw ethnic nationality has no land for the proposed RUGA Settlement for Fulani cattle rears while admonishing the six South-South states and Ondo state in the Southwest no to bow to pressure from the Federal Government of their own interests [45]. Also, in rejecting the RUGA initiative, the South East Governors Forum categorically stated that there was no land in any part of the South East region for the establishment of RUGA settlement [46]. Showing more rejection of Nigerians of the RUGA

policy there has also been lawsuits against the Federal Government. An example is a suit instituted by the board of Incorporated Trustees of Malcolm Omirhobo Foundation, at the federal High Court Abuja [47]. These and many more opposition in the country over the RUGA settlement initiative compelled the presidency to temporarily suspend the initiative. However, Nigerians are still suspicious of the Federal Government's motives behind the suspension and they are calling for outright cancellation of the initiative because, should it be revived anytime, especially in Southern Nigeria, it is a time bomb waiting to explode to a full-blown widespread violent national conflict. This may escalate into a civil war that will likely destabilize the whole of Nigeria a country of close to 200 million population.

6.6. Empowerment of Fulani Herders by the Federal Government of Nigeria Through Financial Independence

Again, several actions by the Nigerian government empowering Fulani herders exclusively, have been viewed by observers as government funding and empowerment of terrorism and illegality by Fulani herders. It is in the Nigerian public domain that the Federal government promised to give financial support to the sum of 100 billion (One Hundred Billion) Naira as compensation for rustled cattle and as a consideration for herders to stop violence and killing of indigenous farmers. This was without a corresponding financial compensation to indigenous farmers who are opposing conflict parties, whose colleagues and loved ones were and are still being slaughtered in thousands by herders, with their houses, and churches worth millions of dollars burnt down to ashes, and who are still in IDPs, without adequate health care, housing, food, and education, etc.

6.7. Establishment of an Exclusive Fulani Radio Station

Again, the Nigerian government recently announced the project of establishing nationwide radio broadband for nomadic Fulani herders. The government announced that the objective of this radio station which has already been licensed includes among others mitigating or reducing the conflict between Fulani herders and indigenous farmers through the education of nomadic Fulani herders on the need for peace. However, Nigerians have cried foul of this ethnically biased project, viewing it as another government's preferential treatment and empowerment of the Fulani ethnic group by their kinsman President Muhammadu Buhari. This is so seen against the backdrop that never in the history of Nigeria, has any central government in Nigeria used state funds to establish an exclusive radio station for any one tribe out of over 250 ethnic groups in Nigeria. Most Christian Nigerians see this move as a tool for preparing the Fulani for a future war of the takeover of Nigeria. This interpretation is seen in the light of the experience of Rwanda where one tribe used an ethnically dominated radio station to prepare themselves for war against the other tribe. This fear by Nigerians is strengthened by the fact that the government announced that the radio in question

will speak only the Fulfulde language which is only spoken and understood by Fulanis across West Africa.

6.8. Tactical Security Agencies Support Given to Fulani Herders Before, During After Every Violent Conflict

The Nigeria Police, Military and other security agencies are seen to given tacit support to Fulani herders in the conflict between them and herders. Calls by indigenous peoples for security intervention during attacks by evading herdsmen are often ignored by the police, soldiers and other security agencies. Also, security agencies often get to the place of attack late or withdraw before the attack ends. Allegations have been made of security agencies logistics supports to these herdsmen. To buttress this point, the following instances from the fact gathered by Amnesty International; On 4 December 2017 between 6am and 12pm, about seven villages, including Dong, in Numan and Demsa local government area of Adamawa state, were attacked by suspected Fulani gunmen, whereas the 50 mobile policemen deployed to Dong district when there were rumors that there would be attacks at Dong and surrounding villages. Unfortunately, three days before the attack pricesly, on the 1st of December the attacks happened [36]. Many died in this attack as there no security for the armless villagers. Again, soldiers withdrew shortly before 33 villagers were killed in Adamawa as the soldiers just spend 30 minutes at the scene before the attack began [36]. It has been reported that an eyewitness who survived an attack told the Amnesty International that he saw gunmen being invited to enter the classroom that as served as protection zone during attack by the soldiers [36].

7. Conclusion

The influx of foreign herders into the Nigerian space has exacerbated the conflict between herders and indigenous farmers in Nigeria and increased proliferations of arms in the country and lead to loss of thousands of lives and properties worth millions of dollars. The incessant infringements of human rights by both herders and farmers arising from this conflict have become the order of the day. These ugly situations necessitated this intellectual inquiry that sought to understand the interface between illegal border crossing migrant herders into Nigeria, competition over natural resources, consequent conflicts and their impacts on human rights of indigenous farmers and herders. This paper discussed extensively the porosity of Nigeria's numerous borders vis-à-vis the Nigerian immigration legal regime, and its resultant consequences which included an unchecked influx of illegal immigrants, including foreign herders among others into Nigeria; proliferation of illegal arms; unhealthy competition for natural resources; insurgencies; violent conflicts; and massive human rights infringements.

8. Recommendations

Going forward, the following recommendations are made as panaceas to Nigerian herders and farmers conflicts and

their attendant human rights impacts:

- 1) A complete overhaul of Nigerian immigration law and institutional frameworks is recommended. This will make for a strong immigration institution and the creation of a strong state border Policing: The need for proper and effective state border policing cannot be overemphasized if illegal herders border crossing and external attacks along Nigerian borders are to be checked and curbed effectively. As observed earlier, Nigerian illegal border crossing routes are usually situated in hidden locations along the borders obviously far from the reach of federal border police or Immigration Officers. This is so because of the illegal nature of such routes and the purpose for their creation which ranges from illegal migration to cross-border criminalities. Also, the new immigration regime should mount security cameras across all Nigerian borders.
- 2) Immigrant herders should be made to fulfill all immigration requirements before being admitted into Nigeria.
- 3) There should be a federal law abolishing open cattle grazing as that breeds conflict. This law should be made applicable to all parts of Nigeria.
- 4) Nigerian government should develop policy frameworks and enact an Act that promotes global best practices in cattle ranching.
- 5) Nigerian security agencies including police should uphold human rights as provided by the Nigerian constitution and other international human rights legal frameworks. Governments of Nigeria, both at federal and state levels should treat Nigerians equally.
- 6) International organizations particularly the; Economic Community of West Africa States (ECOWAS), African Union (AU) and relevant United Nations (UN) agencies, should be more pragmatically involved in resolving herders/farmers conflicts in Nigeria.

References

- [1] S. K. Okunade (2017) S. K. Okunade (2017) Perspectives on Illegal Routes in Nigeria. *African Research Review*, An International Multi-Disciplinary Journal, Ethiopia, AFRREV 11 (2), S/NO 46, ISSN 1994-9057.
- [2] Ingawa, S. A, Ega, A and Erhabor, P (1999). Farmer - Pastoralist conflict in core states of the National Fadama Project. Abuja: FACU.
- [3] Hoffman, I, Umar, B and Tukur, H (2008). Crisis and Cooperation over control and management of Zamfara Reserve, Nigeria. Gefu.
- [4] Abubakar, M. B (2012). Sociological assessment of nomadic pastoralist and sedentary farmers conflicts in Kastina State, An unpublished M.Sc Thesis submitted to Soc. Dept., Ahmadu Bello Univ, Zaria.
- [5] Adisa, R (2012). Land use conflict between farmers and Herdsmen – implications for agricultural Extension and rural development. Ilorin: Univ. of Ilorin, Nigeria.
- [6] M. Mustapha, (2004) Globalization and Trans-border Crime: Nigeria's Security Dilemma. Retrieved 3 July 2019, from www.gamji.com/NEWS2809.htm.
- [7] M. Sagir, (2010). Border Security, Arms Proliferation and Terrorism in Nigeria; a working paper. See Guy Martin, 'Illegal Migration and the Impact of Cross Border Crime.' Retrieved 3 July 2019, from http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=14001:featureillegal-migration-and-the-impact-of-cross-border-crime&catid=87:border-security&Itemid=188
- [8] G. U. Osimen, E. J. Anegbode, C. A. Akande, O. O. Oyewole (2017). The Borderless-Border and Internal Security Challenges in Nigeria. *International Journal of Political Science (IJPS)* 3 (3), PP 17-27 ISSN 2454-9452. Retrieved 3 July 2019, from <http://dx.doi.org/10.20431/2454-9452.0303003> www.arcjournals.org
- [9] Small Arms Survey (2009) Devils in diversity: Export controls for military small arms, small arms survey: Shadows of War. Geneva: Graduate Institute of International Studies, p. 86.
- [10] A. Ayissi & I. Sall (2003). Combating the proliferation of small arms and light weapons in West Africa: Handbook for the Training of Armed and Security forces. UNIDIR/2003/13, 2003, p. 89.
- [11] Interview with Amnesty International in Tabungo village, Adamawa State, 24 April 2018.
- [12] The largest ethnic group in Numan local government area of Adamawa State.
- [13] Interview with Amnesty International in Yola, Adamawa State, May 2018.
- [14] World Bank, Appraisal of Livestock Development Project Nigeria (1974). Retrieved 3 July 2019, from <http://documents.worldbank.org/curated/en/750071468290167872/pdf/multi-page.pdf>
- [15] Daily Trust, Tracing old grazing reserves, routes, in Nasarawa, (1 May 2016). Retrieved 3 July 2019, from <https://www.dailytrust.com.ng/news/feature/tracing-old-grazing-reserves-routes-in-nasarawa/144779.html>
- [16] Amnesty International saw several documents and markings, also known as monuments, showing the area is a grazing route.
- [17] Benue: Death toll from herdsmen, farmers clashes reaches 80. (Jan. 9, 2018) Punch Newspaper. Retrieved 3 July 2019, from <http://punchng.com/breaking-death-toll-from-benue-herdsmenfarmers-clashes-reaches-80/>
- [18] National Bureau of Statistics. (2014). Annual Abstract of Statistics, 2012. Federal Republic of Nigeria. Retrieved 3 July 2019, from http://www.nigerianstat.gov.ng/pdfuploads/annual_abstract_2012.pdf
- [19] Sahara Reporters; Time For Buhari To Choose Between Being President Of Nigeria And Being Grand Patron Of Miyetti (2019). Retrieved 3 July 2019, from <http://saharareporters.com/2018/06/27/afenifere-time-buhari-choose-between-being-president-nigeria-and-being-grand-patron>
- [20] Vanguard News (May 2019). Mobilising Nigeria's human and natural resources for national development and stability by Obasanjo. Retrieved 19 September 2019, from <https://www.vanguardngr.com/2019/05/mobilising-nigerias-human-and-natural-resources-for-national-development-and-stability-by-obasanjo/>

- [21] T. I. Eje, I. A. Angai, Y. B. Abdullah, P. O. Eje, L. E. Wudaba, N. Ishaku, 2017. Pattern and Implication of Conflicts between Farmers Herders in Riyom Local Government Plateau State, Nigeria, *IJHSS*, 2017, vol. 5 (10), pp. 256-271.
- [22] A. Sayne, Climate Change Adaptation and Conflict in Nigeria. United Nations Institute of Peace. Special Report 2301 Constitution Avenue, NW Washington, DC 20037, 2018.
- [23] I. Muhammed, A. B. Ismaila, and U. M. Bibi, "An assessment of Farmers- Pastoralists Conflict in Nigeria using GIS", *IJSI*, 2015, vol. 4 (7), pp. 22-33.
- [24] Federal Ministry of Environment. "National Policy on Desertification and Drought" 2008. [Online] Vol. 3, (1), pp. 152-169. Retrieved 3 July 2019, from file:///C:/Users/HP/Downloads/660-205-1262-1-10-20171210.pdf Indigenous Communities of Southern Nigeria: A Review of Literature. *International Journal of Health and Social Inquiry*. 3 (1), 152169.
- [25] FAO Country Programming Framework (CPF) Federal Republic of Nigeria 2013-2017.
- [26] H. Shehu, 2018, The Causes and Consequences of Fulani Pastoralist-Farmers Conflict in Nigeria. *International Journal of Innovation and Research in Educational Sciences*. Volume 5, Issue 3, ISSN (Online): 2349–5219.
- [27] S. D. Adisa, Land used Conflict between Farmers and Herdsmen – Implication for Agricultural and Rural Development in Nigeria, *Rural Development Contemporary issues and Practice*. 2012, [Online] Open Access Book DOI: 10.5772/45787, Retrieved 3 July 2019, from file:///C:/Users/HP/Downloads/34416.pdf
- [28] International Crisis Group, Headers against Farmers: Nigerian Expanding Deadly Conflict, (19 September, 2017}, *African Report No. 252*. Retrieved 3 July 2019, from <https://d2071andvip0wj.cloudfront.net/252-nigerias-spreading-herder-farmer-conflict.pdf>
- [29] N. O. Adeoye, "Land use Conflict between Farmers and Herdsmen in parts of Kano, Yobe and Borno States of Nigeria: Nomads View Points", *Ghana Jour of Geo*, 2017, vol. 9 (1), pp. 124-151.
- [30] W. C. Tuckman. "Conducting educational research" New York: Harcourt Brace Jovanovich, 1999.
- [31] S. Abubakar, "Newspapers Coverage of Herdsmen? Farmers Conflict in Nigeria".
- [32] M. Abbass, "No Retreat No Surrender Conflict for Survival between Fulani Pastoralists and Farmer in Nigeria". *EU S J*, 2012, vol. 8, {1}, pp. 331-346.
- [33] W. A. Ahmed-Gamgum, 2018. Herdsmen and Farmers Conflict in Nigeria: Another Dimension of Insecurity", *Journal of Public Administration and Social Welfare Research* [Online] Vol. 3 (1), pp. 35-62. Retrieved 3 July 2019, from <https://iiardpub.org/getJPASWR/VOL.%203%20NO.%201%202018/HERDSMEN%20AND%20FARMERS.pdf>
- [34] Preliminary investigations conducted by Al-Hayah Cattle Breeders Association of Nigeria on the loss of lives, livestock and properties of its members due to Boko Haram activities in Borno State, Nigeria – December 2015. Sourced from the Research work conducted by Conciliation Resources, Published by Spotlight an International Review for Peace Initiatives.
- [35] Sadiq Emmanuel Rasak. 2011. The Land Use Act of 1978: Appraisal, Problems, and Prospects. Retrieved 3 July 2019, from <https://pdfs.semanticscholar.org/7bfc/ca6e34ab48fa5272082341a33ac18572f1a8.pdf>
- [36] Amnesty International 2018. Harvest of Death: Three years of bloody clashes between farmers and herders in Nigeria. Retrieved 3 July 2019, from <https://www.amnesty.org/en/documents/afr44/9503/2018/en/>
- [37] C. I. Ndubuisi, 2018, 'A critical analysis of conflicts between herdsmen and farmers in Nigeria: Causes and socio-religious and political effects on national development', *HTS Teologiese Studies/Theological Studies* 74 (1), a5065. Retrieved 3 July 2019, from <https://doi.org/10.4102/hts.v74i1.5065>
- [38] Vanguard News, August 25, 2016. Again, Fulani herdsmen invade Enugu community, kill Catholic Seminarian. Retrieved 3 July 2019, from www.vanguardngr.com/2016/08/againfulani-herdsmen-invade-enugu-communitykill-catholic-seminarian/
- [39] Collins Sunday. PUNCH online newspaper. December 2021. Retrieved 8 August 2022 from <https://punchng.com/20-farmers-killed-5000-displaced-as-herders-attack-nasarawa-communities/>.
- [40] Lawrence Njoku. GUARDIAN online newspaper. July 2021. Retrieved 8 August 2022 from <https://guardian.ng/news/herders-attack-farm-settlement-in-enugu/>
- [41] THIS DAY online newspaper. July 2022. Retrieved 8 August 2022 from <https://www.thisdaylive.com/index.php/2022/07/02/two-killed-as-suspected-herdsmen-attack-enugu-community/>
- [42] Dayo Johnson. VANGUARD online newspaper. June 2022. 'Owo massacre a reprisal attack for evicting criminal herdsmen.' Retrieved 15 August 2022 from <https://www.vanguardngr.com/2022/06/owo-massacre-a-reprisal-attack-for-evicting-criminal-herdsmen/>
- [43] Grazing Bill Analysis. Retrieved 3 July 2019, from <https://placng.org/new/upload/GrazingBillAnalysis.pdf>
- [44] Nigeria World. Retrieved 3 July 2019, from <http://nigeriaworld.com/articles/2018/feb/014.html>
- [45] Ijaw has no land for RUGA Settlement - IYC - Vanguard News (2019). Retrieved 3 July 2019, from <https://www.vanguardngr.com/2019/07/ijaw-has-no-land-for-ruga-settlement-iyec/>
- [46] Ruga settlement: No land, we can only exchange grass for herdsmen's meat – South-East govts (July 2019). Retrieved 3 July 2019, from <https://punchng.com/no-land-we-can-only-exchange-grass-for-herdsmens-meat-seast-govts/>
- [47] Federal Government Sue Over Controversial Ruga Settlement Policy (July 2019). Retrieved 3 July 2019, from <https://dailypost.ng/2019/07/03/fg-sued-controversial-ruga-settlement-policy/>