

## **An Assessment of the Effect of the Benue State Open-Grazing Bill: A Perspective from the Fulani Herdsmen**

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### **Abstract**

**T**wo years ago, the government of Benue State of Nigeria articulated and promulgated into law, an anti-grazing bill following incessant herder/farmer clashes in the area. The whole essence of the bill was to stem the tide of these clashes and ensure the peaceful co-existence of all and sundry on the corridors of the nation's food basket. This study interrogated the measure of success recorded through this bill in the last few months of its coming into being. Data was obtained from secondary materials including books, journals, periodicals, magazines, newspapers, the internet, etc. The Content analysis was employed for purposes of data analysis while adopting Galtung's (1967) Theory of Peace as its theoretical framework. Results of the analysis revealed that the herdsmen have continued to be on the rampage inspite of the law forbidding such acts. The implication is that the bill is yet to be effective. Hence, it has had little or no effect on the activities of the herdsmen and the peace and tranquility of the area. The study suggested that the bill should be fully enforced by the authorities concerned.

**Keywords:** *Open-grazing, Assessment, Rampage, Tranquility, Food basket*

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### **Background to the Study**

Violent clashes between herdsmen and farmers have led to the loss of thousands of lives and property worth billions of naira. To stem the tide of such violent clashes between these groups of Nigerians, some states have prohibited open grazing by livestock. With little variations that take care of the states, the law prohibits movement of livestock and open grazing by them. It requires livestock owners to ranch them, criminalizing open grazing and movement of livestock by foot. The law is designed to effectively stop the age-long nomadism, particularly among the Fulani whose activities in recent times have led to violent clashes with farmers in many states of the federation. As would be expected, there is a good measure of resistance from the herdsmen whose complaint is that there is no enough time for them to comply with the law. Their umbrella body known as Miyetti Allah Cattle Breeders Association of Nigeria, in presenting their case, states that they need more time to comprehend the law and abide by its provisions. Again, they contend that the law is a violation of their fundamental right to freedom of movement within the country and that it is in conflict with international protocols which established grazing routes across the African continent. It is interesting to note their decision to submit their grievances to the law court against an initial threat to violence.

Over the last decade, a report of farmer-herder violence has increased exponentially reaching an all-time high between 2013 and 2014. This prompted Governor Ayodele Fayose in May 2016, to prohibit cattle grazing in Ekiti state. The announcement came shortly after the death of two Ekiti residents following a violent clash with herders in the state. There were also other reports on farmer-herder violence across Nigeria and perceived threat that herdsmen pose to settler communities nationwide. Several weeks later, August 2016, the governor signed the Anti-grazing Bill into law restricting cattle grazing between the hours of 7am and 6pm within government sanction areas. The governor made 'history' as this move appear to have paved the way for other governors to follow. Certainly, Benue state should constitute the next stanza of the chronicle.

A report by the Benue State Bureau for Local Government and Chieftaincy Affairs in 2014 revealed that the state lost more than 500 lives and property worth more than ₦95bn in ten (10) of these local government areas in that year's attacks alone. Houses, schools, hospitals, clinics, and churches in the affected areas were destroyed by herdsmen during attacks. The Benue experience revealed that farming and open grazing cannot co-exist as a result of the increase in both population and farming activities. This development led several groups to demand ranching. The Ortom administration which has had to grapple with the consequences of the clashes had no option than to respond by enacting the anti-grazing law through the state house of assembly as a permanent solution to the problem in line with international best practices on livestock management.

### **Statement of the Research Problem**

The incessant herder-farmer violence in Benue state usually takes a devastating toll on human lives and property. At a time, more than 13 out of 23 local government areas in the state were under siege. These include Guma, Markudi, Gwer, Gwer West, Agatu, Tarka, Buruku, Ilogo, Kastina-Ala, Ukum, Gboko and K. wandu. The major objective of the law is to bring lasting

peace between farmers and herders in Benue state. To what extent has the anti-grazing law succeeded in realizing the objective of the maintenance of lasting peace and tranquility of the people of Benue state. This study wishes to interrogate the effectiveness of the anti-grazing law in Benue state since its introduction.

### **Objectives of the Study**

The broad objective of this study is to assess the effectiveness of the Benue state anti-grazing law since its promulgation. Specifically, the study seeks to:

- a. Ascertain the extent to which the Fulani herdsmen have adhered to the order to ranch their cattle following the law.
- b. Find out how much peace and tranquility has been restored to Benue State as a result of the enactment of the law.

### **Research Question**

This study will provide answers to two questions:

- a. Have the herdsmen adhered to the order to ranch their cattle as promulgated by the anti-grazing law?
- b. To what extent has peace and tranquility been restored to Benue State since the law was promulgated?

### **Literature Review**

#### **Conceptual clarification**

**Open Grazing:** In agriculture, grazing is a method of feeding in which herbivores or ruminants feed on plants such as grasses and other multi cellular organisms such as algae. Open-grazing may be viewed as the age-old practice of roaming about with animals in open field, plains and nearby bushes in search of pasture or food for the animals. It is mostly practiced in Nigeria by Fulani herders who move for days on foot with their herds from the north to the more rain-fed southern parts of the country pasturing their flock as they go. Olugbenga (2017) observes that, “many have come to take this type of animal grazing as an indiscriminate way of grazing with several attendant negative consequences. The system may be described as the opposite of sedentary/settled or ranching system which has led breeders (mostly the Fulani) to lead nomadic lifestyle- moving about with their flock and family all year round, and could be said to be necessitated mainly by the need to save costs, find easy market for the animals, escape drought prone areas, escape conflict and desertification prone zones and to escape from human and livestock diseases. Okeke (2014), believes that “at the moment, the system constitutes a serious threat to National security.

**Food Basket:** This is also called the “farmer's basket”. It is a customized basket of local agricultural products for daily individual consumption, which is put together by a center of coordination, with crops from a number of local farms. This center matches the needs of consumers with the local producers. The food basket is a complete product, put together through collaboration. Within this network, local farmers can specialize, enhancing quality and increasing their productivity. The value of every farmer's product comes in part from the completeness of the final collaborative product, the basket.

The nutrition food basket is a costing tool which estimates the cost of basic healthy eating using the current nutrition recommendations from eating well with Canada's food Guide and food purchasing patterns described through the Canadian community health survey. Directions of Canada (2017), hold the position that, “community food security exists when all citizens access a safe, personally acceptable, nutrition's diet through a sustainable food system that maximizes healthy choices, community self-reliance, and equal access for everyone.

**Peace:** 'Peace' is used to describe the cessation of violent conflict. It can mean a state of quiet or tranquility- an absence of disturbance or agitation. Peace can also describe a relationship between any people characterized by respect, justice and goodwill. Peace can describe calmness, serenity, and silence.

The word 'peace' may appear simple and straight, yet, providing a clear-cut definition of the concept in the study of international relations seems more demanding as historic events, ideologies and peculiar regional circumstances have shaped the meaning of peace” (Richmond,2008). However, Galtung (1967), at a first glance, describes it as an “umbrella concept”. To him, it is a state of mind felt as a consequence of the actualization of certain stated human desires”, argued that, “the Utopian peace is only found in an 'ideal form' just as Socrates” truth and goodness are found in an ideal form which cannot be fully attainable.

The idealist argued that man, by nature, is not violent; man is a peace lover, he will always want to keep peace with his neighbor, but in case of probable violence, social and political norms regimes and organizations could inhibit such (Richmond, 2008). Bansikiza (2004), thinks differently as he submits that, “peace is both a gift by God and an effort by the people to achieve it, individual and socially”. Due to the fact that peace is not attained once and for all, it demands continuous attempt in connecting divided people, reconciling difference and removing bitterness harbored.

**Benue State 'Open Grazing Bill':** This law is a reaction to the growing violence in Benue State and the wider Middle Belt region by the Government of the state. Established in 2017, the law prohibits open rearing and grazing of livestock and calls for the establishment of ranches and livestock administration, regulation and control. The overall purpose of the Law was to achieve six goals: (a) prevent the destruction of crop farms by open grazing, (b) prevent clashes between herdsmen and crop farmers, (c) prevent the degradation and pollution of the environment caused by open grazing and over grazing of livestock, (d) optimize the use of land resources in the face of overstretched land and increasing population, (e) prevent, control, and manage the spread of disease and enhance high quality and healthy livestock for local and international markets, and (f) create a conducive environment for large scale crop production. To achieve this agenda, the law restricts the free movement of cattle and requires that livestock be bred in ranches. The basic provisions of the law include:

1. Where a livestock strays into any other person's land other than a ranch and causes destruction to agricultural crops and/or contaminates any source of water supply, the owner or manager of such livestock will be liable to pay damages or compensation to the owner or community.

2. The law prohibits movement of livestock on foot from one destination to another in the state. Movement of livestock can only be done by wagon, truck or pick-up vans.
3. Violation of any of the above will attract N500,000 or one-year imprisonment or both as first offender. Second offender will pay N1,000,000 or 3 years imprisonment.
4. All ranch operations must engage the services of security yards for the protection of their lives.
5. Livestock owners must not possess firearms licensed or unlicensed on or outside the ranch.

The law also has clear-cut provisions for cattle rustling.

### Empirical Literature

This section presents past and present works which are related to the current study in a tabular form as follows:

**Table 1.**

Surname of researcher(s), Title/year of duty, time frame of research	Geographical content and scope covered	Data source and analytical tools	Results/findings & conclusion
Abdulbarkindo & Alupsen (2017). Nigeria: Benue state under the shadow of “herdsmen terrorism” (2014-2016).	Benue state: Hausa- Fulani herdsmen, Christian communities, terrorism.	Primary and secondary data. The primary data were obtained through interviews while the secondary data were obtained from the Benue state emergency management Agency, women environmental programme and other research groups. The study used historical literature to access how Christianity and Islam co-existed when they first arrived in Benue state. Site visits to conflict zones revealed important data and empirical facts.	The study concludes that the constant atrocities committed by the Hausa-Fulani Muslim herdsmen signifies persecution because of the targeted killing of a particular religious group and the destruction of their places of worship.
Ahmed-Gamgum(2018). Herdsmen and farmers conflict in Nigeria: another dimension of insecurity.	Nigeria: Conflicts between herdsmen and farmers, the measures being adopted by federal and state government were examined. Also the perspectives of the disputants were also examined.	Data was sourced from both primary and secondary materials. Content analytic technique was employed in analyzing the data collected.	The study found that the conflict terrorized the people not only in the very places where there were direct confrontations but also in other neighboring communities who are now always on alert and seek permanent solutions to the attacks. Though some state governments took measures to check the menace, like the prohibition of open- grazing yet, there are still pockets of threats to life and property.

### Theoretical Framework

#### Galtung's Theory of Peace (1967)

According to Galtung, conflicts erupt because of the basic human needs. He refutes the idea of scarcity and refers to politics as a main determinant of priorities, goals and programs of development. These programs are almost the main reasons of conflict between state and society because of its ineffectiveness and political life. Galtung divided the basic human needs into four progressive categories; the most basic needs (life, survival), basic needs (food, health, education), near-basic needs (freedom, career, political participation), and relation to nature(partnership), corresponding to the main contemporary problems, which are, violence,

misery, repression and environmental deterioration. He (Galtung) expanded the scope of his research in recent times to what he has called, “structural violence” which means that social, political and economic institutions could harm individuals and peoples by preventing them from their basic needs, which causes either disability or death and leads to cultural violence.

Going by the provisions of the Benue State anti-grazing bill which has been signed into law, many farmers who are indigenes of the state feel protected as the occupation is guaranteed. However, while a few of the herdsmen are complying by applying for formal grazing lands others consider it a threat to their occupation and livelihood. This makes the Galtung's theory of Peace (1967) suitable for the study as the theoretical framework.

### **Research Methodology**

The study is a qualitative research on the effect of Benue state open-grazing law---- taking a perspective from the Fulani herdsmen and their mode of operation. Data was obtained from secondary sources while analysis is by content analysis and proceeds in the following order:

**Research Question One (1):** Have the herdsmen adhered to the order to ranch their cattle as promulgated by the anti-grazing law?

A study by Ahmed-Gamgum (2018) revealed that, Some state governments made specific policies which include intergroup committees and or after due process of law making in a democratic society, presented open grazing prohibition and establishment of ranches to guide behaviors and the resolution of future conflicts that may arise between farmers and herdsmen in their respective states. Yet pockets of threats to life and property continued in some parts of the country to ensure the laws are not enforced and “cattle colonies” were established instead.

The Government of Benue state enacted the anti-open grazing law in July, 2017 and fixed its implementation with effect from the 1<sup>st</sup> of November, 2017. In reaction to the enactment of the bills, some Fulani's opposed the law while others supported. Garus Gololo, the Benue state coordinator of Miyetti Allah Cattle Breeders Association (MACBAND), was reported to have clarified this division by stating that, “his members were law abiding citizens ready to support the anti-grazing law”. He further explained that the suit against the Benue state governor over the law, does not have support of his association.

Benue indigenes showed solidarity with the state governor as the Anti-grazing law came into force in November. Interestingly, the popularity of the governor received a boost as the people now see him as their hero for affecting the law despite threats from some quarters. Apart from providing for the ranching of cattle and all livestock in the state, the law is out to check cases of cattle and livestock rustling because it adequately provides stringent punishments for anyone caught in the illicit act. Governor Orthom maintained (Vanguard, Dec 2, 2017).

The leader of the Fulani delegation to the Otukpo Local Government chairman, in approval said that they were indigenes of Otukpo either by birth or long stay in the area and they would

not be part of any act of lawlessness in the state. Interestingly, Benue state Attorney General disclosed that, “government had already received over 100 applications from herdsmen seeking land for the establishment of ranches.”

The above account reveals some mixed reactions on the part of the Fulani herdsmen to the anti-open grazing bill. Thus, while the real indigenes of Benue state were all in unanimous support and solidarity with their “hero governor”, some Fulani's were ready to comply to ranching and are already acquiring land for the purpose, others were busy going to court.

**Research Question Two (2):** To what extent has peace and tanguility been restored in Benue state since the ant-grazing law came into effect?

The anti- grazing law which came into effect in Benue state on November 1, 2017 was quickly celebrated by many (including the Governor) as the panacea for peace. This celebration and optimism was caught short as the state suffered the worst massacre in recent times barely 62 days after coming into force. “Over 50 people were killed by unknown gunmen on New year day” (Musa and Agbo, 2018). It was a harvest of death in which the gunmen struck at about 10am as the people of Logo local government were getting ready to go to church. They killed people indiscriminately at Ayilamo, Turan and Gambe-tier villages. According to reports on Blueprint (January 6, 2018) “the gunmen killed, maimed and burnt houses uninterrupted till 3am on Tuesday. Later, they moved to the governor's local government of origin, unleashed death on Tomatar, Ako and Umengor residents same Tuesday and within 24hours left over 50 people dead with several houses razed and many injured. A survivor of the attack, Mr Terver Verlumum from Ako, described the gunmen as beasts. Going by MrTerver's report, they came and attacked our village, they would enter a particular compound, kick the door open, capture the people inside and slaughter them; they spared nobody, they kill even children and the elderly. I escaped because I was awake and when I started hearing screams, I quickly packed my family on my motorcycle and took them to a safe place.

As at Thursday after the fateful day (Tuesday), Ako town was deserted as the people had either been killed or they had fled to safety, Verlumun intimated a blueprint correspondent. It may be interesting to note that barely 24 hours after Benue state government declared war on open grazing, Fulani herdsmen started leaving the state in droves. The zonal leader of Miyetti Allah Kautal Hore in charge of North central states, Alhaji Gidado Idris Bebuji was reported as saying that the new law had caused unprecedented exodus of people, some of whose fathers were burn in the state. He expressed worries that the law had imposed restrictions on their movement and those of their animals which was an impeachment of their fundamental human rights. The killings could be interpreted in two different ways- it could be in resistance to the law on grazing; it could also come as a result of failure of the anti-grazing bill. However, whichever way the interpretation goes, resorting to killing barely after 24 hours of taking effect is not only an indication of the measure of resentment by the Fulani herdsmen, but also spells down for the peace and tranquility in Benue state. Clearly, such peace is yet to come and places a question mark as to whether the anti-grazing law is the right step to follow in the quest for peace in Benue state and beyond. This paper argued that the anti-grazing law should be the exclusive preserve of the federal Government rather than the state if it must be effective.

## **Findings**

The result of this investigation revealed the following:

1. The coming into effect of the Benue State anti-grazing law was heralded by the indigenes of the state who hailed the heroic initiative of the state chief executive.
2. About a hundred herdsmen were recorded to have applied for grazing lands in adherence to the law as they had no other option.
3. Many herdsmen began to leave Benue State for other states as they saw the law as an infringement on the rights to freedom of movement of themselves and their animals.
4. The law on taking effect triggered even the worst killings by the herdsmen in Benue which is an indication of the resentment of majority of herdsmen.
5. Over 50 people were killed barely 61 days after the law came into effect on the New Year day.
6. The local government of origin of the governor was not spared in the attack.
7. It is worthy of note that during the attacks following the coming into effect of the Bill, no security operatives were on ground to halt the assault of the herdsmen.

## **Conclusion**

The anti-grazing Bill enacted by the Benue state government aimed at putting a stop on the senseless killings, loss of lives and property in the state as occasioned by the herdsmen-farmers frequent clashes in the state. The coming into effect of the law triggered even the worst scenario of the very phenomenon it was designed to stop. This is as expected since the law is a change and no change ever comes without some measures of resistance. Such resistance notwithstanding, however, it is gratifying to observe that over a hundred herdsmen did apply almost immediately for grazing land. This portrays a ray of hope. The report of many herdsmen leaving is also as expected as these herders may be leaving for tension to subside before returning. In which over case, the reaction indicates that change is coming and it is too early to assess the direction and real effect of the change. It is against this background that this paper holds the view that the Anti-grazing law is not yet a failure. This paper shares the optimism that the law is going to be a huge success. The paper also believes that the anti-grazing law should better emanate from Federal Authorities.

## **Recommendations**

Based on the findings, the study recommends as follows:

1. The anti-grazing law should emanate from the federal authorities rather than the states. This will give it greater effectiveness. The state should only step down the laws to suit their peculiarities.
2. Grazing centers should be mapped out throughout the northern states. The states in the southeast should be left out of it.
3. The federal security architecture must be beefed up to stop the senseless killings associated with the farmer-herder clash.
4. Statistics on the number of killings in Benue and property destroyed on both sides should be floated with a view to ensuring adequate compensation and resettlement of all involved.
5. There must be a vigorous campaign on the need for co-existence of both parties (farmers and herders)



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