

**LAND AS THE LIFE OF A PEOPLE: NIGERIAN GOVERNMENT, LAWS AND INDIGENOUS LAND MATTERS\***

**Abstract**

The Nigerian socio-cultural polity was set agog by a statement credited to a Special Adviser to the President on Media and Publicity, where he was quoted to have stated, “you can only have ancestral attachment when you are alive.” If you are talking about ancestral attachment, if you are dead, how does it matter? Expectedly, his assertions at a platform with domestic and international coverage, have instigated reactions from agitated groups in the country, who have vouched to resist any attempt by the federal government to earmark their ancestral domains for ranching. Considering the protracted herdsmen-farmers tussles which have taken political and bloodier dimensions, the presidency re-iterates the primal consideration for national security over individual or communal attachments to lands. With emphasis on Nigeria, the paper examines basic principles on indigenous land ownership and governments’ powers. The work relies on primary and secondary sources of law including laws, treaties, customs, agreements, theories, and journals. The multi-disciplinary assessment relates to land rules and their shortcomings, vis a vis indigenous persons rights to self-determination. Recommendations are made in support of African centric regulations that are in line with that mission to improve humans, preserve lands and achieve sustainable development.

**Key words:** *Laws, Theories, Government, Indigenous Land, Nigeria Word Count: 197*

**Introduction**

Nigeria as at the amalgamation of regions in 1914 was constituted by various epochs of civilizations. Other than the Yoruba Kingdoms (south west), Benin Kingdoms, Lagos Colony, Delta region and the Igbo clan (Eastern part) among other regions, the Northern part, comprised of the Hausa, the Kanuri and others, with the Fulani who joined through trade, Jihad and conquest<sup>1</sup>. These historical peculiarities ensured that, despite the country’s independent constitutions in 1960, regions remained diverse in outlooks. Efforts at nationhood have not necessarily eradicated Nigerians’ consciousness and historical attachments to their indigenous tribes. Persons, especially those in the rural part of the country still survive on resources which they describe as ancestral.

The issue under discussion, relates to the current face offs between crop farmers and their counterpart cattle owners/herdsmen. These fracas usually consist of indigenous land owners on the part of crop farmers, against their nomadic counterparts, especially, the herdsmen of

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<sup>1</sup> History of Nigeria at [www.nigeria.gov.ng](http://www.nigeria.gov.ng) retrieved on 20th December 2018

Fulani ethnicity. Often, grievances are about grazing cattle into farmlands, cattle rustling, killings and deliberate infliction of harm on farmers, herdsman and cattle alike. While farmers clam their right to property<sup>2</sup> (land and farm produce), herdsman insist on their own freedom of movement<sup>3</sup> (to nurture cows and products). Torn in survival, invasion and domination conspiracies, the clashes as of today have taken very political, bloody and massive dimensions<sup>4</sup>. On the part of the Nigerian government, the problem is majorly as a result of the lack of public ranches for herdsman. Therefore, irrespective of the existing claims to lands, the solution bothers more on the isolation of community lands that are fit for grazing. To indigenes, the plan to create ranches all over Nigerian communities is tantamount to deposing people of their heritage in favor of Fulani herdsman. In other words, that the government has become complicit in a Fulani conspiracy to possess the whole national area through force.

### **Life of Indigenous People and Land**

By the United Nations Fora, indigenous peoples constitute the group of persons who have their own socio-political systems and cultures which distinguish them even as a non-dominant group in recent societies<sup>5</sup>. A major attribute of indigenous persons is often the quest to retain, maintain and promote their peculiar socio-cultural and environmental systems. Grounds, upon which indigenous persons distinguish themselves, also ensure that they prefer to utilize their communal assets, in manners that exempt outsiders and repel interference or invasion.

A legal assessment of issues relating to “indigenous person” reveals prominent traits, from which contemporary human rights regimes<sup>6</sup> view the concept. To qualify as indigenous persons, laws require that peoples “self -identify” themselves as a group of persons with cultures and ways of life that minors the dominant outlook. After which they need to show that their basic survival depends on that direct access to their traditional natural resources which are under threats and in prominent instances tilting to the point of extinction. The latter part of this requirement justifies the rewriting of the socio-cultural rights in international law to address specific forms of inequalities and repressions.

On the other hand, “land” may be variously conceived within other existing legal and proprietary definitions. Three main ideas on what constitutes land are as follows:

That land;

- a. *is any immovable three dimensional area consisting of a portion of the earth’s surface, the space above and below that surface and everything growing on or permanently affixed to it*

<sup>2</sup> Section 43 of the Nigerian 1999 Constitution

<sup>3</sup> Section 41 of the 1999 Constitutions of the Federal Republic of Nigeria

<sup>4</sup> Amnesty International’s Report on Nigeria on the 17<sup>th</sup> of December 2018 at [www.amnesty.org](http://www.amnesty.org) accessed 23rd December 2018

<sup>5</sup> S. James Anaya, *Indigenous Peoples in International Law*, 2nd ed., Oxford University press, 2004, p. 3

<sup>6</sup> 70. ACHPR/Res.65 (XXXIV) 03: Resolution on the Adoption of the Report of the African Commission’s working group on indigenous Population/Communities November, 2003. A resolution that was endorsed by the AU in 2005

- b. *Includes the soil which is the surface, the subsoil and any material found underneath the surface such as the soil minerals and natural resources*<sup>7</sup>.
- c. *Consists or a group of persons who refer to themselves as a nation*<sup>8</sup>

Land and its relevance to African indigenes may be succinctly represented through a statement which is credited to a Nigerian Chief standing before the West African lands Committee in 1912. To him;

*Land belongs to a vast family of which many are dead, few are living and countless members are unborn.*<sup>9</sup>

The above describes the indigenous consideration of land as a spiritual entity that is jointly owned by peoples who lay claims to it. African claims unlike others, tallies with the 3<sup>rd</sup> formal definition of land as earlier stated. It relates to a people, their emotions and spirituality. This work examines how, when and why the governments, especially with high ranking administrative structures, intervene in indigenous land related matters.

### **Human Rights and Indigenous Land Rules**

The (first) French Declaration of the Rights of Man from 1789 describes the right to ownership of property as inviolable and sacred.<sup>10</sup> According to the Article 13 of the African Charter on Human and Peoples' Rights (ACHPR);

*“the right to property shall be guaranteed. It may only be encroached upon, in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws...”*

A trend that may be deduced from the provisions of the ACHPR and other rules is that, in addition to general regulations, applicable human rights instruments restrict proprietary freedoms. For example, Article 17(1 and 2) of the Universal Declaration of Human Rights (UDHR) provides that:

*“Everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his property”*

These precautionary parts of laws recognize persons' rights to peaceful enjoyment of property subject to the legitimate powers of government to deprive. However, such deprivations should not be illegal or arbitrary. According to the General Assembly resolution 1803 (XVII) in 1962:

*"Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace"*

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<sup>7</sup> The Soil a Natural Resource at [www.researchgate.net](http://www.researchgate.net) accessed on November 16 2018

<sup>8</sup> Oxford Advanced Learner's Dictionary, 6<sup>th</sup> Edition 2001, Merriam Webster Dictionary 2018

<sup>9</sup> Elias T.O (1972) *Nature of African Customary Law*. Manchester University Press, London pp. 162- 164

<sup>10</sup>The Virginia Declaration of Rights from 1776 as entrenched in the Fifth Amendment to the U.S. Constitution and also, Article 17 of the 1948 Universal Declaration of Human Rights.

While international regimes do not encourage states to deprive people of properties, Sovereign states reserve their powers to do so. Existing human rights interventions are therefore only in order to temper government's powers of acquisition, in favor of individual and communal rights. For example, according to the Article 21 of the American Convention on Human Rights 1978

- “(1) Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.*
- (2) No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.*
- (3) Usury and any other form of exploitation of man by man shall be prohibited by law.”*

Against these backdrops, the African Court on Human and Peoples' Rights have over the years, secured precedents on behalf of indigenous peoples, especially on issues of land grabbing, secession and forced evictions. Other international agreements address the main issues on indigenous land matters as follows<sup>11</sup>;

- a. the need to sufficiently consult and seek the free, prior, and informed consent of indigenous peoples before explorations and affective developmental projects proceed
- b. the essence and extent of “sufficient consultation”
- c. the willingness of explorers to provide undertakings and compensations in good faith
- d. the legality of exploratory actions, notwithstanding explorers diligence with protocols<sup>12</sup>

## 1 The Theories and Rules of State Interventions on Indigenous Land

*“as farming populations gathered in larger and denser communities, interactions between different groups increased and the social pressure rose until, in a striking parallel with star formation, new structures suddenly appeared ,together with a new level of complexity. They like stars cities and states reorganize and energize the smaller objects within their gravitational field”*

David Christian, p. 245, Maps of Time

Convergence of human beings necessitates rules of interactions in order to avoid chaos.<sup>13</sup> The idea that humans are naturally greedy and the very idea of "property" makes people selfish,<sup>14</sup>

<sup>11</sup> Article 6 of the ILO Indigenous and Tribal Peoples Convention (C169) 1989

<sup>12</sup> Lillic, R., Hannum, H. et al (2009). International human rights: Documentary supplement, The Netherlands: Wolters Kluwer. [Google Scholar], pp. 117–118).

<sup>13</sup> Charles Robert Darwin (1809–1882). Origin of Species. The Harvard Classics. 1909–14, Herbert Spencer; Truxton Beale (1916), *The Man versus the State: a collection of essays*,

<sup>14</sup> Immanuel Kant and Thomas Hobbes (*Leviathan* II 17)

underscore the primary rationale for state interventions in human affairs.<sup>15</sup> The remaining part of the paper discusses the underpinnings of states intervention in indigenous lands matters.

## **1. Sovereignty**

A State with sovereignty<sup>16</sup> is a unit that has the legitimate and ultimate authority over an area of territory, polity and people. In Nigeria<sup>17</sup> the 1979 Nigerian Land Use Decree asserts the government's superiority over other participants in Land matters. Section 1 of the decree provides that;

*"all lands comprised in the territory of each State<sup>18</sup> in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions"*

The above affirms the Nigerian government, as a vital representative on the use of the commonwealth located within its own territory. However, the totality of State's sovereignty over indigenous peoples' lands has been reviewed by contemporary international rules. Over the years, peoples' collective rights to self-determination have consistently evolved in manners that suggest that they are positioned against state sovereignty. For example, the common Article 1(2) of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights provides that<sup>19</sup>;

*"all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."*

Also, Article 21 of the African Charter on Human and Peoples Rights provides for;

*all peoples to freely dispose of their wealth and natural resources and that this right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of this right...*

Article 21(2) provides that in case of spoliation dispossessed peoples shall have the right to the lawful recovery of its property as well as to adequate compensation".

While Article 21(5) prohibits state parties from engaging in foreign economic exploitations that prevent its "peoples" from fully enjoying the advantages derived from their natural resources.

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<sup>15</sup> Karl Marx's *Economic and Philosophical Manuscripts of 1844*

<sup>16</sup> Preamble to the Constitution of the 1999 Constitution of the Federal Republic of Nigeria

<sup>17</sup> Section 217 of the Nigerian Constitutions on the role of the Armed Forces of the Federation and Council of States.

<sup>18</sup> Emphasis is mine

<sup>19</sup> Article 47 of the Covenant on Civil and Political Rights and Article 25 of the Covenant on Economic, Social and Cultural Rights 1976

In *Social and Economic Rights Action Center and the Center for Economic and Social Rights v Nigeria*<sup>20</sup>, the African Commission found that the term "peoples" referred to in Article 21 of the ACHPR also means the rights of a distinct group of people (Ogoni-land in Nigeria) within a State and not necessarily the generality of the state citizenry. Same position may also be deduced from the provisions of the Common Article 1 to the International Covenants on Human Rights<sup>21</sup>.

These laws signify the gradual evolution of the "peoples" inherent powers over their own resources, which have been severally described as the peoples "permanent sovereignty". Invariably, clashes between peoples "permanent sovereignties" and State's sovereignty", are preempted in specific international regimes.<sup>22</sup> For example, Article 15 of The *International Labor Organization's Indigenous and Tribal Peoples Convention No. 169/1989*, provides that;

*...the rights of the peoples concerned to the natural resources pertaining to their lands shall be specifically safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources...*

*..in cases where the state retains the ownership of minerals or subsurface resources or rights to other resources pertaining to land, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their rights would be prejudiced, before undertaking or permitting any programs for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities and shall receive fair compensation for any damages which they may sustain as a result of such activities...*

To forestall mindless acquisitions on the part of the government and anti-progressive claims on the part of indigenes, the General Assembly resolution 1803 (XVII) in 1962 had provided an equitable option for States and their peoples as follows;

*"....The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned....."The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which they freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities."*

<sup>20</sup> 155/96 Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) / Nigeria, 15th Activity Report : 2001 – 2002, October 27, 2001

<sup>21</sup> Both Conventions which were adopted in 1966 came into force in 1976

<sup>22</sup> UN Draft Declaration on the Rights of Indigenous Peoples September 13, 2007

## **2. The Rule of Law**

According to Raymond J. Michalowski<sup>23</sup>, the society is constituted by persons with core values that are commonly shared about the notions of right and wrong (The Consensus Approach)<sup>24</sup>. On the contrary, the “conflict theory” interprets society as a struggle between groups engaging in conflict for limited resources<sup>25</sup>. The conflict perspective invariably necessitates prominent equality provisions within democratic constitutions.<sup>26</sup> The third and intermediate perspective to the consensus and conflicts theory is the pluralistic theory. This position mirrors both of the earlier theories. It posits that instances of diversity may produce interests which may unite individuals or place them in natural opposition to one other.

To affirm the states interests in bringing diverse interests under control, Section 42 of the Nigerian constitution provides;

*A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions.*

A crucial element of these assumptions is that although different viewpoints exist, the law remains supreme enough to resolve and distribute equally. The “rule of law” as such entails all the processes towards ensuring the equality of all persons, the supremacy of the law, and the efficiency/neutrality of legal institutions.

These explain the Nigerian government’s rationale for nationalizing lands within its territory not withstanding pre-existing peculiarities. The Nigerian Constitution Drafting Committee in 1976 cites this reason as follows;

*“it is revolting to one’s sense of justice and equity that one person alone should own about ten or more plots of State lands, when others have none”*

Among other purposes, the Nigerian land Use Act was intended to assist the citizenry irrespective of their ethnic status to realize their ambitions or aspirations. This position underscores the subsisting revenue allocation plans<sup>27</sup> for all the 36 states in Nigeria, irrespective of their regional affiliations, natural resources, geographical terrains, cultures and values.

## **3. Social Contract Theory**

Early thinkers have re-iterated the perspective that humans if left to act and live without restrictions are likely to act in their own self-interest, without regard for others. According to

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<sup>23</sup> Also Roscoe Pound’s Sociological theory of law

<sup>24</sup> (Lillich et al., 2009 Lillich, R. B., Hannum, H., Anaya, S. J., & Shelton, D. (2009). International human rights: Documentary supplement. Austin, The Netherlands: Wolters Kluwer. [Google Scholar], pp. 117–118).

<sup>25</sup> Karl Max’s Theory of Communism

<sup>26</sup> Section 42(1) of the 1999 Constitution of Nigeria

<sup>27</sup> Section 313 of the 1999 Constitution

Hobbes<sup>28</sup> this situation may only lead to the "state of war," a way of life that is certain to prove "solitary, poor, nasty, brutish, and short." The alternative is therefore, where all persons without force enter into an implied but mutually beneficial contract with the government. This contract on the "give and take" basis connotes that all citizens, whether of the minority or indigenous population (on one part) relegate their individual interests for larger and more encompassing benefits from the government.<sup>29</sup> Citizens therefore should be willing to subject their selves and properties to government authorities, in order to achieve national cohesion.<sup>30</sup>

#### 4. Concept of Necessity, Commonwealth and Globalization

The processes by which states have acquired powers have ensured that countries establish secondary notions of nationhood in its citizens. The architecture of these countries relies on the perception that a combination of regions maximizes the strength of the State.<sup>31</sup> However, issues arise when the regions within states, claim their individual rights to self-determination. In Nigeria, the Ibo community among others has long held to the claim of being an independent nation (Biafra). Notwithstanding, as the case is in other amalgamated States, pre-emptive land use regulations and powers<sup>32</sup>, ensure that the State retains superior influence over lands within the supposed "Biafrian" land mass. By this fact, all resources, notwithstanding their location within these territories, remain the common wealth of all persons in Nigeria. Accordingly,

*"...all Nigerians are collective owners of all land in the country and the rights of all Nigerians to use and enjoy the land of the country and the natural fruits thereof in sufficient quantity to enable them provide for the sustenance of themselves and their families should be ensured, protected and preserved"*<sup>33</sup>

The concepts in discourse do not therefore in any way encourage multi-systemic land tenures of communities, chieftaincies, families and individuals.<sup>34</sup> The essence of the Land Use Act 1979 is to enable the government to revoke or acquire any land within its territory for the benefit of the "nation" notwithstanding the rights of the original owners. Powers are therefore vested in the Governor of each State within the federation to hold all lands in trust, and then administer same the common benefit of all. The Nigerian land system seeks to harmonize all the tenures in the country by conferring governmental institutions with powers to handle land issues in line with national precepts and values.<sup>35</sup>

<sup>28</sup> Leviathan 1(13 and 14)

<sup>29</sup> The Preamble to the 1999 Constitutions of the Federal Republic of Nigeria

<sup>30</sup> Leviathan II (18), John Locke, *Second Treatise on Government in Sources of British Political Thought*, edited by Wilfred Harrison. (New York: Macmillan, 1965), pp. 55-57.

<sup>31</sup> Section 2 and 3 of the 1999 Constitution

<sup>32</sup> Report and Recommendation of the Nigerian Land Use Panel in 1978, also, Anti-inflation Tack Force Federal Ministry Information. Lagos. 1975 Vol. 1 page 292.

<sup>33</sup> The Land Use Act and Ownership Debate in Nigeria: Resolving the Impasses at [www.researchgate.net](http://www.researchgate.net) accessed November 16 2018].

<sup>34</sup> Nwabueze on 'Nationalization of land in Nigeria which he delivered at Annual Bar Dinner, Onitsha Branch on 8th December, 1984 p. 1

<sup>35</sup> Section 4,5,6 and 11 of the 1999 Constitution

At the international level, globalization has achieved the tempo of the force that drives contemporary governments toward worldwide economic, trade and financial integration. States push for development through national attachments to global connections. It is for these purposes that international institutions have emerged to provide the exchange ground for state parties not withstanding their domestic peculiarities. Domestic laws are sustained upon the theoretical perception that every person must contribute and benefit equally from an evolving global culture. In the global village, indigenous peoples within nation-states either forgo isolating tendencies or become anti progressives and counter-global.Indigenes in this instance should be receptive of governmental or multinational activities towards servicing global conditions.

## **5. African Traditional Land Theories**

As earlier discussed, in African cosmology, the spirit world and the empirical world are ontologically connected. Africans that are living now see themselves as still connected to their dead ancestors. Reasoning this position through formal legal regimes has been the issue. Muo and Oghojafor<sup>36</sup>, (2012) argues that indigenous Africans had their own pre-colonial management strategies, which encompassed “life” in manners that suggest alternative methods of governance, where all stakeholders participate as a part of the universe. Badru<sup>37</sup> widened the process of participation, when he posited that the concept of *Ajobi* connotes that all persons live as descendants of a source by which every-one looks out for the welfare of others within a cosmopolitan entity which is distinct from a compatriotic perspective. To him then, those who have should also be willing to part with little on behalf of those that lack. In practice, family heads and community leaders hold lands in trust or administer same for the benefit of the group, whereby land users who are not members of the community abide by existing tenure rules and also pay rents.

Although, indigenous perceptions have been mostly rendered redundant by trends in formal rules, persistence of traditional institutions as parallel systems for persons who are often alienated from modern governance structures is a major indication of their relevance. Traditional administrations rely on all stakeholders’ inputs and associations. Individuals are required to make compromises due to the wishes and interests of the community. For example, *ubuntu*<sup>38</sup>, suggests the universal bond of sharing that connects humanity. To achieve peace, each person must see himself as an indispensable part to the group that conceives of themselves as a ‘we’, and is willing to take pride or feel shame in the group’s activities. In this instance engagements and projects are co-ordinated and regulated to achieve shared ends. The alternative to such unity is alienation, division and opposition. Among the Esan<sup>39</sup>, the relationship between community of people and it persons is referred to as “*Oria no*

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<sup>36</sup>Muo, I. et.al(2012),*The Philosophy and Practice of Decision making and Consensus Building among the Ndigbo of Nigeria*. American Journal of Business and Management 154-161

<sup>37</sup>Badru, R.O (2010). *Compatriotism vs Cosmopolitanism: Exploring a New Cosmo-Morality of Human Relations from the Yoruba in the Age of Globalization.*, Globalization and Identity in Contemporary Africa, eds Profs Adebayo, A. G. et. al. Lanham Maryland USA: Lexington Books pp. 43-57

<sup>38</sup> A South African Nguni Bantu term meaning “Humanity”

<sup>39</sup>Oghojafor, B. et.al.(2015) *Traditional Management Philosophies and Practices: The Case of the Esans of Edo State of Nigeria*, Journal of Management Policies and Practices June 2015, Vol. 3, No. 1, pp. 50-58

*riwiusuagbon*” (one in the midst of many people). The Yoruba concepts of *Ajobi*, *Ajogbe* and *Asuwada*<sup>40</sup> represent the Yoruba theories of brotherhood, neighborliness, communitarianism and harmonious living.

The African participatory approach to land is therefore not in tandem with the capitalist system of land acquisition. Indigenous rules rely on the equitable fluidity and good conscience of the deciding powers.

### **Conclusion and recommendations**

Governments and indigenous persons are capable of using land in unsustainable manners, hence the role of the ombudsman towards setting global standards. Such standards parallel the rights afforded to “peoples” to use their own lands with the requisites for national developments. However, the statement credited to the Nigerian presidential adviser, suggesting that people’s lives are more relevant than their attachments to their ancestral home is highly Western-centric and unfounded. Such a statement against general mentalities totally severs any relationship between the spirit world and the empirical world. The assertion is equally insensitive because it overlooked the connection that these living persons have with their ancestral lands, which to them translates to the fact that the ancestors are still cosmologically using their lands.

Considered rules and theories suggest that, subject to cases of infringements, exploitation and invasions, indigenous persons should not refuse governments attempts at national cohesion. The main requirement is that, in resolving volatile interactions with communities, applicable human right percepts must be the priority. Consensus between stakeholders must also be preferred to threats, blackmails and scaremongering. In this instance, the government must present with land regulations that are clearly ambitious and practical in contents. Locales need not preempt governments offers to create ranches has being solely for the purpose of funding private cattle businesses in manners that encourage Fulani ethnic domination. Also the government in building trust must ensure that ranching facilities, when consensually earmarked, remains public facilities. In this instance, rent collected without discrimination, frizzle back into the states account and due consideration/compensation is given to host communities.

Essence of ranching may however not be extended to suggest that it is the panacea to the other criminal dimensions of the farmers/herdsmen clashes. Fears that locales have expressed about the unpredictable tendencies of invading nomads must be considered. The government cannot divest its duty to provide security, and then expect allegiance from unsecured persons. In this instance, destructive cattle rearing methods and the use of unregistered ammunitions by warring parties must be prohibited. To build confidence, the government should ensure instant response to distress calls and indulge in objective/ technical enquiries about the causes and dimensions of these crises.

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<sup>40</sup>Akiwowo (1983), *Ajobi and Ajogbe Variations on the Theme of Socialization*, Inaugural Lecture Series 16, Univeristy of Ife Press P15

Formal rules should conveniently navigate different and sometimes conflicting land use philosophies. For example, the contract theory cannot be cited as the reason why indigenous persons must give up their own permanent sovereignty without corresponding considerations from the government. Arguing from the social obligations and benefits perspectives, the government should reciprocate by enabling adequate consultation and compensation of communities with public ranches. In addition, Rule of Law, Equality or Unity in Diversity; do not suggest that some set of people be unjustly deprived in the interest of others. These legal precepts cannot also pardon formal quests to eliminate some people's attachment to their heritage in the name of nationhood. The nation can only forge ahead when systems sustain effective punitive and compensatory regimes for all accused persons and victims respectively. Another sign of impartiality should be the provision of neutral and non-discriminatory rent payment structures for ranch users.

Notwithstanding high sounding provisions on nationalism, to sustain trust within the commonwealth, government should be seen as impartial about issues on land acquisition. In addition, alternative and traditional dispute resolution methods should be preferred to force. Furthermore, globalization or nationalization must not eradicate the fact that, within the confines of law, due respect must be attributed to peoples indigenous practices.

Finally, true sovereignty is not achievable through formal "feet stamping" of citizens properties. To achieve legitimacy, the government must ensure that new settlers within its territories abide by existing land tenures<sup>41</sup>. In other words, the government must uphold all principles that punish the invasion and subjugation of territories through force. The degree of state sovereignty to be legitimate depends on the system of governance or derivative norm. The Nigerian government derives its powers from the "People" and the basic principles of freedom, Equality and Justice<sup>42</sup>. There is therefore no practical justification for the continuous denial of people's rights to self-determination in ways that incite them against other citizens and the government. Evasive attitudes to communal rights have caused more havoc within the State. Meanwhile, peoples' permanent sovereignty over their property/heritage is not the main threat to State's sovereignty. Rather, social injustice to peoples, disrespect of their socio-cultural rights, and the lack of goodwill on the part of leaders are greater threats to the continuity of the Nigerian Nation.

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<sup>41</sup> Section 21 of the 1999 Constitution of the Federal Republic of Nigeria

<sup>42</sup>The Preamble to the 1999 Constitution