

**BEYOND LEGISLATIONS: LAW ENFORCEMENT AS A CRITICAL
TOOL IN THE MANAGEMENT OF INSURGENCY/ HERDSMEN
CRIMINALITY IN NIGERIA***

Abstract

The communities in the middle-belt region of Nigeria have been exposed to violent attacks by Fulani herdsmen for about two decades. The attacks, to which thousands of people have lost their lives and properties, while several others displaced, have gradually degenerated to a state of chaos threatening national security. The on-going security turmoil in the middle belt mirrors the failure of law enforcement and implementation of the law of the land in the country. Whereas these attacks amount to criminal acts including murder, manslaughter and arson there has been no commendable effort towards arrest, trial and sentencing of culprits. The link between crime and punishment appeared severed, hence difficulty at ending the attacks. The inadequacy of criminal enforcement and punishment which accounts for the festering of kinds of insurgency activities and high rate of crime and insecurity in the country amount to breach of the constitutional obligation of government to preserve security of lives, properties and fundamental human rights of the people. The study examines the enforcement challenges confronting government of the various concerned middle belt states that have enacted anti-open grazing laws, for which recent developments have shown that law enactment alone will not suffice to stop insurgency and curb crime, hence the incessant nature of the attacks. This study further examines herdsmen attacks from the perspective of criminal law enforcement as tool for preserving social order and security. The study recommends review of the criminal justice system to update relevant laws and proper implementation of applicable laws as the crimes committed in the course of the attacks are all prohibited in the existing laws. The study found the inadequacy of law enactment in the country, the current federal policing structure, erosion of communal dispute settlement system and general lack of political will as responsible for the problem.

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1. Introduction

Criminal justice system exists in every political society to maintain social order. It sets the limits of behaviour that is acceptable, penalty for exceeding those limits and prevent individuals from resorting to jungle justice or revenge. Behaviours outside the acceptable limits often constitute crime or misdemeanour. Crime is a breach of societal norm which attracts punishment. Modern society exists as a political order where the people submit their personal liberty to government and accept the restrained liberty specified by political authorities, hence every member of the society enjoys equal legal rights and liberty. Therefore when a crime is committed it affects the personal liberty of the victim which was usurped by the suspect for selfish interest as well as the societal liberty disrupted by the behaviour which exceeds acceptable specified limits¹.

Punishment is the process whereby a person who commits moral wrong is sanctioned in accordance with the provisions of the law recognising the wrong doing and specifying the penalty it attracts². Because crime affects both the victim and the society, punishment seeks to protect the victim's interest as well as the social well being. The objectives of punishment include Deterrence, Retribution, Restoration, Rehabilitation, Reformation and Incapacitation. The importance of deterrence in crime prevention cannot be over emphasized. Scholars have contemplated the possibility of deterrence being considered as the foremost objective of criminal justice system as opposed to retribution³, whether the 'special deterrence' which prevents the offender from committing other crimes in future or 'general deterrence' which punish the offender as a scapegoat to discourage other members of the society from partaking in crime⁴, is applied.

¹ Hobbes, On The Citizen ,Richard Tuck & Michael Silverthome (eds.) (Cambridge University Press 1998) (1642) 26-31

² D. Garland; Punishment and Modern Society (Oxford, England: Oxford University Press 1990)17

³ V. Gerald Bradley; Retribution: "The Central Aim of Punishment"(2003) 1 (27) *Harvard Journal of Law & Public Policy* 19-21

⁴ J. Andenaes; 'General Prevention Revisited' (1975) 66 *Journal of Criminal Law and Criminology* 338

Although it is impossible to completely prevent incidence of crime in any society because crime is a natural societal occurrence, as such not every member of the society is capable of being deterred. However, punishment reminds the people that there are consequences for committing crime as such the vast majority of the people can be deterred from partaking in crime. However, the various objectives of criminal justice can only be achieved when the law prohibiting particular behaviour as a crime is enforced or implemented.

In Nigeria, transition to democracy in 1999 marked the gradual laxity of criminal law enforcement which accounts for the current spate of crime rate and national insecurity. On a daily basis, people lose their lives and properties to both violent and non-violent crimes like militancy, armed robbery, ritual killings, human trafficking, rape, ethno-political and ethno religious clashes, terrorism, bribery and corruption⁵ which mirror the inexorable failure of the Nigerian criminal justice system. Transition to democratic rule in 1999 was accompanied by minority group agitations through struggle for political power and national resources. Besides militancy in the South-South region of the country and terrorism in the North, there were skirmishes of ethno-religious crisis in the middle-belt region particularly around Jos-Plateau. The Fulani transhumant pastoralists were often caught-up in the crises which further influenced southern Kaduna clashes between the Hausa-Fulani Muslims and the Christians community thus engineered mistrust between the two groups. Although the Fulani herdsmen and their neighbouring farming communities have a history of peaceful cohabitation, communal clash broke-out between the two groups around 2001-2002. The clashes were said to be politically motivated, and the criminal justice system failed to bring the culprits to book. Rather, the pattern of other historic deadly communal clashes like the Ife-Modakeke, Ofa-Erinle, Aguleri-Umuleri etc was adopted⁶. The state simply tries to make peace without punishing culprits in order to deter other members of the community from instigating similar clashes.

⁵MB, Aleyomi, 'Is State Police A Panacea to Security Threat in Nigeria?'(2013) 4(4.2)*Afro Asian Journal of Social*
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⁶ D. Alao, 'Interrogating the Involvement of Native Gods in Contemporary African Conflict Management' (2015)
3(3) *Global Journal of Politics and Law Research* 57-71

There are also allegations that among the Fulani, there were groups who engaged in cattle rustling and banditry, hijacking cattle and disturbing cattle owners, but once again the crime went on without being investigated or punished⁷. With the sense of no responsibility for crime committed, the Fulani herdsmen began to launch deadly clashes against farming communities in the year 2014 and the attack has worsened to a daily occurrence by 2018 till date⁸.

The general failure of the criminal justice system to implement applicable criminal laws also encouraged common-criminals to take-advantage of the on-going header-farmer clashes in the middle-belt region to carry-out violent crimes. For instance the 20th March 2018 Zaki Biam killing in Benue was a crime committed by criminal elements and bandits without connection to the herdsmen attacks⁹. Whereas the 1999 constitution expressly states that the primary purpose of Government shall be the security and welfare of the people¹⁰, the nation is far from solving the problem of crime and escalating insecurity. The insecurity in the country also results in breach of fundamental human rights of the citizens as guaranteed by the constitution¹¹.

2. Crime as Threat to National Security

The concept of national security connotes a state of maximized level of security of lives and properties. National security can be said to exist where public safety and public order is optimized and as a result economic growth and sustainable development is engineered. A state is made up of individuals who come together as various communities and districts to make-up the people submitting their personal liberty to the political leadership of the state regulated by an organised government.

⁷ AI. Okoli, & N. Okpaleke, 'Cattle Rustling and Dialectics of Security in Northern Nigeria' (2014) 3(2) International Journal of Liberal Arts and Social Science 109-115

⁸ Williams A. Ahmed-Gangum, 'Herdsmen and Farmers Conflict in Nigeria: Another Dimension of Insecurity' (2018) 3(1) 35-60

⁹ U. Abdulsrahman, 'Understanding farmers-herdsmen conflict and the way forward' (The Cable 4th August 2017) <https://www.thecable.ng/understanding-farmers-herdsmen-conflict-way-forward>

¹⁰ Constitution of the Federal Republic of Nigeria (CFRN) 1999, Section 14 (2) (b)

¹¹ *Ibid.* Chapter V, Section 33-36

Human security is a subset of national security dealing with individual safety, peace, safeguard of human right, liberty, dignity needed for an individual to successful coordinate personal affairs within the society¹². Individual security is guaranteed when there is mutual respect for societal morals, value system, and ethics and beliefs binding the people historically. The role of the state includes creation of enabling environment for personal development, respect for diversity, peaceful co-existence, human empowerment, transparency and accountability of government. Enabling environment for development is said to exist when the state preserve minimum social security and basic infrastructure to enable individuals set achievable milestones and pursue dreams and aspirations¹³.

Consequently, national security is made up of individual security and communal security. Individual security involves the safeguard of those factors that may threaten the sense of safety and security of an individual including enjoyment of social security, job security and physical security from immediate harm and danger. Communal security which includes state security is the safeguard of territorial integrity against internal or external threats¹⁴. An individual's personal security is guaranteed when there is an inherent feeling of safety from both violent and non-violent crimes. To guarantee national security, safety of lives and properties must be among the utmost priority of government¹⁵.

In order to meet its obligations towards maintenance of national security the state must put in place structures for the protection of the people and their property against harm by criminal elements. The availability of institutional framework for battling crime gives the people the sense of security needed to go about their daily activities without fear of threat to their lives and properties.

¹² D. Pam Sha, 'The post-colonial state and insecurity in Africa: The Nigerian state experience' in C. Ikonke, I.O. William & E.U. Nwagbara (eds.) *Security, Services and Sustainable Development in Nigeria* (Port Harcourt: Uniport press 2005) 20-37

¹³ AN, Thamos, 'State failure and insecurity in the Niger Delta Region of Nigeria' (International conference proceedings on the Nigerian State, oil industry and the Niger Delta on 11th – 13th March 2008) 275

¹⁴ I. Robert-Okah, 'Strategies for Security Management in Nigeria: A Roadmap for Peace and National Security' (2014) 8(3) *African Research Review* 1-17

¹⁵ N. Abraham & A. Tandiro, 'Security Architecture and Insecurity Management: Context, Content and Challenges in Nigeria' (2014) *Research Gate* 1-16

<file:///C:/Users/Grace%20Range/Documents/Canada/SecurityarchitertureinsecuritymgtSotojournal2014.pdf> accessed 10 June 2018.

National security entails safeguarding the nation against physical, emotional, economic and psychological harm and danger. Although crime is an inherent societal incident, state of national security requires that crime be tackled to the barest minimum and criminal trials be given accelerated hearing to achieve the deterrence as an objective punishment¹⁶. The safeguard of national security is achieved through institutions of government established to guarantee safety of lives and properties in accordance with specified laws of the state. At the domestic arena, the regulatory framework for the safeguard of national security is usually made up of the legal and institutional frame works designated for that purpose. The institutional structure would include the law enforcement agencies, the judiciary and correctional institutions like prison which constitute the criminal justice system, security and intelligence force such as the military. While the legal framework is often made up of laws, norms, rules, values and governance which form the basis upon which the institutional framework operate¹⁷.

3. Rising Rate of Violent Crimes in Nigeria

Nigeria is the most populous nation in Africa. The nation is strategically located within the Gulf of Guinea with a long stretch of coastline which offers economic prosperity from the maritime sector if properly harnessed. In addition, the nation's crude-oil production capacity constitutes an important source of income for driving the economy. However, the raging security challenges resulting from decades of unsolved ethno-religious conflicts, struggle over natural resources, and election crises threatens the potentials of the nation. The situation is worsened by the available porous borders which makes the nation a hub for trans-border criminals constitute serious threats to the socio-economic and political stability of Nigeria. Decades of bad governance and the high rate of corruption among political office holders have further reduced the requisite political will to combat insecurity¹⁸.

¹⁶ IC Achumbo & et al, 'Security challenges in Nigeria and the implications for business activities and sustainable development' (2013) 4(2) *Journal of Economics and Sustainable Development* 79-99

¹⁷ A. N Thamos, 'State failure and insecurity in the Niger Delta Region of Nigeria' (International conference proceedings on the Nigerian State, oil industry and the Niger Delta on 11th – 13th March, 2008) 8-11

¹⁸ D. Abdulrahman, 'Nigeria and Her Security Challenges' (Harvard International Review, 13 June 2014) <http://hir.harvard.edu/article/?a=5711>

Insecurity has been a major problem in Nigeria for several decades. Statics show that between 2007 and 2017 more than 2000 people lost their lives to armed robbery incidents, cultist attacks killed 2363 people in 32 out of the 36 states of the federation, 457 deaths resulted from kidnapping in 22 states, the rate increased to 80 deaths in 2013 and 53 in 2014. Incidents of fatal rape between 2007 and 2015 which occurred in 25 states caused the death of 147 women in 22 states including the Federal Capital Territory (FCT). Crime of thugs and hooligans assassinated a total of 676 people in 35 states including the FCT between 2007 and 2015¹⁹.

The nation has been constantly confronted with security threats from various extremist groups in various parts of the country. Unfortunately, the approach has been to associate attacks with the group unleashing it without swiftly applying the relevant criminal laws against them to pass the message across that indeed crime is impermissible. Thus in the Niger Delta region, crime has been perpetrated for several decades by one militant group or the other including the Bakkasi Boys, the Movement for the Emancipation of Niger Delta (MEND), MASSOB and the Niger Delta Avengers (NDA). The grant of amnesty to the Niger Delta militants by the Good luck Jonathan Administration also passed a wrong message across the nation. Besides the Niger-Delta region where struggle for social justice is made clear, Nigeria has a history of ethno-cultural and ethno-religious clashes to which several lives are lost. These includes the 1967-1970 Biafran Civil War, the odi massacre, operation Wetie, the Ife-Modakeke crisis, the Maitatsine uprising, Fulani-Birom clashes in Jos, Bauchi religious clashes, Southern Kaduna deadly clashes, Boko Haram terrorist attacks, Fulani herdsmen clashes and the most recent Zaki Biam killings in Benue state²⁰.

¹⁹ VN. Ukoji V. N, & O.J Okolie, 'Prevalence of Lethal and Non-lethal Crimes in Nigeria' (2016) 3(1) J. Adv. Res. Humani. Social Sci 14-23

²⁰ AJ, Idowu. & BT, Okunola, 'Pastoralism as a New Phase of Terrorism in Nigeria' (2017) 17(4) *Global Journal of HUMAN-SOCIAL SCIENCE: H Interdisciplinary* 51-5

In recent times, but prior to the year 2014, the most serious threat to national security was the violent extremist group Boko-Haram. While the nation is yet to totally eradicate the sect, the Fulani herdsmen clashes in the middle belt region has become a more severe threat to peace and security of the nation, claiming the lives of innocent citizens on a daily basis. Besides the major terror groups, there are minor criminal clans and cartels which operate from time to time committing cold blooded murder of innocent citizens across the country. These includes the bado group which eliminated several families around Ikorodu in Lagos state and parts of Ogun state, and the most recent Zaki Biam killing of innocent people on the 20th of March 2018, in Benue state. Usually, the police act after the crime has been committed, effect arrest of suspected perpetrators and the case “goes to sleep” as the general public does not see the criminal justice system in action and the natural link between “crime and punishment” which forms the basis of general deterrence is severed.

Consequently, crime is perceived as permissible as a result the rate of violent crimes committed both in public and private spaces are extremely high and disturbing. Ritual killings and kidnappings are the order of the day, cases of homicide, infanticide, matricide, patricide, domestic violence, mindless killing is quite alarming. Besides murder, several other crimes like armed robbery, burglary, arson, rape, theft also thrive in the country. The failure of the Criminal Justice system has led to the rise of self help with the pattern of public lynching which has gradually become rampant since the 2011 ALU killing when four university students were publicly lynched in Port Harcourt.

4. Sociological Perspectives on Crime in Nigeria: The Social Exclusion Theory

Crime is a social menace which occurs in every society. Frequency of occurrence of crime threatens the essence of existence of mankind as such numerous scholars have studied crime from various perspectives. Early studies on causes of crime focus on specific causes such as poverty and unemployment. In the contemporary, attempt to deepen the understanding of crime in order to proffer lasting solutions to it necessitated a broader perspective for studying the phenomenon and

gave rise to the “social exclusion theory”. The foundation for the social exclusion theory is laid by the relative deprivation theory²¹ which emphasizes Robert Gurr's social discontent theory²². The relative deprivation theory posits that when people feel deprived from living a good life as a result of their race or class in the society, they develop a sense of injustice and sense of distrust in the society. This is similar to social discontent theory which posits that people are in a state of social discontent when they believe that they are denied of socio-benefits which affects the conditions they are rightfully entitled to and hampers their access to rightful opportunities or previously occupied position.

The social exclusion theory perceives lack of access to social benefits as being responsible for the proliferation of crime. These includes inequality of job opportunities, denial of access to good housing, lack of proper medical care, poor empowerment, denial of access to good education and exposure to neighbourhoods with high level of criminal activities²³. From the legal perspective, social exclusion could simply mean lack of access to social justice which is mostly inherent in the economic, social and cultural rights of the people.

Nigeria is a capitalist economy. Capitalism by its nature inherently promotes economic injustice, as the means of production are owned by a few, the rich becomes richer while the poor becomes poorer. The situation in the country is worsened by decades of mal-administration, corruption and mass looting of government treasury. This accounts for the large developmental gap in the country, the problem of decayed infrastructure, poverty and unemployment. For several decades, government have failed to invest in job creation, human capacity development, and the development infrastructure for various sectors such as the education, energy and maritime sectors which directly affect economic growth and stability.

²¹ B. Judith & B. Peter, 'The cost of inequality: metropolitan structure and violent crime' (1982) 147 *American Sociological Review* 114–129.

²² G. Robertr (1970); & T.R. Gurr, T. R. (1970). *Why men rebel?* Princeton: Princeton University Press.

²³ M. Haralambos. & M. Holborn. *Sociology: themes and perspectives* (7th ed, London: HarperCollins 2008) 527

Consequently, politics has become the last resort of all that desire undeserved wealth. The political class and bureaucratic elites amass wealth while the lower class is increasingly impoverished. Nigerians experience social exclusion on a daily basis in their bid to live a normal life and access social amenities. They experience abuse in the hands of public officers including the police and the military, their constitutional rights are trampled upon without any access to redress. The devastating level of poverty and lack of basic social goods including food, decent and affordable housing, health care and clothing increases frustration, the feeling of exclusion and drives people to commit crime²⁴. The dirty game of politics among the political class is another factor. These politicians seize the advantage of the high poverty level among the youths to equip them with arms and use them as political thugs to disrupt elections and attack their opponents. Upon winning elections such guns are not retrieved, and the thugs who may no longer have access to funds from the political god father resort to crime. The guns and ammunitions given to them are transformed into weapons for robbery, kidnapping, assassination and disruption of public peace. The need to readjust their motive and interest arise from the need to meet their economic needs and survive the neglect from their recruit²⁵.

Social exclusion has been the basis of the agitations in the Niger delta region for several decades. Various militant groups have emerged from that region, destroying crude-oil installations, kidnapping and killing of oil workers and disrupting peace in the area. The indigenes of the region, since the time of Ken Saro Wiwa have been protesting the mindless oil exploration and exploitation by various multinational companies accounting for oil spills which has polluted their land, water and destroyed their farms thus denying them of their traditional means of livelihood. In a similar vein, decades of flaring natural gas pollutes their air and exposes them to various lung and heart related diseases.

²⁴ MU, Ikoh, 'Crime victimisation, safety and policing in Nigeria' In E. E. O. Alemika& I. C. Chukwuma (Eds.), *criminal victimisation in Nigeria: pattern and trend* (Lagos: Malthouse Press 2011) 41–100.

²⁵ M. Nnam, & *et al* 'Inadequate motivation as a reason for police officers' ineffectiveness in policing contemporary Nigeria' (2013) 15(2) *South Journal of Culture and Development*, Vol. 15 (2): 67–86.

Despite the fact that the region is responsible for a large proportion of the national income, the level of infrastructure and human capacity development within the region is extremely poor. Although the clamouring for 13% derivation has been granted, there is no commendable improvement in the level of development as the allocations continuously fall into the hands of corrupt officials without any platform for promoting transparency and accountability²⁶.

Social exclusion has been found to be directly connected to the alarming crime rate in Nigeria. Today all manner of crimes are perpetrated in the country including assassination, arson, murder, armed robbery, kidnapping, ritual killing, rape mostly traced to social deprivation. The depth of corruption in governance has left the corrupt politicians and public office holders rich while the larger impoverished population resorts to crime to meet their economic needs and expectations²⁷.

At the international level, the problem of social exclusion is tackled through introduction of social inclusion programmes. Social inclusion seeks to eliminate social exclusion as an instrument for crime reduction or elimination. Social exclusion facilitates class stratification, and predisposes those people of the lower class to crime. The need to tackle social exclusion has been widely recognised in Europe. Thus, in 1997, the British Labour Government established the Interdepartmental Social Exclusion Unit (ISEU) to attend to socially excluded people in the country. The need to promote social inclusion as a developmental goal was expressly mentioned in the European Social Charter²⁸. In Nigeria, opinion has been expressed to the effect that various programmes have been introduced to drive social inclusion including the Subsidy Reinvestment and Environment Programme (SURE-P), National Health Insurance Scheme (NHIS) and accessibility of National Open University

²⁶ MU, Ikoh, 'Crime victimisation, safety and policing in Nigeria' In E. E. O. Alemika & I. C. Chukwuma (Eds.), *criminal victimisation in Nigeria: pattern and trend* (Lagos: Malthouse Press 2011) 41–100

²⁷ A. Ugochukwu, 'Save us from robbery attacks, kidnapping, Abia residents cry out to CP' (Vanguard 21 March 2018) <https://www.vanguardngr.com/2018/03/save-us-robbery-attacks-kidnapping-abia-residents-cry-cp/>

²⁸ P. Alcock, *Understanding poverty* (2nd ed, Basingstoke: Macmillan 1997) 12-35

of Nigeria (NOUN) Programme for prison inmates and other youth development programmes²⁹. A closer look at the problem of social exclusion which accounts for the high crime rate in the country points to the denial of basic social-economic rights as a responsible factor, the implication being that solving the problem of crime in Nigeria is directly connected to Government's ability to provide basic social amenities including good education, basic quality and affordable health care, creation of employment, establishment of skill acquisition programmes for training the unskilled unemployed population, de-emphasising certification and emphasising merit and competency as basis for employment etc.

5. The Raging Violent Herdsmen-Farmer Clashes in the Middle-belt Region of Nigeria

A major security challenge confronting Nigeria today is the violent farmer-herder clashes in the middle belt region of the country. The clashes which have been ongoing for more than a decade are launched by Fulani herdsmen, a semi-nomadic and pastoralist ethnic group predominantly found in the middle belt region of the country. Traditionally, The Fulani herdsmen most of who are Muslims clash with Christians, local communities and indigenous farmers over grazing land³⁰. The clashes between farmers and migratory pastoralists is not peculiar to Nigeria alone as it is a problem confronting several states in West Africa including Democratic Republic of Congo, Central African Republic and Mali³¹. However, in Nigeria the problem is particularly alarming having become increasingly violent since 2011 and since the post-2015 elections to the extent that it threatens national security.

²⁹ A. Iheanacho & et al, 'An Assessment Of The Relationship Between Crime And Social Exclusion In Nigeria' (2015) International Journal of Research in Arts and Social Sciences Vol. 8, No.1 157-163

³⁰ UO, Ewelina, 'Trump May not be Wrong on the Fulani-Herdsmen Crisis in Nigeria' (World Affairs, 4May 2018) <https://www.forbes.com/sites/ewelinaochab/2018/05/04/trump-may-not-be-wrong-on-the-fulani-herdsmen-crisis-in-nigeria/#81737d855efa> accessed 7th June 2018

³¹ B. Mirjam de & et al, 'New mobilities and insecurities in Fulbe nomadic societies: a multi-country study in west-central Africa (Niger-Nigeria)' (African Studies Center Working Paper 96 / 2011) <http://www.ascleiden.nl/Pdf/workingpaper96.pdf>

The attacks by herdsmen on farming communities and reprisal attacks which initially began in the middle belt region has spread to neighbouring villages in the Northeast, Southeast, and South-South, covering Kogi, Plateau, Niger, Benue, Taraba and Kaduna states³². Most of the attacks have been in the middle belt majorly between the Christian farming communities and the Fulani cattle rearer. The attacks have also assumed ethnic and religious dimensions while some of those violent herdsmen are geared by political undertone, other attacks are traceable to inter-communal and intra-communal conflicts.

In the course of attacking farming communities, herdsmen usually perpetrate several atrocities including burning of houses, destruction of farm animals, destruction of churches, seizure of lands and properties and brutal killing of innocent people including women and children. So far the death toll from herdsmen attacks has continued to rise. In the year 2016, more than 2000 people lost their lives and several others were displaced in Benue and Kaduna alone due to the herdsmen crisis³³. These has reached alarming level in 2018, attacks are launched on farming communities on a daily basis and sometimes more deadly attacks are carried-out at churches on Sundays. In January there were 272 casualties, in February 62 people were killed; in March 162 people lost their lives while in April more than 400 innocent lives were lost to the herdsmen attacks. The problem of herdsmen attacks in the country has become seemingly insurmountable, as they utilize all manner of weapons and sometimes attack villagers while they sleep at night. As opposed to traditional herdsmen who carry sticks and machetes, the Fulani militia have been found to carry AK-47 guns with which they attack the various farming communities.

³² B. Joshua & S.S. Shee, 'The Impact of Ethno-Religious Crisis on Socio-Economic Development of Bali L.G.A of Taraba State, Nigeria' (2017) Research Gate https://www.researchgate.net/publication/313022300_THE_IMPACT_OF_ETHNO-RELIGIOUS_CRISIS_ON_SOCIO-ECONOMIC_DEVELOPMENT_OF_RURAL_AREA_IN_BALI_LGA_OF_TARABA_STATE_NIGERIA accessed 10 June 2018 4-12

³³ "Herders Against Farmers: Nigeria's Expanding Deadly Conflict" (International Crisis Group) 19 September 2017 <https://www.crisisgroup.org/africa/west-africa/nigeria/252-herders-against-farmers-nigerias-expanding-deadly-conflict> accessed 10 June 2018

About 350 illegal weapons are found in Nigeria and some of them are in the hands of the herdsmen. Government has failed to take proactive steps towards ending the recurring attacks. Whereas the attacks have an ethnic dimension to it, the religious aspect of the problem cannot be denied. Between 2006 and 2014 about 11,500 Christians were killed and more 13,000 churches destroyed. In addition, recent attacks have included repeated attacks of worshipers at the church on Sundays, including the killing of priests. Although there is yet to be a decisive number to the casualties of the farmer-herder clashes in the middle-belt region of the country, about 10,000 people have lost their lives and over 40,000 others displaced. This necessitates examination of the role of law in promoting peace and order in the region as a precursor to finding lasting solutions.

6. The History of Farmer-Herder Relations in the Middle-belt Region

The farmer-herder conflicts in Nigeria have spread across over five middle-belt states. Although there is a general perspective to the origin of the problem, there are also specific narratives tracing the history of the problem in each state to indigenous inter-communal, intra-communal and ethnic clashes in the respective states.

Ancient Arabic authors and anthropologists trace the history of the Fula people popularly known as Fulani to Egypt. In fact they are also referred to as gypsies and descendants of the Roman legion lost in the Sahara. Some hypotheses also trace their history to the Israel tribe. The Arabs are said to have married their women in the course of islamization³⁴. Another history however trace the history of the Fulani ethnic group to Northern Senegal, over centuries they migrated with their herds to West Africa, settling in new territories and mixing with Northern African Berbers and other tribes of the Sahara region. The fula people are sub-divided into smaller ethnic groups including Fulbe, Gourma, Fellata, Fula, Bororos, Voda, Peul, Pular, but all with unique genetic features of the indigenous Fulani³⁵. Their language is also known as Fula language.

³⁴ 'History of Fulani Herdsmen in Nigeria and Today's Crisis' (Naija.com) <https://www.naija.ng/1151632-history-fulani-herdsmen-nigeria-todays-crisis.html#1151632> accessed 10 June 2018

³⁵ *Ibid*

The Fula people have their own Holy Book, written in their language and popularly known as Pharaohs Book or Egyptian magicians. This holy book and indeed their religious believes is traceable to their fore fathers who were known to live the North-Eastern part of Africa, popularly referred to as Mediterranean contact race. They captured vast territories and created powerful states which stood against infiltration even by the European colonialists. However, around 10th century, the Fulbe people accepted Islam with a vast majority of them being Sunni Muslims. With the islamization of the Fulani nation, they became more united as an empire later disrupted following the colonization of Sokoto by the British³⁶. The Fulani tribe is predisposed to economic activities which often derive its basis from cattle raring. Their cattle is particular important to them. In fact they have a proverb that "Cattle surpasses everything, it's even more important than father and mother". In the contemporary, the Fulani tribe are divided into “nomadic pastoralists”, “semi-nomadic” and “sedimentary”. They have owned and breded cows since the 13th century. The sedimentary Fulani have greatly influenced agricultural practices in Hausa land. On the other hand, the Fulani nomads are Muslims, but they preserve their culture and attach high esteem to it. The nomadic Fulani are further classified into three, cow Fulbe, sheep breeders and goat breeders, with the foremost (cow Fulbe) being considered as the main Fulani³⁷.

Historically, the Fula people popularly known as Fulani (based on Hausa language) is an ethnic group which originated from West Africa as far back as 900 A.D, but spread all over the African continent in the course of grazing their cattle and other farm animals. In Nigeria, they have expanded to cover sub-groups including Fulbe Adamawa state, Fulbe Mbororo, Fulbe Sokoto, Fulbe Gombe and Fulbe Borgu. Although there are other closely related ethnic groups who are also pastoralists, 90% of pastoralists are of Fulani descent³⁸.

³⁶ *Ibid*

³⁷ *Ibid*

³⁸ OA, Majekodunmi & et al, 'Pastoral livelihoods of the Fulani on the Jos plateau of Nigeria'(2014) 11(1) Springer Open- Pastoralism 1-16 <https://pastoralismjournal.springeropen.com/articles/10.1186/s13570-014-0020-7> accessed 19 May 2018

Nigeria has the largest population of Fulani in West Africa, with a population of over 18 million people spread across 270 clans. In Nigeria, pastoralists are the owners of 90% of national herds of cow, donkeys, camels, goats and sheep. In numbers these are 19.5 million cows, 975,000 donkeys, 72.5 million goats and 41.3 million sheep³⁹. The income implication for the nation is intense since livestock constitutes between 20 and 30 percent of total national agricultural production and about 6 to 8 percent of Gross Domestic Product (GDP)⁴⁰. As far as the national consumptions is concerned, pastoralists bring in about 30 percent of livestock consumed by Nigerians from neighbouring states⁴¹.

However, for several decades the relationship between Fulani nomads and local farmers has been mutual and peaceful⁴². It is characterised by mutual benefits and tolerance as the nomads migrate their cattle on a seasonal basis in search of grasses, water and village markets usually close to farm lands. In the course, the cows excrete dung which serve as fertilizers needed to nourish the farmlands and enhance crop production thereby boosting the yield of farmers. Although like any inter-group relations, land disputes do occur, but traditional leaders and Ardos (heads of Fulani clans) settle such disputes amicably through traditional dispute settlement mechanisms thereby preventing dispute escalation and mitigating losses. Unfortunately, the cordial traditional inter-group relations have been eroded with the passage of time, generational changes, political changes and socio-economic advancement⁴³.

³⁹ Federal Ministry of Agriculture and Rural Development, National Agricultural Sample Survey 2011 <http://awheredatasets.github.io/2015/03/national-sample-survey-nigeria-2010/> accessed 10 June 2018

⁴⁰“Keynote address delivered by the Honourable Minister of Agriculture and Rural Development, Chief Audu Ogbah, OFR, at retreat on livestock and dairy development in Nigeria, Abuja, 7-8 June, 2016”, Federal Ministry of Agriculture and Rural Development, Abuja http://nias.gov.ng/WELCOME%20ADDRESS%20BY%20THE%20HONOURABLE%20%20MINISTER%20%206th%20NIAS%20CONFERENCE_Abuja.pdf accessed 10 June 2018

⁴¹ FAO Nigeria, FAO Country Programming Framework (CPF) Federal Republic of Nigeria 2013-2017, p. 5. <http://www.fao.org/3/a-az487e.pdf>

⁴² Pastoralist-Farmers Conflicts and the Search for Peaceful Resolution' (Daily Trust 20 June 2018) <https://www.dailytrust.com.ng/pastoralist-farmers-conflicts-and-the-search-for-peaceful-resolution.html> accessed 20 June 2018

⁴³ *Ibid*

Before Nigeria gained independence, the country was divided into regions with designated regional administrations. However creation of regional administrations and its operation did not take into cognisance the peculiarity of ethnic composition and religion of people of the middle-belt region. Payment of tax was introduced on both the traditional farming communities and the visiting herders. Farmers were required to pay taxes on their lands while herders had tax levied on each head of cattle. In order to meet-up with the tax payment, the community chiefs responsible for tax collection and remittance to the local authority for development resorted to inviting Fulani herders to reside in their respective farming communities. The objective was to give the Fulani pastoralists a sense of belonging and responsibility towards the community to which they pay tax, while granting them access to land for livestock grazing while the community also develop a sense of mutual responsibility towards looking after the well being of the herds. In the process, the income of both the herder community and farming community become stabilized and they are able to meet-up their tax responsibilities⁴⁴. The tax payment was however ended in 1980 as the taxes were abolished; the various regions were ceded to state governments thus interrupting the relationship between pastoralists and traditional host farming communities⁴⁵. During the subsistence of the tax regime, the cordial relationship between the farming community and the herders influenced the perception of the community towards the herders and the reception given to the Fulani community as a result of which they felt welcomed. This is because the agreement between the two communities was seen as a pact or treaty respected by both communities through their leaders. Upon the abolishment of the tax regime, the leaders of the farming communities still represented their people before the local government but the Fulani leaders were excluded thus changing perception towards them as outsiders infringing on farm lands⁴⁶.

⁴⁴ Understanding farmers-herdsmen conflict and the way forward' (International Centre for Investigative Reporting, 5th August 2017) <https://www.icirnigeria.org/understanding-farmers-herdsmen-conflict-and-the-way-forward/>

⁴⁵Adebayo A.G, 'Jangali: Fulani Pastoralists and Colonial Taxation in Northern Nigeria' (1995) 28(1) *The International Journal of African Historical Studies* 113-150

⁴⁶ *Ibid* (n-85).

When artificial fertilizers were introduced in the post-independence era between 1970 and 1980, relations of the farmers with the Fulani nomads became weakened and negligible, fertilizers served as suitable alternative to cow dung as such farming communities could dispense with the Fulani nomads⁴⁷. As fertilizers boosted farm production, crops like maize, sugarcane and Irish potatoes were increasingly produced, while their lack of sizable residue reduced access of cattle to feed, making them suitable alternatives. Because farmers no-longer needed cow dung, the tolerance of villagers for cattle rearing began to reduce.

The reliance of farmers on cattle dung continued to reduce and by the 21st century, most farmers had switched to the use of artificial fertilizers to boost crop production. Socio-cultural and political changes continued to strain the relationship between farmers and herders resulting in build-up of tension between the two groups over the decade. Violent clashes began to break-out between the groups since 2000 which increasing intensity and changing dimensions over the years which makes it difficult to streamline the root cause and find lasting solutions to it. In the year 2016, farmer-herder clashes accounted for 44% of mortality in Nigeria and displaced several other people. Today the tension has spread to all the central and southern states of the country, attacks have been launched in at least 22 states, with disturbing intensity of killings particularly in Benue state on a daily basis⁴⁸.

7. Narratives on the Causes and Drivers of the Herder-Farmer Clashes in Nigeria

The farmer-herder crisis is a matter of concern at the national, regional and international arena.

⁴⁷ A. Rashid , 'Land Use Conflict Between Farmers and Herdsmen ♦ Implications for Agricultural and Rural Development in Nigeria' (2012)Research Gate https://www.researchgate.net/publication/224830400_Land_Use_Conflict_Between_Farmers_andHerdsmen_Implications_for_Agricultural_and_Rural_Development_in_Nigeria accessed 10 May 2018

⁴⁸ O. Chris, 'Herdsmen Killings: The World is watching a repeat of Rwanda-Middle-Belt Group' (Vanguard 24 April 2018) <https://www.vanguardngr.com/2018/04/herdsmen-killings-world-watching-repeat-rwanda-middle-belt-group/> accessed 10 June 2018

The conflict is multi-dimensional in nature. It affects two groups who were historically known to have cordial relationships there by driving mistrust within the local communities and disrupting nationalism and patriotism needed to enhance unity in diversity. The political and ethno-religious dimensions of the clashes and the central location of affected communities as well as intensity of attacks and high causality levels increases the possibility of reprisal attacks, volatility of the problem and the tendency that it may be used by vested interests for other motives. Porosity of Nigerian borders and indeed borders of other neighboring West African states implies that it may be relatively difficult to combat the problem as the trans-national Fulani pastoralists may reinforce support from their brothers who can troupe-in from other states there by threatening regional stability. The problem requires government to be more proactive and decisive in its response as it may indeed become more serious than the Boko-Haram crisis bearing in mind that the Fulani herdsmen were declared as the fourth most deadly terrorist group globally in 2015⁴⁹. The nomadic lifestyle of Fulani herdsmen and the existence of other pastoralists tribes including cattle rustlers, armed bandits and criminals makes it increasingly difficult to ascertain the identity of the herdsmen and raises the fear that the situation may be hijacked to commit crime as in the case of the Zaki Biam massacre. More so, it has also been suggested that displaced book-haram members and other ethnic militia groups may simply masquerade as herdsmen to carry-out attacks⁵⁰. It therefore follows that in order to bring an end to the herdsmen crisis it is important to understand the root-cause as well as drivers of the conflict. To further foster national peace, the objective is beyond the current crisis alone but must also consider adopting measures to break the chain of ethno-cultural, religious and political clashes in the country.

⁴⁹ K. Adewale, 'Ending Deadly Herdsmen Attack' (Punch. 23 January 2018) <http://punchng.com/ending-deadly-herdsmen-attacks/> accessed 10th May 2018

⁵⁰ D. Adetula, 'Understanding the Fulani Herdsmen Crisis in Nigeria: Here is Everything You Need to Know' (Ventures, 6 July 2016) <http://venturesafrica.com/understanding-the-fulani-herdsmen-crisis-in-nigeria-what-you-need-to-know/>

8. Causes and Drivers of the Herder-Farmer Clashes in Nigeria

The on-going farmer-herder clashes in Nigeria has been traced to several factors including geographical factors, climatic factors, economic factors, political factors cum governance failure, social factors such as the erosion of traditional dispute settlement system, legal and institutional factors like the poor performance of the criminal justice system.

i. Effect of Population Growth, Changing Climatic Conditions and Ecological Factors

The farmer-herder clashes in the middle-belt region of Nigeria is deeply rooted in struggle for economic and environmental resources as both communities have clashes over access to arable land and portable water. Unresolved struggle over resources are usually fueled by religious, economic and political conflicts, resulting to inter-communal clashes to which lives and properties are lost.

One of the factors accounting for the contraction of available land resources for the two communities is the increase in national population. Nigeria is the most populous country in Africa. The nation's population almost doubled between 1990 and 2015, increasing from 95 million to 182 million⁵¹. Nigeria's population is further projected to grow to about 440 million by the year 2050⁵². Population increase often implies increasing demand for access to natural resources. Besides the population increase inherently increase demand for land for several purposes, the introduction of mechanized farming involving the use of synthetic fertilizers and mash-land cum dry-season farming has made access to grazing land increasingly competitive. Between 1990 and year 2014 there has been an increase in cultivated land mass by about 94% resulting in encroachment into grazing land⁵³.

⁵¹ Nigeria: Population, Total' (The World Bank Open Data, The World Bank Group 2016)
<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TZ> accessed 10 May 2018

⁵² R. Kochhar, '10 Projections for the Global Population in 2050' (Pew Research Center 3rd February 2014)
<http://www.pewresearch.org/fact-tank/2014/02/03/10-projections-for-the-global-population-in-2050/>

⁵³ FAO Statistical Pocketbook 2015." World Food and Agriculture Organization, United Nations, 2015
<http://www.fao.org/3/a-i4691e.pdf> accessed 10 May 2018

Struggle over access to arable land and portable water has led to disruption of historical grazing and farm-land arrangement and further undermined peaceful relations between farming and herding communities.

Changes in weather and climate are another major contributory factor. Climate is popularly described as the changes in the weather condition of a place over a period of time. While weather is the daily atmospheric condition of a place, both weather and climate have a huge influence on the way of life of the people, the economic activities they engage in as well as the traditional practices. Weather influences the farming seasons, harvest season, food festivals, food availability and interactions among people of a particular locality. The ecology of a place also affects the nature of economic engagement of the people, for instance, riverine communities mostly carry-out fishing and fish processing and other marine related activities. Changes in weather and climate may hinder traditional communities from going-on with their historic economic engagement and craft. In most part of the world, the effect of global warming has affected the availability of ecological resources which dictates the traditional engagement of the people and their way of life. The role of Government therefore includes introduction of policy and regulatory measures to ameliorate the effect of climate change on the lifestyle and economic wellbeing of the people as a precursor to conflict prevention and management.

As far as the herder-farmer clashes in Nigeria are concerned, weather and climatic changes has been found to be one of the root causes. The core-northern parts of the country are arid and semi-arid lands, with an annual weather of long dry season duration of about 8 months which affect the moisture content of the soil and its viability for crop growth. The situation is worsened by the climatic change which was found to have caused reduction in rainy season from 150 to 120 days⁵⁴.

⁵⁴ H. Odiogor, 'Special Report on Desertification in Nigeria: The Sun Eats Our Land' (Vanguard News 3rd May 2010) p 03

In the past six decades, about ten northern states including Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara have experience desertification of between 50% to 75% of their lands⁵⁵. This has severe adverse effects on economic activities in the region. In search for cultivable land and available grazing lands, most pastoralists and farmers from the area have had to migrate south wards. Initially, migration of the pastoralists was seasonal as they spent the dry season usually between December and May in the North central neighboring communities and return to their base later. The further shrinkage of the pastures in the north made most herders to relocate to the North central communities permanently. This has increased the frequency and intensity of disputes over land portable water which was actually inadequate to cater for the growing population of the original inhabitants of the region⁵⁶.

Reduction in natural resources is also traceable to the problem of desert encroachment and deforestation. Whereas desert encroachment is a natural phenomenon, deforestation is man-made as it involves cutting of trees thereby exposing the area to soil erosion and drought. The duo of deforestation and desert encroachment has reduced access of herders to clean water particularly around the Lake Chad Basin causing the migration of herders from Niger, Chad, Mali and Northern Cameroon for relatively long duration in the migration season. Drying of the Lake Chad from 15,500 square miles to 840 square miles between 1963 and 2001 has increased competition for natural resources in the region⁵⁷. As a result of desertification, the Sahara Desert has moved southwards at a rate of half a mile annually resulting in desertification of about one fifth of the Nigerian land mass.

⁵⁵ National Policy on Desertification and Drought' (Federal Ministry of Environment, 2008)
<http://www.agrhymet.ne/portailCC/images/pdf/PANLCDNIGERIA.pdf> accessed 20 May 2018

⁵⁶ FAO Country Programming Framework (CPF) Federal Republic of Nigeria 2013-2017.<http://www.fao.org/3/a-au053e.pdf> accessed 10 May 2018

⁵⁷ H. Franzen, 'Lake Chad Is Disappearing' (Scientific American 1st March 2001)
<https://www.scientificamerican.com/article/lake-chad-is-disappearing/> accessed 5th June 2018

Besides, the culture of tree cutting without reciprocal planting of trees has led to loss of over 90% of indigenous trees in the country between 2000 and 2010⁵⁸. The effect of deforestation and desertification on access to natural resources which are prime to both herders and farmers are contributory factors to the unending conflict.

ii. Indigene-Settler Crisis and Ethnicity Politics

Plateau state is at the heart of the middle-belt region of the country and the spread of ethno-religious conflict from the state accounts for part of the herder-farmer clashes in the region. Ethnic politics is also a major factor which planted the seed of hostility, distrust, and intolerance between the two dominant religious groups, Fulani Muslims and Christians in the region. Spread of news of herders acquiring weapons for self defence often prompted pre-emptive attacks, while reprisal attacks and activities of rustlers and bandits also did not help the situation. However, central to the recurring clashes is the failure of the state to guarantee security of lives and properties and which accounts for the people's resort to self-help in form of attacks and reprisal attacks.

Although politics may not be a primary cause of violence in the middle belt region of the country, it plays a significant role in its spread and persistency. From the early days of independence till the early 1990s plateau state enjoyed a similar level of peace as other parts of the country. However, politicization of the indigenization policy led to unhealthy competition for political positions drove inter-communal clashes beyond a manageable level⁵⁹. Within the duration of a decade beginning from the year 2001, over 7000 people lost their lives to communal clashes while about 250,000 others were displaced and there were similar occurrences of communal clashes in other states of the middle belt region.

⁵⁸ "Global Forest Resources Assessment 2010: Main Report" (Food and Agriculture Organization, United Nations 2010) <http://www.fao.org/docrep/013/i1757e/i1757e.pdf> accessed 12May 2018

⁵⁹ R. Blench, 'The expansion and adaption of Fulbe pastoralism to sub-humid and humid conditions in Nigeria' (1994) 34(133) *Cahiers d'études africaines* 133-135

The clashes were heightened by the religious composition of the people in these regions. For instance, Plateaus state is predominantly occupied by ethnic groups who are traditionally Christians constituting indigenes and Hausa and Fulani Muslims known as settlers.

The ethnic groups constituting the indigenes include the Berom, Anaguta and Afizere. The policy of indigenization confers certain political and socio-economic benefits on the indigenes which may not be accessible to settlers. Consequently, indigene-settler clashes began to emanate in the late 1990s and became more intense with the creation of Jos North local government area. The area was pre-occupied by Hausa-Fulani Muslims thereby granting them disproportionate political influence over the indigenous Christian population. The settlers struggled for political position within the local government and as a result, the religious composition of the indigene-settler group became a tool in the hands of the politicians. This bred resentment between the two religious groups, accounting for ethno-religious clashes and the attendant violent hate crimes. The first set of riots in the year 2001 claimed more than 1000 lives and accounted for the destruction of valuable properties⁶⁰.

The conflicts which had religious outlook from rural parts of Plateau state where most of the Fulani communities resides, to urban centers with larger population of Christians who perceived the clashes with fear of religious threat. The clashes later spread to neighboring states. There were personal attacks on herdsmen and their farm animals including attacks on the Ardo Fulani. This led to revenge attacks which expanded the clashes and increased causality. However, desperate politicians continued to see the political composition of the middle-belt as an opportunity to apply the divide and rule principle thereby laying emphasis on the ethno-religious diversity which bred further hatred. For instance, in the immediate aftermath of the 2008 elections, contestants

⁶⁰ J. Krause, 'A Deadly Cycle: Ethno-Religious Conflict in Jos, Plateau State, Nigeria' (Working Paper, Geneva Declaration 2011) <https://www.files.ethz.ch/isn/142958/GD-WP-Jos-deadly-cycle.pdf> accessed 10 May 2018

for the office of local government chairman provoked clashes between Muslims and Christians which also led to reprisal attacks to which more than 400 people lost their lives and over 1000 became internally displaced⁶¹.

A closer look at the nature of conflicts in the middle-belt region therefore shows that political class take advantage of the low level of education, enlightenment and economic status of the rural population to incite clashes which lay emphasis on their ethno-religious disparity. These clashes are taken head-on by religious bigots as it spreads the various urban centers who also lunch reprisal attacks. Whereas politics play a major role in driving crisis in the middle-belt, fear of economic depravity which may result from unequal political representation and failure of government to guarantee security of lives and properties also directly influence the clashes.

iii. Governance Factor: Failure to Implement and Improve Relevant Policies

In order to foster peace and security, the Northern region government created grazing reserves in 1960 as lands designated for grazing cattle without encroachment from outsiders. These were documented in Grazing Reserve Laws⁶². The Grazing Reserve Laws had lapses which several lapses affected the efficacy of the policy. The laws did not guarantee exclusive use of grazing lands for grazing purposes, hence they land were encroached into as the population grew. As time passed land designated for grazing purposes were eventually reallocated for infrastructure, private, commercial and other non-pastoral purposes. As other laws are being improved and amended to cater for contemporary challenges and developments, the grazing reserve laws were neither improved upon nor implemented by successive administration. Of the created 417 grazing reserves only about 113 has so far been gazetted.

⁶¹ 'Nigeria: Red Cross Assists Victims of Sectarian Violence in Jos' (International Committee of the Red Cross, 4th December 2008) <https://reliefweb.int/.../nigeria/nigeria-red-cross-assists-victims-sectarian-violence-jos> accessed 10 June 2018

⁶² *Ibid* (n-80)

The lack of policy continuity and policy sustenance rendered futile the essence of creating grazing lands hence reduction in grazing lands which accounts for the current clashes over grazing resources⁶³.

iv. Change in Farming and Animal Rearing methods

In the 80s and early 90s, farmer herder relations were characterized by mutual benefits rendered by the group to one another which enhanced their economic activities. The two groups had a cordial relationship which included amicable dispute settlement through the intervention of the communal dispute settlement mechanisms and the elders. In the last two decades, the herder community has changed to sedentary lifestyle involving leaving the responsibility to rear cattle in the hands of the younger generation of between 9 to 25 years of age. These younger generations are less experienced and less patient in handling of disputes with the farming communities. They view the federal government as conniving with farmers to take over previously uncultivated lands through projects like the Agricultural Development Projects (ADPs) of the 1970s and the National Fadama Development Projects. These projects are viewed as denying cattle of access to river valleys and flood plains relied upon in the dry season, for irrigation farming since 1993.

On the part of the farmers, agricultural mechanization has drastically reduced the use of cow dung for improving crop production rather artificial fertilizers are applied thus their need for cattle herders within farming vicinity is eliminated. In addition, farmers began to utilize lands which used to lay fallow for planting all year round. During the dry season, recourse is made to irrigated agriculture to enhance production of crops transported to urban centers for sales through improved rural-urban transportation thus granting farmers increased income even during the dry season. On the flip side, the business of the herder is adversely affected by the inability to access abundant grass in grasses in wet lands now used for irrigation farming.

⁶³ World Statistics Pocketbook 2015, edition, (Department of Economic and Social Affairs, United Nations, Series V, No 59) 146 <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2015.pdf> accessed 10 June 2018

More so most of the crops cultivated through such agriculture schemes are vegetable like onions and tomatoes without residue for farm animals like cattle to consume⁶⁴.

v. Rural Banditry and Cattle Rustling

A major security problem confronting herders is the issue of cattle rustling and rural banditry. In the last decade, cattle rustling and banditry has become a major security threat having grown in scale and organization⁶⁵. Banditry and rustling of cattle are common in some forests in the North including Kamuku forest in Kaduna, Falgore forest in Kano, Dansadau forest in Zamfara and DavinRugu forest stretching through Kaduna, Katsina and Zamfara states⁶⁶. Because the crime takes place usually in the forest there is no presence of security operative, making it relatively easy for the bandits to carry-out their attack. Also, most of the victims of cattle rustling are uneducated, they therefore fail to report majority of incidents to security operatives. Consequently, incidents of banditry and cattle rustling are often under-reported. In the year 2013 for instance, about 64,750 cows were stolen by cattle rustlers in the course of numerous attacks to which not less than 2,991 herders were killed⁶⁷. Between 2011 and 2015, bandits and rustlers killed 1,135 in Zamfara states. The bandits and rustlers operate with so much affront and audacity, stealing cows, killing herders and destroying their properties⁶⁸. Even when attacks were reported Government does not take proactive action in combating banditry and cattle restraining. Consequently, the affected communities formed vigilante groups to fight the bandits. These vigilante groups often take the law into their hands by carrying-out arrest and summary execution of suspected rustlers. This has severally led to reprisal attacks by affected groups.

⁶⁴ Ibid(n-80)Crisis Group interview, cattle breeders' association official, Kaduna, 18 September 2016

⁶⁵ A. Olaniyan & A. Yahaya, 'Cows, Bandits, and Violent Conflicts: Understanding Cattle Rustling in Northern Nigeria' (2016) 51(3) Africa Spectrum 93-105.

⁶⁶ Ibid (n-80) Crisis Group interview, pastoralist organisation representative, Abuja, Kaduna and Lafia, September-October 2016.

⁶⁷ 'Rural Banditry and Conflicts in Northern Nigeria' Mohammed J. Kuna and Jibrin Ibrahim (eds.) (Centre for Democracy and Development Abuja, 2015) <http://www.nsrp-nigeria.org/wp-content/uploads/2016/06/Rural-Banditry-Report.pdf> accessed 10 June 2015

⁶⁸. '1,135 people killed in Zamfara banditry in four years – NSCDC' (Daily Trust, 17 February 2017).

There are other instances where the vigilante groups go out of hand by making inordinate demands for money and cows from herders thus disrupting the peace of the region⁶⁹. The variances are that because the region in question had for long been exposed to threats and attacks from bandits, the herder community, bandits and rustlers already had access to weapon which came in handy for attacking farming communities. Failure of Government to take decisive actions against banditry encouraged the rustlers and bandits to grow wings and gave the impression that people were in charge of their security, safety and justice.

vi. Incessant Conflicts and Insurgency Activities in the Northern Part of Nigeria

Northern Nigeria is characterized by dense population, poor infrastructure, poverty and impoverishment. Most families are polygamous; the wives bear as many children as they can without proper plans on how to secure the future of those children to become responsible members of the society. The Al-majiri system of education worsens the situation as it enables the parents to transfer parental responsibilities to the educational institutions where sustenance for the children is derived by exposing them to street begging. The availability of large population of un-empowered youth makes the North specifically volatile as social exclusion drives them to crime. The North has a history of violent extremism and terrorism which often claim the lives of innocent citizens. Cases like the maitatsine clashes, boko-haram crisis, Southern Kaduna clashes and the el-zaky-zaky crises has left lasting adverse effects on the psychic of the northern youths as they are extremely aggressive and prone to violence. Most of these conflicts though with political and religious undertone are fueled by poverty and social exclusion.

In addition, the various conflicts particularly in the last decade have displaced inhabitants including herders southwards. For instance, the Book Haram crisis led to massive loss of lives and properties in Borno state, as recounted by North-East chairman of Miyetti Allah Cattle Breeders Association (MACBAN) who stated that members of the group

⁶⁹ *Ibid* (n-114)

lost more than one million cows to Boko Haram insurgency⁷⁰. Besides fleeing the crises, herders have resorted to acquisition of small arms and light weapons like assault rifles for self defense. The weapons are acquired from numerous sources including locals, black markets from across West Africa and from smugglers who bring it in from the Libya's looted piles⁷¹. Herders claim that they acquire the weapons to defend themselves from cattle rustlers, bandits and criminal gangs in farming communities. Besides the herders, farming communities and vigilante groups also acquire weapons through the black markets for defence. This access of weapons to various groups increases the volatility of minor conflicts and results in large casualties⁷².

9. Assessment of the Impacts of Herder-Farmer Crisis in Nigeria

The on-going crisis in the middle belt region of Nigeria has produced long-lasting devastating effects in the region and the nation in general. The conflict has indeed caused humanitarian crisis in the middle-belt, thousands have lost their lives and several other people have been displaced. Considering the casualties, the herdsman attack has claimed more lives than the Boko-haram attacks as about 2,500 people lost their lives to the herdsman attacks in 2016. Benue state has one of the highest levels of causality as about 1878 people were killed in the state between 2014 and 2016, while several other thousands have been displaced. More than 62,000 people were displaced in Kaduna, Benue and Plateau state between 2015-2017. The camps created for the Internally Displaced Persons (IDP) are over-filled as basic provisions like food and shelter have become grossly inadequate. In some cases residents flee their homes out of fear of imminent attacks. In other cases locals move to IDP camps in order to have access support as both the local and international

⁷⁰ *Ibid* (n-80) According to Alhaji Mafindin Danburam ; Crisis Group interview, Yola, Adamawa state, 5 November 2016; "Boko Haram: We lost over 1 million cattle to insurgents – MACBAN", Daily Post, Abuja, 12 January 2017.

⁷¹ *Ibid* (n-80) Crisis Group interviews, Nigeria Customs Service officer, Abuja, 9 June 2016; and member, Presidential Committee on Small Arms and Illegal Weapons, Abuja, 10 June 2016. In 2013, Nigerian military officials reported that Boko Haram insurgents had also received arms from Libya, following 2011 fall of Muammar Qadhafi regime

⁷² *Ibid* (n-80) Crisis Group interview, community leader, Keffi, Nasarawa state, 9 June 2016 Curbing Violence in Nigeria (II): The Boko Haram Insurgency, 3 April 2014

aid organizations such as National Emergency Management Agency (NEMA) are less frequent around conflict zones⁷³.

The crisis has particularly imposed increased hardship on women and children being vulnerable group in the society. A large population of women has lost their husbands to the crisis as such they have become widows. These widows are unable to cater for the economic needs of their families, in most cases women and female children become exposed to sexual violence in the course of meeting their socio-economic needs. The crisis prevents victims from embarking on their routine economic activities resulting in loss of revenue to the state and federal government. In 2015, it was found that federal government lost revenue of about 13.7 billion dollars to the farmer-herder crisis in Benue, Kaduna, Adamawa and Plateau states⁷⁴. At the state level, 47% of the internally generated revenue was lost. According to the Benue State Governor, Samuel Ortom, the state lost about 95 billion naira to the crisis between 2012 and 2014⁷⁵.

Besides the federal and state level, much of the economic impact of the crisis in the middle belt region is also borne at lower level of organization of the society. In the early part of 2016, the Agatu community was found to have lost about 65 billion naira worth of property to the herdsmen attack. According to the Nzor-Tiv Global Association, the crisis situation has destabilised the daily lives of the people, loss of cattle, farm produce and farm lands has increased the cost of transportation, food and the general living cost as well as the poverty level. The Fulani herder attacks is perceived as a process of masterminded plan to take-over farm lands belonging to natives and displace the owners permanently⁷⁶. Among the Christian communities the attacks are seen as a form of jihad targeted at religious dominance by the Fulani Muslims in the middle belt.

⁷³ 'Over 1,800 killed in herdsmen, farmers clashes in Benue in three years – Governor', Premium Times, 5 July 2017

⁷⁴ "The Economic Costs of Conflict: Evidence on Violence, Livelihoods and Resilience in Nigeria's Middle Belt", Mercy Corps, July 2015.

⁷⁵ "Benue lost N95b in herdsmen attacks", The Nation, 22 March 2017.

⁷⁶ Crisis Group interviews, several community and civil society representatives, Lafia, Nasarawa state, and Makurdi, Benue state, September 2016.

The presumption is based on the attacks on churches in 2016⁷⁷ which has been repeated in 2018 when repeated attacks have been carried out on churches during Sunday services. On one of the attacks a catholic priest and other church members were killed⁷⁸. Another conspiracy theory which has emerged is that the deliberate laxity on the part of government in combating the violent herders is due to the President Muhamadu Buhari's decision to condone them because they have a shared pastoralist Fulani background and by virtue of his position as the patron of the cattle breeders association (MACBAN⁷⁹). Although there are no facts to confirm these allegations and other Islamic leaders such as the Sultan of Sokoto have publicly frowned at killings by Fulani herdsman and requested that the attackers be punished as criminals⁸⁰. However, despite all condemnations and efforts by the indigenes of the middle belt to solve the problem, attacks are still ongoing till date. Considering the long duration of the crisis, it will take a relatively long duration for the middle belt states and the economy as a whole to recover from the effect of the crisis. A broader spectrum is to take a wholesome look as the cumulative effect of the boko-haram crisis which has not been totally brought to an end and the middle belt region herdsman crisis on the national economy. Persistency of violent attacks spreading from the up-north to the north central will worsen the unresolved problem of poverty and unemployment. It will also worsen the problem of insecurity in the country, as it affects the psychic of witnesses to the killings and makes them predisposed to violent crime wherever they are even after the crisis has been successfully ended.

10. Analysis of Government Approaches to Tackling the Herdsman Crises

Since the herdsman crisis became a serious security issue in Nigeria, government have through its agencies at various levels adopted measures targeted at tackling the problem.

⁷⁷ "Unease Over 'Islamization' plot", The Authority (Abuja), 22 March 2016.

⁷⁸ *Ibid*

⁷⁹ In September 2016, a human rights group, Civil Liberties Organization (CLO), even charged the president for complicity in the herdsman's attacks. No evidence has been provided. "Enugu herdsman attack: CLO accuses Buhari of sponsoring killings", Vanguard, 1 September 2016.

⁸⁰ "Treat killer herders as terrorists", Daily Trust, 13 September 2016.

Although the various efforts can be said to be grossly inadequate as the attacks are still on-going till date. A cursory look at the measure adopted is however necessary to ascertain reasons for its inadequacy and how it can be improved upon. Measures were adopted at the following levels:

a) Measures Adopted at the Federal Level

At the federal level, efforts towards tackling the herder-farmer crisis in the middle-belt region began during the administration of President Goodluck Jonathan. The administration perceived creating grazing reserves. Thus an inter-ministerial technical committee on grazing reserves was set-up in April 2014 to make viable suggestions on how to end the conflicts⁸¹. In addition, a political committee on grazing reserves was set-up simultaneously under the chairmanship of the then Benue state Governor Gabriel Susuam. The recommendation of the latter committee was that all grazing routes encroached by farmers be improved and that cattle ranch be constructed in all the states of the federation funded by federal government through disbursement of 100 billion dollars from the Central Bank of Nigeria (CBN). The recommendations was approved by the National Executive Council (NEC) but was never implemented because the tenure of administration lapsed and the rerun election was lost. The set 100 billion naira was released to state Governments but the ranches were never constructed. There were allegations that the fund was looted, the allegations were investigated by a committee of the House of Representative, formed on the 19th of January 2017, designated to give feed-back in four weeks, but nothing was heard of the outcome of the findings. Similarly the administration of President Muhammadu Buhari gave a directive requiring the Federal Ministry of Agriculture and Rural Development (FMARD) to prepare a standard livestock development plan capable of suppressing the farmer-herder crisis.

The recommendations of the committee was released in August 2015, it included a short term, medium term and long term remedy, among which were creation of grazing reserves and stock routes.

⁸¹The committee included representatives from the federal environment, works, science and technology, interior, and water resources ministries.

Government had the plans of creating cattle ranches at the long-run but in the interim, state Governments set plans to map-out grazing areas as temporary alternative solutions to be made available to cattle owners⁸². The plan was rejected in most central and southern states and perceived as granting undue advantage to the Fulani herders. In response to the rejection, the Minister for Agriculture Audu Ogbe stated that the National Assembly has been sent a bill which prohibits roaming of cows both in urban and rural areas including villages and cities. There were assertions that fast growing grasses with maturity period of about three months had been ordered from Brazil by government, to be planted for feeding cattle by herders. However, both the bill banning roaming of cows and the fast growing grasses were never materialized by government⁸³.

b) Response through the National Security System

Agents of national security are inclusive of agents of criminal justice through which crime is prevented, managed and punished to promote security of lives and properties. At the federal level, security agencies include the Nigerian Police Force (NPF) and the National Security and Civil Defence Corp (NSCDC). On a general note, the NPF and NSCDC are known to be inefficient. The performance of the NPF is nothing to write home about in terms of ability to protect lives and properties on a daily basis. One of the factors responsible for the poor performance of the NPF is the alarming rate of corruption⁸⁴. Because the police are an emblem of social justice, public order and morality, corruption within the NPF has led to loss of hope in the rule of law, the state's ability to promote equality and fairness hence the high rate jungle justice and self-help as an instrument of criminal justice in the country. There are countless cases of

⁸² How I plan to end Fulani herdsmen, farmers' clashes – Buhari”, Premium Times, 25 January 2016.

⁸³ “Why we are importing grass, by minister of agriculture”, Vanguard, 25 March 2016.; “Agatu massacre: Nigeria deploys troops, to ban cattle from villages, cities”, Premium Times, 3 March 2016.

⁸⁴N. Adegoke 'The Nigerian Police and the Challenges of Insecurity in Nigeria' Review of Public Administration and Management Vol. 3, No. 6, December 2014

police connivance with criminals by failing to visit the scene of an on-going crime, release of suspects from custody with hold investigation, street extortion, stealing from suspects and victims of crime, stealing from crime scenes, supply of weapons to criminals, sharing in proceeds of crime and robbing innocent citizens⁸⁵. The performance of the NPF has been traced to several factors including lack of requisite autonomy, poor funding, lack of adequate training and sensitization, poor remuneration which points accusative finger at government and call for police reform in order to improve their performance⁸⁶.

The same level of laxity applied to other cases has been displayed in cases involving the herder-farmer clashes. The presence of the federal security agencies is rarely felt within the rural communities. Often times, they fail to respond promptly to prevent an attack, rescue the victims who make distress call by neutralizing an ongoing attack but only visit the various communities after the damage has been done. This has resulted in resort to self defence, revenge and reprisal attacks. Instance of actual arrest and prosecution of both farmers and herders for illegal possession of fire arms are relatively low⁸⁷.

The poor performance of the law enforcement agencies has produced serious adverse effects on the performance of the criminal justice system. The difficulty of ending the herder-farmer crisis is also hinged on the practice of treating communal clashes as political acts rather than reacting to it as crime and applying the relevant criminal law provisions in order to deter future occurrence. Where commission of enquires are established to examine the possible causes and solution to ethno- communal clashes, recommendations made are usually targeted at conciliation which creates the impression that crime and impunity can be

⁸⁵ A. Oluwarotimi, (2012). US to use more Balanced Security Strategy to Fight Insecurity in Nigeria, Lagos, Leadership Newspaper

⁸⁶ MB. Abdulkadir, (2004). Measuring Police Effectiveness in Nigeria; An Evaluation of Input and Output in Crime and Policing in Nigeria; Challenges and Options. CLEEN Foundation, Lagos. Pp 111-115

⁸⁷“Two Fulani herdsman jailed 20 years for illegal arms”, The Nation, 17 May 2016; “Court sentences 15-year-old killer herdsman to death for murder”, The Punch, 10 May 2017.

condoned⁸⁸. The failure to subject crimes committed during crisis situations such as the current herder-farmer clashes as serious crime accounts for the general difficulty of ending the inter-group clashes and drives violent crime, impunity and insecurity within the system. For instance, the ZakiBiam massacre was carried-out under the disguise of the herder-farmer attacks with the hope that it will be overlooked in the same manner.

The response of national security system to the current herdsmen crisis under the present administration of President Muhammadu Buhari is particularly perturbing. Security response has been obviously relaxed creating an atmosphere of condoning the attacks thus indulging the attackers to keep-up the attacks. For instance, following an attack that killed hundreds of people in ten farming villages in Agatu area of Benue state, the president order an investigation in February 2016 in response to public outcry⁸⁹. However, the report of the investigation was neither made public nor acted upon. In a similar pattern, on the 24th April 2014, the Buhari administration announced through the information minister that Government is working silently to bring an end to the violence, but the effect of the underground efforts is far from being felt⁹⁰. Also, the attack on Ukpabi Nimbo in Enugu State the president ordered the police and military in April 2016 to end the attacks yet it has been two years after and the herders are still killing people in the middle belt almost on a daily basis⁹¹. Considering the proactive response of the present administration to other national issues especially the problem of corruption, adoption of the whistle blowing policy and the trial and sentencing of corrupt public officials, one cannot help but notice the poor response to herder-farmer clashes despite its severity and far reaching consequences.

⁸⁸ “Governments only set up panels to buy time, and when the problem drops from the headlines, they go back to business as usual”. Crisis Group interview, civil society leader, Abuja, 12 February 2017

⁸⁹ In spite of a public admission by the national secretary of a Fulani Group, Gan Allah Fulani Association, Saleh Bayeri, that the attack was a reprisal for the Agatu's alleged killing of a prominent Fulani man in 2013, no arrests were made, no suspects charged. See: “Exclusive: Why we struck in Agatu — Fulani herdsmen”, Premium Times, 19 March 2016.

⁹⁰ Nigerian government working 'silently' to resolve herdsmen/farmers clashes – Lai Mohammed”, Premium Times, 24 April 2016.

⁹¹ “Buhari breaks silence, orders 'herdsmen' brought to justice”, Premium Times, 27 April 2016.

c) State Response

As a result of the inadequacies of the efforts of the federal government to bring an end to destruction of lives and properties attributed to the herder-farmer crisis in the middle belt, the states with the highest casualties have resorted to adoption of measures targeted at solving the problem. At the initial stage, communal alternative dispute settlement measures were adopted in the form of establishment of peace commission which created avenue for dialogue between the leaders of the farmers and herders⁹². Subsequent attacks proved that the dialogue was not sufficient to cater for the magnitude of the crisis at hand. Consequently, some of the states resorted to enactment of laws to prevent uncontrolled raring of animals to protect cultivated land and destruction of farm produce. Among such laws are the Ekiti State Prohibition of Cattle and Other Ruminants Grazing in Ekiti, the Anti-grazing and Cattle Ranches Establishment Law of Taraba State, The FCT Grazing Law, the Prohibition of Open Livestock Grazing an Establishment of Ranches Law of Benue State⁹³. Although enactment of these laws was born out of necessity, their legality is a debatable matter as their operation may be in breach of constitutionally guaranteed rights⁹⁴. In addition, the persistency of the mindless killings of innocent citizens and continued property destruction points at the inability of the laws in solving the problem at hand and necessitate a look at other alternative measures.

A fact that is undeniable is that law making is not the problem in Nigeria rather; enforcement of existing laws poses the major challenge. In those regions where open grazing have been prohibited, including the FCT herders are found to be raring their farm animals openly and freely. In fact, there are predictions that anti-open grazing law is actually responsible for increased attacks in Benue state.

⁹² Herdsmen/farmers clashes: Nigerian Govt. proposes ranches, herdsmen insist on grazing routes”, Premium Times, 1 May 2016

⁹³ How to Resolve Herdsmen Crisis – Nigerian Working Group (Premium Times, 9th June 2018.)

⁹⁴ “A.G. *OGUN STATE V. ALHAJA AYINKE ABERUAGBA* (1985) 1 NWLR PG. 395”

11. The Role of Functional Criminal Justice System in Stemming the Tide of Herder-Farmer Crisis in Nigeria

One of the primary functions of law is the maintenance social order by prevention of chaos. This function is carried out through the existence of laws which designate unacceptable societal behaviors and prescribe punishment for the breach of such laws. Any act or omission short of acceptable societal standards amounts to a crime or misdemeanor punishable within the specific provisions of relevant laws. The existence of a functional criminal justice system is central to preserving sanity in the society, in the absence of which the weak and defenseless will be at the mercy of the rich and powerful. The primary function of Government which is protection of lives and properties can only be adequately performed through the existence of a functional criminal justice system. The ability of the state to promptly and adequately punish crime reassures the victim whose personal liberty is been infringed and uphold the people's trust in the ability of government to maintain equity and fairness⁹⁵.

Punishment is the tool through which the criminal justice system functions, it is the process by which statutorily specified sanction is made applicable to an offender as penalty for the crime committed. The objectives of criminal justice especially deterrence can only be achieved when crime is punished. In fact, to the utilitarian, the main goal of punishment is to achieve deterrence which helps to restore sanity and hope to the society⁹⁶.

Since the return to democratic dispensation in 1999, the Nigerian criminal justice system has gradually been whittled-down to the current level of complete failure that is seen today. A reflection of this failure is seen in the alarming level of insecurity in the country. On a daily basis, there is a high frequency of occurrence of crime committed by insurgents, criminal gangs, religious extremists and individuals.

⁹⁵ H. Thomas, ON THE CITIZEN 26-31 (Richard Tuck & Michael Silverthorne eds., Cambridge University Press 1998) (1642)

⁹⁶ H.L.A. Hartt, Prolegomenon to the Principles of Punishment, in Punishment and Responsibility 1, 8 (5th ed. 1982).

Crime is manifested at every level of the society including the family, as a large proportion of the population have become predisposed to crime. Cases of armed robbery, kidnapping, ritual killing, cultism, rape, drug-trafficking, illegal arms deal, murder and insurgency are parts of daily news. This mirrors the failure of the criminal justice system. A host of factors account for the poor performance of the criminal justice system including structural composition of the institutions operating as agents of criminal justice such as the NPF and the courts laxity in the enforcement of relevant laws remain a major factor. The poor performance of the police as public prosecutor in the investigation and prosecution of cases, prison congestion, court room congestion, cumulatively affect the failure of the punishment system to actually deter crime⁹⁷.

Inter-group conflict is one of the major drivers of insecurity in Nigeria. This may take the form of ethno-religious clashes, political clashes, ethno-cultural conflicts or inter-communal clashes. Nigeria has a history of recurring inter-group conflict, with conflicts arising in different parts of the country consecutively or concurrently. Most of such clashes record high causality as thousands are killed, hundreds displaced and valuable properties destroyed. In order to preserve national security, the pattern of recurring inter-group conflict must be brought to an end⁹⁸. It is therefore crucial to take a closer look at inter-group clashes in order to prevent future reoccurrence.

One of the factors responsible for the recurring inter-group clashes in Nigeria is the failure to allow the criminal justice system to function during such times. Crimes committed during inter-group clashes are often treated as political without a clear record of sentencing culprits even with the existence of unequivocal evidence⁹⁹. Consequently, the gravity of stating communal clashes as an offence is unknown to the general public. Likewise the need to deter crime whether in times of peace or chaos is unknown.

⁹⁷EO Innocent & A. Onyishi, (2011). The challenge of insecurity in Nigeria; Athematic, Exposition. Interdisciplinary Journal of Contemporary Research in Business, vol.3 no 8. December, 2011

⁹⁸ B. Salawu, (2010). Ethno-religious conflicts in Nigeria: Causal analysis and proposals for new management strategies, European Journal of Social Sciences 12(3), 345-33.

⁹⁹“Governments only set up panels to buy time, and when the problem drops from the headlines, they go back to business as usual”. Crisis Group interview, civil society leader, Abuja, 12 February 2017.

12. Conclusion and Recommendations

Nigeria has developed the culture of letting persons alleged of crime go untried and unpunished. Governance failure and evolution of the society has rendered the criminal justice system redundant and unresponsive to major crimes. An analogy can be drawn from the war against crime in the 70s and 80s. In the 80s when Nigeria was battling drug trafficking, decisive steps were taken and there were numerous instances of criminal justice taking its course on crime and convicts. This was applicable to popular criminals like Lawrence Anini, influential politicians and the petty criminals among the masses without discrimination. Unfortunately, as the nation returned to democracy, government began to lose grasp of the most critical essence of government and governance; the security of lives and property. Heightened corruption made excess funds available to political “god” fathers who acquire arms for thugs. Criminal justice in Nigeria has gotten to a stage whereby there are a set of laws for the rich and another set of laws for the poor. The wealthy and influential can get away with mere pat on the back for crimes, including capital offences. Consequently, the masses have also taken to violent crimes. Suspects get away with murder, manslaughter, corruption of all kinds, and all manner of crimes. This created the sense of permissibility, condone and indulge for crime and criminals.

The same attitude has been shown to ethno-cultural clashes. Incidents of deadly clashes were never fully investigated and all parties involved in the incitement, conspiracy and commission of various connected crimes properly punished. A crime committed in the course of an inter-group conflict is perceived as political rather than criminal. Consequently, from the Maitatsine clashes, Offa-erinle conflict, Ife-Modakeke conflict, to the Boko-haram killings and now the deadly herder-farmer clashes, there are few records of a logically conclusive police investigation, trial and sentencing. Several of these cases have lingered in courts, for years. This has further encouraged criminal behavior, general impunity and crime. Cases of jungle justice to which numerous lives are lost are usually not followed-up by the police, this defiles deterrence as an objective of punishment, particularly general deterrence. Thus, besides fighting the herder farmer clashes, the Nigerian criminal justice system must be properly reformed to avoid reoccurrence of violent crimes in the country.

The law must be permitted to take its course when a crime has been committed, regardless of the circumstances surrounding it. Like the high rate of crime and insecurity in the country, the herder-farmer crises have been found to be multidimensional in nature. They are traced to several causes. Yet, incorporation, adoption and implementation of social inclusion policies will go a long way to reduce the rate of crime, while ensuring that the criminal justice system is functional, through enforcement of relevant criminal laws to achieve deterrence needed to combat crime and suppress insurgency and inter-group clashes in the country.

This study therefore recommends the strengthening of institutional capacity needed for the operation of a proactive criminal justice system. The structure of the institutions constituting the agents of criminal justice should be improved in terms of merit-based recruitment procedure, improved remuneration, promotion and other terms of employment, periodic training etc. There is need to enforce relevant criminal laws as and when necessary, prosecute cases to closure to enable the people understand the correlation of crime and punishment, deter crime and rejuvenate confidence in the ability of the state to protect lives and property. This is necessary to eliminate the need for revenge, avenge and self-help. Government must consistently invest in critical infrastructure in order to whittle-down the effects of changes in weather and climatic conditions which reduces available natural resources. Basic functional infrastructure including transportation, water system, and energy must be improved to meet the need of the growing population. There is a dire-need for investment in other productive non-petroleum economic sectors like agriculture, mines and minerals, maritime etc to improve the nation's income and further create jobs. Suitable policies must be adopted to ameliorate effects of environmental changes like desertification, erosion, deforestation to reduce the impact of national geographical changes.

There is need to embark on large scale police reforms, involving decentralization of the NPF into a well structured community policing system targeted at meeting grass-root security needs of the people. This will rejuvenate trust in national security, and grant the police requisite

flexibility needed for basic interaction with the community, to identify persons predisposed to crime, how to help them and make the police more responsive to distress calls and security emergencies. Community policing will help understand and solve the problem of rural banditry and cattle rustling. The reform of the NPF must incorporate increased autonomy which calls for amendment of Section 215 (3) of the 1999 constitution and Section 9(4), 10(1-2) of the Police Act, to grant the police force requisite operational control needed to eliminate dependency on the executive arm to avoid influencing investigation and trial of political cases.

Government must adopt decisive and proactive measures to address the problem of border porosity which breeds trans-national organized crime and free movement of criminals across national boundaries. The perviousness of Nigerian borders is one of the factors responsible for the difficulty of ending both the Boko Haram Insurgency and the herder-farmer crisis as violent herders keep calling for reinforcement from their tribe across and beyond national boundary, made easy because of the porosity of Nigerian borders. The loose border security creates avenue for easy movement of small arms and light weapons into the country enable create avenue for the proliferation of militants and criminal gangs¹⁰⁰. Criminals and illegal migrants from Chad, Niger and Benin republic are known to instigate crime in the country. Some of the violent herdsman have being found to be foreigners while some of the guns used for attacks have been traced to gangs from Libya.

¹⁰⁰ GL, Adeola, & F. Oluyemi, (2012). The political and security implications of cross border migration between Nigeria and her francophone neighbours, *International Journal of Social Science Tomorrow* 1(3), 1-9.