



POLICY BRIEF

March, 2021

Ondo State Government's Ultimatum to Fulani Herdsmen:

Matters Arising

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Summary

The brief captures the declining state of security in Nigeria, with specific focus on herders-farmers conflict that has taken new shapes and dimensions in recent times. It demonstrates that herdsmen activities are among the main sources of insecurity in the country, which have compelled some state governments to, among other things create regional security outfit, and enact and adopt new laws to protect their citizens. The Ondo state government, for example, gave a seven-day ultimatum on January 18, 2021 to the herdsmen to, among other things, vacate the state's forest reserves. The order, has however, raised a number of issues, including the issues of legality and of the social and economic implications on the state and the country in general. We found out that the order given by the Ondo state governor does not contradict the 1999 Constitution (as amended) and laws regarding land, especially because of the need to protect the lives and property of the citizens. The order would however engender some untoward social consequences, including rupturing of inter-ethnic ties/relations between Fulani and Yoruba people in the state, as well as some negative economic consequences such as reduction in available revenue for economic development due to possible increase in budgetary allocations to measures to enforce the order. Based on the findings the following are suggested:

- The National Assembly and the House Committees on Police Affairs and other security agencies may summon the leadership of the Nigeria Police Force and other security agencies to ensure the enforcement of States' laws on anti-open grazing in affected states;
- Both federal and state governments should take the issue of protection of lives and properties seriously as provided for under the 1999 Constitutions (as amended);
- State governments should make proper arrangement for the registration of the herdsmen in their states;
- State government should operate an inclusive governing process where all stakeholders are involved in making decisions in order to build trust among the various groups in the State.
- Fulani herdsmen leadership should collaborate with the various states and security agencies to identify the bad herders and punished them accordingly;
- Federal and state governments may adopt the ranching system as it is operated in other parts of the world.



- Community policing may be encouraged by the government, using the existing vigilante systems in most states of the country to gather information and provide any other support to security agencies.

Introduction

The declining state of security globally is gradually taking new shapes and dimensions in many countries,¹ Nigeria inclusive. Nigeria for example, is facing rising cases of banditry, kidnapping, insurgency, herders-farmers conflicts amongst others. In the case of herders-farmers conflicts, some have pointed to the herdsmen as the major source of insecurity in the North Central and South West of the country, where residents, especially those in the farming communities have increasingly become fearful of Fulani herdsmen and their cows, which they tagged terror.²

The nefarious activities of the herdsmen ranged from killing, raping, destruction of farmlands and properties to displacement of persons in different parts of Nigeria. It has been estimated that about 13,726 persons were killed and at least sixty-two thousand (62,000) people displaced from their communities by Fulani armed-herdsmen between 2014 and 2018.³ In another report, Fulani herdsmen were alleged to have been involved in about 654 attacks, killed 2,539 and kidnapped 253 people in Nigeria between 2017 and May 2, 2020.⁴

Due to the spate of violence in the country, the government has been under pressure to address the situation. Consequently, some state governments have created regional security outfit, such as Amotekun by states in the South-west, and relied on extant laws such as the Land Use Act (1978), the Trade Cattle Tax Law (2006), and the 1999 Constitution (as amended), as well as adopted new laws, including legislations against open grazing, and introduced new orders. An example is Ondo state, where on Monday 18th January, 2021 the state government responded to the nefarious and barbaric activities of Fulani herdsmen, which have been causing serious threat to lives and property in the state,⁵ with an order that, among other things, mandated the herdsmen to vacate the State's forest reserves within seven days. The order issued by the State governor specifies that:

1. All Forest Reserves in Ondo State are to be vacated by herdsmen within 7 days with effect from Monday 18th January, 2021;

¹ Abubakar Mohammed & Yahaya Tanko Baba (2018) Herdsmen-Farmers' Conflicts and Rising Security Threats in Nigeria Studies in Politics and Society (Thematic Edition), Vol. 7

² Martin Patience (10 August, 2016). Nigeria's deadly battle for land: Herdsmen v farmers. Available on <https://www.bbc.com/news/world-africa-37021044>. Accessed 4th February, 2021.

³ *ibid*

⁴ Bazan, J. L. (2020). Fulani Militias' Terror: Compilation of News (2017 – 2020). *Working Paper, Brussels, 16 May, 2020*. Available on https://www.academia.edu/43413000/Fulani_militias_terror_2017_2020. Accessed January 26th, 2021.

⁵ <https://www.premiumtimesng.com/regional/ssouth-west/437165-akeredolu-orders-herdsmen-to-vacate-ondo-forests-within-seven-days.html>

2. Night-grazing is banned with immediate effect because most farm destruction takes place at night;
3. Movement of cattle within cities and highways is prohibited;
4. Underage grazing of cattle is outlawed.

In response, however, the Northern Elders Forum (NEF) and the presidency asked the Ondo State government to withdraw/rescind the order and instead dialogue with the leadership of the Fulani communities in the State.⁶ The action of the Ondo State government however raises a number of fundamental issues, two of which this brief seeks to interrogate. These are, the legality or otherwise of the order issued by the state governor (i.e. whether or not the State government has the right and power to issue such an order) and the possible social and economic implications of the order on the herdsmen, the people of Ondo State and the country in general

Content

The activities of Fulani herdsmen in Ondo state necessitated a meeting of the governor and leaders of the Hausa/Fulani and Ebira communities in the state, which led to the issuing of a 7-day ultimatum to herders who have encroached on state's forest reserves. The order stated that herders are to register or vacate the state's forest reserve permanently as the case may be. It also placed a ban on night grazing; and prohibited the movement of cattle within cities and highways as well as outlawed underage grazing of cattle.⁷ This order was the state's attempt to provide security; identify genuine occupants of its forest reserves, through registration, and expose criminal elements who hide in the forest reserves disguising as herdsmen.

A review of the action showed that the Governor of Ondo State applied the aged long laws and the constitution in his seven-day eviction order to herdsmen. The legal documents that backed up the state order include:

- i. Nigerian 1999 Constitution (as amended), especially, Sections 14(2)(b) and 315 (5);
- ii. The Land Use Act; and
- iii. The Trade Cattle Tax Law of Ondo State, promulgated as far back as 1969 (amended in 2006).

Meanwhile, the Ondo State government's ultimatum to Fulani herders in the state would likely have some broad social and economic implications. Socially, it may leave the State in a situation of an impending anarchy which can sever and reduce quality relations between the indigenes and the Fulani herdsmen who have lived in the state for many years. It can also lead to forceful eviction of the Fulani herdsmen, which may lead to ethnic conflict that spiral to other states in the country. Other social effects are loss of lives, reduction of social support, increase in rape cases, displacement of farmers/herders, infrastructural damages etc. The likely

⁶ <https://www.premiumtimesng.com/regional/ssouth-west/437770-northern-elders-yoruba-elders-disagree-over-akeredolus-quit-notice-to-herdsmen.html>

⁷ The Guardian Newspaper Editorial (25 January, 2021). Ondo State, presidency and its deadly herdsmen. Available on <https://guardian.ng/opinion/ondo-state-presidency-and-its-deadly-herdsmen/>. Accessed on January 27th, 2021.

economic implications include food inflation arising from destruction of farmlands by herders; loss of revenue by the state for economic development due to diversion of its budgetary allocations for the purpose of providing security; reduction in agricultural output and income of farmers and herders in the state, and creation of an environment that discourages investors, both domestic and foreign.

Areas for Legislative Consideration

Following the increase in threats to security in Nigeria, the following recommendations are made:

- i. The National Assembly and the House Committees on Police Affairs and other Security Agencies may summon the leadership of the Nigeria Police Force and other security agencies to ensure the enforcement of States laws on anti-open grazing in affected states;
- ii. Both the federal and state governments should take the issue of protection of lives and properties seriously as provided for in the 1999 Constitutions (as amended);
- iii. State governments should make proper arrangement for the registration of the herdsmen in their States;
- iv. State governments should operate an inclusive governing process where all stakeholders, including Fulani herdsmen, farmers and others are involved in making decisions in order to build trust among the groups in the State.
- v. The Miyetti Allah Cattle Breeders Association of Nigeria (the umbrella body for Fulani herdsmen) should collaborate with the various state governments and security agencies to identify the bad herders in their group and punish them accordingly;
- vi. Federal Government should ban open grazing and encourage establishment of private ranches as it is operated in other parts of the world. This will reduce/curb incessant clashes between herders and farming communities.
- vii. Community policing may be encouraged by the government, using the existing para-military organisations in most states of the country to gather information on the criminal activities of herdsmen and provide any other support to government security agencies.

Conclusion

This brief examined the increasing and alarming rate of insecurity Nigeria. It therefore concluded that it is imperative for the federal government to articulate and introduce policies and measures that ensure protection of lives and properties of Nigerians.



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