Institutional parameters that condition farmer–herder conflicts in Tivland of Benue State, Nigeria

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Introduction

Institutional factors surrounding farmers and herders comprises the differences in culture, traditions, knowledge, attitude, and tenure arrangements of farmers and herders in relation to their livelihood practices which shape the nature and character of the intergroup relations between them in Tivland of Benue State, Nigeria. Farmers and herders have co-existed for ages, building relations, reciprocity, product exchange, and support.[1] However, with the passage of time, the once peaceful and symbiotic relationship between farmers and herders has transformed and become characterised by frequent conflict over land contestation, farm trespass/crop damage, and desecration/contamination of water sources, rape, cattle rustling, compensation, extortion and large scale violence.

Conflicts between farmers and herders are intricate confrontations that are induced and exacerbated by ecological exigencies and ethnicity (Premium Time, January 10, 2013). The conflicts have been linked to institutional arrangements of farmers and herders,[2] and the complicity of the state of Nigeria in responding to farmer–herder conflicts and their livelihood related issues.[3] In Tivland of Benue State, Nigeria, the conflicts have been going on since the 1980s and escalating every year into higher dimensions.[4]

Of particular importance is the fact that prior to this time, the movement of herders into Tiv territories in Benue State were originally cyclical, in the form of seasonal southward movement during the dry season and reverse movement when the rain returned.[5] The original cyclical herder's voyage style in Tivland was over time, altered, and began to happen all year round.[6] While farmer–herder conflicts took place in the past, they were insignificant compared to when herders jettisoned their earlier conditions of entry and seasonal migration pattern for permanent residency in Tivland.[7]

Incidentally, in the height of the rainy season, livestock grazing overlaps considerably with farmer's cultivation season which puts farmers and herders on a collision course over farm trespass and crop damage.[8] Historically, the admittance of the herdsmen into Tivland needed to be conferred by traditional authorities who permitted the herders to inhabit the neighbourhood earmarked for their temporary occupancy in line with Tiv native customs. The herdsmen (mostly the Fulani) solicited guidance from willing community members to lead them to areas with lush vegetation to avoid farm trespass. The destruction of crops by stray animals attracted adequate compensation.[9]

However, institutional transformations led by the Nigerian state and politics of the West African sub-region created some institutional interference with the coexistence of the two groups. On the part of the Nigerian State, her land use decree enacted in 1978 placed all land in the hands of the government. Reinforcing this new decree is the constitutional provision of the freedom of movement by which every Nigerian can freely move to any other part of the country without hindrance. These institutional factors from the state tended to compromise the claim of the Tiv over their ancestral lands and also

created a basis for questioning any resistance against free movement of herders around any part of Nigeria.[10] Thus, in the 1980s and the beginning of the 1990s the originally bargained entry pattern that was mediated by the norms of traditional institutions was jettisoned and the traditional entry conditions negotiated with community gatekeepers were no longer observed.[11]

Another institutional factor that contributes to these changes in the farmer–herder relations originated from the Economic Community of the West African States (ECOWAS) namely the transhumance protocol which provided for the free movement of persons and livestock across the sub-region to promote the development of livestock in West Africa. These two institutional arrangements appeared to supersede earlier agreements between farmers and herdsmen.[12] Consequently, the earlier cooperative interaction between farmers and herders supported by the traditional institution was compromised, based on violations of earlier basis of entry. This violation featured prominently in the failure to negotiate the number of herdsmen to enter the communities and thus affected the capacity to control the grazing behaviour of some herders. Similarly, the herders increasingly exhibited hesitation towards compensating for crop damages hitherto based on established mechanisms through which disputes between these interdependent parties were resolved.[13]

Consequently the attitude of the Tiv communities transformed and became hesitant to further confer the request for admittance by herdsmen and their livestock. It bears mention that this request for admittance was increasingly ignored by the herdsmen based on an impetus that derives from an interpretation of the constitution over freedom of movement and land ownership. Thus, the increasing spate of declined requests of entry into Tivland by the community resulted in entries that met resistance and violence.[14] The resulting conflicts have recorded various degrees of consequences ranging from psychological trauma, economic dislocation and security challenges.[15]

An impact assessment of the conflicts conducted by the Benue State Government of areas affected by the conflicts indicate that a total of 212,260 persons were displaced as at 2014 while over 11,700 persons are estimated to have lost their lives in the farmer–herder conflicts.[16] The report also claims that more than 36,500 displaced persons from neighbouring states of Taraba, Nassarawa and Kogi were taking refuge in Benue State as a result of similar conflicts in their states.[17] In terms of the value of household assets lost in Benue state, it is estimated at US $6.374 billion. The value of foodstuff and tree crops lost in the crises is placed at US $23.886 billion while the total value of losses of livestock is estimated to be US $3.198 billion and the total number of houses destroyed during the crises as at 2014 stood at 343,502.[18]

Similarly, the total number of villages destroyed in Guma, Gwer-west, Katsina-Ala, Kwande, Logo and Makurdi local government areas in the 2014 conflicts were: 439, 18; 143, 368, 153; and 312 respectively. The worth of public facilities (schools, health centres and worship centres) destroyed in the affected local governments were valued at US $2.229 billion.[19] What we can add to these findings is that the losses in the affected communities reinforces the poverty situation, causes rural-urban dislocation, worsens the crime levels due to loss of livelihood, reduces incentives for engaging in agriculture because of insecurity, and damages the local economy and food security.

Understanding the institutional underpinnings of agrarian conflict: the theory of the New Institutionalism

The study is anchored on the theory of New Institutionalism propounded by James G. March and Johan P. Olsen in 1984. The theory parades the lack of absolute hegemony of political institutions, the likelihood of ineptness of antecedents, and the significance of examining overt behaviour in the quest to comprehend politics.[20] The theory of the New Institutionalism can fittingly explain how institutional parameters underpin the agrarian conflicts in Nigeria especially the conflicts between cattle herders and crop farmers in Benue state, Nigeria. Premised on methodological individualism, the theory of the New Institutionalism categorises the institutional parameters into traditional institutions and formal political institutions and articulates their role in minimising or escalating transaction costs in resource management.[21] The thrust of this new theoretical is its relevance in explaining the correlation between state policies, regional and international institutional arrangements which purportedly reflects the trend of globalisation and global change processes and how these interfere with the agrarian livelihood practices and traditional institutional arrangements that were developed and practiced by the agrarian population.[22] One of the thematic areas of the theory of New Institutionalism germane to the natural resource common property approach to resource management is its critique of the Tragedy of the Commons theory by Hardin of 1968.[23]

The critique of the Hardin's Tragedy of the Commons theory is anchored on instances where institutions, make conform, the sustainable use of common property resources and in others where there exist the absence of these regulatory standards or better still, they fall short of expectations.[24] Ostrom's critique of Hardin's Commons Tragedy is anchored on its seeming institutionalisation of abhorrence to cooperation, rationality and the logic of collective action and responsibility in use and management of natural resource common.[25] Beyond the critique of Hardin's Tragedy of the Commons theory, the theory of the New Institutionalism elucidates how the globalisation trend experienced in economic, political, demographic and technological processes; alterations result in variations in prices of goods and the terms of trade. Consequently, modifications in local arrangements foster alterations in informal, local institutions, prolific and tenure arrangements and negotiations rights.[26]

In relation to the farmer-herder conflicts in Tivland of Benue State, Nigeria, we can employ New Institutionalism to explore how institutional elements developed at different times and have transcended the traditional instruments of agrarian relations and have inadvertently contributed to the growth of tensions and escalation of conflicts between farmers and herders. Several causes and escalators of the conflicts, as already well accounted for in the literature, indicate that there are subtle but significant institutional factors that bear interest and analysis.[27] Following the historical trajectory of relations between farmers and herders, cracks began to appear at the point where the traditional institutions that mediated interactions between them were relegated to the background of formal institutional parameters.[28]

To be sure, farmers and herders enjoyed appreciable levels of cordial relations in Tivland when the basis of their coexistence was regulated by traditional institutional norms until

such a time when the latter was suffocated by emerging formal political institutions and associated interests.[29] Thus, factors precipitating conflicts between farmers and herders in Tivland of Benue State, Nigeria can be contextualised within the policy and legal undercurrents which divides farmers and herders on the basis of their co-existence.[30] These institutional parameters are domestic and or external policy/legal regimes like Nigeria's land use laws, customary land laws, human rights provision of the Nigerian constitution, Benue State laws on livestock control and the subregional protocol of the Economic Community of West African States (ECOWAS) on transhumance in which actors in the conflicts anchor their conflicting claims and actions.[31]

A perfunctory nostalgia at the intergroup relations between farmers and herders when the traditional institutional norms held sway indicate that farmers and herders co-existed for ages, building relations of reciprocity, product exchange, and support.[32] During this time, entry into Tivland was bargained with recognised community leaders, bargained entry terms were adhered to, and herders were disposed to peaceful resolution of conflicts over any damage and adequate compensation arbitrated by the community justice system.[33] In their commitment to peaceful coexistence, herders enlisted the services of community members to guard them along paths away from the farms to avoid farm trespass and crop damage. The mutual respect for bargained entry terms during the era of cyclical movement of herders into Tivland accounted for the peaceful relations that endured at the time.[34]

Nevertheless, the once peaceful coexistence began to dwindle in the face of emerging formal political institutional arrangements that became prioritised over the traditional institutional norms that regulated farmer–herder peaceful relations. This emerging trend surfaced with the enactment of the Land Use Decree of 1978. This was further strengthened by the ECOWAS Protocol on Transhumance 1988 and the fundamental human rights provision of the Nigerian 1999 Constitution (as amended). A recent institutional parameter that tends to deepen the already fragile peace between farmers and herders in Benue State in particular is the Open Grazing Prohibition and Ranches Establishment Law of 2017.[35] Conversely, changes in the livestock ownership structure in the African pastoral societies that transformed the proprietorship arrangement of livestock and gave rise to a new class of absentee herd owners and hired proxies, re-enforced the proletarisation of pastoralists labour and worsened the hitherto existing inequality in the pastoralist societies and bears interest and analysis.[36]

These institutional frameworks evolved at various times, overwhelming the traditional institutional arrangements that guided agrarian relations in the country. This new institutional order latently deepened the tensions and exacerbated conflicts between farmers and herders premised on the subjective understanding of their content, which created consequences different from what was originally intended.[37] It is important to note that the Land Use Decree of 1978 undermined the existing customary land ownership by placing all lands in the jurisdiction of the government. By this new arrangement, it became imprudent for herders to continue with their traditional practice of negotiating entry into communities to practice their livelihood.[38]

The land use law was consolidated by the West African sub-regional protocol on transhumance, meant to support livestock farming in West Africa through creation of

easy movement of animals within the sub-region, upon fulfilling defined conditions. Both the land law and ECOWAS Protocol on Transhumance have been reinforced by the deep-seated human rights condition of the Nigerian Constitution that guarantee the freedom of movement as well as the liberty of Nigerians to inhabit any part of the country practicing their livelihood.[39] Correspondingly, while farmers are inclined to the traditional institutional norms that purport to accommodate their customary ownership of land, herders prioritise the new political institutions that seemingly give them unencumbered access to lands that hitherto required the permission of farmers to be accessed. This evolving trend induced and exacerbated alterations in the relations between farmers and herders and the altercations that have ensued.[40] The climax of these institutional elements that divide farmers and herders over the basis of their coexistence is the enactment of the Open Grazing Prohibition and Establishment of Ranches Law by the Benue State government.[41] Both institutional elements are expected to curb violence and the conditions leading to aggressive interactions between herders and farmers. Based on these institutional parameters, actors in Nigeria's farmer–herder conflicts present contrasting interpretations and claims which happen to be important but unexplored sources of tension in the local agrarian relations. Thus, tensions in terms of conflicts between traditional norms of land ownership and modern political and legal regulatory capacity of the state are important components of the origin and continuity of the farmer–herder conflicts in Benue state, Nigeria.[42]

Like Haller, we observe that while some traditional institutional arrangements have survived the tide of alterations because they are amendable to monetary needs; those with potential for fostering sustainable use of natural resources many a time get suffocated on the premise of encumbering the access of power individuals within and outside the group to monetary gains.[43] Thus, the Nigerian state has a major state-building challenge that may only be overcome by a systematic reconsideration of the meeting points between some of the culturally rooted practices that are taken for granted in framing the policies and laws of group relations in the country.

Institutional transformations and changes in relations between farmers and herders

The methodology adopted for this paper is purely conceptual and qualitative in nature derived from a literature review of published works on farmer–herder conflicts and institutions and how they mediate or precipitate the natural resource conflicts between farmers and transhumance.

The institutional transformations of the late 1970s and 1980s conveyed through policy and legal parameters such as the Land Use Decree of 1978 established by the Nigerian state and consolidated by the politics of the West African sub-region, the Nigeria Constitution 1999 (as amended) the Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017 etc reflect institutional interference that meddled in the coexistence of the two groups and thus transformed their intergroup relations.[44]

Traditional institutions and agrarian relations

As with the Tiv of central Nigeria, the landholding practice in Hausa-land has evolved over time. In the case of Hausa-land, the Usman dan Fodio nineteenth century jihad conquered Hausa-land and brought all lands in the Hausa territories under the Sokoto

Sultanate, the political leadership of the Fulani Empire. Landholding was then anchored on organised Maliki Islamic laws of inheritance. Basically, land became the property of the state which alone could administer same.[45]

Interestingly, the vesting of the sole responsibility of administering lands in Hausa territories in the juridical personality of the Sultan of Sokoto was designed to peddle and perpetuate the hegemony of the caliphate over the emirates and ensure that conquered territories were not reclaimed.[46] Under the said tenure arrangements, granting usufructory rights was the prerogative of the caliphate as bequeathing and selling of same was abhorred.[47] Prior to the advent of the British colonialists, landholding in the Hausa-north was predicated on a trio of factors ranging from Sharia law, local customs and prerogative of the political power.[48] Land as advocated by the Sharia law represented Allah's (God's) benevolence to all men and so was considered a natural resource common to be accessed by all without individual tenure rights.[49]

To be sure, under the Sharia law, occupied lands or those in use could chiefly be acquired via allocation by the emir or through inheritance or cultivation while the unoccupied lands in the urban areas were administered strictly by the emir. In this, private tenure was recognised but such lands could not be alienated by the owner without the approval of the Emir. As for the rural lands, the Emir's consent was not required for occupancy but based on mere clearing, cultivation or fencing of the land. Nevertheless, the common lands were those acquired chiefly through conquest and mostly used as grazing lands, places of worship or commercial areas.[50] Customary land rights in the Hausa-north prior to colonialism considered land as communal hence inalienable with usufructuary rights bestowed on the allottee, while tenure rested with the entire community.[51] Under customary holdings, sale of such lands to strangers needed the approval of family head and community leaders.[52]

However, with the advent of colonialism, the absolute land ownership of the Sultan of Sokoto was abolished and replaced with the Lands and Native Rights Proclamation of 1910. This law granted government the legal status to administer land while recognising the native law (Sharia) and customary rights.[53] At the beginning of the Nigerian independence in 1960, the Lands and Native Rights Proclamation of 1910 and its derivative, the Land Tenure Law of 1962 recognised right of land ownership in the northern states by the natives.[54] This land tenure system held sway until the new land regime emerged in 1978.[55]

Unlike the core northern states, traditionally, landholding in Tivland, took a tripartite form which featured: 'inheritance, gift and rent' and was held in common by family members[56]; even though every family member only cultivated the fallows of his mother, kinship was important in decision making relating to land use, redistribution and land disputes.[57] Landholding by inheritance was a practice of a man's heir or heirs who are customarily male, inheriting their father's land upon his demise.[58] Landholding by gift was the practice whereby a landholder out of goodwill gave usufructory rights to his land to an acquaintance, family member, or a migrant while the ownership was returned by the gifting party.[59] Landholding by rent was the practice of granting usufructory rights to a person for a defined term for a token, usually money. This practice became necessary to bridge the gap of land inefficiency caused by population growth in which farmers with

small holdings were most affected and needed to augment their small holdings.[60]

However, with time the tripartite forms of landholding in Tivland were interfered with by the wind of transformation that was blowing across the African continent necessitated by demographic dynamics, conflict and migration and socio-cultural factors and the commercialisation of agriculture.[61] Interestingly, before the enactment of the Land Use Decree of 1978, the farmer–herder relationship in Tivland was cordial[62]; the Fulani herders' admittance into Tiv communities was conferred by the Tiv community leaders, they domiciled in areas earmarked for herders residence with their families in adherence to entry terms and disposition to peaceful resolution of conflicts knowing that their host communities could evict them if they went contrary to bargained entry terms.[63]

Disputes between farmers and herders at the time were adjudicated based on the traditional institutional norms while the Fulani herdsmen maintained seasonal migration into Tivland[64] and a few incidents of escalated conflicts over crop damage between the Tiv and their Fulani guests were characterised by the use of sticks, machetes, bows and arrows (Premium Time, January 10, 2013). This relatively peaceful coexistence endured until towards the end of the 1980s and the wake of the 1990s which coincided with the emergence of the Land Use Decree of 1978. The herdsmen stopped negotiating their entry and ignored the old practice that limited the number of herdsmen that entered the community within a season.[65]

Consequently, it became difficult to control grazing practice just as the herders increasingly exhibited hesitation towards compensating for crop damage that was earlier based on established traditional mechanisms through which disputes between them and crop farmers in the communities were resolved. Modern mediating institutions like the police and law courts emerged in their relations, probably based on emerging interests.[66]

Alarmed by the turn of events, Tiv communities became cautious and eventually hesitant to further grant requests in situations when the herdsmen bothered to do so, for admittance of nomads into their communities.[67] The increasing spate of declined requests of entry into Tivland by the community gatekeepers was matched with violent response by the nomads. This scenario marked the alterations experienced in the farmer–herder intergroup relations.[68] Three factors emerged here: first, increasing prioritisation of modern legal norms about the rights of entry over and above the traditional negotiation of entry; second, the development of suspicion and rejection of cases of appeal for entry; and third, there was herdsmen resistance to Tiv rejection and consequent forced entry in disregard of some of the conditions that controlled entry habitation in the community. In the resulting violence, the preponderant mediating institution became the modern institution that contrasts with the customary one.

Formal institutions and the tensions between them and the traditional institutions

The Land Use Decree of 1978

The Land Use Act of 1978 represents a fundamental factor of understanding the farmer–herder conflicts in Nigeria. To be sure, prior to the enactment or emergence of this new land regime, land tenure practices differed across colonial Nigeria. The land use law

harmonised all preexisting traditional land tenure arrangements and placed them under the watch and jurisdiction of the state governments.[69] This transformation has made it cumbersome for the central government of Nigeria to decisively make policies or laws to curb the farmer–herder resource conflicts especially given that the new land administration regime failed to dissolve and harmonise traditional homelands into a national resource common to be accessed indiscriminately by all and sundry.[70] This is also why the Federal Government under President Mohammadu Buhari's attempt to revive the moribund grazing reserves, float cattle colonies and implement the National Livestock Transformation Plan (NLTP) with its Rural Grazing Area (RUGA) Settlements as panacea to the farmer–herder conflicts has met setbacks and aggravated the tensions.

With the distortion in the traditional land tenure practice, the hitherto consultations for admittance into Tiv communities by herders which fostered peaceful coexistence was jettisoned and herders began to contest land rights in Tivland and elsewhere. The herders also abandoned their seasonal movements into Tivland and opted for all-year presence relying on Section 1 of the Land Use Decree of 1978 as, per their interpretation, customary homelands have melted into a common resource with the right of entry by all. In this, an alibi for their contest for lands was provided.[71] What can be added to this argument is that the Land Use Decree of 1978 has become the guiding principle upon which whatever intervention or policy action government wishes to advance in addressing the farmer–herder conflicts as concerns land redistribution is based. The land use laws of 1978 thwarted customary land ownership and placed all lands under the jurisdiction of the government.[72] This undermined the customary land ownership and by implication eliminated the need to seek the permission of customary land owners before moving into communities for grazing.[73]

The ECOWAS Protocol on Transhumance 1988

The Land Use Decree was reinforced by The ECOWAS Protocol on Transhumance, 1988,[74] having been put in place to foster the fundamental principle of integration of member states. At the same time, it was intended to control transhumance practice within the ECOWAS sub-region with the aim that herds do not move indiscriminately across territories of member states, that definite strips are observed, and the health status of the local herd guaranteed while making safe the health of livestock of the receptive members.[75] To be sure, the protocol prescribed the conditions pastoralists should fulfil before embarking on cross-border migration to include the possession of livestock passports, International Transhumant Certificates and health certificates.[76]

Although this protocol has been in existence in the last three decades, enforcement in Nigeria has hardly been attained. Of particular importance is the fact that the migration management agency and her sister agencies in Nigeria have not shown any known commitment to enforcing the conditions for free passage of entry into and departure from each country contained in Articles 5, 6, 7 and 8 of Decision 'A' (The Guardian Nigeria News, November 13, 2017). The federal government has also shown feebleness in monitoring transhumance and their livestock while in transit and during grazing as stipulated in Articles 10 and 11, and their possession of valid travel documents and age for herding as provided in Articles 12 as well as sanctions for stray livestock and their owners as stipulated in Article13 respectively. Correspondingly, there exists no proof that the Federal government has complied with Article 14 of 'Decision A' that mandates

ECOWAS member states to specify and inform the home country of migrating herdsmen, of when and how long transhumance is welcomed into their domains and when they are to head off. Interestingly, the Nigerian State has proven a lack of political will to towards making certain, the areas where transhumance may take place as well as specifying the carrying capacity in adherence with Article 15 of the 'Decision A'.[77]

A perfunctory look at 'Decision A' of the ECOWAS Protocol on Transhumance, depicts some semblance of the traditional institutional norms that hitherto guided farmer–herder intergroup relations and ensured peaceful coexistence between them. To be sure, the content of the ECOWAS Protocol on Transhumance which is basically on conditions for admittance; supervision of transhumance livestock; permissible timelines for transhumance movements and; enforcement of the miscellaneous provisions of the protocol[78], aligns with the traditional institutional norms that governed farmer–herder coexistence prior to the institutional interference from the state. In this, Tsuwa, Kwaghchimin and Iyo argue that, the negotiated entry terms with the community gatekeepers in Tivland featured among others, the time of entry and exit, number of herdsmen to be accommodated, designated settlements and grazing areas, duration of stay and conflict resolution mechanisms.[79] Thus, the only significant difference between the sub-regional protocol on transhumance and the traditional institutional norms of herders' admittance into Tivland rest with the centralisation of entry requirements while alienating the natives who are stakeholders in agrarian space from participating in matters that concern and affect them directly.[80] Even then, despite the laudable provisions of the ECOWAS protocol on Transhumance, the national government of Nigeria has shown a neopatrimonial inclination towards enforcing the protocol which renders it an inadvertent conflict provocateur rather than a panacea (The Guardian, April 27, 2018).

In a few instances however, some state governments have made legislation aimed at curtailing farmer–herder conflicts within their domain without adequate support from the central government.[81] Of particular importance is the fact that conflicts associated with farmer–herder livelihoods such as mode of entry, time of entry, farm trespass and crop damage, peace-building etc are properly catered for in the protocol.[82] Thus, the seeming feebleness of the central government to enforce the provisions of the protocol or its miscellaneous provisions in Article 11 paragraphs 1–5 of the treaty is the reason we are caught in the web of unsustainable policies aimed at addressing the conflicts. For instance, the proposed Rural Grazing Areas (RUGA), Cattle Colonies, Livestock Transformation Plan and a host of others have been rejected for representing attempts at land grabbing and peddling of the Fulani hegemony and above all are enmeshed in neopatrimonialism under the Buhari administration.

Rather than enforce the provisions of the ECOWAS Protocol on Transhumance and its miscellaneous provisions, the federal government blames the protocol for protecting perpetrators of carnage on rural communities and feigns seeming feebleness which reinforces its weak migration management strategies.[83] To be sure, the then Minister for Agriculture and Rural Development Chief Audu Ogbeh asserted that the Nigerian state lacks the competence and jurisdiction to contravene the provisions of the ECOWAS Protocol on Transhumance by denying non-Nigerians the rights to graze their livestock on the Nigerian land (Legit News, June 9, 2016; Punch, June 9, 2016). This claim of

government complicity was also corroborated by Nigeria's Vice President Yemi Osibanjo at the ECOWAS ministerial meeting on conflicts between herders and farmers in the sub-region in Abuja when he aptly captured:

> *Regrettably, what we have been confronted with over the years is the failure to fully follow and enforce the terms of the protocols. (The Guardian, April 27, 2018)*

Nevertheless, 'Decision A' of the ECOWAS Protocol on Transhumance reiterates that while supporting the imperative of inter-territorial migration of livestock there is the need for herders to obtain the ECOWAS International Certificate from the livestock control post in the territories native to them before embarking on the cross-border migration yearly.[84] What we can add to this is that the ECOWAS protocol never intended or provided an alibi whether directly or indirectly for any pastoralist to destroy agricultural livelihood, or become a source of nuisance to public or private properties.

The 1999 Nigerian Constitution and fundamental human rights

Freedom of movement and indeed the rest of the fundamental human rights provided in Chapter IV (Sections 33–46) as contained in the 1999 Nigerian Constitution do not in any way warrant vigilantism made manifest in killings, destruction of peoples' farmlands or private properties and or all of these under whatever guise.[85] The fundamental human rights provisions are intended to ensure that lives, freedom and livelihoods are protected. Indeed, fundamental human rights tend to have been curtailed by Section 39 which clearly limits the extent to which such rights could be exercised.[86]

The dignity of the human person guaranteed by the CFRN 1999 (as amended) is a universal phenomenon. To be sure, the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples Right (ACHPR) in Articles 3 of the former and 4 of the latter make certain the sacredness and dignity of human life. The dignity of the human person is reinforced by the right to property ownership and proscription of spiteful destruction or criminal takeover of another's property guaranteed by Articles 14 of the ACHPR and 17(2) of the UDHR respectively. Unfortunately, the breach of these rights can be prominently situated within the farmer–herder conflicts in which the arbiter, in this case, the central government feigns frailty and feebleness.[87]

It is on the premise of the non-enforcement of the outlined rights by the central government that compelled the sub-national governments of Benue, Ekiti, and Taraba to enact legislations that purport to end natural resource conflicts between farmers and herders in their respective sub-national territories by proscribing open grazing while emphasising ranching for which herder groups are bent on causing unnecessary conflicts so as to push home their obscured nomadic practice that is not amendable to population and environmental dynamics.[88] These legislations have come under heat from the Miyettti Allah Cattle Breeders Association of Nigeria (MACBAN) and the Miyetti Allah Kautal Hore both of which are Fulani pressure groups that represent and articulate Fulani interests and comprise of cattle owners who are mostly absentee owners who are powerful elements in the Nigerian State who use hired proxies for their pastoral livelihood practice.[89] What we can add here is that the primary concern of these groups is to ensure that their cattle access locations with rich grazing fields south of the Niger,

negotiating grazing lands, negotiating ceasefire agreements between conflicted herdsmen and farming communities and working for Fulani interest in such communities (Daily Post, October 2, 2019).

In the case of Benue State, these pressure groups have been critical of the State's Open Grazing Prohibition and Ranches Establishment Law of 2017 on grounds that it purports to tear down or extinguish nomadic pastoralism by violating their constitutionally guaranteed rights of citizenship and free movement and the Fulani cultural heritage. As a result of these claims, the groups swore to rally their supporters to converge on the Benue trough and confront the Government of Benue state by deliberately violating the law (Daily Post, June 12, 2017; Vanguard, June 2, 2017). These threats which were in the public domain as the leadership of Miyetti Allah wrote to the Inspector General of Police (IGP) on 30th May, 2017, intimating his office of their threats to congregate their members across the West African sub-region on the Benue valley to deliberately violate the anti-open grazing law which they followed up with a world press conference in Abuja with heavy media publicity. As a follow up, the leadership of Miyetti Allah held another world press conference in Abuja on the 23rd October, 2017 which was reported in the Leadership Newspaper of 24th October, 2017, directing its members to converge on the Benue valley to violate the anti open grazing law (Daily Post, June 12, 2017; Vanguard, June 2, 2017). The threat makers who were known were not reprimanded even when the Benue State Government wrote to the President and alerted national security operatives until the threats were actualised on the eve of 1st January 2018 in which attacks 73 farmers lost their lives (Morning Mail, January 6, 2018; The Cable, March 12, 2018).

These pressure groups have a number of factors in their favour. Firstly, they command huge economic, political and social muscle which place them in vantage position to violate freedoms without reprimand and to detect policy and legal processes that purport to defend their obscured mode of livelihood. The endorsement of President Muhammadu Buhari as the sole presidential candidate for the 2019 general elections in Nigeria by the Miyetti Allah Cattle Breeders Association (Nairaland Forum, December 27, 2018) also bears interest and analysis. Secondly, its membership comprises of major political actors in Nigeria. For instance President Muhammadu Buhari is one of the patrons of the groups (Nairaland Forum, June 27, 2018; Sahara Reporters, June 27, 2018). Thus, the activities of these groups gives the greatest prominence to the importance of institutional factors in understanding the conflicts in Benue state and other parts of the Middle Belt states in Nigeria.

Given Nigeria's low institutional capacity and inclination towards ascriptive and particularistic values, it is thought that the national leadership's indifference to the agrarian conflicts in Benue state where the ethnic Tiv suffer grave losses suggests lack of neutrality on the side of the Federal Government which can be best explained within the context of the 'political instrumentalisation of disorder' in a neopatrimonial state.[90] Indeed, the national security forces are claimed to act in support of the aggressors as suggested by a former Defence Minister T. Y. Danjuma, who also advised affected groups to defend themselves from ethnic cleansing in which the military is complicit (Vanguard, March 28, 2018).

The Open Grazing Prohibition and Ranches Establishment Law of Benue State,

2017

Conflicts between farmers and herders in Benue State became noticeable in the 1980s with the coming on board of the new land regime (the Land Use Act) of 1978, escalating every year into higher dimensions.[91] The conflicts were reinforced by the return of democracy in 1999 with the resurgence of persistent loss of lives and property which has caused many fingers to be pointed to neoliberal democracy as a major culprit, especially that there seem to be structural links between neoliberal democracy, political processes and environmental change as crucial aspects of explaining resource related farmer–herder conflicts in Nigeria.[92] This period also coincided with the Freedom of Movement provided in Sections IV of the Constitution. In the wake of 1999, agrarian violence was visited on farming communities in Gwer-West Local Government Area of Benue State, Nigeria with 4 lives lost, farms destroyed and women raped.[93] A decade later in 2009, a follow up violence was again visited on On-MbaAbena in Gwer-West Local Government Area of Benue State, Nigeria, burning down all residences in sight and displacing the entire community.[94] Between the 8th and 10th of February, 2011, farmers in Gwer-West Local Government were in for another round of agrarian violence which resulted in the loss of 19 lives and property worth millions of naira.[95] Another round of agrarian violence was launched on Gwer-West Local Government Area on March 4th, 2011 claiming the lives of 46 men, women and children.[96] Ever since then, visiting agrarian violence on farming communities in Tivland became an annual ritual.

Incidentally, in 2012, the agrarian violence which erupted in Gwer-West Local Government communities had spread to Guma, Makurdi, Gwer-East and subsequently, Logo, Katsina Ala and Kwande Local Government Areas of Benue State. To be sure, prior to 2012, the agrarian violence and reprisals were intermittent and isolated to areas of dispute. Conversely, there was seemingly a full-scale war declared on the farming communities by the Fulani aggressors in 2012.[97] The climax of these attacks was in 2014, when not just Tivland but the whole of Benue State was overrun by these Fulani absentee herd owners and their mercenaries in which the then Governor of Benue State, Gabriel Suswam was ensnared and almost lost his life on March 18th, 2014 while on an on-the-spot assessment tour of Guma Local Government Area of Benue State.[98]

Interestingly, the federal government and its security agencies could neither establish early warning signs to nip the attacks in the bud, in order to secure the lives of the affected persons and communities, nor set up any Commission of Inquiry to investigate the conflict causes and assign responsibilities to those culpable for such violations of human rights hence heinous crimes.[99] The government's approach to these violations of fundamental human rights has been restricted to the routine deployment of the military and mobile police personnel to the conflicted areas.

Nevertheless, the unwavering quest for sustainable peace-building between the Tiv farmers and Fulani herdsmen led to the inauguration of the 'Sultan of Sokoto's Committee on Tiv Farmers/Fulani Cattle Rearers Relationship' on February 26th, 2008 at the Transcorp Hilton Hotel, Abuja.[100] Similarly, on March 4th, 2014, the then Governor of Benue State, Gabriel Suswam inaugurated the 'Committee on Conflict Resolution and Peace Building in Benue State to investigate and make recommendations on how to enthrone sustainable peace building between the two groups.[101]

The Committee rounded up its assignment and submitted its report in July, 2014 with short and long term recommendations. The long term measures to curb agrarian conflicts and the resultant violence include, among others, the adoption of ranches which is a paradigm shift from nomadic pastoralism as practiced in the United States of America, Australia and Israel known for championing 'pastoral modernization'.[102] This was feasible with the availability of pasture species 'that can be produced in commercial quantities to support ranching developed and tested' by the National Animal Production and Research Institute (NAPRI) Zaria'.[103] Featuring prominently in the recommendations was the establishment of a Grazing Commission to check desert encroachment precipitated by adverse climate change with the aim of 'reclaiming, regrassing and reactivating desert lands' and checking climate change and its impact on pastoralism and agriculture.[104] The use of the ECOWAS sub-regional Protocol to 'convene a special regional conference' to discourse how to phase-out nomadic pastoralism which demonstrates three negative capacities of low population, environmental degradation and conflict stimulation was also recommended.[105]

Consequent upon the recommendations of the Committee and the persistent and unabated agrarian violence featuring nomadic pastoralists and sedentary farmers in Benue State, the craving and clamour for the activation of the ranches recommendation as a long term measure to remedy farmer–herder agrarian violence was actualised with the legislation of the Open Grazing Prohibition and Ranches Establishment Law of Benue State, (OGPREL) 2017. To be sure, these attacks preceded the enactment of the Open Grazing and Ranches Establishment Law of Benue State, 2017 which was in good faith to secure lives, property and livelihoods. The year 2014 was the worst hit by conflicts between farmers and herdsmen in Benue State emanating from a build–up of many years[106], which was climaxed by the assassination attempt on the life of the then Governor, Gabriel Suswam.[107] The resulting conflicts have recorded various degrees of consequences ranging from psychological trauma, economic dislocation and security challenges.[108]

At least as at today, the Law has kept both farmers and herders on their toes. The herders have engaged more politically rather than physically and there is some measure of relative peace in Benue.[109] The Benue State Governor, Samuel Ortom while delivering a keynote address at the 2019 annual convention of the Idoma Association USA, disclosed that the enforcement of the law has ensured relative peace to the state especially as over 81 herdsmen had been imprisoned and over 3,000 cattle confiscated for violating the state's Open Grazing Prohibition and Ranches Establishment Law (Sahara Reporters, August 4, 2019).

The Benue State's Anti-Open Grazing Law which is predicated upon Section 4(7) of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended), was legislated to curb the incessant agrarian violence which featured prominently the sedentary farmers and nomadic herders in Benue State.[110] By its enactment, the Grazing Reserves Law Cap.72, Laws of Benue State, 2004 was repealed.[111] The law objects to extensive land use practices like open nurturing and browsing of livestock, proposes intensive land use practices with ranches establishment and livestock management, regulation and control.[112]

A perfunctory examination of Section 3 of the Open Grazing Prohibition and Ranches Establishment Law, 2017, provides the main objectives of the legislation to include: (a) prevent the destruction of crop farms, community ponds, settlements and property by open rearing and grazing of livestock, (b) prevent clashes between nomadic livestock herders and crop farmers, (c) protect the environment from degradation and pollution caused by open rearing and overgrazing of livestock, (d) optimise the use of land resources in the face of overstretched land and increasing population, (e) prevent, control and manage the spread of diseases as well as ease the implementation of policies that enhance the production of high quality, and healthy livestock for local and international markets and, (f) create a conducive environment for large scale crop production.[113]

Law is one of the institutional parameters that creates tensions between farmers and herders in Benue State. To be sure, Meyatti Allah Cattle Breeders Association of Nigeria and her sister association, Meyatti Allah Kautal Hore have both criticised the law for being obnoxious, based on their interpretation of its rights dimension as argued above and also for the reason that their species of cattle cannot be herded in ranches. The groups view the ranches as prisons to their people. For these reasons they called on their supporters to mobilise to resist the law (Daily Post, June 12, 2017; The Cable, May 19, 2018; Vanguard, June 2, 2017). The Open Grazing Prohibition and Ranches Establishment Law of Benue State, 2017 has been criticised by Kwaja and Ademola-Adelehin for being ambiguous on three fronts particularly, the issuance/renewal of permits, conflict of purpose with the 1999 Constitution of Nigeria and the Land Use Law of 1978.[114] Their query with the law is its use of citizenship and indigeneship as a condition to be fulfilled by the would-be ranchers. Of particular importance is the fact that, the Law requires a potential rancher who is not a native of Benue State to submit his application to establish and operate a ranch along with an environmental impact assessment in satisfaction of the procedure outlined in sections 5, 6, 7, 8 and 9 of the law.[115]

The point here is that, section 10 of the law excuses Benue indigenes from the procedure outlined in sections 5,6,7,8 and 9 of the law from the rigorous procedure prescribed for nonindigenes and this constitutes an alibi for non-compliance with the law.[116] To be sure, the law gives force to the meaning of primordial identity. The justification for according primacy to primordial identity to the Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017, is for the intent of preventing land grabbers who with a handsome reward from the herdsmen could speculate other peoples' land without considering the consequences for the indigenes.[117]

Another point being advanced against the law is its purported infringement on the constitutional guarantee of freedom of movement.[118] Similarly, the above argument by Kwaja and Ademola-Adelehin is congruent with that advocated by Miyetti Allah Cattle Breeders Association (MACBAN) and Miyetti Allah Katal Hore who are both Fulani socio-cultural associations concerned with pastoralist welfare (Daily Post, June 12, 2017; The Cable, May 19, 2018; Vanguard, June 2, 2017). Although the anti-grazing law of Benue state gains its force from Section 4(7) of the Nigerian 1999 Constitution (as amended) which states inter alia: 'the House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof …'[119], it is criticised on grounds of fairness. Basically, the different sides to the conflict have

different attitudes to it. For instance, Meyatti Allah Cattle Breeders Association openly threaten crisis if the law is not reversed while the state government and various local interest groups in the state insist on sustenance of the Law (Daily Post, June 12, 2017; The Cable, May 19, 2018; Vanguard, June 2, 2017).

Conversely, the right to freedom of movement provided in section 41(1) of the 1999 Constitution (as amended) is not absolute as it is moderated by the provision of section 41 (2) nothing that, any law made in a democratic regime based on due process shall not be quashed for the reason of Section 41(1).[120] To be sure, Section 41(2) justifies any law made in a democratic society logically premised on interest of public security, public protection, public order, morality or public health and for the principle of defending the privileges and liberty of persons under threat cannot be collapsed on the frivolous grounds of freedom advanced by adversaries of the Anti-grazing law.

Incidentally, the Anti-Open Grazing Law is supported by Section 1 of the Land Use Act Chapter 202, Laws of the Federation of Nigeria 1990, which provides that all land comprised in the territory of each State in the federation is vested in the sovereign in land matters, in this case, the Governor of each State who is to hold same in trust and administer it for the use and common benefit of all Nigerians. It is therefore safe to conclude that the Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017 is congruent with the interest of public security, public protection, public order, morality and the principle of defending the privileges and liberty of persons under threat guaranteed by the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the sovereign in land matters vested in every State Governor by the Land Use Act of 1978.

The provisions for fundamental human rights in chapters IV (Sections 33–46) as contained in the 1999 Nigerian Constitution are intended to ensure that lives, freedom and livelihoods are protected. However, fundamental freedoms (section 37 rights to private and family life, section 38 right to freedom of thoughts, conscience and religion tend to have been curtailed by Section 39 which clearly limits the extent to which such rights could be exercised.

Incidentally, Section 45 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) eloquently infers that any law that is 'reasonably justifiable in a democratic society in the interest of defence of public safety, public order, public morality' shall override or undermine the provisions in section 37, 38, 39, 40, and 41 of the 1999 Constitution. To be sure, the seeming indispensable freedoms guaranteed by the Nigerian 1999 Constitution (as amended) is not an alibi that warrants any citizen or group of citizens to infringe on rights to life, freedom, property and living of other persons.[121] What can be added to this argument is that, the enduring impunity towards fundamental human rights resulting in agrarian violence in farming communities orchestrated by the predominantly Fulani herdsmen and their sponsors in Benue State, Nigeria infringes not only on the guarantee of lives, freedom and livelihoods but also on public safety, public order and public morality.

The seeming weakness of the state in the face of iterant agrarian violence does not connote a power void but an alibi for key political actors in developing countries who

leverage on the situation to raise their profitable stakes by relinquishing power to powerful informal groups and patronising 'shadow states' thereby suffocating and crumbling the state and its paraphernalia while inclining towards neopatrimonialism.[122] In the case of Nigeria, the seeming feebleness of the President Buhari led federal government and its complicated responses in the face of the iterant agrarian violence where powerful informal networks like the Miyettti Allah Cattle Breeders Association of Nigeria (MACBAN) and the Miyetti Allah Kautal Hore which are Fulani socio-cultural associations openly threaten and carry out mayhem in agrarian communities under the watchful eyes of the state without any reprimand, reinforces the concerns of neopatrimonialism and the obvious political instrumentalisation of disorder raised by Chabal & Daloz, hence they bear interest and analysis.

Thus, the activities of these groups gives the greatest prominence to the importance of institutional factors in understanding the conflicts in Benue state and other parts of the Middle Belt states in Nigeria. While the logic surrounding the Anti-open grazing law is strong, the ones against it commend similar strength.

Conclusion

The paper sets out to explore the institutional parameters that condition the agrarian conflicts in Nigeria especially the conflicts between cattle herders and crop farmers in Benue state Nigeria. Several causes and escalators of the conflicts as already well accounted for in the literature indicate that there are subtle but significant institutional factors that bear interest and analysis. In this paper, we categorise the institutional parameters into two, namely the traditional institutional institutions and formal political institutions. Following the historical trajectory of relations between farmers and herders, the cracks began to appear from where the traditional institutions that mediated interactions between them was relegated to the background of formal institutional parameters.

During the functional period of the traditional institutions, agrarian relations were relatively peaceful. The entry of herdsmen into Tivland was negotiated through traditional gate-keepers and based on the fulfilment of agreed terms between the herders and the communities. Besides, the herders were seasonal migrants who depended on guidance of community members to avoid grazing in farms. Few incidents of crop and any other damage was properly compensated. The relations thrived because the parties respected the terms of entry and coexistence during the seasonal temporary sojourn of the herders in the communities.

However, the peaceful agrarian relations took a new turn with the emergence of formal institutional parameters that tend to contrast with the traditional ones. They include the Land Use Decree of 1978; ECOWAS Protocol on Transhumance/free movement of goods and persons in West Africa; the fundamental human rights provision of the Nigerian Constitution and the Open Grazing Prohibition and Ranches Establishment Law of 2017. These institutional elements developed at different times and have transcended the traditional instruments of agrarian relations. Though inadvertently, they have contributed to the growth of tensions and escalation of conflicts between farmers and herders. To be sure, each of the instruments was intended to play roles different from deepening of agrarian conflicts. But the interpretations of their content created consequences different

from what was originally intended.

The Land Use Laws of 1978 thwarted customary land ownership and placed all lands in the jurisdiction of the government. This undermined the customary land ownership and by implication eliminated the need to seek the permission of the customary land owners before moving into communities for grazing. The Land Use Law was reinforced by two other legal instruments. One is the ECOWAS agreement on transhumance which was meant to support livestock farming in West Africa through creation of easy movement of animals within the sub-region, though this was with some conditions.

The other side of the ECOWAS protocol was the agreement on free movement of goods and persons in West Africa. In addition to the multilateral instrument there was the fundamental human rights provision of the Nigerian Constitution which provided for not only the freedom of movement but also the freedom of Nigerians to settle in any part of the country. When these institutional instruments of the modern law intermeshed with traditional land ownership practices which mediated the relations of the crop farmers of Tivland in Benue state and cattle herders, who are mostly Fulani, changes began to take place in their interaction. The migrant herders saw protection in the new legal instruments which tend to have nullified the need to obtain permission and play by the rules set by the old institutions that regulated land use and agrarian relations. Consequently, relations between the two groups began to transform from harmony to conflict and have deteriorated as times unfolded. The most recent institutional factor that adds to the agrarian conflicts is the enactment of the Open Grazing Prohibition and Establishment of Ranches Law by the Benue state Government. This law is expected to curb violence and the conditions leading to aggressive interactions between herders and farmers. Nonetheless, reactions that followed the law especially from cattle capitalists who qualify it in condemnatory terms demonstrate continuing tensions between farmers and herders as a result of the law.

From our analysis, the crisis of penetration of the norms of the modern state and its paraphernalia stands out just as the question of citizenship remains unsettled. Ethnic groups still see themselves and the geographical location they occupy as an immutable component of their identity. Precisely, this is why land ownership is primordially determined and even to the exclusion of others that lack primordial connection but have reasonable economic stakes in the land. Besides, there is an obvious fixation on rudimentary methods of agriculture which is defended from a cultural viewpoint. This fixation is defended with violence and reinforced by interest groups who have interests in such agrarian systems. Finally, the Nigerian state has a major state-building challenge that may only be overcome by a systematic reconsideration of the meeting points between some of the culturally rooted practices that are taken for granted in framing the policies and laws of group relations in the country. This line of argument derives strength from and is consistent with the theoretical postulations of the theory of the New Institutionalism.

Notes

1. Moritz, 'Understanding Herder-Farmer', 138.
2. Vanger, 'Conflicts, Peace-building', 214.
3. Ibid., 215.
4. BNSG, *Committee Report*, 1.
5. Orstserga, 'Resource-based Conflicts', 10.
6. Ibid., 10.
7. Tsuwa, Kwaghchimin, and Iyo, 'Farmers/Herders Conflicts', 126.
8. Iro, *The Fulani Herding System*, 7.
9. See note 7 above.
10. Vanger, 'Conflicts, Peace-building', 214–15.
11. See note 7 above.
12. See note 2 above.
13. See note 7 above.
14. Ibid.
15. BNSG, *Committee Report*, 8–10.
16. BENSEMA, 4.
17. Ibid.
18. Ibid., 8–11.
19. Ibid., 12–78.
20. March and Olsen, 'New Institutionalism', 734.
21. Haller, 'Understanding Institutions', 9.
22. Ibid., 8.
23. Ibid., 7.
24. Ostrom, *Governing the Commons*, 2.
25. Ibid., 6.
26. Ensminger, *Making Market*, 5–7.
27. Vanger, 'Conflicts, Peace-building', 24.
28. Ibid., 66.
29. Ibid.
30. Ibid., 24.
31. Ibid., 214.
32. See note 1 above.
33. See note 8 above.
34. Ibid.
35. See note 10 above.
36. Moritz, Ritchey, and Kari, 'Social Context', 264.
37. See note 10 above.
38. Ibid.
39. Ibid.
40. Ibid.
41. Ibid., 155.
42. Ibid., 216.
43. Haller, 'Understanding Institutions', 22.
44. See note 10 above.
45. Famoriyo, 'Land Tenure', 46.
46. Jumare, 'Land Tenure', 64.
47. Ibid.
48. Meek, *Land Tenure*, 163.
49. Yakubu, *Land Law*, 8.
50. Abdullah and Hamza, 'Women Need', IV.
51. Famoriyo, 'Acquisition Land', 103.
52. Ibid.
53. Ezeomah, 'Land Tenure Constraints', 2.
54. Ibid.

55. Ibid., 3.
56. Kakwagh, 'Changing Customary', 147.
57. Ibid., 148.
58. Ibid., 147.
59. Ibid., 148.
60. Ibid.
61. Ibid., 148–9.
62. See note 7 above.
63. Ibid.
64. See note 7 above.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Nwocha, 'Impact', 117.
70. Orstserga, 'Resource-based Conflicts', 8.
71. Vanger, 'Conflicts, Peace-building', 178.
72. Ibid., 68.
73. Vanger, 'Conflicts, Peace-building', 200–1.
74. Vanger, 'Conflicts, Peace-building', 68.
75. SWAC–OECD and ECOWAS, 'Livestock', 66; Oppong, 'Herder-Farmer Conflicts', 29.
76. ECOWAS, 'Twenty-first Conference', 4.
77. Vanger, 'Conflicts, Peace-building', 77–8.
78. See note 81 above.
79. See note 7 above.
80. See note 2 above.
81. Vanger, 'Conflicts, Peace-building', 215.
82. See note 80 above.
83. See note 81 above.
84. See note 80 above.
85. Vanger, 'Conflicts, Peace-building', 79.
86. Ibid.
87. Ibid., 80.
88. Ibid., 81.
89. Ibid.
90. Chabal and Daloz, *Africa Works*, 162.
91. See note 4 above.
92. Vanger, 'Political Ecology', 196.
93. BNSG, *Committee Report*, 1.
94. BNSG, *Committee Report*, 1; BENSEMA, *Report*, 4.
95. BENSEMA, *Report*, 4.
96. Genyi, 'Ethnic', 142.
97. BNSG, *Committee Report*, 2; BENSEMA, *Report*, 4; Genyi, 'Ethnic', 143.
98. Genyi, 'Ethnic', 143.
99. Vanger, 'Conflicts, Peace-building', 158.
100. Sultan, *Committee Report*, 1–5; Genyi, 'Ethnic', 142.
101. BNSG, *Committee Report*, 3–4.
102. Ibid., 53.
103. Ibid.
104. Ibid.
105. Ibid.
106. See note 99 above.
107. Genyi, 'Ethnic', 144.
108. BNSG, *Committee Report*, 1; BENSEMA, *Report*, 3–4.
109. Ojukwu et al., 'Farmers-Herders Conflicts', 13.
110. Kwaja and Ademola-Adelehin, *Implications*, 12.

111. Vanger, 'Conflicts, Peace-building', 53.
112. See note 114 above.
113. Benue State, 'Open Grazing', 3–4.
114. See note 114 above.
115. Kwaja and Ademola-Adelehin, *Implications*, 12–13.
116. Ibid., 13.
117. Vanger, 'Conflicts, Peace-building', 55.
118. Kwaja and Ademola-Adelehin, *Implications*, 13.
119. Nigeria, *Constit*. Sec. 4(7).
120. Nigeria, *Constit*. Sec. 41(2).
121. Vanger, 'Conflicts, Peace-building', 79.
122. See note 94 above.

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