CONTROL OF THREATS TO PEACE AND FOOD SECURITY INCIDENTAL TO CATTLE REARING IN NIGERIA

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Abstract

Cattle are animals that live on plants while both plants and cattle are sources of food for human being. This paper examined the legal problems associated with methods of feeding cattle in Nigeria. The roaming of cattle have been causing skirmishes between cattle hustlers and communities hosting the grazing of cattle. It examined cattle rearing in model jurisdictions where it is done without threat to the economy, life and properties of people living in host communities. It further examined relevant laws and enforcement to control the menace. This paper relied on both primary and secondary sources of information which were subjected to content analysis. The primary sources comprised of international instruments, local statutes and judicial decisions. The secondary sources comprised of books, journals, internet, newspapers and magazines. It was revealed through the results of the research that when roaming, many Cattle rustlers who have always been carrying dangerous weapons often clashed with farm owners. This takes place when farmers who have hugely invested on their farms discover that there are malicious damage, conversion of crops and trespass to their farms. The paper concluded that there can be no peace with the present methods of grazing in Nigeria. Pending face-out of the present method, the menace can be controlled with review of appropriate legal framework. Besides, there should be proper enforcement of law by punishing law breakers so as to deter others from doing the same.

Keywords: Grazing, Trespass, Damage, Enforcement, Peace

Introduction

Large-scale grazing of animals is the main activity carried out in at least one-fourth of the earth where both domestic animal such as cattle, goats, sheep, camels and wild animals are fed. Large-scale grazing is different from forestry and crop production. The crops remain on the land and both grazing and arable farmers are struggling to use the land or live on it. (Land and Water Division of FAO, 1991) In dry and partially dried land, there is low vegetation density leading to difference in quantity and quality of fodder distribution, in addition to scarcity of water for the herders. They are forced to roam with their cattle, camels, donkeys, goats and sheep nomadically. The roaming for survival of the flock exposes both herders and animals to decimation by diseases, drought and situation greatly beyond their control.

History has revealed that conflict, healthy rivalry and cooperation have been rotating in the relationship between sedimentary farmers and herders and has been taking place for a very long time. Such includes a period when sedimentary farmers suffered domination from the herders on the systems of production of the farmers. There was also conversion of old lands meant for grazing into cultivation. The current conflict in some places among the farmers, herders, and the environment is unbearable. (Bello and Abdulahi, 2021) There has been co-dependent relationship between sedimentary farmers and herders in West Africa for centuries. They have been enjoying give-and-take relationship among themselves. In recent years, crisis commenced among them and it degenerated into extensive violence which led many of them to be dislocated. The conflicts between herders and sedimentary farmers have persuaded other conflicts such as political, ethnic and religious conflicts. A replica of this occurred in plateau during the administration of Obasanjo. He declared a state of emergency to take place in central Plateau state when there was conflict between the sedimentary farmers and the herders which degenerated into "near-mutual genocide" of Muslim and Christians. Over 20,000 refugees fled their homes and became refugees in Cameroon which is a neighboring country. (Moritz, 2012) The Increase in the rate at which conflicts ensue between these groups that co-existed and related has called for an urgent solution. This paper aimed at considering how peace can be maintained through strict enforcement of law. It will also consider a review of the existing law in order to make appropriate recommendations for necessary reform that will go a long in the development of the nation's economy.

Statement of Research Problem

Africa has been facing a lot of challenges that have been hampering its efforts to provide necessary peace, security, and prosperity for the Africans. The great impediment to Security in the continent is conflict. A lot of efforts have been made to prevent, control and resolve crisis with the continent and within the states in the continent.

Professor Wole Soyinka (2021) was said to have warned that Herder and farmer crisis should be brought under control so that it will not degenerate into war. The herders were believed to be operating in a manner depicting that they are insulated from punishment. They were alleged to be accompanied by killers, raiders and rapists. (The Cable, 2021). Moritz (2012) maintained that the conflict between the herders and the sedimentary farmers has consequence on the way of live of those who are concerned. Besides, the conflict is a threat on the sustainability of production from sedimentary farmers and that of the herders in West Africa. There have been pressures for a long time between nomadic herders and sedimentary farmers in northern part of Nigeria and at the middle belt. It was not as serious as it is today. It was at a lower rate and occurring once in a while. It used to be restricted to the North and the Middle belt but it is now occurring beyond those places and now a very deadly act triggering religious and ethnic crisis. There has been inflow of weapon from Libya and Mali to Nigeria majorly by mercenaries and international criminals. Nigeria is claimed to be hosting about 350 million arms out of about 500 million arms which is about 70% arms in West Africa. (Onubogu, 2017)

Methodology

The paper applied doctrinal legal research methodology in which both primary and secondary sources of information were subjected to content analysis. The primary source comprised of international instruments, local statutes and judicial decisions. The secondary source comprised of text books, journals, internet materials, newspapers and magazines.

Literature Review

If the motive or quest for peace is very old and traceable to the beginning of human existence, invariably, conflict which is incidental to it should be older than it. Since this world was created, it has been troubled with contradictions and conflict necessitating aspiration for peace. He acknowledges the use of modern technology to combat crime (Onoja, 1996) Stewart (2006) argued that there is a connection between security and development. Security is important to every human race either rich or poor living in a developing country or in a developed nation. The author concludes that globally, the recent security challenges have a tremendous effect on economic costs. This affects the developing nations more than developed nations.

Writing on the conflict between herders and sedimentary farmers Shetima and Tar (2008) explained that the skirmishes between them are ubiquitous and not restricted to any particular region. The author maintained that the crisis between them is prevalent in regions such as Africa and Asia where economic, environmental and social circumstances expose the two of them to rivalry. The consequence of the crisis on food security in West African sub-region which has experienced drought and famine is maintained to be an important one. The conflict between the herders that is increasing in a geometric proportion has degenerated to a situation where output of agricultural products has been affected. Dambazau (1999) explained that crime affects the society in various ways. The way it affects the society depends on the nature and extent of crime that is committed. He agreed that the impact of it is in terms of costs and the end result. He added that the costs of crime included corporeal and incorporeal; physical or psychological; primary or secondary; communal or individual. Igbinovia et al (2004) revealed that there are varieties of functions of law and these included maintenance of peace, orderliness and stability in the society. In its efforts on social stability, it resolves disputes in a civilized manner. He added that the law controls criminal acts in a society.

Agriculture and Nigeria Economy

Nigeria is extraordinarily blessed with crude oil and resources from agriculture. Agriculture is the mainstay of the economy albeit making huge profit from crude oil. There is no country in the world that can progress economically without realizing profit from agriculture. Nigeria's Gross Domestic Product is majorly derived from agriculture. It provides National food self-sufficiency for the country. 90% of the food supply in the country is derived from agriculture. Livestock largely practiced in the Northern part of Nigeria is mostly undertaken by Fulani that roam from one place to the other especially in the dry season for the purpose of feeding their cattle. (Ajibola, 2018)

Unlawful Acts of Farmers

Migration of pastoralists to the humid climate of the West Africa commenced since 20th century. The draught in the Sahelian countries between 1973 and 1984 resulted in the increase in the number of migrants seeking greener pasture. This occurred as a strategy for the solace from the drop in the resources needed for the welfare of their livestock in their original home. The Fulani herders are globally known as nomads. They live in threatened atmosphere with the indigene of the new communities hosting them when they migrate to the places which are suitable for the welfare of their animals. Herders are being restricted to migrate to countries like Ghana, Nigeria Cote d'voire. There were allegations of crop destruction, trespass into reserved forest, stealing of cattle and collection of government's relief package meant for farmers. The indigene in the north-eastern part of Ghana gathered themselves into pressure group. Their intention is to oust the Fulani herders from their land for depriving them of their livelihood and for misconduct. (Barre, 2012)

The unlawful acts of both the herders and the sedimentary farmers are divided into civil and criminal acts. Some are committed by the herders while some are committed by the farmers in an effort to protect their farm; themselves; produce and they use self-help to retaliate.

Civil Acts

Trespass: According to Kodilinye and Aluko, (1999) it is known as trespass *quare clausum fregit* which means in English that the defendant "broke the close". This occured as held in *Onasanya v Emmanuel* (1974) where the defendant entered a land which was in the possession of the plaintiff. It also occured when a person who has entered the land of the plaintiff remained on the land. Apart from the two elements above, trespass occurs when a person places or projects any material object on the land of the plaintiff. Taking over another person's farm or hamlet or barn and usage of his or her property is inconsistent with the right of the owner. The user can be liable in conversion as held in *Lancashire and Railway Company v McNicholl* (1918) Kodilinye and Aluko, (1999) explained that failure to return them when the owner makes a proper demand for it is detinue.

If an action in civil litigation is sustained, the defendant found liable will pay the claimant damages that will be commensurate to the injury.

Criminal Acts

There are criminal acts that can be committed by both the herder and the farmer whose farm is being used for grazing. The acts include those itemized below and the appropriate provisions of law on these are stated as follows: Cruelty to animals is governed by Section 492 of the Criminal Code Act. Rape: Section 357 of the criminal code Act, kidnapping: Section 364 of the criminal code Act. Indecent assault: Section 360 of the criminal code Act. Stealing: Section 383(1), and Section 390 of the Criminal Code Act. Conversion: Section 383(2) of the Criminal Code Act. Malicious damage: Section 424 of the Criminal Code Act. Murder: Section 316 of the Criminal Code Act. Manslaughter: Section 317 of the Criminal Code Act. Arson: Section 443 of the Criminal Code Act. Being found armed with intention to commit felony: Section 428 of the Criminal code Act.

Armed Robbery is governed by: Section 1 of Robbery and Firearms (Special Provisions) Law, 1970. Sexual Harassment: Section 264 (1) Criminal Law of Lagos State. Section 46 Violence Against Persons Prohibition Act 2015. There are human rights infringed upon by either of the two parties such as Right to Life provided under Section 33 of the 1999 Constitution of Nigeria, and Right to Dignity of Human Persons protected under Section 34 of the 1999 Constitution of Nigeria. There are also violations of rights protected by the provisions and various international instruments ratified by Nigeria.

There are also Anti Grazing laws in various states especially the southern states in Nigeria.

A criminal action enables the defendant to be punished. This can be in form of jail term, death sentence or life imprisonment.

Conclusion

Food is very essential to the existence of man while breach of peace is a serious threat to life of human. The United Nations is making global efforts to encourage the world at large for availability of good food and peace by promoting food security.

Pastoralists constitute trespass to the properties of other farmers. This is done by directing their cattle to roam openly and feed on plants in bushes and farms without necessary permission. When roaming, the cattle have always been eating crops of other farmers and spoiling their streams and brooks. Meanwhile, it is equally bad to put law into one's hand by punishing or attacking the herders.

The rate of skirmishes in many places are excruciating to farmers, herders and the society. The chaotic situation being exhibited by self-help that has caused violence is an obvious indication of lack of rules. It is also a sign that the available rules are not advantageous to these communities in general. (Department for International Development, 2016) Both farmers and herders are working towards the same goal of ensuring food security, hence their roles are indispensable towards survival of mankind since no one can survive without food. They should not also frustrate their efforts by creating insecurity to the community they are living or staying. There are farmers and rearing of cattle in many jurisdictions even with better quality and higher number of production than what is produced in Nigeria. They produce food and cattle without conflict and violence in other jurisdictions, while the present method exposing the communities to danger is archaic and dangerous.

Recommendations

Everybody should be sensitized on the need to take legal action when aggrieved instead of putting law into one's hand.

The Law Enforcement Agents should undergo quick and thorough investigation to gather evidence which will be followed by immediate prosecution without fear or favour.

There should be quick dispensation of justice on matters concerning herders and farmers' complaints or seeking of redress. When there is justice without delay, aggrieved people will have confidence in the judiciary and take proper action instead of embarking on self-help or violent actions.

Herders or association of herders should ensure that they do not allow unscrupulous elements to disguise to be herders and seize the opportunity to perpetrate criminal acts. They should cooperate with the communities and the law enforcement agents to bring law breakers among them or any unscrupulous elements to book.

Modern cattle rearing methods should be encouraged whereby the herd will not be roaming. Research should be intensified by Technical and Vocational Institutions, and Research Institutes on the best way to take care of the welfare of cattle since everybody needs cow in Nigeria. Different species of cattle should be bred in the nation as well as production of feeds for the consumption of the animal.

Pending the time the current method of grazing is faced out, Technology should be used to monitor activities in the bush such as use of drones and C.C.T.V.

Every herder or owner of a herd should get enough land for the purpose of grazing and approval of such should not be delayed.

There is need for an Act to be enacted to control open grazing in Nigeria.

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