A LEGAL EVALUATION OF THE RUGA SETTLEMENT SCHEME AS RESPONSE TO HERDER-FARMER CONFLICTS, UNEMPLOYMENT AND FOOD SCARCITY IN NIGERIA

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Abstract

This paper examines the Federal RUGA Settlement Scheme against the background of the incessant attacks and clashes between Fulani herdsmen and indigenous farmers in farming communities in different parts of Nigeria. These attacks, caused by incursion of free-roaming cattle into private properties and farmlands, have claimed countless lives, interrupted livelihoods, destroyed properties running into hundreds of millions and threatened the food security of the nation. The crisis situation prompted some affected states of the federation such as Benue, Ekiti, Taraba and more recently Oyo State to pass Anti-Open Grazing Legislation. These Anti-open Grazing Laws were criticized as being discriminatory and soon became an excuse for inflammatory rhetoric and violent clashes. The federal government responded by introducing RUGA as a scheme to permanently settle herders and their families in built colonies on compulsorily acquired lands across the country so that cattle could be ranched closer to the end users in each state. The Ruga Scheme was vociferously denounced by Southern Nigerians who saw it as a ploy by the Federal Government to further its purported agenda to Islamize the country. This paper takes introspection into the jurisprudential underpinnings and flaws of the Federal Ruga Scheme as a solution to the violent clashes between herders and farmers and the resultant unemployment and food shortage in Nigeria. It expounds on the socio-legal reasons for the suspension of the scheme and explores the legality and viability of its replacement: the National Livestock Transformation Plan (NLTP).

Keywords: Ruga Settlement Scheme, Herder-Farmer Conflict, Anti-Grazing Laws, Unemployment, Food Security, National Livestock Transformation Plan, Property Rights

1. Introduction

Pastoralism, though practiced in other parts of the country, at least at subsistence level, is a major occupation of the Fulani in Nigeria. According to *Usman*,[1] the Fulani own over 90% of the nation's livestock population which accounts for one-third of agricultural *GDP* and 3.2% of the nation's *GDP* and so their contribution to the local food chain and national food security cannot be overstressed by constituting the major breeders of cattle, the main source of meat, the most available and cheap source of animal proteins consumed by Nigerians, they indisputably represent a significant component of the Nigerian economy. The Fulani are undoubtedly the largest pastoral nomadic group in the world, herding goats, camel, sheep, horse, mule and cattle. With their dominance in the Sahel Region, they are the best known and most numerous of all the

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[1] AB Usman, 'Herdsmen and Farmers Conflicts in North Eastern Nigeria: Causes, Repercussions and Resolutions' (2013) *Academic Journal of Interdisciplinary Studies*, Vol. 2 No.5 p. 129

pastoral groups in Nigeria.[2] The Fulani pastoralists have traditionally pastured or grazed their animals in the northern Sahel Region of the country but changing climatic conditions and desertification have imposed on them a southward migration to where the grass is much greener.[3] Cattle are increasingly shepherded on foot, down to the uncultivated wetlands of the middle-belt and southern regions during the dry season. However, rapidly increasing human population has led to deforestation, urbanization and expansion of agricultural activities into the same wetlands where the herders normally bring their cattle for succor in the dry season. Thus, the Fulani have been denied access to their usual dry season resources in the south/middle-belt.

This system of allowing cattle to roam free and find pasture wherever it is available is known as 'open grazing'. Open grazing system could be appropriate when human and animal populations are small and land is abundant. But over the last few decades in Nigeria, human and animal populations have exploded, fallow periods have been drastically reduced and weather patterns have changed. Changing this culture of open grazing system has become inevitable because it has often led to such issues as cattle rustling (snatching of cattle at gun point or through some other violent means), damage to cultivated farmlands and eventual conflict with sedentary farmers, obstruction of highways, littering and damage to the environment (natural and infrastructural) and is neither good for the animals nor for the nomads.[4] The clashes between herders and farmers became more violent and bloody when, in recent times, pastoralists who normally went about only with sticks began to carry deadly weapons like locally-made and automatic guns such as AK47 with which they freely attacked their host communities, killing many people in the process. At the moment, the open grazing system constitutes a serious threat to national security.[5]

The response of the Federal Government in the face of such severe security threats was perceived to be slow and ineffectual, as if paying mere lip service to such a grave issue. This docile approach has been attributed to the political economy of cattle rearing in the country and the ethnic alliance of President Buhari, a Fulani cattle owner and major dealer himself, with the itinerant herders.[6] Moreover, the President is the Grand Patron of the *Miyetti Allah Cattle Breeders' Association of Nigeria* (*MACBAN*), the umbrella body for cattle rearers in the country. Many northern political office-holders, regional monarchs, senior civil servants and opinion leaders in Nigeria are also owners of cattle businesses with their herds entrusted into the care of these same rampaging Fulani herdsmen. These economic and political interests plausibly account for the seeming inability of government to call the rampaging Fulani cattle herders to order. It is also not an unreasonable surmise that these influential cattle dealers are behind the seamless supply of semi-automatic weapons to herders, weapons with which they slay farmers, forcefully take over farms and sack entire communities.[7]

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[2] IF Ezeonwuka & AU Igwe, 'Emerging Challenges in Nigeria's National Security in the Twenty-First Century: The Fulani Herdsmen Menace' (2016) *Asian Journal of Multidisciplinary Studies*, Vol. 4 No.5 pp. 204

[3] EEO Chukwuemeka, et al, 'The Logic of Open Grazing in Nigeria: Interrogating The Effect on Sustainable Development' (2018) Vol. 2 No.1 *International Journal of Family Business and Management Studies*, p.3

[4] EEO Chukwuemeka, *et al*, *Op. Cit*. p. 6

[5] EO Okeke, 'Conflicts between Fulani Herdsmen and Farmers in Central and Southern Nigeria: Discussion the Proposed Establishment of Grazing Routes and Reserves"(2014) *International Journal of Arts and Humanities*, Vol.3(1): 66-84.

[6] EO Olugbenga, "Peace By Pieces: The Politics Of Herdsmen's Attacks, Grazing Policy And The Ekiti State Grazing Regulation Law, 2016" (2017) *Advances in Social Sciences Research Journal, 4*(5) 72-89

[7] *Ibid.*

1.1 Impact of Farmer Herder Clashes on the Food Security, Employment and Economic Development in Nigeria

The north central states of Benue, Plateau and Nasarawa have experienced the most frequent and violent herder-farmer conflicts which led to thousands of deaths and displacements. These conflicts are the result of clashes between pastoralists (herders) and local farmers in several communities.[8] In 2018, *Amnesty International* reported that over 3,600 people were killed as a result of herdsmen-farmer clashes.[9] In January 2018 alone, 168 people were killed as a result of herdsmen-farmer clashes.[10] More than 3,640 people were estimated to have been killed between January 2016 and October 2018 in clashes over access to pasture in the country's *Middle Belt* alone.[11] The Middle Belt represents about a third of Nigeria's land mass and includes some of the most fertile farmland in West Africa.[12] The potential for agricultural expansion is massive in Nigeria. According to the UN's *Food and Agriculture Organization,* Nigeria uses only half of its 71m hectares of available farmland. And yet, there is a 'clear association and correlation between the risk of attacks and violence and low agricultural productivity.'[13]

In terms of employment, the agricultural sector has been leading in economic activities, as it accounts for one-third of the *Gross Domestic Product* (*GDP*). It remains the leading employment sector of the vast majority of the Nigerian population as it employs two-third of the labor force. Farm productivity is the most important single factor influencing the standard of living of both the rural and urban centers.[14] A significant number of farmers have had to stop farming because they feel threatened by herders, leading to a steep decline in food production and astronomical inflation of food prices over the past five years. These now unemployed farmers and farming communities are often forced to migrate to urban centres in the vain hopes of eking out livelihoods in cities where they are ill-equipped to thrive. Some of them resort to petty crimes to survive whilst others, unable to adjust, join the teeming 43%[15] of unemployed Nigerians with a strangle-hold dependency on the working classes.

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[8] U Egbuta, "Understanding the Herder-Farmer Conflict in Nigeria' Accord News of 30 December, 2018 available at https://www.accord.org.za/conflict-trends/understanding-the-herder-farmer-conflict-in-nigeria/<accessed on 13 May, 2019 at 3:43am>

[9] A France-Presse, "Amnesty: Over 3,600 Killed in Nigeria's Farmer-Herder Violence" (VOA News, December 17, 2018) Available at https://www.voanews.com/africa/amnesty-over-3600-killed-nigerias-farmer-herder-violence<accessed on 18th October, 2019 at 8:40pm>

[10] G Ameh, "Amnesty International Reveals How Many Nigerians Fulani Herdsmen Killed in 2018' (Daily Post News, January 30, 2018) Available at: <https:dailypost.ng/2018/p1/30/amnesty-international-reveals manynigerians-fualni-herdsmen-killed-2018> accessed on 20 January 2019

[11] Amnesty International, Nigeria: The Harvest Of Death - Three Years Of Bloody Clashes Between Farmers And Herders In Nigeria, https://www.amnesty.org/en/documents/afr44/9503/2018/en/

[12] A Shipani, Conflict over fertile lands threatens Nigeria's food security, Financial Times, January 22, 2020, https://www.ft.com/content/fc0934a8-e394-11e9-9743-db5a370481bc, accessed 24/4/2020.

[13] Ibid.

[14] JP Okoro, 'Herdsmen/Farmers Conflict and its Effects on Socio-Economic Development in Nigeria' *Journal of Peace, Security, and Development* Volume 4, No. 1, 2018. Pp.143-158.

[15] Total combined unemployment and underemployment rates increased from 40.0% in 2017 to 43.3% in 2018 and has remained on the increase. National Bureau of Statistics- Volume i: Unemployment and Underemployment Report, December 2018.

Fulani herdsmen and farmers crisis no doubt have negative impact on the lives, property, food security and educational development in Nigeria. The overall implication for sustainable development is that the farming, economic and educational activities are fast deteriorating. The government has spent huge amount of money on the restoration of infrastructures destroyed during the farmer-herder clashes, on the compensation of families who have lost loved ones to the clashes and on the acquisition weapons to equip the military to handle the situation on ground. All these have affected Nigeria's economy.[16]

2. Enactment of State Anti-Grazing/Cattle Ranching Laws

In response to the perceived failure of the Federal Government to address the escalating herder-farmer conflicts, some states of the federation intervened by enacting *Anti-open Grazing Laws* to criminalize the act and provide for establishment of cattle ranching as an alternative to open grazing. Ekiti, Taraba, Benue Oyo States were the first to enact *Anti-open Grazing Laws*[17] and each law is similar in content and structure. Citing from the Benue State *Anti-grazing Law*,[18] some of the key provisions are the provision for issuance of ranching permit and the procedure for payment of leasehold by the rancher, creation of a Livestock Department in the Ministry of Agriculture and Natural Resources as the regulatory body, prohibition of sale of leased land, prohibition of unauthorized entry into ranches, liability of owner of trespassing livestock, prohibition of open nomadic livestock rearing and grazing, establishment of livestock special task force to enforce the law.[19]

The Anti-Grazing laws were greeted with acrimony and viewed as a breach of the fundamental right to freedom of movement or the right to earn a living anywhere in the country. For instance, in Benue State the law was criticized as being discriminatory because its provisions were made applicable to only non-indigenes. The national president of Miyetti Allah, Alhaji Abdullahi Bodejo stated that 'the enactment of the Benue State *Anti-grazing Law* is '…the most wicked act of any government against the economic interest of Fulani pastoralists.'[20] The group promised to fight the *Anti-open Grazing Law* enacted by the government of Benue and complained of extra judicial killings and harassments being meted out on them by security and paramilitary agencies in Benue.[21] Indeed, many of the comments opposing the legislation were concerned with the

[16] Op cit.

[17] Ekiti State House of Assembly passed the foremost open grazing prohibition bill into law known as 'Prohibition of Cattle and other Ruminants Grazing in Ekiti State Law, No. 4 of 2016 and signed into law by the State Governor, Ayo Fayose on 30th October, 2016. It was followed by the Benue State law and then the Taraba State Law for Establishment of Ranches and Open Grazing Prohibition came into effect on 24th January, 2018. Recently, the Oyo State Anti-Open Grazing Bill titled "Open Rearing and Grazing Regulation Bill 2019" that was passed into law in October, 2019.

[18] "A Law to Prohibit Open Rearing and Grazing of Livestock and Provide for the Establishment of Ranches and Livestock Administration, Regulation and Control and for other Matters Connected Therewith in Benue State", published in Nigeria Gazette No.21, Vol. 42. 25th May, 2017

[19] Benue State Open Grazing Prohibition and Ranches Establishment Law 2017 *ibid.*, Sections 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 29, 35 respectively.

[20] A Jimoh, 'Benue Anti-Open Grazing Law recipe for anarchy- Miyetti Allah', (*Daily Trus*, May 30, 2017). http://www.dailytrust.com.ng/news/general/benue-anti-grazing-law-recipe-for-anarchy-miyetti-allah/199866.html
B Agande, 'Anti-open grazing law, a time bomb- Miyetti Allah', (*Vanguard News*, November 14, 2017). https://www.google.co.uk/amp/s/www.vanguardngr.com/2017/11/anti-open-grazing-law-time-bomb-miyetti-allah/amp/<accessed on 15th July, 2018 at 10:32>

[21] The Benue State government and the *Miyetti Allah Cattle Breeders Association* locked horns over the State's denial of access to herdsmen to graze cows in the dry season of 2018: C Unini, 'Benue, Miyetti Allah Disagree

economic inability of most herders to establish their own ranches. The short time frame between passage and implementation did not leave enough space for the state government to make provisions for the herders to overcome the social and economic barriers.

3. The Federal RUGA Settlement Scheme as a Legal Response to Conflict Caused by Open Grazing in Nigeria

The federal government reacted to the recurring internecine feuds by rolling out a proposal for a '*Ruga Settlement Scheme*' in all the 36 states of the federation. The *Ruga Settlement* plan was approved by the president in May, 2019. According to President Muhammed Buhari[22], the implementation of *RUGA* settlements is to curb open grazing of animals that will continue to pose security threats to farmers and herders. Sokoto, Adamawa, Nasarawa, Kaduna, Kogi, Taraba amongst other States were listed as pilot States. The approval of the *RUGA* scheme by the federal government was greeted with some support as well as heavy criticisms.

Speaking in support, the president's spokesperson, Garba Shehu[23], stated that *RUGA* is a scheme which seeks to settle migrant pastoral families in the midst of rural animal breeders; it refers to the settlement of rural of farmers in which all animal farmers, not just cattle herders, would be settled in an organized place with provision of necessary and adequate basic amenities such as schools, hospitals, road networks, vet clinics, markets and manufacturing entities that will process and add value to meats and animal products. Speaking further, Shehu[24] noted the benefits of the *Ruga Settlement's* plan to include a boost in animal production with a complete value chain that will increase the quality and hygiene of livestock in terms of beef and milk production; increased availability of animal proteins at affordable prices which would improve quality of feeding across the nation and access to public and private sector participation in commercial pasture production by way of investments; job creation; access to credit facilities; security for pastoral families and curtailment of cattle rustling. Umar[25] anticipated that the settlements would put an end to the conflict between herders and farmers .

To the Federal Government, the provision of cattle markets would mark an end to herdsmen having to transport their herds mostly by foot and avoid conflicts with local farming communities. Umar,[26] noted that the Federal Government was going to change the lifestyle of nomads, take them away from our streets and from wandering in the bush and develop districts, hamlets and towns and definitely in the next five to ten years, nomads would not be seen moving about, wandering and kidnapping and these would go a long way to ending security challenges.[27]

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over Anti Grazing Law",(2018), https://thenigerianlawyer.com/benue-miyetti-allah-disagree-over-anti-grazing-law <accessed on 27 July, 2019 at 8:50pm>

[22]Available at https://www.pulse.ng/news/local/ruga-7-things-to-know-about-buharis-controversial-settlements/tcjmr7m <accessed on 2 October, 2019 at 8:44pm>

[23] O Udegbunam, "Presidency lists benefits of Ruga Settlements" (2019). Available at htpps://www.premiumtimesng.com/news/headlines/338046-presidency-lists-benefits-of-ruga-settlements.html <accessed on 3rd November, 2019 at 4:09pm>

[24] *Ibid*

[25] Mohammed Umar is the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development

[26] Mohammed Umar is the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development (FMARD).

[27]Available at https://www.pulse.ng/news/local/ruga-7-things-to-know-about-buharis-controversial-settlements/tcjmr7m <accessed on 3 November, 2019 at 9:15pm>

On the other side were those who vehemently opposed the *Ruga scheme* and called for its abolition; the Benue State government, most Southern and Middle Belt Governors and socio-political groups were amongst the schemes' most vocal traducers. They saw it as an attempt by northern elements to officially obtain land in the south and middle belt for sinister motives, it was to them, a further confirmation of the Fulani president's alleged plan to Islamize the country.[28] They cited historic examples of how Fulani Muslims had settled in areas, spread their religion, created emirates and appointed emirs who were soon granted official recognition as legitimate traditional rulers of the communities in which they had settled, with total disregard for pre-existing traditional structures and despite their being in the minority in such communities.[29]

3.1 Grounds for Rejection of the Ruga Settlements Initiative

The Federal Government's *Ruga Settlements* for Fulani herders were supposed to be the answer to the heated herders and farmers conflict. However laudable the benefits of *Ruga Settlements* and however economically savvy the plans of the Federal Government might have been, criticisms by different stakeholders showed that the *Ruga* initiative was widely rejected. Some of the reasons for its rejection include:

3.1 (a) Non-Consultation of Stakeholders.

It should be noted that the *Ruga Settlements* initiative was not discussed with major stakeholders before it was made and approved. The people whose lands the federal government intended to annex were completely left out of the picture. Hence, governors of many states of the federation rejected the *Ruga Settlements* initiative and publicly denounced it. One of such governors was Samuel Ortom, governor of Benue State who stated that the *Ruga Settlements* initiative was a gross violation to the Benue State *Open Grazing Prohibition and Ranches Establishment Law* of 2017 which was in force in the State.[30] The Governor further declared that Benue State had no land for grazing reserves, grazing routes, cattle colonies or *Ruga settlements*.[31]

Issues relating to land acquisition and ownership are very contentious matter in Nigeria. Under the 1978 *Land Use Act*,[32] lands are left under the ownership and control of state governors[33] and

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[28] B Oluwasanmi, "Buhari Wont Resign until He Islamise Nigeria," Sahara Reporters, www.saharareporters.com, accessed 29/4/2020; FA Oborji, "OIC Islamization Agenda in Nigeria and Buhar's Inauguration Day Sharia Law Bag," Nigeria World of 7th June 2019, www.nigeriaworld.com; C Ele, "Islamization of Nigeria- Implications for Sustainable Peace, 2(2018) International Journal of Social Sciences and English Literature, pp 13-19, "Calls for Total Sharia in Nigeria", *News24 Archives* of 27th August 2001, www.news24.com/xArchive; B Oyewole, "Insurgency and Buhari's Call for Full Sharia," Vanguard Newspaper of Dec. 24, 2014, www.vanguargngr.com, accessed 29/4/2020.

[29] JO Arowosegbe, Hausa-Fulani Pastoralists and Resource Conflicts in Yorubaland, (2019) Vol 21:8 *Interventions*, 1157-1187; RT Suberu, "Ethnic Minorities and Political Turbulence in Kaduna State" in *Ethnic Minority Conflicts and Governance in Nigeria*, (Ibadan: IFRA-Nigria, 1996) pp 48-65; Oduah Ameh, "Understanding Bwari Indigene Quagmire: The Visitors Headache," www.Naijcentre.com, accessed on 3rd November, 2019.

[30] Governor Ortom addressed journalists in Mkaurdi on Tuesday, June 25, 2019 through his press secretary, Terve Akase. Available at https://www.pulse.ng/news/local/ortom-rejects-fulani-settlements-in-benue/8rne9t9 <accessed on 4 November, 2019 at 9:18pm>

[31] *Ibid*

[32] Land Use Act 1978 (LUA), Cap L5 Laws of Federation of Nigeria 2004.

[33] LUA Section: " … all land comprised in the territory of each state in the Federation are vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of Nigerians in

without being consulted before approval of the *Ruga Settlements* plan, many state governors saw the policy as an affront that was dead on arrival. No matter the good intentions of the Federal Government, it cannot take peoples' lands and establish ranches by executive fiat without the consent of the State Governors.

3.1(b) Non- Conformity with Legal Requirements for Compulsory Acquisition of Land

In order to obtain land when and where it is needed, state governors have the power of compulsory acquisition of land under the *Land Use Act:* they can revoke an individual's right of occupancy and compel him to give up his land for overriding public interest.[34] Overriding public interest refers to:

> … the requirement of the land by the Government of the State or by a Local Government in the State, in either case for public purposes within the State, or the requirement of the land by the Government of the Federation for public purposes of the Federation; or the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith.[35]

Section 28(4) may appear to rob the governor of any discretion as regards whether to compulsorily acquire state land for the Federal Government use on demand when it provides:

> The Governor shall revoke a right of occupancy in the event of the issue of a notice by or on behalf of the (Head of the Federal Military Government) if such notice declares such land to be required by the Government for public purposes.

However, one recurring prerequisite in all of the above provisions regarding compulsory acquisition of the land of private citizens is that such acquisition must be for public purposes such as mining, construction of oil pipelines, public infrastructure etc. It must also be in the overriding public interest to have such public amenities built. The *Supreme Court* has not minced words in overturning and describing as wrongful, the compulsory acquisition of land for private or political purposes.[36] This position is also buttressed in section 44(1) of the *Constitution.*[37]

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accordance with the provision of this Act." See also *Nkwocha v. Governor of Anambra State* (1984) 6 SC 362 at 404

[34] LUA Section 28(1)

[35] Ibid, Section 28(1)(a)-(c). The Act does not define what is "public interest" but a fundamental reference to 'public purposes' was made therein which is germane to this discussion. Hence any compulsory acquisition not exercised for public interest and by extension public purposes as claimed by the natives, is null and void. What then constitute public purpose? It is suggested that "public purpose" as used in section 28 means that the premises are required for the exclusive use of the government, or for use of the general public or in connection with sanitary improvement of any kind. See more detailed listing of uses that amount to public purpose under section 50(1) of the LUA.

[36] In *CSS Bookshop Ltd v. Registered Trustees of the Muslim Community in Rivers State*, (2007) All FWLR pt. 319, p 819, the Supreme Court frowned at the governor's exercise of powers to revoke right of occupancy in utter disregard to the provisions of the Land Use Act. See also Osun State Government v. Dalami Nigeria Ltd, (2007) All FWLR pt. 365, p 438; Bakare v. NRC, (2007) All FWLR pt. 391, p 1579 and Salako v. LEDB, (1953) 20 NLR 169.

[37] CFRN Section 44(1): No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law…

Cattle-rearing is a private business run by private citizens for private profit. Taking over the land of farmers and private landowners and giving same to operatives of private business owners (herdsmen) smacks of injustice and is indeed contrary to the fundamental human right of citizens to own immoveable property.[38] Once the compulsory acquisition is not for a public purpose, even the payment of compensation[39] to a private citizen for his land does not validate such acquisition.[40] In *Olatunji v. Military Governor Oyo State*[41], the *Court of Appeal* stated thus:

> '... if a property is ostensibly acquired for public purposes and it is subsequently discovered that it has directly or indirectly been diverted to serve private need, the acquisition can be vitiated. The acquiring authority cannot rob Peter to pay Paul by diverting one citizen of his interest in a property by vesting same in another.'

On this point, the above authority is unequivocal. In fact, the supreme court encourages land owners whose lands have been compulsory acquired for 'public purposes' to follow it up to be sure if the acquired land is being put to the public use, otherwise, the land owner have all rights to challenge the acquisition.[42]

3.1(c) Conflicting with the 2018 National Livestock Transformation Plan (NLTP)

In June 2018, the Federal Government accepted the proposal for a *National Livestock Transformation Plan (NLTP*) made by the *National Economic Council (NEC).* The *NLTP* is a multifaceted intervention plan which, according to the government, will modernize livestock management in the country and help to achieve improved productivity and security. It covers everything from economic investment to humanitarian interventions, conflict resolution, and strengthening of law and order. According to the government, all stakeholders have agreed that ranching is the way forward for the management of livestock in the country to help it derive maximum economic benefit and prevent conflicts. A *Public Private Partnership (PPP*) approach will be deployed in the funding of the ranching plan[43].

NLTP is a N179 billion 10-year initiative (2018-2027) that champions ranching as the way forward for cattle rearing in the country. Under it, cattle herders are expected to be registered with cooperatives for the purpose of the ranching scheme. These cooperatives will then be able to get rental agreements for land from state governments and also benefit from ranch resources on several terms including loans, grants, and subsidies. The funding of the plan from the federal government and state governments is expected to last for the first three years in the pilot phase for a total of N70 billion while private sector interests and investments between the third and tenth year is expected to be in excess of N100 billion.[44]

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[38] Section 43 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN)
[39] Land Use Act Sections 28 and 29; CRFN Section 44(1).
[40] Hassan Doma Bosso v. Commissioner of Lands and Anor.,(2002)1 NSHC/MN/101.
[41] (1995) 5 N.W.L.R. (pt. 397) 586 @ 602.
[42] *Alhaji Tsoho Dan Amale v Sokoto Local Government and Others*; (2012) LPELR-SC.290/2003, *Goldmark Nigeria Limited and Others v Ibafon Company Limited and Others* (2012) LPELR-SC.421/2001, (2012) 10 NWLR (Pt. 1308) 291. *Ohochukwu v Attorney General of Rivers State and Others.* (2012) 2 SC (Pt. II).
[43] *Ibid*
[44] *Ibid*

While speaking at a media briefing on the federal government's *National Livestock Transformation Plan* on Tuesday, June 19, 2018, the Minister of *Agriculture and Rural Development*, Professor Audu Ogbeh, said the government will now switch to ranching as the most viable option to put an end to the farmer-herder clashes. He is quoted as saying, 'Open grazing is no longer viable, and that's why we're switching to ranching. We will do everything needed to stop clashes between farmers and herdsmen.[45]

3.1(d) Group Identity Crisis and Mistrust:

Nigeria as a country is a federation of 36 states having clear cut geographical, social, language, cultural and even most times belief differences. Also, each ethnic group with their peculiar identity occupies different regions and the *Ruga Scheme* which seeks to establish settlements of Fulani herders and their families in each of the 36 states of the federation raises fears and doubts as to the real purport of the scheme as one geared towards Islamization of the country. According to Lai,[46] the policy was never discussed and many saw it as government's plan to seize their land and bring some people there so that they could overwhelm them later. Overall, there exists much fears and lack of trust between herders and farmers of local communities in the country. There is no doubt that bringing both herders and farmers to live together without first allaying the fears and mistrusts between them will further aggravate the conflicts.

3.2 Suspension of the Ruga Settlement Scheme

One wonders why the federal government deemed it necessary to come up with the *Ruga Scheme* since State Cattle Ranching Laws already made ample provision for pastoralists to rear cattle in a safe and non-incendiary manner. The obvious difference between *Ruga Settlement* and the Cattle ranches of the *NLTP* was that Federal might would be used to take over State lands and Federal income would be expended to settle herders into host communities without the herders themselves having to pay for such services. In questioning the involvement of the federal government in making the private business enterprise of cattle rearing a national affair, Bankole[47] stated that no matter how it is dressed, *Ruga* connotes no other thing than a measure in ethnic domination and conquest as it seeks to create territories for Fulani people all over the country. He further stated that there was no way the *Ruga* settlements project would to sell as it smacked of a desire for land-grabbing, domination and conquest.[48] Reuben of the *Nigerian Voice* reacting to the acceptance of the Ruga Scheme by the Nasarawa State Governor stated that cattle colony projects and the Ruga Settlement program have the same goal: furtherance and empowerment of one ethnic group using state resources.[49]

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[45] FG says open grazing is no longer an option for cattle herders' <https://pulse.ng/news/local/herdersfarmers- crisis-fg-says-open-grazing-is-no-longer-an-option-for-cattle-herders/cvvn01q <accessed on 20th June, 2019 at 1:20pm>

[46] Lai Olurode is a Professor of Sociology and former National Commissioner of the Independent National Electoral Commission. Available at https://punchng.com/ruga-high-level-settlement-for-herdsmen-shot-down-by-suspicion/ <accessed on 4 November, 2019 at 10:45pm>

[47] Bankole, "The true meaning of Ruga", (2019, July 2, Vanguard), https://www.vanguardngr.com/2019/07/the-true-meaning-of-ruga/ <accessed on 3rd November, 2019 at 4:10pm>

[48] *Ibid*

[49] R Reuben, "Understanding the Ruga Settlement Program and its Rash Acceptance by the Nasarawa State Governor" (2019 June 28, The Nigerian Voice). Available at https://thenigeriavoice.com/news/279385/ understanding-the-ruga-settlement-program-and-its-rash-accep.html <accessed on 3 November, 2019 at 10:07>

Due to heavy criticisms that greeted the Ruga Settlements scheme, the federal government suspended its implementation on 3rdJuly 2019.[50] Announcing the suspension as a resolution of the National Executive Council (NEC), Governor Umahi stated:

> Mr. President has suspended the implementation of Ruga Programme, initiated and being implemented by the Federal Ministry of Agriculture and Natural Resources, because it is not consistent with the NEC and Federal Government approved National Livestock Transformation Plan (NLTP) which has programmes for development of ranches in any willing state of the federation. …So, it is not compulsory, it is for any state that is willing to get into the programme. [51]

4. Judicial Pronouncement of Ruga as Illegal and Unconstitutional

Recently, in the case of *Attorney General of Benue State & Anor v The Attorney General of the Federation & 2 Ors*.,[52] the *Federal High Court* sitting in Makurdi nullified the *Ruga* policy of the Federal Government as illegal and unconstitutional. The plaintiff asked the court to consider the following key reliefs amongst others:

- Whether on a proper interpretation and construction of section 44 (1) and (2) of the 1999 *Constitution of the Federal Republic of Nigeria,* and section 1 of the *Land Use Act,* 1978, the Federal Government's policy plan or proclamation to establish Ruga Settlement or Cattle colonies 'in all the states of the federation and in Benue State in particular constitutes a gross violation of the constitution and an infringement of the right or interest over all the Plaintiffs' land comprising in the territory known as Benue State of Nigeria.

- Whether, having regard to sections 5, 6, 7 and 19 (1) of the Benue State *Open Grazing Prohibition and Ranches Establishment Law*, 2017 which provides for and regulates ranching, livestock rearing and grazing in Benue State, the Federal Government's plan to establish *Ruga Settlements* or cattle colonies for the purpose of regulating and controlling where herders will live, grow their cattle and produce milk in Benue State, is not ultra vires and an encroachment or usurpation of the powers of the Benue State Government in that regard.

- Whether by the combined reading and construction of sections 4, 9(2), 315 (5)&(6) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and sections 1, 5, 6, 26, 28 and 49 of the *Land Use Act*, the Federal Government has power to make policy on land and administration by establishing grazing reserves, cow/cattle colonies, pilot ranches, *Ruga Settlement* or by whatever name called, for use of private cattle breeders on lands other than lands that were owned by the Federal Government as at 29th March 1978 or 29th May 1999 (as the case may be) and on lands used for farming purposes.

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[50] Governor Dave Umahi of Ebonyi State who is the President of the South-East Governors Forum made this announcement after a meeting of the National Executive Council (NEC) committee, chaired by Vice President Yemi Osinbajo, in Abuja on Wednesday, July 3, 2019. Available at https://www.pulse.ng/news/local/buhari-suspends-ruga-settlement-plan-for-herders-after-backlash/ft7cj12 <accessed on 3 November, 2019 at 11:12pm>

[51] *Ibid*

[52] The Attorney General of Benue State & Anor v The Attorney General of the Federation & 2 Ors. (Unreported Suit No: FHC/MKD/CS/56/19, ruling delivered on 3/2/2020 by M.O. Olajuwon. J at Federal High Court, Makurdi Division)

- Whether the policy of the Federal Government to establish *Ruga Settlements* or *Cattle Colonies* in Benue State can override the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the *Land Use Act* and the *Open Grazing prohibition Law* of Benue State.

The Federal High Court resolved these reliefs in favour of the Plaintiff (The Benue State Government) and made an Order nullifying every action, steps or decisions taken to establish *Ruga Settlements* or *Cattle Colonies* for herdsmen in Benue State. The Court also made an Order of perpetual injunction restraining the Defendants, their agents, privies, servants or whomsoever from making any attempt to hold, administer, use or allocate land comprised in the territory of Benue State for *Ruga Settlements* or Cattle Colonies or any other purpose contrary to the *Laws* as considered in this judgment.[53]

5. The National Livestock Transformation Plan as an Alternative to the Failed Ruga Scheme

The NLTP was finally inaugurated on September 10, 2019 by the Vice President Prof. Yemi Osinbajo at the Gongoshi Grazing Reserve in Mayo-Belwa Local Government Area of Adamawa State. Due to delays in execution of the plan, it was revised to run from 2019 – 2028.[54] Although the *NTP* is majorly a collaboration between the federal and state governments, farmers, it adopts a value chain approach to implementation meaning that in addition to the pastoralists and farmers, there are also non-state actors such as the private sector, civil society, traditional and religious institutions, academic and research institutions, as well as farmers' and traders' cooperatives; all of whom are critical for implementation.[55]

Seven pilot States were selected for the plan's kick-off: Adamawa, Benue, Kaduna, Plateau, Nasarawa, Taraba and Zamfara.[56] In this plan, the federal government would not take or compulsorily acquire land from the state government or private investors, rather land would be willingly made available and factored in as part of an investors' contribution to the venture. The plan hopes to birth viable ranches where cattle and other livestock are bred, meat, dairy and other livestock resources produced using modern breeding and processing methods. The *NLTP* could be remodeled by participating states to meet their unique situation and ensures a practical response to local meat demand, the pressure on land, water and pasture by forces of climate change.[57] Hence, the Plan is not only targeted at cows, but a holistic strategy to address all forms of animal husbandry. The Federal Government would contribute 80 per cent in grant to support states, while states would contribute land, project implementation structure, personnel and 20 per cent cost of the project.[58]

[53] See also H Ibya, Court Declares Ruga Cattle Colony Illegal in Benue State, https://aljazirahnews.com/court-declares-ruga-cattle-colony-illegal-in-benue/ and https://thenigerialawyer.com/court-declares-ruga-cattle-colony-illegal-in-benue-download-judgement/ accessed 22nd April 2020.
[54] https://punchng.com/osinbajo-flags-off-national-livestock-transformation-plan/ accessed 22/4/20
[55] Voice if Nigeria (VON), https://www.von.gov.ng/national-livestock-transformation-plan-not-for-animal-husbandry-alone/ accessed 22/4/20
[56] Op cit.
[57] Ibid.
[58] Ibid.

The *NLTP* has six pillars– conflict resolution, justice and peace, humanitarian relief and early recovery for IDPs, human capital development, cross-cutting issues and economic development.[59] An essential component of the *NLTP* therefore, is the establishment of a comprehensive programme management structure to take care of planning, coordination, implementation, monitoring and evaluation and financial management in an effective and efficient manner. This will be done by the *Project Coordination Secretariat* (PCS) in the Office of the Vice President, which will have overall programme oversight, overall policy guidance, strategic direction and review, and approval of the annual work plans and budgets.[60]

There are some rumblings of discontent[61] about the NLTP but overall, it has received a better reception than *Ruga*. The projections of employment creation and enhanced food security in the face a looming famine and skyrocketing unemployment and rural-urban migration is undeniably persuasive.

6. Conclusion and Recommendations

The suspension of the Ruga Settlement initiative is a step in the right direction owing to the public outcry against the plan. Government policies must ensure balancing interests of all of the people and not sectionalized. Cattle herding as well as other means of farming are private businesses and the Federal Government should treat them as such. The research recommends that the voluntary *NLTP* towards establishing ranching and providing incentive to all farmers should be embraced by States as it is more comprehensive, less dictatorial and has received wider acceptance. The NLTP must be subject to State Anti- Open Grazing Laws and States which have not enacted same are encouraged to do so. Farmer-herder clashes have a directly proportional negative effect on food and employment security in Nigeria so everything should be done to bring an end to open grazing.

Although there are inherent lacunae begging for amendment, the *Anti-open Grazing Laws* of various States which criminalize land grabbing, trespassory activities of herders and cattle rustling amongst others are laudable especially in the face of the docile attitude of the Federal Government to herder-farmer clashes. There should be a review of the Open Grazing Prohibition Laws by various states to amend any actual or potential discriminatory provisions**.** A re-visit of the law becomes pertinent in the light clear discriminatory distinctions between indigenes and non-indigenes when it comes to the procedure and mechanism for land acquisition, ranching leases, restitution and payment of compensation.

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[59] Op cit

[60] VON Op cit.

[61] YN Kukwa, The Lie called National Livestock Transformation Plan (NLTP), https://scannewsnigeria.com/news/the-lie-called-national-livestock-transformation-plan-nltp/, accessed 24/4/20. Kukwa is of the view that like Ruga, the ultimate aim of the NLTP is to spread the Fulanis from around Africa across the country beginning from the north. In his words "…the indisputable fact remains that the Fulanis are going to be settled sweetly on our land as indigenes forever, with our own consent. Tomorrow, the law would be on their side in the plan which is obviously long term. Furthermore, our would-be fellow NLTP guests-turned-indigenes have been responsible for the death (and they characteristically make sure it is a painful one) of our loved ones, many of our people are still in the IDP camps and the same federal government now so keen on Ruga and NLTP has exhibited total indifference. Our people are at the moment very embittered against the herdsmen and the federal government that has failed to protect them or even allow them to defend themselves. Can these passions be readily assuaged for them to ever co-exist peacefully again?"

State Government should provide support mechanisms and incentives for herders to access land for ranching and to obtain grazing permits within the state. They could invite private investors for industrial ranching and can develop incentives to stimulate ordinary herders to establish subsistence and community-based ranches in the short, medium, and long term. Livestock ranching as proposed by the open grazing should be made realizable with ease and State governments should carry out an intensive sensitization involving all stakeholders on the purpose and intendments of the law.

States should introduce programmes that will encourage farmers to remain in the agricultural sector. Palliatives should be provided for subsistence farmers who are the majority of persons adversely affected by the herder conflicts. By so doing, the agricultural sector of the state would once again become attractive for citizens thereby providing employment and preventing social vices which inevitably occur in situations of massive unemployment. More importantly, only an aggressive and innovative focus on agriculture can resuscitate food production in Nigeria and combat the impending famine.

The Federal Government should channel its policies towards revamping the dwindling economy of the country and rise to the demands of the conflicts and stop criminal activities of herders. These activities have put many farmers and herders out of work and led to one of the most severe food shortages, bordering on famine, in the nation's history. Strengthening Police capacity to curb rustling and banditry is necessary, albeit a reactionary response. Security agencies should focus on preventive measures, including community liaison mechanisms to upgrade intelligence gathering, early warning and rapid response. State or regional policing would be more effective in responding to incidents of communal violence. The decentralization of the police force is a front-burner constitutional issue in the country.

A more long-term response would be to tackle the issue of desertification which is the major reason why herders have been seeking pasture further south. The Federal Government should intensify implementation of the *Great Green Wall Initiative* for the Sahara and the Sahel Regions which includes such activities as planting a 15km wide belt of trees, running 7,775km across nine African countries from Senegal to Djibouti; building water-retention ponds and other basic infrastructure; establishing agricultural production systems, and promoting other income-generating activities.