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THE FULANI HERDSMEN AS TERRORISTS WITHIN NIGERIAN LAW: AN EXPOSITION

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Abstract

This paper x-rays the activities of the herdsmen in carrying out their business of cattle rearing, and its detrimental effect on the economic wellbeing, welfare and security of other Nigerians. It postulates that every Nigerian has right to carry out his/her lawful business within the rule of law and to provide finance or funds for smooth operation of his/her business without injuring the interest of other Nigerians carrying out their legitimate business. The paper stressed that the violent activities of the herdsmen amount to terrorism in view of the existing law on terror in Nigeria. The paper is concluded by recommending that security agencies in Nigeria should be decentralized for effective security surveillance, intelligence gathering and operations in addition to modern equipment and training and retraining of the security operatives in Nigeria.

Introduction

The herdsmen in Nigeria causing the mayhem and catastrophy of intense proportion are the Fulani herdsmen from Northern part of Nigeria who hitherto had been grazing through the length and breadth of Nigeria with little skirmishes and which were always resolved by dialogue and intervention of traditional rulers and other notable and respected individuals within various communities affected[1]. Some notorious cases were taken to court for mischief, wilful destruction of farmlands and arsons[2]. The magistrate courts normally fined anyone convicted while in some cases the victims were ordered to be compensated for their losses[3].

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[1] J.O. Akintola The Herdsmen and Land Use in Nigeria Joseph Ayo Babalola University Law Journal vol 4 No 1 (2017) p 166

[2] Sections 262-270 of penal code Law Laws of Norther Nigeria 1963

[3] Section 78 of Penal Code Law, Laws of Northern Nigeria 1963

However, herdsmen violence took a new dimension in this fourth Republic. During the regime of President GoodluckEbele Jonathan, herdsmen violence was not as pronounced as it is today. This made Nigerians to feel that it is either the herdsmen are emboldened by the fact that it is their kinsmen that is now the President of Nigeria therefore they can do and undo. This belief is fortified by the lukewarm attitude of the President towards quelling the violence[4]. The ruling party, All Progressive Congress (APC) and the presidential spokesman instead of condemning the act and advising the president correctly started to make comparison that there were more killing under Jonathan than the present regime[5]. The unfolding scenario has made many Nigerians to loose faith in the present administration concerning security of live and welfare of Nigerians which is the primary purpose of governance[6].

The Modus Operandi of Herdsmen in Nigeria

From time immemorial, livestock keeping has been a popular and rewarding occupation. The Fulani tribe of the Northern Nigeria are majority the herdsmen in Nigeria. This occupation is nomadic in nature. They move from the North East and North West to the North Central and Southern part of Nigeria during the dry season because of the weather and wet condition of these parts of Nigeria[7]. As conflict is common to all human societies, there were always little conflicts which may lead to violence because the herdsmen are seen as trespassers. They grazed their herds through lands of Nigerians without their consent, permission or approval but people don't complain once there is no damage to their cash and food crops, and once there is any damage it is quickly redressed by report to traditional authorities in those areas or sometimes to the police who investigates and brings the culprit to justice[8].
There were cases where people who unjustly killed or maimed herds were asked to pay compensation to the herdsmen. This author's client had to pay compensation to a herdsman for pouring acidic substance on some cows unjustly in Anyigba in Kogi State of Nigeria in 2012.

The new dimension of herdsmen violence in Nigeria is frightening and dangerous because it looks like genocide which is a crime against humanity in international law, it looks like declaration of war against Nigerians because no one is safe in any part of Nigeria as they operate a kind of guerrilla warfare, their activities is also a threat to food security in Nigeria because they killed farmers and destroyed their farms and

[4] J.E. Uzualu An Examination of the Impact of the Fulani Herdsmen: A Terrorists in Disguise being a paper delivered at the Faculty of Law Seminar Edo University Iyamho
[5] A. Ladipo Herdsmen Attack: A National Security Failure The Guardian 20-3-18 P 18
[6] Section 14 (1) (b) of the 1999 Constitution of Nigeria as amended
[7] History of Fulani Herdsmen in Nigeria www.buzznigeria.com accessed on 15-3-18
[8] An Analysis of the Deadly Fulani Herdsmen in Nigeria www.naija.com accessed on 15-3-18

their houses. They raped women, maimed and killed children too. They also kidnap, adopt and beat their victims with dangerous weapons. All these activities of herdsmen also amount to terrorism under Nigerian law. In fact some Nigerians believe that herdsmen violence is another phase of Boko Haram terrorism[9]. While other see it as ethnic cleansing agenda of the Northern Oligarchy.[10]

Herdsmen as Terrorists under the Nigerian Law

Before going further in this discourse, we will define terrorism first, then situate the activities of the herdsmen within the definition.

Definition and Conceptual Clarifications

The term terrorism has been variously defined or described by scholars resulting in no acceptable universal definition of the term[11]. This controversy about the definition is largely due to ideological stands of those scholars, while some see terrorists as criminal elements who should be punished by the state, others see them as nationalists, freedom fighters and anti imperialists or peoples liberators[12]. However, in spite of this controversy it is still appropriate to attempt a definition of terrorism whether it is universally or globally acceptable or not.

Terrorism is defined as the use of violence especially against ordinary people to try to force government to do something[13] or the use of force and violence to intimidate, subjugate etc especially as apolitical policy[14]. It is also described as the use of bombs and violence, especially against ordinary people to try to force government to do something[15] or the use of violent action in order to achieve political aims or to force a government to act[16]. These English dictionary meanings point out the fact of violence and force as key elements in terrorism and that ordinary people are targeted while the action is intended to influence or force government to act in a particular direction.

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[10] A. Orowuka so what do the killer Herdsmen want? The Punch 20-3-18 p2 A. Fayose, herdsmen Mayhem is terrorism and Ethnic Cleansing http:// m.guardian.ng.laws>herdsmen... accessed on 20-3-18

[11] O. Abifarin and B. Ogwo Assessing the Global War against Terrorism, Selected Essays on war and peace S.E. Edeko (ed) (Ambrose Alli University Ekpoma 2006) P. 1

[12] C. Oriaku Terrorism and African Perspective in the 21st Century (Otinan ventures Abuja 2005) P 40

[13] Longman Active Study Dictionary New Edition, (Longman, London 2005) P. 772

[14] The Collins Pocket Dictionary for Schools (Collins London 1987) P. 871

[15] Oxford Advanced Learner's Dictionary (Oxford University Press London 2010) P. 1543

[16] Webster Dictionary of the English Language (Random House London 2010) P. 253

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