

Insecurity and the rule of law in Nigeria: A legal appraisal of government responsibility

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Abstract

This paper addresses the problem of insecurity of lives and properties due to attack by nomadic Fulani herdsmen in Nigeria. The attack on farmers and other innocent Nigerians has resulted into the destruction of innocent lives and properties, distorted law and order in the part of the country like Benue, Taraba, Adamawa, Zamfara, Nasarawa, Oyo, Ogun, Ekiti, Ondo, Abia, Enugu, Kogi and Kwara States to mention but few states. This has continued to send waves of terror to the minds of the people in the area mentioned. In order to deal with the situation some of the concerned states enacted a law called "Anti-Open Grazing Laws" to regulate the activities of these nomadic Fulani herdsmen which had clashed with farmers' in their respective states. This article has however analysed whose duty is it to make law to regulate activities of these Fulani herdsmen and to protect lives and properties in general. Notwithstanding the fundamental rights of citizens guaranteed by Sections 34-36 of 1999 Constitution of Federal Republic of Nigeria (As amended) in Comparison with the power of the state to make its own law in conjunction with fundamental objectives of



Government as provided by Section 14 (2)(b) of 1999 Constitution. The article analyses rights of Nigerian citizens to be protected by the Government of a state in Nigeria and it concludes on the strong notion that only the State Government in line with the relevant Sections of the Constitution like Sections 4, 7, and 100 of the same Constitution and Land Use Act 1978 has the power to make law as regards the usage, control and managements of land in the state and it ends with recommendations which the authors feel will assist the nation in effectively suppressing the current wave of nomadic Fulani herdsmen invasions in some states of the Federation¹.

Key words: Insecurity, Rule of Law, Herdsmen, Grazing, Nigeria

Introduction

In its relationship with society, law is viewed as an instrument of social change or transformation by the sociological jurists. Without law and a law enforcement system, society would be in disorder. There will be no rights and duties and any purported rights and duties would not be respected nor protected. Rights and duties will be meaningless. Orderly and right living would be impossible.

As we have it today in all nooks and crannies of Nigeria, there would be chaos and anarchy, as it was reiterated in the word of Thomas Hobbes which says without law, life would be brutish, nasty and short. This is however based on the premise that society in which law operates must be of respect for the rule of law and human rights in order to have an orderly, stable and prosperous society as at was stated in section 34–36 and 42 of 1999 constitution of federal republic of Nigeria (as amended). Notwithstanding various rights which Nigerians irrespective of gender and religious affiliation have under the aforementioned 1999 constitution, such fundamental rights of any Nigerian is not expected to endanger a co-citizens. The article analyses the rights of Nigeria citizens to be protected by Government in states of Nigeria and concludes on the strong notion that it is the responsibility of Government to provide security and welfare for

all citizens irrespective of ethnic nationality, tribes religious affiliation or gender.

One of the most disturbing developments in recent times in Nigeria is insecurity of lives and properties engendered by herdsmen-farmers clashes in states like Benue, Taraba, Plateau, Adamawa, Kogi, Ekiti, Ogun, Oyo, Imo, Abia, Nasarawa and Kwara States to mention but few among states that are critically affected by suspected Fulani herdsmen crises. The most affected and pathetic ones are killings by herdsmen on the eve of January 1st 2018 in Benue State where over seventy-three (73) indigenes of the states were being killed, tortured in inhuman way by herdsmen, several lives were also lost in Taraba, Adamawa, Nasarawa and Plateau states through herdsmen war on host communities.

This paper however, aims at realizing the following objectives:-

- (i) To identify the role of law in society, particularly, constitutional law in the above context
- (ii) To analyze the causes of crises between farmers and herdsmen in many states of Nigeria.
- (iii) To examine the fundamental objectives of government
- (iv) To examine whose duty is it to enact law for the development, usage and control of land in the state.
- (v) To conclude with some viable options for peace in Nigeria.

Roles of Law in Society as prescribed by Sociological Theory

As earlier stated, law is view as an instrument of social change or transformation by the sociological jurists. Law in society plays three (3) distinct roles:-proscriptive, protective and instrumental roles.

1. In its proscriptive role, law is essentially concerned with proscribing certain forms of conduct and imposing sanctions as a consequence of non-compliance or breach of societal norms and values cherished most and selected for protection by the law of crimes in society.
2. In its protective role, law seeks to protect individuals and groups from adversity consequent upon their status and vulnerability in society. Hence laws protecting against

discrimination, marginalization, exclusion, disadvantage, injustices, inequalities and socio-economic and political ambiances, labor, sexual and economic exploitation, abuses and other human rights violations of one's privacy, human dignity e.t.c. are clear examples of this protective role.

3. The instrumental role of law in society is perhaps the most far reaching and proactive, for it seeks more than just to regulate the relationships between individuals in society, but also to help change the underlying values the patterns of social interaction that create vulnerability of people to practices, policies, conflicts, epidemic etc. in society. Moreover the character of the Nigerian society that is founded on unity in diversity in order to pursue divergent interests and at times both competing and conflicting interests by various interest groups needs the rule of law to always prevail in our society. This is important and necessary because without it the Nigeria society will not operate as an orderly, stable, secured, and prosperous country.

Causes of Civil unrest/crises in ravaging states of Nigeria

However, the Federal Republic of Nigeria as a country is located on a geographical map which is approximately within 923,000 square kilometers.² Around 1958, 1959 and 1960 when Nigeria was about getting independence the calculation show that the country called Nigeria is situated upon 923,000 square

² Governor Samuel Ortom, Benue State, Nigeria argued that they practiced same in American, Europe, Asia even in our Africa soil – Kenya, Tanzania are doing it, small countries like Swaziland; “I was there four years ago and their major earning is beef, but they ranch. So, why can't we ranch in Nigeria, where is the land with the upsurge of population? In the 1950, when people argued that they had cattle routes and grazing area, I asked what was the total population of Nigeria? Less than 40 million people. Today, in 2017, I can approximate it to be over 200 million because the projection in 2012 was 170 million, so by today, by calculation we should be over 200 million, but what is the landmass? What was it in 1950s? 923,000 square kilometers! Today, it is the same 923,000 square kilometers but even less because of the ceding of Bakassi to Cameroon”. Reported by Anote Ajeluorou, the Guardian, Wednesday, November 1, 2017, pg 14

kilometers with about forty (40) million or less people inhabited it, in 2012 the population of Nigeria was and is estimated to be 170 million people and recently expert stated that the population of Nigeria has increased to over two hundred (200) million people³.

Climate change and degrading environmental factor has also been attributed and in fact major cause of this unrest, nearly in all states of the Federation. Maiyati Allah Cattle Rearing Association of Nigeria recently stated in most of the national daylies⁴ that their livestock are suffering in their state of origin, they could not be fed adequately, because rivers and dams that used to provide succor for their animals when they thirst have dried suddenly and to be able to survive and feed their families, they have to explore other options like engaging their livestock to graze openly without considering the hazard which such act may have on other citizens like peasant farmers and ordinary citizens living along the coast.

Another reason suggested by some public affairs analyst as being one of the major causes of crises here and there is weak law enforcement agencies. Though it has been justifiably argued that Nigeria does not have the required number of police officers recommended by some international organizations like United Nation Amnesty International which prescribed at least three police officers to protect or guide two to two hundred people⁵. The opinion of the authors of this article is that, with due respect to the above mentioned international organization prescription, we don't have problem with number of police officers but those police officers which the country presently servicing are up to the task. It was reported by most of our daily newspaper after January 1 and 2 mass killing in Benue state that intelligence information revealed that there would be mass attack on people in the state and such information was made available to the Benue State Command of the Nigerian police force but according to the governor of the state, nothing was done to prevent the heinous act⁶.

³ Ibid.

⁴ Ibid.

⁵ Ibid

⁶ Ibid

Ethnic rivalry has been held to have contributed to loss of lives and properties. Worthy of note that an ethnic group, unlike other interest group, is normally regarded as a human community that is distinguishable from others on the basis of obvious specific characteristics such as cultural, linguistic, religious, physical, and biological characteristic⁷.

Furthermore, research has shown that ethnicity parse does not necessary create destabilizing effects for state and nation building and factors responsible for the heightening of ethnic conflicts in Nigeria are obviously socio- economic imbalance or economics which often translate into political terms. This is very much so not only in Nigeria⁸, but also in Africa, because control of the political machinery creates easy alerts to the national wealth, not only for the individuals in authority, but also for his immediate family members and ethnic group⁹.

Generally speaking, ethnicity as a source of conflict results from long and persistent period of domination and unfair treatment or unresolved socio-economic and political imbalances, injustices and inequities by the politically dominant ethnic groups¹⁰.

Perceptions of many Nigerians about ongoing killing by suspected Fulani herdsmen is that because the president and the commander in chief of the Armed Forces is a Fulani man and most of these killings are believed to have been perpetrated by Fulani herdsmen and that he has not taken a public stand to criticize these heinous acts; therefore has enabled the situation degenerate to its present state. essentially, where politicians are unable to mobilize their supporters on the basis of some

⁷ See Rainer Tetzlaff, "Political Ethnicity – an Underestimated Reality in post colonial Africa, "Law and State, Vol. 46 1985, 24-37

⁸ O. Nnoli, ethnic politics in Nigeria (Enugu: fourth dimension Publishers, 1978), 257-259

⁹ E.K. Quashigah, "Legitimacy of governments and the Resolution of conflicts in Africa", African Journal of international and comparative law, 1991, 287

¹⁰ Report of the 1987 political Bureau (Lagos: Government printer, March 1987), 31, 42

ideological principles or other more universally unifying principles, the resort to ethnicity becomes very attractive.

In the first place, such an approach saves on organizational cost and secondly gives the political claims of a group the seal of social justice, at least among its ethnic members¹¹ Problems of everyday living and frustrations of irredeemable culture have exacerbated the rumblings of ethnic nationalism not only in Africa, but in the world at large.¹²

Presently in Nigeria, another factor attributed to ethnic conflict is that some degree of ethnicity always has existed among our people because of differences in language and custom. Historically, the various ethnic groups did not relate to one another in terms of hostility, but generally maintained friendly relations through trade and social contacts, except when some misunderstandings due to lack of communication or intolerance led to conflict¹³

Non-sensitization of the populace¹⁴. It was widely perceived that people were not widely sensitized for instance, the Miyetti Allah Kautal Hore Association of Nigeria in Benue State and other states in Nigeria kicked against law (Anti Open-Grazing Law otherwise known as Open-Grazing Prohibition Law) insisting that it was not in their interest to have the law in place. According to them they said the open grazing law was enacted for political exigencies prohibiting open grazing of a deliberate plan to frustrate their age long grazing pattern and business¹⁵. If enough sensitization had been carried out before implementation, certain group like Fulani men or certain ethnic group in the country wouldn't have negatively misconceived the implementation of the said law.

¹¹Tetzlaff, 'Political Ethnicity – an underestimated reality in post-colonial Africa,' 25

¹²Bosnia and the former soviet Union were very troubled areas of the world where ethnicity has threatened to or even escalated into armed conflicts. The situation is the same in Rwanda and Burundi, 1994 to 1996

¹³ Vanguard, December 2, 2017 pg 15, Benue Anti-Open Grazing Law; Herdsmen ready to ranch their cattle – state Government

¹⁴ Ibid

¹⁵ Ibid

Primary duties of Government towards its Citizens

The 1999 Constitution provides that it shall be the duty and responsibility of all organs of the government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform, to observe and apply the provisions of this Constitution of Federal Republic of Nigeria (As Amended)¹⁶.

The objectives and principles enumerated in these Sections of the Constitution are the fundamental objectives, principles, and manifesto on which Nigeria's as a nation is to be built upon. They are the objectives, principles, which are to guide and direct the actions of government, its agencies and every person in the country.

Furthermore, in compliance with the above mentioned Sections of the Constitution, the Constitution¹⁷ provides that it shall be the duty of Government at all levels to provide security and welfare to its people, failure to do that shall entitled Nigerian citizen to maintain legal action against any Government who fails to provide security and welfare as provided by the said Constitution see *Amange v. Adumeein*¹⁸.

On the other hand, where the government and the people ignore these noble objectives and principles and pursue contrary objects, ethnic and religious crises, corruption, favouritism and injustice, such a country will be bedeviled by every political, economic and social malaise.

¹⁶ Chapter 7, 1999 Constitution of Federal Republic of Nigeria (As Amended)

¹⁷ Section 14 (2)(b) 1999 Constitution of Federal Republic of Nigeria (As amended)

¹⁸ (2016) 13 NWLR pt. 1530, p 349 - 518

The Government and the People

1. The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice¹⁹
2. It is hereby, accordingly, declared that:
3. Sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority
4. The security and welfare of the people shall be the primary purpose of government²⁰
5. The participation by the people in their government shall be ensured in accordance with the provisions of this constitution.²¹

This section provides that Nigeria shall be a nation or country based on the principles of democracy and social justice for all its constituent parts and people. Sovereignty or ultimate power in the country belongs to the people, which is exercisable by them by way of the constitution, their representatives in government and by their vote during elections, referendum, recall and so forth.

Whatever the manifesto of the party, or philosophy of the individual who make up government, the security and welfare of

¹⁹ The provisions of this chapter 7 are an inbuilt manifesto for the political parties and all elected officials which programmes and objects they should implement for the people of Nigeria. The provisions of this chapter 7 of the Nigerian constitution which are known as the fundamental objectives and directive principles of state policy are not justiciable. They are in the nature of social and economic rights and do not confer any legal right, and remedy except such legal action can also be based on another provision of the constitution, which gives a right so a remedy, *Adamu v. A.G Borno state* (1996) 8 NWLR pt 465. P.203 CA. *Okogie v. A.G Lagos State* (1981) 1 NCLR 218 HC, 2 NCLR 337 CA. *DELE GIWA V. IGP, UNREP SUIT NO. M/44/83 OF 30/7/84*

²⁰ *Brown v. Board of Education* 347 US 483 (1954). *FRN v. Lekwo t& Ors.* Unrep suit No. KD/CCDT/5/92 of 2/2/93. *FMG v. Ken Saro-Wiwa& 8 Ors.*, unrep Suit no. OCDT/PH/1/95. *Isaac adakaBoro v. The Republic* (1966) all NLR 263, *Badejo v. Fed Ministry of Education* (199, p.6) 8 NWLR pt. 464, p.15 SC *Adamu v. A.G Borno state.* *Supra.* *Governor of Lagos State v. Ojukwu* 1986) 1 NWLR pt.SC. *FRN v. RaiphUwazuruike.* *The Guardian* 9/11/05.p.1

²¹ 1999 constitution, the preamble and s. I

the people of Nigeria are the fundamental purpose and responsibility of government and its agencies at every level, whether at Federal, State and Local Government levels.

Objectives of the State Government

- (1) The motto of the Federal republic of Nigeria shall be unity and faith, peace and progress
- (2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.
- (3) For the purpose of promoting national integration, it shall be the duty of the state to:
 - (a) Provide adequate facilities for and encourage free mobility of people. Goods and services throughout the federation
 - (b) Secure full residence rights for every citizen in all parts of the federation.
 - (c) Encourage inter-marriage among person from different places of origin, or of different religious, ethnic, or linguistic association or ties and
 - (d) Promotion or encourage the formation of association that cut across ethnic linguistic, religious or other sectional barriers.
- (4) The state shall foster a feeling of belonging and involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties.
- (5) The state shall abolish all corrupt practices and abuse of power

The motto of Nigeria that is, the cardinal or principles on which Nigeria is to be built and stand are: unity and faith, peace and progress. These are the cardinal principles which the government, its agencies and people of Nigeria everywhere and whether in public or in private life are to pursue. National integration shall be actively promoted whilst discrimination for whatever reasons are prohibited. Indeed, the Nigeria constitution provides for the right to freedom from discrimination under the fundamental human rights.

Government shall foster a sense of belonging among the people of Nigeria. Loyalty to the country shall be promoted and it shall override sectional loyalties, be they, ethnic and personal loyalties and so forth. The country shall among other things:

- (i) Protect and defend the liberty of the individual
- (ii) Enforce the rule of law; and
- (iii) Ensure the efficient function of government institutions and services; and
- (iv) Government is to abolish corruption at all levels of governance.

Economic Objectives

The state shall, within the context of the ideals and objectives for which provisions are made in this constitution:

- (a) Harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;
- (b) Control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity²²
- (c) Without prejudice to its rights to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy.
- (d) Without prejudice to the right of any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

The above points are primary duties expected of any functional Governments to provide for its citizens so as to enable them have sense of belonging but the question is 'Whose duty is it to provide all the aforementioned responsibilities, most especially the responsibility of protecting lives and properties in the states?' For the purpose of clarity presently Nigeria has 36

²² Supra

States, 774 Local Governments and the Federal Capital Territory located at Abuja.

Among the aforementioned three tiers of governments, whose duty is it to make laws for the peace order and good governance of the state or any part thereof with respect to Anti-Open Grazing Law (otherwise called Open-Grazing Prohibition Law). There are sections of 1999 constitution of the Federal Republic of Nigeria. (as amended) that empowers National Assembly to make laws for the peace order and good government of the federation or any part thereof with respect to any matter included in the exclusive legislative list set out in part 1 of the 2nd schedule to the constitution²³, also the provision of the Constitution²⁴ most especially section 7 of the 1999 Constitution of Federal Republic of Nigeria (As Amended) which provides that 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 with respect to any of the following (a) including - peace, order and good government which invariably have interpreted to include a land formation and control management.

Anti-Open Grazing law enacted by Benue State Government, Taraba State Government Ekiti State Government and many other states governments in Nigeria are in order because such was made to preserve lives, order and properties. And it has not been justifiably argued that passage of that law in various states of the federation contravene any section(s) of the constitution so far that the implementation follows the procedure laid down by the Constitution²⁵.

Power of the State to make Law under the 1999 Constitution

A state can be defined to mean a group of people occupying a definite geographical area and which has a sovereign power with no inference from external forces. It could also mean a compulsory political organization with a centralized government

²³ S. 4(2) of 1999 constitution of federal republic of Nigeria (s amended)

²⁴ Section 7 of 1999 Constitution of the Federal Republic of Nigeria (As amended)

²⁵ Section 100 (1) of the 1999 constitution of federal republic of Nigeria (as amended)

that maintains a monopoly of the legitimate use of force within a certain geographical territory.

State, a component of federation by virtue of provision of the Constitution²⁶ shall have State Houses of Assembly capable of making laws to protect lives and properties of those that inhabit in it once the making of that law is in accordance with provisions of the said constitution and it has not been found to be contrary to the provisions of the constitution and it shall become functional. The question, which must be answered at this juncture is “Does the State have the power to enact law to regulate usage, formation and development of land at the State level, considering also the provision of LAND USE ACT 1978 as regard the usage, development, control and management of land in Nigeria. Land Use Act²⁷ provides that “subject to the provisions of this Act, all land comprised in the territory of each State in the Federation is hereby vested in the Governor of that State, and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act”. Also, as from the commencement of this Act – (a) all land in urban areas shall be under the control and management of the Governor of each State; and (b) all other land shall, subject to this Act, be under the control and management of the Local government within the area of jurisdiction of which the land is situated.

The legal implication of the above mentioned Sections of Land Use Act is that the usage, proper management and control of land in the state has been held to be the duties of the state government, and by virtue of provisions of Sections 7, 100(1), 4 and Section 1 of the Land Use Act 1978 the state government has exclusive power to enact law that will ensure the proper usage, control and management of land in the state most especially land in urban centre. From the foregoing, Anti-Open grazing Law enacted by the Benue State Government and other States of the Federation are in line with provisions of the 1999 Constitution and other relevant statutes like LAND USE ACT 1978.

²⁶ Section 4, 7 and 100 of the 1999 Constitution of FRN (as amended)

²⁷ Section 1 of the Land Use Act 1978

Conclusion and Recommendations

Since it is not possible to have a society devoid of any crises but it is also bad to have continuous killing of innocent souls, burning of properties in a needless crises which its major causes have been attributed to the failure of the government. Indirectly, ethnic and religious crises in Nigeria have been linked to endemic corruption which has gulped various departments in the land. From the foregoing, although, ethno-religious divers have its negative consequences, it is not without advantages. Hence, maintaining the argument that neither ethnicity nor religion parse is a source of conflict except where either one is politicized or manipulated for selfish gains or due to intolerance by the disputing parties. The law, especially constitutional law, could be used as a progressive vehicle for the prevention and management of the root causes of conflicts and for the achievement of unity in diversity by considering the under stated recommendations.

Recommendations

The lesson we have attempted to convey is that in situations of conflict, no matter the types, disputants should watch what they say or write public pronouncement on issues that may be unhelpful to peaceful co-existence of people, i.e. injurious statement must and should be avoided. Confrontational language or adjective should be avoided as much as possible; rather, each party to the dispute should use language that leaves some room for peaceful settlement of the disputes. The use of ambivalent language, could lead to the escalation of conflicts. Therefore, the parties to a dispute should select their language so that they are not misinterpreted.²⁸

However, something particular has to be said about the role of the media in peace building and peacemaking processes. The constructive role of the media in a conflict situation is to help educate people about what is going on, control dangerous rumours that could get out of hand and produce violence, and provide a trusted source of information for all sides. This

²⁸ See Uwazie et al, Supra note 32, opinion note, Guardian Wednesday, January 10, 2018.

objective is often difficult in situations where journalist give more attention to sensational news reporting that enables them sell more copies of their papers than to patriotic consideration. It must be noted, however, that there are situation where Nigerian journalists are denied access to news from all sides of ethnic and religious conflicts in the country. They therefore often have to report from whatever perspective is best available to them. This does not means that some of them do not deliberately suppress the truth in a selfish attempt to put one of the parties to the dispute in a disadvantage side. The latter does not help peace development and need to be avoided.²⁹

More effort needs to be made to educate the public on the need for tolerance and peaceful coexistence in a multi-religious society such as Nigeria. That we are part and parcel of a changing agenda, and that the process is a continuing one from which fresh and exacting challenge will emanate periodically, should be matter of national discourse and understanding. Accordingly, the sharp edges of ethnicity, states, and religion should be gradually curtailed or be eliminated with a view to fostering growth and development of Nigeria citizenship and nationality. Surely religious or ethnic annihilation or cleansing is one wrong alternative of operating or understanding the rich diversity of the Nigerian federation³⁰.

The importance of youth in Nigeria's social development need not be overlooked; statistically, youths make up about 59 percent of the population and constitute more than 50 percent of the country's productivity sector. Analyses of the role and manipulation/exploitation of the youths in the three decades of ethnic and religious conflicts done by this writer elsewhere reveal serious gaps in societal responsibility toward its future generation³¹. In the context of Nigeria's history, the youths have rendered valuable positive contributions to the struggle for independence and national development. They constitute a reservoir of energy and dynamism when properly guided and fully integrated into the social fabric of society. Equally, they may also constitute a threat to the national survival and stability if

²⁹ Ibid

³⁰ See Ladan, M. T. supra note 32 at p. 107

³¹ Ibid

allowed to drift, to become unemployed, intolerant, or without moral upbringing. Once the youths' innate potentials are fully developed and nurtured, they will serve as an immense asset to the nation, transmitting knowledge, leadership skills, ambition, and dreams that promote both conflict and productivity.³²

With appropriate training and guidance, youth can meet the manpower needs of the society and, if they are able to develop talents and are inculcated with a sense of responsibility, they can make positive contribution to national development. It is in recognition of this fact that attention is being drawn to the need for Nigerian youths to be provided with the following

1. Opportunity for self-fulfillment
2. Scope and outlet for their patriotism, commitment, and enthusiasm;
3. Employment opportunities;
4. Moral guidance discipline and selfless service
5. Opportunities so that they can be seen, heard, and listened to
6. Orientation to promote the interest and defend the unity of Nigeria;
7. Educational opportunities to enable them develop their potentialities to the fullest;
8. Opportunities to meet one other, exchange ideas, and study the country's diverse religious and cultures
9. Enough and adequate sensitization from government of the day.

This comprehensive youth development program, if provided or vigorously implemented by the government in collaboration with the private sector, should resolve the many problems of youth crime and conflict in Nigerian society, and effectively orient youth for patriotic service to the nation and make them act as agents of stability, peace and tolerance.

³² Ibid

Prescribed Reforms³³

There is need for the political will to confront the issue of building a national citizenship in the country through a reform of the Nigerian constitution. With specific reference to the provisions on citizenship, suggested constitutional amendments are as follows:

1. There is need to add a new section after Section 4 (2), Section 7, 14(2)(b) and Section 100 of 1999 constitution whereby state will have more powers to make more laws to protect lives and properties in the state.
2. There is need to state in express all the areas in which States Houses of Assembly can legislate as regard land usage, control and management.
3. As a means of promoting social citizenship, there is need to make the provisions on social and economic. Rights justiciable. The Nigerians to the basic means of livelihood is at the root of the various communal strife in Nigerian.
4. There is need to entrench independent commissions in the constitution to monitor the implementation of some of the provisions in the constitution or states laws. Such commissions include Land Usage, control and management, Grazing of livestock, cattle and other animals, national human rights commission with powers to investigate and punish. It is a requirement that such commissions be truly independent and funded from the consolidated fund.
5. State policy should be encouraged and be given legal backing.
6. Unbiased conflict resolution body other than regular court must be encouraged and be established in all states of the federation.
7. Proper orientation and restructuring of our law enforcement agencies.
8. Establishment of State Police is inevitable to combat crimes at remote areas.

³³See Otiye and Bamidele supra note 30 at pp. 55-72

Preventive Measures³⁴

The country has witnessed recurrent conflicts since the attainment of independence. Government response to these conflicts which is largely characterized by a 'fire brigade' approach, points to the absence of a systematic and institutionalized way of obtaining early warning signal. If such is in place, it would be possible to anticipate conflicts by detecting the various flashpoints of violent conflicts that have torn many communities asunder³⁵.

For the purpose therefore, of designing effective conflict prevention and peace building strategy, government needs to put in place the structure, requisite personnel and equipment for monitoring conflicts and transform existing conflict situations into enduring and sustainable peace.

However, it is a requirement for success that such conflict management schemes be inclusive to include community leaders (of both 'settlers' and natives"), religious leaders, traditional rulers, CBOs and NGOs involved in conflict management and human rights, intellectuals and researchers, and women groups and leaders³⁶.

In recognition of the role of the media in promoting conflicts through information (mis)management. It is necessary to expose media practitioners to the importance and need for moderation, less sensationalism, integrity and professionalism. This can be done through continuing peace education workshops and seminars aimed at sensitizing media practitioners to the national political objectives of building a united, strong and prosperous society in the context of divert and pluralism.

³⁴ See generally Adebayo Adedeji (ed.) *Comprehending and Mastering African Conflicts: The search for sustainable peace and good governance* (1999), Zed Books, London in Association ACDESS, Ijebu Ode, Ogun State, Nigeria.

³⁵ See Owazie et al *supra* note 32 at pp. 1-7

³⁶ *Ibid* at pp. 121 - 153

Policy Statements³⁷

Apart from the constitutional issues identifies above, there are issues that are located in the realms of governance and policy. The imperative of governance and policy issues arise from the larger economics and political context which frames ethno-religious and communal conflicts rooted in the crisis of citizenship. It is obvious that mass poverty and lack of access to the basic means of livelihood for manipulation of ethnic and cultural differences. The absence of social citizenship therefore is a key issue that needs to be addressed by putting in place a framework of governance and public policy that can alleviate mass poverty and enhance the economic empowerment of the vast majority of the Nigerian people. Specific issues to pay attention are:

- (i) The need to strengthen democratic governance by promoting transparency and accountability. In this regard, government is called upon to strengthen the institutions for promoting accountability and transparency and ensuring that corrupt public officials are prosecuted as at when due.
- (ii) The need for government to promote vigorously economic policies that can galvanize the productive and creative energies of the Nigerian people as opposed to the pursuit of macro-economic policies imposed by the IMF and the World Bank which have the consequence of retarding growth and resulting in mass economic disempowerment of the Nigerian populace. Economic policies capable of providing the basis for sustainable human development must emphasis social welfare, poverty alleviation and popular participation.
- (iii) The need to promote equitable and balanced socio-economic development in the country by ensuring that resources are distributed in a manner that favours all the ethnic and regional homelands.
- (iv) There is need to demonstrate commitment to due process and the rule of law.

³⁷ See Adedeji supra note 47

- (v) The concerned states are therefore in dare need to establish a judicial commission of inquiry which shall be empowered to locate the remote and immediate cause of the crises in the affected or ravaged communities in Benue, Taraba, Zamfara, Kaduna, Plateau, Adamawa, Nazarawa, Enugu, Edo, Kogi, Oyo, Ondo, Ekiti and other states of the Federation. Identify the key actors behind the crises and recommend appropriate punishments, determine the damaged properties, evaluate the loss in property and identify the owners; determine the number of persons injured and the nature and gravity of the injuries; and make recommendation to forestall future occurrences of such in the affected areas and other parts of the country, and as provided by Section 14(2)(b) of the 1999 Constitution, security and welfare of the people are the ultimate purpose of the existence of any government and being the state's responsibility which cannot be shared with any institution, body, or organ outside the frame work of the State Government.

Finally, establishment of cattle colony is not solution to recurrent nomadic herdsmen and peasant farmers' crises, encouraging such is to throw the whole country into crises that may lead to another civil war. Cattle ranching is not only livestock breeding system that we have in the country, we also have poultry farmers or owners of piggeries and other animals husbandry system in the country, cattle ranching is like other private business, it must not find its way into the constitution and it must not be over-protected by the Government at the Central.

State government must be given more powers through state houses of assembly to enact laws that will takes care of all domestic issues like cattle ranching, poultry farming, piggeries, goat rearing, dogs rearing, crops breeding and growing and its likeliness. Land use Act 1978 in its preamble section 1 and 2 (a) (b) vested ownership and management of land in the urban centres in the hand of state government therefore federal government lacks the necessary competence to enact any law or act as regard management, control, development and usage of any land in the state.

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