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The State and Management of Farmer-Herder Conflicts in Benue State, Nigeria, 2010 – 2018

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Abstract
This study examined the role of the state in the management of farmer-herder conflicts in Benue State, Nigeria, with specific focus on the nexus between the state control of law enforcement agency and management of farmer-herder conflicts. The study was anchored on the basic propositions from the Marxist theory of the post-colonial state. Relevant data gathered using documentary and survey methods were analyzed with the aid of textual analysis. The study observed that functional and logistical control of law enforcement agency by the Federal Government renders the state government incapable of dealing with the incessant attacks by transhumant pastoralists on crop farmers in Benue State. The study thus posits that the centralization of the command structure of law enforcement agency by the Federal Government makes it difficult for state governments to mitigate crimes in their respective domains. The study underscores the need to decentralize the Nigerian Police Force (NPF) to devolve powers and resources to the zone, state, and local government area commands.
Keywords: Natural resources, Nigerian state, law enforcement agency, farmer-herder conflict

Introduction

Rural farmers and livestock breeders are two essential food providers in Africa. In Nigeria, the two groups have consistently engaged each other in internecine conflicts that are threatening their roles as primary food providers as well as the nation's corporate existence. While conflicts between these two groups date back to earliest times, their occurrence, which was initially generally low and isolated, has assumed a horrendous dimension due to environmental, socio-political, demographic factors and these have compelled herders to seek pastures outside their traditional ecological domain thereby bringing them into conflict with sedentary farmers along their grazing routes (Okoli & Atelhe, 2014). The Nigerian state has, over the years, explored various strategic responses.

\One of the strategic responses of the Nigerian state to the lingering conflicts between farmers and herders was the creation of grazing reserves. Before the outset of British colonialism, the land tenure system was different across the areas that later became Nigeria. However, to manage land ownership in the country, the government first created grazing reserves through the Northern Region Grazing Reserves Law of 1965 in response to the crisis of pastoralism then (International Crisis Group, 2017). The aim was to both improve Fulani access to grazing land for their cattle, and to encourage sedentarisation so as to address the perennial conflicts between farming and grazing communities. In 1978, the Federal Government promulgated the Nigerian Land Use Decree which made the Federal Government the owner of all land. Paradoxically, the Decree has remained a major factor inducing farmer-herder conflicts in Nigeria due to its outdated and contrary statutory provisions (Akerjiir, 2018)

In furtherance of its strategic responses to the persistent challenges posed by farmer-herder rivalry, the Federal Government, in 1989, established the National Commission for Nomadic Education (NCNE) through Decree 41. At present, it is referred to as the Nomadic Education Act, Cap No. 20 Laws of the Federation. The cardinal aim is to integrate nomadic pastoralists economically and socially into the national life through the provision of basic education and livelihoods skills, in addition to revolutionizing techniques of cattle-rearing to maximize their economic potential. The programme was however hamstrung by inadequate funding by the Federal Government (Alabi, 2015).

Furthermore, the use of commission of inquiry has featured prominently in the Nigerian government's strategic responses to violent resource conflicts. Between 2002 and 2004, several commissions of inquiry such as

Justice Okpene Judicial Commission of inquiry, and Presidential Peace Initiative Committee on Plateau State, headed by Shehu Idris, Emir of Zazzau, among others were put in place by the Federal Government to investigate violent conflicts, especially herdsmen-farmers conflicts, in Plateau, Nasarawa, and Benue States (International Crisis Group, 2012).

Regrettably, the efforts of the government aimed at resolving the lingering violent conflicts between farmers and herders in Nigeria have yielded meager returns as the incidence of violent resource conflicts has persisted. Fresh attacks, counter-attacks, and retaliations for previous attacks keep exacerbating the magnitude and consequences of the conflicts, especially in the North Central states of Benue, Kogi, Nasarawa, Niger, and Plateau with serious implications for human security, sustainable development, and intergroup relations.

Of the above-enumerated states in the North Central geopolitical zone, Benue state, between 2010 and 2020, appear to have witnessed the worst occurrences of farmer-herder confrontations, during which no fewer than 700 attacks were unleashed on rural agrarian communities, the most prominent of which occurred in 15 of the 23 local government areas of the state namely, Agatu, Gwer East, Gwer West, Makurdi, Guma, Tarka, Buruku, Katsina Ala, Logo, Ukum, Kwande, Oju, Obi and Konshisha. The attacks resulted in the death of hapless citizens, as well as destruction of farmlands, agricultural produce and other valuable properties (Kwaja & Ademola-Adelehin, 2018). Organised attacks by herdsmen on farming communities in Benue State reached a crescendo on January 1, 2018, when, following the promulgation of the Open Grazing Prohibition and Ranches Establishment Law of Benue State in 2017, people believed to be Fulani herdsmen ferociously attacked and hacked down no fewer than 73 people in cold blood (Ortom, 2019). Amidst these needless attacks, deployment of law enforcement agencies remained one of the major responses of the Federal Government. In Plateau state, for instance, a Special Task Force, Operation Safe Haven, which consisted of officers and infantry of the armed forces, including the police, with the mandate to restore order and stability, has been deployed since 2001, In Benue state, security personnel, including soldiers from 82 Division Enugu, were stationed in Aila and Obagaji, the headquarters of Agatu Local Government Area to restore stability (Mayah, 2016).Against the backdrop of the apparent limitations of state-based conflict management strategies in Nigeria, this study examines the impact of the Nigerian state in the management of farmer-herder conflicts in Benue state, between 2010 and 2020.

The Problematique

Although states are generally seen as important actors in conflict resolution, the exact role it performs in this regard and how this role is carried out have drawn the attention of scholars. To this end, not a few scholars posit that democratic states have proved more successful that other systems in resolving conflict, since they possess the institutions, resources, flexibility and genuine legitimacy based on democratic politics to manage conflict peacefully (Luckham, Goetz & Kaldor, 2000; Harris & Reilly, 1998; Johansson, 2011). On the contrary, democracy, especially in its liberal sense, is seen to expose and reinforce divisions that generate conflict, despite the existence of democratic institutions. To this end, democracy tend to highlight issues which divide the society, thereby providing space for strongly opposed groups to generate and perpetrate conflict (Stewant & O'Sullivan, 1998).

Deriving from the foregoing, the argument on the role of the Nigerian state in conflict management has raged. Egharevba (2005) avers that the state in post-colonial Nigeria was privatized by the ruling elite who operated and are still operating in a state of siege. This implies that the Nigerian state has remained an arena for inter and intra-class struggle. And given the lackadaisical attitude of the ruling class to actual production, the instrumentality of the Nigeria state has been utilized to allocate and distribute resources among members of the ruling class to the utmost disadvantages of others. In agreement, Ake (1985), Ekekwe (1985, 1986), Mbah (2014) Lewis (2014), Mahmudat (2010) and Okolie (2019) variously posit that, regarding inter-class struggle, the Nigeria state is neither a neutral player nor an impartial arbiter because the evolution and the character of the state, as well as the level of development of the productive forces have coalesced to render the Nigerian state a direct instrument of the dominant class and its elements for primitive capital accumulation. In Furtherance of this viewpoint, Agbu (2016) opines that the Nigerian state serves as an instrument of capitalist accumulation, which thrives on dispossession of the populace, while Eze (2009) observes that, as a product of western imperialism, the Nigerian state has continued to be structured and transformed by the dictates of the productive forces it created. Consequently, the various arms of capital prevalent in the socio-economic system compete in a zero-sum game for the acquisition, use and consolidation of state power for primitive capital accumulation.

On the contrary, the Nigerian state, including its institutions and officials, is seen to play active and strategic role in the management of domestic conflict. In this regards, Abdulrahman and Tar (2008); Johansson (2011),

among others aver that the Nigerian state plays active and strategic role in conflict management either as conflict participant or peace-builder, depending on the nature, stage and dynamics of the conflict.

However, while these narratives are illuminating in analyzing the character of the Nigerian state and its role in the management of inter and intra-class conflict, they have, however, failed to adequately and systematically explain the role of the Nigerian state in the management of herder-farmer conflicts. More fundamentally, the link between the state and the management of herder – farmer conflict in Benue State, Nigeria is yet to be given adequate and systematic attention. Against this backdrop, effort is made in this study to examine the nexus between the state and the management of herder – farmer conflicts in Benue State. The study is, therefore, anchored on the following research question:

- How does the Federal Government's control of law enforcement agency impact on the management of farmer - herder conflicts in Benue State?

Theoretical Framework

The study is predicated on the basic propositions derived from the Marxist theory of the state. The theory reveals that the state is a manifestation of the irreconcilability of class antagonisms, in contradiction to the basic proposition of the western liberal theory which holds that the state is an independent force, an impartial arbiter that equitably mediates and moderates socio-economic transactions and processes (Okolie, 2006).

The classical Marxist theory of the state has been further developed and employed in the explanation of the peculiarity of the neo-colonial state by scholars such as Alavi (1973), Ekekwe (1985), Ake (1985) and Ibeanu (1998) and others. The major contention of these scholars is that the post-colonial state is a creation of imperialism and as such, has followed a developmental strategy dictated by the interest of imperialism and its local allies rather than that of the majority of the indigenous population. According to Ekekwe (1985), the post-colonial state rests on the foundation of the colonial state whose major preoccupation was to create conditions under which accumulation of capital by the foreign bourgeoisie in alliance with the ruling elite would take place through the exploitation of local human and other natural resources. Therefore, the post-colonial state that now emerged, though ostensibly independent and sovereign, was no less a creation of imperialism than the colonial state. It is thus characterised by limited autonomy, and this is one reason why the post-colonial state in Nigeria is incapable of mediating political conflicts (Ake, 1985).

The theory, therefore, suggests that political leaders of post-colonial states, due to the peculiar features of these states, and their quest for economic survival pursue pattern of development which worsens conditions of material existence and above all alienates the people. Hence, following the contention of Okolie (2019), the Nigerian state and its institutions have collapsed into private establishments appropriated to deepen grip on public offices and hence secure resource-security, and the only means of achieving this is by hijacking and centralizing security agencies and related institutions.

The centralization of the command structure of the law enforcement agency by the Federal Government in Nigeria is better explained and understood using the Marxist theory of the state. The post-colonial Nigerian state inherits from the metropolitan elite a powerful bureaucratic military apparatus. This apparatus was deployed by the colonial state to subdue and subordinate various nationalities to colonial interests in the area that later became Nigeria. Unfortunately, the Nigerian state, after independence, still follows the absolutism and arbitrariness of power characteristic of the colonial state. As a result, it has continued to be totalistic in nature, with extremely low social base, and relying unduly on coercion, intimidation, and suppression for compliance instead of authority. This explains the centralization of the command structure and control of law enforcement agencies by the Federal Government and their apparent unwillingness to effectively mediate resource conflicts. Parties to resource conflict, especially herders are rarely arrested and prosecuted for their criminalities, neither are they questioned for illegal possession of firearms. Worst still, the command structure of law enforcement agency has made it difficult for state governments to intervene to reduce the incessant conflict between transhumant pastoralists and crop farmers, especially when the actions and inactions of the Federal Government suggest connivance and complicity. This has emboldened the parties in natural resource conflict to engage in criminal activities with impunity. Against this backdrop, the following proposition is advanced for verification: The centralization of the command structure of law enforcement agency by the Federal Government undermines the efforts of the state government to mitigate the incessant conflicts between transhumant pastoralists and crop farmers.

Methodology

The study adopted survey and documentary methods to generate primary and secondary data respectively. Primary data were sourced using the instrument of Key Informant Interview (KII). KII was used to elicit information from the Police High Command, and other relevant stakeholders such as traditional rulers; leaders of town unions, and socio-cultural associations of farmers/Fulani herdsmen, particularly the Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), civil society organizations, and Amalgamated Farmers Association (AFA). Altogether a total of twenty-two (22) respondents were purposively selected from eleven (11) local government areas in Benue state mostly affected by farmer-herder conflicts within study period. They include: Agatu, Buruku, Guma, Gwer-East, Gwer-West and Kwande. Others are Logo, Makudi, Okpokwu, Tarka and Ukum. The leaders of relevant stakeholders enumerated above were selected for interview because they are more equipped and experienced to give the relevant information on the subject matter. Secondary data were generated from official documents, books, journal articles, conference papers, periodicals, and other relevant articles. The study relied on textual analysis, rooted on systematic logical deductions, to draw valid conclusion from both primary and secondary data.

Control of Law Enforcement Agency by the Federal Government in Nigeria

The Nigerian Police Force (NPF) is the principal law enforcement and the lead security agency in Nigeria. It came into existence in 1820. During the colonial period, most police were associated with local governments (native authorities). In the 1960s, under the First Republic, these forces were first regionalised and then nationalised. The NPF performed conventional police functions and was responsible for internal security generally (Owen, 2014).

The NPF is designated by Section 194 of the 1979 constitution as the national police with exclusive jurisdiction throughout the country. Administratively, the NPF was under the general operational and administrative control of an Inspector General (IGP) appointed by the Nigerian President and responsible for the maintenance of law and order. He is supported at headquarters by a Deputy Inspector General (DIG) and in each state by police commissioners The 1979 constitution provided for a Police Service Commission that was responsible for NPF policy, organization, administration, and finance (except for pensions).

In late 1986, the NPF was reorganized nationwide into seven area commands, which superseded a command structure corresponding to each of the States of Nigeria. Each command was under a commissioner of police and was further divided into police provinces and divisions under local officers. NPF headquarters, which was also an area command, supervised and coordinated the other area commands. Later these Area Commands were grouped under Zone Commands (Enechojo, 2013; NPF, nd).

The 1999 constitution also designates the NPF as the national police, with exclusive jurisdiction throughout the country (Odeyemi & Obiyan, 2017). The structure of the Nigeria Police Force is provided for in section 214 (2)(a) and 215(2) of the 1999 Constitution. Section 214(2)(a) states "Subject to the provisions of this constitution (a) the Nigeria Police shall be organised and Administered in accordance with such provisions as many be prescribed by an Act of the National Assembly", while Section 215 (2) reads:

> The Nigeria Police Force shall be under the Command of the Inspector-General of Police and any contingents of the Nigeria Police Force stationed in a state shall; subject to the authority of the Inspector-General of Police, be under the command of Commissioner of Police of that state

Three different structures in the Police Force that can be identified from the above provisions are command (authority) structure, administration structure, and organisation structure.

The Command structure, also referred to as authority structure of the Police Force is based on the regimental nature of the Force and conducted along the Force badges of ranks. Hence, section 215(2) of the 1999 Constitution and section 6 of the Police Act, 1990 laws provide that "the Force shall be commanded by the Inspector-General of Police". ***What this clearly implies is that orders cum instructions emanate from the Inspector-General of Police and flow through the chain of command to the required officer for implementation. Failure to implement such instruction or order, attracts disciplinary sanctions*** (emphasis added).

According to Section 7 (1) of the Police Act, the next in the line to the Inspector General of Police, is the Deputy Inspector General of Police. Though this rank is not specially mentioned in the Constitution, it has legal backing, because the Police Act is a law made by the National Assembly in accordance with the constitution. According to section 7(1) of the Police Act, the Deputy Inspector General of Police is the second in Command of the Force and shall act for the Inspector-General in his absence. Section 5 of the Act makes room for as many

DIGs as the Nigeria Police Council considers appropriate. Every other rank below the IG, takes order of Command from him, in the performance of their lawful duties. Section 5 of the Police Act, in accordance with the provisions of section 215 (2), of the Nigeria Constitution, provides for the office and rank of a Commissioner of Police to exercise control over contingents of the Police Force stationed in a state. He is subject however, to the command of the Inspector-General of Police or who-so-ever acts for him, in his absence.

The command structure of the Nigeria Police Force is highly centralized despite covering a diverse federal polity. Centralized leadership filters human resources and assets toward the center, leaving many frontline units at the state-level command under-resourced and nominally supervised. This breeds politicization of the NPF which weaken state-level commands and hinder effective service delivery (Okenyodo, 2016).

Again, too many decisions begin and end on the desk of the Inspector General of Police (IGP) despite the five-tier command structure of the NPF. This blunts responsiveness and customization of police engagements at the community level. The deputy inspectors general who are supposed to work with lieutenants and members of the police management team only nominally function as heads of departments (Okenyodo, 2016).

Aside the chain of command, accountability is also centralized and largely "upward looking." For example, as opposed to working closely with district commanders and their local citizens and municipal officials, the police leadership is answerable primarily to the presidency (which houses the Ministry of Interior, the Police Service Commission, and the Police Council). An opaque leadership appointment procedure with little regard for merit and performance makes this centralized decision-making even more problematic. For example, in 2012, a large cadre of senior police officers threatened to quit en masse after some officers were undeservedly promoted (Omonobi, 2012). Such behavior has consistently denied the NPF the services of its most competent officers at important leadership levels. The Federal Character principle, which is aimed at ensuring equity in representation of ethnic groups in government institutions, has been exploited as a vehicle for nepotism, subjecting the selection process to personal and political connections.

More fundamentally, the management mechanisms established for Nigeria's police suffer from bureaucratic overlap and poor implementation of statutory mandates. Three agencies within Nigeria's executive branch are charged with supervision: the Police Service Commission, the Ministry of Interior, and the Police Council. There are also oversight bodies led by the legislative and judicial branches of government (Okenyodo, 2016).

Nigeria's Police Service Commission (PSC) is the main civilian supervisory and oversight body of the NPF. According to statute, it ought to be one of the most powerful such bodies in the world. It is charged with responsibility for appointments, promotions, and disciplinary action in the NPF. However, a combination of factors—political interference, budgetary constraints, and inability to set up and maintain a functional investigative unit—have affected its disciplinary functions over the NPF, thereby robbing the PSC of its relevance and vibrancy. Indeed, the PSC refers all complaints of extrajudicial killings back to the NPF for investigation. According to CLEEN Foundation (2006), quarterly reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns. A radical overhaul of its procedures and compositions is warranted.

The Ministry of Interior (MoI) has a cabinet-level minister charged with directing the IGP. The MoI is responsible for the provision of policy, administration, logistics, and financial management to the NPF. A restructuring in 2015 integrated the NPF with other agencies the MoI oversees, such as Immigration Services, Fire Services, the Security Civil Defence Corps, and Prison Services. Ministry supervision of the police has been aimless. It has not defined its vision, determined its scope of responsibility, or announced its intended involvement based on its resources and skills to realize optimal impact.

The apex of executive branch management mechanisms is the Police Council, which serves as a "board of directors" comprising the President, the governor of each state, the chairman of the Police Service Commission, and the Inspector General of Police. The Council is meant to organize and administer the NPF, provide general supervision, and advise the President on the appointment of the Inspector General of Police. These functions overlap and compete with the mandate of the MoI. Furthermore, the absence of the Minister of Interior and the Attorney General from the Police Council effectively fosters parallel command structures.

The point being made is that single command and control force of the law enforcement agency centralized in Abuja, as well as the control of the Police Force by the Federal government has undermined the capacity of state governments to effectively grapple with security challenges in their respective domain. Police contingents in the states are strictly under the operational control of the Inspector General, appointed by the President and ratified by the senate, despite that governors, with 'security votes', are the Chief Security Officers of their states. The study proceeds to illustrate this using the incessant conflicts between farmers and herders in in Benue State.

Benue State Government and Challenges of Farmer-Herder Conflicts

Farmer-herder conflict is one of the major security challenges the Nigerian state is grappling with at present. However, what is rather perplexing is that the Nigerian state appears to have been helpless in finding lasting solution to the challenge. In fact, the response of the Federal Government has been largely pathetic. This is true because law enforcement agencies under the control of Federal Government, especially the NPF, have not been able to proactively address the challenge. This calls to question, the centralization and control of their command structure by the Federal Government, especially where state governors are the Chief Security Officers of their states. This obviously is the case with the incessant conflicts between transhumant pastoralists and crop farmers in Benue State.

Within the last three years, herdsmen and sedentary farmers have violently engaged each in no fewer than 726 major attacks in 15 of the 23 local government areas in Benue state, killing over 500 persons (See Figure 1).

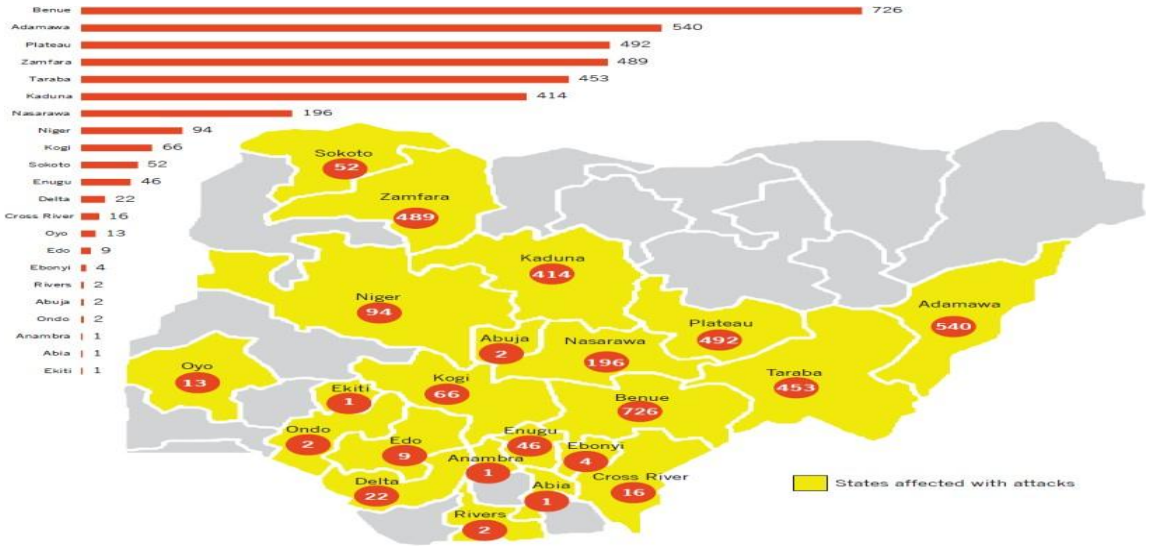


Figure 1: States affected with attacks and number of people killed from January 2016 to October 2018.
Source: Amnesty International (2018). *Harvest of death: Three years of bloody clashes between farmers and herders in Nigeria.* Abuja: Amnesty International.

In February 2011, herdsmen raided three districts in Gwer West local Government Area during which many farms, houses and lives were reportedly lost. The Fulani herdsmen accused Tiv farmers in the area of stealing their cows in addition to a missing child (Institute for Peace and Conflict Resolution, 2017). The paramount ruler of Gwer West, Chief Daniel Abomtse, with the Ardo, petitioned the governor over the incident. The event repeated itself in Mbagwen district in Guma Local Government Area last April, when the Tiv and Fulani herdsmen engaged themselves in violent fracas (Institute for Peace and Conflict Resolution, 2017).

Between May and September 2014, a spate of attacks on Agatu communities in Agatu Local Government Area of Benue State, reportedly carried out by Fulani herdsmen, resulted in the displacement of about 10,000 people. The IDPs were forced to seek refuge in neighbouring communities and local governments (*cited* in Egwu, 2015).

The incessant conflicts between the Tiv-farmers and the Fulanis are often violent because the latter claim to give huge sum of money as compensation for the land on which they stay. There is always a violent reaction when they are forcefully and unethically sent away from where they are. It is their refusal to go away that causes the rift and fracas resulting in violent and deadly clash, which usually involve the use of sophisticated weapons. A traditional ruler in Benue state posited that:

> Fulani attackers used deadly weapons, which not only kill people but also set their houses and structures ablaze. The attackers came wearing military uniforms, implying they were hired. The attack was swift and the attackers came in speed boats through River Benue, completed their assignment and went back through the same route. The people of Benue could not have retaliated to the attack because they were taken unawares (Personal communication, 2020).

Again, in January 2017, about 10 persons were reported killed in an outbreak of conflict between suspected Fulani herdsmen and crop farmers at Ipiga village in Ohimini Local Government Area of Benue State (Duru,

2017). The crises started when some armed herdsmen went to Ajegbe village, where they grazed and destroyed farmland. From there they moved into Ipiga village in the morning of Monday 23 January, shooting sporadically. A bloody fight erupted, two of the herdsmen were killed while about 10 villagers were also killed (*Thisday Newspaper*, Tuesday, 24 January 2017). Organised attacks by herdsmen on farming communities in Benue State reached a crescendo on January 1, 2018, when people believed to be Fulani herdsmen ferociously attacked hapless people of Benue State, hacking down no fewer than 73 people in the process (Ortom, 2019).

The enormity and severity of these attacks notwithstanding, the Benue state government could neither arrest and prosecute the perpetrators nor pro-actively use intelligence gathering to mitigate the conflicts in the state due to the command structure of public security agencies. In Nigeria, the chain of command and accountability of public security agencies rest with the federal authority. This has greatly undermined the potential of federating units to effectively combat crime in their domains. As aptly noted by a respondent from town unions:

> The capacity of public security agencies to effectively and proactively deal with security challenges in Nigeria is in serious doubt. For instance, here in Benue state, instances of farmer-herder attacks abound. Many of these attacks lasted for hours, sometimes days, without meaningful interventions by security forces, even where their presence was not far away. Where they chose to intervene, the response was so slow, poor and above without proper coordination. Based on this, villagers accused them (security agencies) of complicity, insisting that they knew about attacks, sometimes they saw the attackers but did nothing (Personal communication, 2020).

Collaborating the flagrant complicity and nonchalance of public security agencies, controlled by the Federal Government, to effectively address security challenges in Benue State, a respondent from local vigilante observed that despite the violent nature of the attacks and the huge humanitarian costs usually associated with them, there has been reluctance on the part of the Federal Government to investigate and prosecute perpetrators, even when "reports were made to the appropriate authorities and in some cases, vital information provided about the attacks and the attackers, no arrests had been made. Without arrest, there cannot be prosecution. This has encouraged more attacks and killing" (Personal communication, 2020).

In the same vein, the incapacity of state governors to assume maximum control of security in their states owing to the centralization of policing in Nigeria was equally highlighted. According to a respondent from Police High Command:

> Despite that Governor is the chief security officer of the state; he lacks power to assume operational control over the security forces. His orders are not obeyed by security agencies because they have orders from above. This is why attacks usually happen in the presence of security forces, thereby raising a fundamental question of whether the function of security forces is to protect villagers or aid attackers (Personal communication, 2020).

The impact of flagrant complicity of public security agencies in curbing the increasing rate of crime, particularly herder-farmer conflicts was also alluded to by the Amnesty International in its 2018 report. According to the report, a local Fulani official, confirming the failure to address the impunity gap and the apparent consequences, insisted that:

> the lack of arrests after the Shelewol attack on November 20, 2017, angered the Fulani and this led to the 4the December, 2017 retaliatory attacks on at least seven Numan and Demsa villages in the state. 'No arrest was made, none that I am aware of. If arrests were made, there would have been no reprisals' (Amnesty International, 2018, P.19).

The deductions that can be made from the foregoing are one, blatant complicity of public security agencies, controlled by the Federal Government, account for the increasing rate of crime in Nigeria; and two, the inability of state governments to effectively control crime within their domain is implicated in the functional and operational centralization of law enforcement agencies in Nigeria.

Following the nonchalance of public security agencies to effectively secure lives and property, state governments have responded variously in this regard. While some have established peace committees and local vigilantes to promote herder-farmer dialogue and resolve conflicts, others have passed laws regulating grazing activities. Yet others, such as Benue state, have introduced laws banning all open grazing (Amnesty International, 2018).

In April 2017, the government of Benue State, in response to popular demand, enacted the *Open Grazing Prohibition and Ranches Establishment Law, 2017*commonly referred to as the Open Grazing Prohibition Law, after a bill to that effect was sent to the State Assembly and public hearings conducted across the state to get the

input of the people. The law came into force on November 1, 2017. The objectives of law are to 'prevent the destruction of crop farms, community ponds, settlements and property by open rearing and grazing of livestock' as well as 'prevent clashes between nomadic livestock herders and crop farmers', among others.

Following the implementation of the Open Grazing Prohibition Law, Benue state seemed to have enjoyed some form of reprieve from the incessant conflicts between farmers and herders over natural resources. It is relevant to stress, however, that the government of Benue state is yet forestall the incidence of farmer-herder conflicts in the state through the implementation of the Law. In fact, since the Law came into effect, the Miyetti Allah Kautal Hore, one of the socio-cultural associations by Fulani herdsmen, has vowed not to abide by its provisions, insisting that the ranching law denies them their constitutional right to free movement and residence in any part of the country as constitutionally guaranteed (Silas, 2017). The herdsmen made good their threats when they violently attacked and hacked down no fewer 73 people on January 1, 2018 (Ortom, 2019).

Aside the resistance by the recalcitrant herdsmen and their consequent intrusion and invasion of Benue state, there was also evidence of open rejection of the law by the Federal Government, especially the Nigeria Police. According to Ortom (2019: P.20):

> The Ranching law has exposed me and the government of Benue to many challenges including frosty relations with the Federal government and especially the Nigeria Police. The former IGP, Idris Ibrahim frequently changed police commissioners in Benue State. His motive was obviously suspect as he shopped for the Police Commissioner that would bend the rules in favour of herdsmen against crop farmers…. within a period of 12 months, no fewer than four Commissioners of Police were posted to the state.

To be sure, section 214(1) of the 1999 Constitution provides "there shall be a police force for Nigeria, which shall be known as the Nigerian police force and subject to the provisions of this section no other police force shall be established for the federation or any part thereof". This section of the constitution essentially limits the responsibility of policing the Nigerian state by restricting it to one single federal police force (Eme & Ogbocjie, 2014). There is thus the legal absurdity of a federal police, controlled by the Federal Government, effectively enforcing state laws, prosecuting violators of state laws in state courts, and incarcerating them in federal prisons without bias. This, therefore, is a fundamental challenge accounting for the inability of state governments to reduce the rising incidence of crime, especially the incessant attacks between transhumant pastoralists and crop farmers, in addition to the chain of command, which rests entirely with the Federal Government.

Conclusion

Flagrant complicity and nonchalance of public security agencies in addressing the security challenges in Benue State arises from their structural and operational structure which rest with the Federal Government. The centralization of the command structure of public security agencies by the Federal Government makes it difficult for state governments to reduce incessant attacks between transhumant pastoralists and crop farmers. To mitigate the challenge, relevant sections of the Constitution and the Police Act should be amended to devolve powers and resources to the zone, state, and local government area commands, as well as to the divisional tiers to enable them undertake timely initiatives in concert with host communities to address the lingering conflicts between crop farmers and herders.

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