

# Applying restorative justice in resolving the farmers-herdsmen conflict in Nigeria

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## Abstract

Farmers-herdsmen conflict has become a recurring phenomenon in Nigeria. This article argues that the continuing occurrence of this conflict can be explained by the non-application of restorative justice procedures by government when dealing with such conflict. This has made the structures of traditional conflict resolution ineffective. The article concludes that the application of restorative justice as part of conflict resolution mechanisms will more sustainably resolve the farmers-herders conflict in the country, as well as enhance national security and development.

**Keywords:** restorative justice, farmers-herdsmen conflict, climate change, conflict resolution, Nigeria

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## **Introduction**

Despite the frequent conflicts which now characterise farmers-herdsmen relations in Nigeria, farmers and herdsmen relations have co-existed over the centuries across West Africa (Davidheiser and Luna 2008). These relations had been peaceful in the main, and largely harmonious and complementary. The relations have reflected several processes involved in pastoralism and cultivation which are the economic mainstays of the groups. Pastoralists have over the centuries depended on foliage from farmers for their cattle and staple food while farmers depend on dung manure for their farms, and meat and dairy products from cattle. This symbiotic relationship has marked the centuries of harmony and understanding between the two groups. Blench (2010, cited in Olayoku 2014:2) gave instances of 'economic exchange of dairy products for grains, access to local markets and the provision of manure on arable land while the cattle consumed crop residues'. Pastoralists and farmers are interrelated because they share land, water, fodder and other resources (Shettima and Tar 2008).

This complementary relationship has now given way to conflict that has on many occasions driven the corporate existence of the Nigerian state to the brink of disintegration. The recent armed clashes in Plateau, and in Benue, Anambra, Enugu, Ondo, Ekiti and virtually every other state in Nigeria, show how, almost irretrievably, farmers-herdsmen relations have broken down. With climate change and reduced land due to population increase, there has arisen a situation of acute shortage and unavailability of pasture and water, which are needed by pastoralists and also by farmers in Nigeria. The ethnic and religious configurations of the two groups have also served to fuel the embers of discord among them. The fact that the vast majority of the herdsmen are Hausa-Fulani and Muslims, and the farmers are mainly Christians and non-Hausa-Fulani, has served to complicate the crisis. There is also a regional dimension to the conflict. The herdsmen are from the North while the farmers can be located southwards.

Herdsmen generally move their cattle to where they can get fodder. This movement of cattle is affected by seasonal changes in climate.

During the dry season, there is a movement of herdsmen and their cattle down south. Then at the return of the rains, they move back northwards. These migratory movements of herdsmen have been occasioned by violent clashes between them and farmers along the routes. The farmers claim damage to their crops in different parts of the country. Both farmers and herdsmen claim rights in this matter. First, both groups have citizenship rights. Herdsmen have expressed strong feelings against the attempts to obstruct the free movement of their men and cattle in different parts of the country. This means the violation of the 'cow rights' of the herdsmen who are of the view that they should have unfettered movement across the country (Suleiman 2012). On the other hand, farmers feel they deserve the right to engage in their farming occupation without disturbance from outside. Farmers across the country have accused herdsmen of destroying their farms and exposing them to huge economic losses.

This atmosphere of misgivings has fuelled repeated attacks between farmers and herdsmen. Throughout the country, these hitherto harmonious and complementary groups are now at loggerheads. The conflict, which has become almost intractable, has claimed hundreds of lives as well as displaced thousands of other Nigerians. This has further exposed the conflict resolution mechanisms of the Nigerian state as inadequate. Both farmers and herdsmen have expressed deep feelings of injustice concerning the matter. Both groups feel abandoned by government and the society at large, and have increasingly resorted to self-help. This in effect has made resolution efforts by stakeholders very difficult. While the need for justice is felt both by the farmers and the herdsmen, conventional mechanisms for delivering justice have not really served to bring peace and harmony to the affected communities. It is this continuing crisis between farmers and herdsmen in Nigeria, and the difficulties in resolving the crisis, that this study seeks to explore.

With the obvious inadequacies of the conventional criminal justice system and a host of other mechanisms that should have arrested the descent into anarchy, the application of restorative justice as part of the existing mechanisms would go a long way towards sustainably resolving

the farmers-herdsmen conflict in Nigeria. Conflict is a social reality and must be dealt with in such a way that the parties are fully satisfied with the outcome(s) of the resolution. It involves both the offender and the victim in a resolution process, and as such, restorative justice is able to ensure that both farmers and herdsmen are satisfied with the outcome of the resolution. Restorative justice is an approach that helps to avoid a situation where one party 'wins' the justice and the community 'loses' the peace.

### **Theoretical perspective**

This work is anchored in the Frustration-Aggression model of conflict theory. This theory argues that the cycle of conflict starts with a party (or the parties) to conflict becoming frustrated in its (their) desire to achieve an objective. This frustration leads parties into aggression against the parties they hold responsible for their woes. The aggression then leads to conflict and violence (Anifowose 2006). The progression from frustration to aggression is the basic driver of violent confrontation between and among groups. In essence, people take to violence because they are aggrieved, and the extent or severity of the violence is reflected in the aggrieved person's or group's estimation of frustration. Frustration, the harbinger of aggression, comes from different sources. The inability of an individual to accomplish what he/she wills, or prevent others from activating desires contrary to his/her own, often leads the individual to resent the factors he/she thinks are responsible for the situation. The frustrated individual then vents his/her anger at the objects of his/her frustration. This venting of anger is aggression. On many occasions, frustration and aggression occur as a result of a sense of injustice and/or inequity among individuals or groups.

Meier, Hinsz and Heimerdinger (2007) in their framework for explaining aggression involving groups aver that 'the extent of violence or aggression to be committed depends on the composition of both source (i.e. perpetrators – group or individual) and target (i.e. victims – group or individual) entities'. Baron and Kerr (2003, cited in Meier, Hinsz and Heimerdinger 2007:301) argue that perceived disagreements or mistreatment regarded as unfair are key mechanisms that spur ... aggression. Oftentimes, it is not the lack of

fairness but a sense of relative deprivation that pushes individuals or groups into the frustration that produces aggression and violence. The nature of the society is thus a major intervening variable on whether a situation of frustration will ultimately lead to aggression (Anifowose 2006).

It is the nature of society that makes the North-South, Muslim-Christian and ethnic divides of herdsman and farmers ready reasons for the violent farmers-herdsman conflict across the nation. The nature of society also makes it possible that at different times, a conflict can be interpreted in different lights according to which side of the divide possesses power at any particular time. For instance, in the present time, there have been insinuations that the federal government, with a Fulani as President, has been encouraging the herders and treating them with kid gloves. A *Punch* newspaper editorial laments that 'it is strange that Fulani herdsman go about with rifles and assault weapons, with security men seemingly unconcerned' (Punch 2016a). In previous times, the feeling was that government, with Presidents from the South, had come down too hard on the herders.

The nature of the society-induced frustration and subsequent aggression, observed in the farmers-herdsman conflict, suggests a need for the application of restorative justice in order to resolve the conflict. Whereas the ethno-religious and regional structure of the Nigerian state and its complementarity to the farmers-herdsman divide has rendered the conflict highly politicised, the lack of restorative justice accounts for the spate of attacks across the many theatres of the conflict. It has been very arduous for the conventional criminal justice mechanism to deal decisively with the conflict. The societies of farmers and herders are extremely different from each other, and these differences are a decisive cause of conflict. Whereas the herdsman are migratory and thus, transitory; the farmers are permanent residents of their communities. There are almost no avenues of familiarity between the groups. There are very few channels of communication, and simple issues soon degenerate into matters of conflict. It is such communication channels that the introduction of restorative justice procedures will help activate to ensure that the causes

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of frustration among the groups are located, and the course of aggression is mediated to ensure that the farmers-herdsmen conflict is sustainably resolved in Nigeria.

### **Background to the farmers-herdsmen conflict in Nigeria**

Farmers-herdsmen relations predate the formation of the Nigerian state, which can be dated to the amalgamation of the Northern and Southern peoples of the Nigerian territory into a single colonial entity in 1914. The possibility of conflicts between farmers and herdsmen in the pre-colonial period was present but there were also conscious arrangements to forestall such and uphold mutually beneficial relations. There existed arrangements across several localities in pre-colonial Nigeria that guaranteed peaceful and working socio-economic relations between farmers and herdsmen. For example, the *ruga* system of leadership in parts of present-day Nigeria ensured that there was coordination in the grazing movements of herdsmen. The Ruga is an elected official who regulates the grazing and pasture use of his group. He is in charge of selecting routes and deciding where specific animals will graze (Davidheiser and Luna 2008). This system of coordination ensured that likely triggers of conflict were non-existent or at the worst, minimal.

Colonial rule brought with it changes that were at variance with time-honoured ways of doing things among the peoples. There emerged new laws regarding land ownership and the judicial system. This had fundamental effects on the erstwhile farmers-herdsmen relations as the 'resulting changes undermined cooperative systems, reduced farmer-(herdsmen) goals compatibility, and weakened customary or informal land tenures and resource use' (Davidheiser and Luna 2008:82). The colonial situation served as a gestation period for conditions leading to hostility between farmers and herdsmen. Colonialism brought the southern, non-pastoral peoples, into the Nigerian territory alongside the northern, pastoral peoples. Whereas the northern climate was not clement for cattle grazing all the year round, the climate in the south was favourable for cattle grazing during most of the year, including the period when the climate was inclement in the north.

This situation during the colonial period encouraged the cattle herders of the far-north to start migrating towards the south.

Enhanced by advances in healthcare of both humans and animals within this period, this marked the beginning of an intensive migratory trend of grazing by herdsman across the whole of Nigeria. In the colonial period however, herders were in the habit of establishing agreements with local community authorities on migration routes, under the auspices of local governments (Blench 2010). This served to curtail disputes between farmers and herders within this period. Yet, as early as 1923, there were already complaints by farmers in the Northeastern parts about cattle trampling their crops (Migeod 1925, cited in Blench 2010:4). The farmers apparently could not oppose these developments during this period because colonial laws in Northern Nigeria favoured the cattle-owner over the farmer (Blench 2010). The colonial regime was generally perceived as being more favourably inclined to Fulani herders and other pastoral groups than to farming groups.

Nonetheless, peaceful relations between farmers and herders largely obtained throughout the colonial period. Peaceful relations also meant that herders could operate without the fear of cattle thefts. This was further ensured by the security system provided by the colonial regime. Herders, as a result, continued moving southwards during the colonial period. With time, the migration of herders and their cattle reached down to the Middle Belt areas. However, up to the time of independence, government action, including the mapping of grazing routes as well as communal arrangements for conflict resolution, ensured that peace largely obtained. It was only around 1965 that situations of conflict were reported in the North-central parts of the country (Adekunle and Adisa 2010). Even then, notwithstanding that the conflict situation remained negligible throughout the early years of Independence, the federal government had realised what problems grazing was to pose to the country. There were, therefore, attempts to regulate grazing throughout the country. The first grazing law was enacted in 1965 by the Northern Nigeria Legislative Assembly (Adekunle and Adisa 2010). Other governments in the federation came up with similar arrangements

during the period. The idea was to demarcate some lands, and equip them with boreholes, fences, fire breaks, veterinary services, and access to roads and dams. Some ranches were to be individually owned and others were to be managed as cooperatives. With the collapse of the regional structure in the country and the emergence of states, the grazing arrangements also seemed to collapse.

### **Climate change, population growth and increased conflict between farmers and herdsmen in Nigeria**

Within a few years of Independence, the country witnessed accelerated movement of herders southwards, which greatly increased in the 1970s. This accelerated movement was largely a result of climate change, which essentially made the dry seasons longer and harsher. For as long as climate was stable and predictable, changes in climate remained seasonal. Clashes between farmers and herdsmen remained a seasonal phenomenon, which occurred essentially as the herds were moved down south during the dry season and back northwards as the rains returned. The classic stereotype of the herdsmen migration with their cattle was thus, a seasonal one, occurring at those periods of the year when the rains had ceased and the weather was hot. According to Glover (1960), these migrations were between the semi-arid North and the dry season pastures along the Niger-Benue system (cited in Blench 2010). According to Iro (1994), the herding season began from October to December, marking the end of the rainy season in the North and the beginning of the dry season.

At this period, there is a southward movement of the herds, along river and stream valleys. During January and February, which is the harmattan season (dry, windy and dusty), there are longer grazing hours in which herds are split and there are more frequent visits to stable water sources. The southward movement continues through March and April, which are the hottest periods in the year and very tough for the herds. Herding as a result is now mostly in the evenings and nights. May and June is the period when the dry season ends. Vegetation begins to appear, and a northward movement of the cattle herds begins. Between May/June and

September is the peak of the rainy season, and also the period of arable crop production. Herdsmen-farmers' conflict was thus prevalent during the period between May/June and September/October (Bello 2013). The nature of these migrations produced conflict along its routes. According to Iro (1994, cited in Bello 2013:3–4), during migration, a typical herd, consisting of several family units, moves in a column of up to five meters wide and two kilometres long. When this herd passes through any arable crop farm, 'everything that stands at that point is destroyed'.

Climate change eventually changed this seasonal pattern. Changes in climatic conditions led to a drop in rainfall, increased drought, changing patterns of weather, increasing aridity of the Sahel, desertification and land degradation (Davidheiser and Luna 2008; Okoli and Atelhe 2014; Blench 2010; Olayoku 2014; Okunola and Ikuomola 2010; Obioha 2008; and Shettima and Tar 2008). This led to prolonged inclement weather in the far-northern regions of Nigeria, which made the herding season to now become an all year-round activity. The herdsmen leave with their cattle and do not return according to season. As the rains dried up in the far-northern areas of the country, different herding groups continued to spread out further in the north-central parts of the country. Others found their way to different parts of southern Nigeria. This increased presence of the herders and their cattle in the hitherto non-pastoral areas of the country has produced wide-ranging conflicts in the areas. The southward movement of herdsmen has also meant a movement into localities with no history of farmers-herdsmen' symbiosis and complementarity. The herders'

southward migration created new frictions as the Fulbe moved into the humid areas long dominated by horticultural production. The entry of Fulbe herds in these regions led to crop and soil damage, intergroup competition for natural resources, and numerous disputes in localities lacking a history of farmer and herder production symbiosis and interaction and corresponding social institutions for managing conflicts (Davidheiser and Luna 2008:89–90).

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This has become very pronounced since the 1990s, when the migration pattern seemed to change once again. Since the 1990s, herdsmen have been increasingly establishing habitations in the southern communities into which they have moved, and now live permanently – and therefore graze their cattle all the year round. This new pattern has led to new relationships between the herders and the farming communities. Although, at least in the case of the Southeastern areas, the herders have been careful to settle in only those communities that have welcomed them and given them land to live in (Onah 2016), this ‘live-in’ relationship has had its own dynamics, which in the long run have tended to produce conflict. The permanent settlement of the herders with their cattle has meant that large quantities of manure are deposited in the fallow lands over time, naturally making these lands more fertile. This, in turn, has tempted the farmers to want to farm the fallow lands. Over time, this has reduced the amount of fallow lands available to the herdsmen for grazing their cattle, which then led the herdsmen to ‘stray’ into cultivated farmlands. This straying into farmlands has been the major reason for farmers-herdsmen conflicts in recent times.

Population growth has also accounted for conflict between the farmers-herdsmen in the southern areas of Nigeria. Firstly, improvements in health and other socio-economic conditions in Nigeria since the country became a major exporter of crude oil, has enabled higher per capita incomes for the people. This has increased the numbers of their households and led to a tremendous increase in the country’s over-all population. Secondly, the cohabitation of farmers and herdsmen in the same communities has improved the nutritional intakes of both groups – vegetables and staples for the herdsmen, and milk and meat for the farmers; and this has also made for a tremendous increase in the populations of the respective communities. This increase in population has however meant increased pressure on the land. The indigenous farmer is under pressure for land on which to erect residential buildings as many men come of age and desire to have their own settlements. This has meant a reduction in the existing fallow lands, which then puts the herdsmen under pressure for grazing land. The combined effect of all these pressures is often, conflict.

## **Socio-economic and political changes in Nigeria and the spread of the farmers-herdsmen conflict**

Independence was soon followed by military rule. The coming of the military into government in Nigeria led to widespread socio-economic and political changes in the country. The effects of these changes since the 1970s have also acted to change the spread and intensity of the farmers-herdsmen conflict in Nigeria. The leadership of the country in the early years of military rule was seen as a northern hegemony in which the Fulani was dominant. Apparently taking advantage of this situation, the herdsmen, the majority of whom were Fulani, quickly spread out throughout northern Nigeria in the 1970s. Perhaps also under the impression that the military leaders were the kin of the herdsmen, local framers did not offer much resistance to the herdsmen's migration within the period. Two developments, however, occurred in that decade that had implications for the relations between the herdsmen and their farmer-hosts. The first was the 1976 Local Government reforms, which not only harmonised the local government system throughout the country, but very importantly, removed traditional rulers from effective power to largely ceremonial status. Before the reforms, and the subsequent Land Use Decree of 1978, traditional rulers had the power to fine and imprison, which they used to control grazing activities.

Following the new laws, these traditional rulers were displaced by Local Government Chairmen, who were also bolstered with financial and legislative powers (Blench 2010:7). The rise to power of local people in the Local Governments, and the use of local government powers by the peoples' representatives, eventually altered the previous pattern in which the laws were interpreted and enforced to favour the pastoralists over the farmers. The representatives were mainly from the farming communities. The migrant herdsmen were rarely permanent residents of the communities in which they grazed their cattle, and so, they could hardly organise to send their representatives into the government structures. The situation was reinforced in 1979, when the military handed over power to civilians.

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With democracy being touted as ‘a game of numbers’, the local farmers easily had their way against the migrant herdsmen.

Between 1979 and 1983, while civilian rule still lasted in the country, local farmers, using their new found power of numbers which had enabled them to send representatives into the various institutions of government, significantly changed the relevant laws to their favour. In 1983, the civilian regime collapsed and the military came back to power in the country. By this time however, the hitherto existing relations between the farmers and the herdsmen had been altered greatly. Then, shortly after the return of the military to power, another development occurred in the country which had very far-reaching implications for farmers-herdsmen relations. This was the rise of a Middle-Belt top echelon in the Nigerian military and government by the late 1980s and early 1990s. This situation soon emboldened the farmers-kinsmen of this new military elite to take on the herdsmen-encroachers on their land. The whole area was thus soon flooded with farmers-herdsmen conflict. In many of these conflicts, it was not surprising that guns and other sophisticated weapons featured prominently.

From this time forward, the use of guns became a feature of the farmers-herdsmen conflict in Nigeria. From this moment, many herdsmen started migrating out of the Middle Belt and going further south in huge numbers. Military rule within this period, also led to a free fall in governance standards throughout the country (Onah and Okeke 2017). This fall in governance standards, which became noticeable at the tail end of the first stanza of military rule, from 1974 onwards, continued throughout the Second Republic, between 1979 and 1983. It did not abate, even when the military came back to power in 1983. The over-all effect of the long slide in governance standards was that ethnicity became rife in the country, and with it, citizenship contestations. All over the country, there was a very pronounced emphasis on nativity as a definite marker of who owned the land.

This became even more prominent with the hand-over of power by the military to civilians in 1999. As the new civilian government took over,

there seemed to be an implosion, in which people in every corner of the country suddenly awoke from slumber to assert their autochthony. This was at a time when many herdsmen had made their way into Southwestern villages as well as villages in the Southeast and the Southsouth, where in the 2000s and beyond, they had made permanent abodes. All over the country, the contestation was mainly between indigenes and strangers, as the former, referring essentially to those who were born on the land, tried to assert their ownership of the land. In many instances, the crises started in the cities, from where they dovetailed into the surrounding rural areas, where reprisal attacks were conducted against the various communities by the warring groups. In many other instances, a new hostile attitude now pervading the country as part of the prevailing ethnic and citizenship contestations has produced fresh conflicts in those communities where indigenes and strangers co-existed.

The 2000s have thus been marked by a situation of militant ethnic awareness, in which notions of 'indigenes' or 'settlers' have dominated the relations between ethnic groups. This has been significant for farmers-herdsmen relations because from this period, the relations of the two groups were also no longer seen in earlier simple terms. Instead, herdsmen now became Northern, Hausa-Fulani, and Muslim; while farmers became Southern (or Middle-Belt/Northcentral), Igbo or Yoruba or (any Southsouth/or Middle Belt/Northcentral group), and Christian. In fact, the nature of the farmers-herdsmen conflict became transformed, such that ethnic and cultural incompatibility became its main driver. In the typologies of violent conflict over land resources, developed by Obioha (2008, cited in Conroy 2014:20), reinforcement of group identity was identified as a major objective of the farmers-herdsmen conflict in the country. This fact has accounted greatly for the increase in intensity of the conflict. In situations where one group sees itself as indigenous and the other as strangers or settlers, conflict is almost inevitable. Farmers-herdsmen conflicts thus became ubiquitous in the country in the 2000s.

Starting from a Northern and Middle-Belt phenomenon, the farmers-herdsmen conflict has now spread to other parts of the country, thereby

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leading to a national crisis. By 2015, the farmers-herdsmen conflict had been reported in all 36 states of the federation as well as in the Federal Capital Territory. The phenomenon, which had started as intermittent and sporadic outbursts of violence in the far-North and the Middle-Belt of the country, finally spread to all corners of the country. Although all the states are affected, some states stand out for the sheer regularity, intensity and carnage of the incidents in their areas. These states include Kebbi, Adamawa, Taraba and Yobe in the far-North; Benue, Kaduna, Plateau, Kogi, Niger and Nasarawa in the Northcentral/Middle-Belt; Delta, Rivers and Cross River in the Southsouth; Ekiti, Ondo and Oyo in the Southwest; and Abia, Anambra, Imo and Enugu in the Southeast (Olayoku 2014:7–19).

The immediate reasons for the incidence and intensity of farmers-herdsmen conflicts have been announced by both sides. Farmers have accused herdsmen of cutting down trees, and allowing their cattle to eat crops and destroy their farmlands. Farmers also bitterly complain about herdsmen's marauding attacks, during which they murder farmers and rape their wives and daughters. Herdsmen on the other hand, contend that farmers plant crops on established grazing routes, steal, and kill their cattle (Sioullun 2016). Farmers have also complained of over-grazing and unsustainable use of cultivable land, destruction of crops, hardening of soils and rendering them difficult to till for cultivation, pollution of drinkable water, destruction of reservoirs and sources of drinking water and damaging of irrigation facilities. Herdsmen have equally complained of theft of cattle and goats, burning of rangelands, fadama (valley-bottoms or naturally flooded pieces of land), and tents/houses (Bello 2013:5).

Apart from those conflicts between herdsmen and farmers resulting from disagreements over land and related resources, farmers-herdsmen conflicts have also resulted from retaliation for cattle-rustling. This is rampant in the northern part of the country. Cattle-rustling is essentially the stealing of cattle by outsiders. Cattle-rustling is a huge problem in most states of the North especially, and has contributed significantly to the farmers-herdsmen conflicts around the country. For instance, the clash between cattle herders and members of the Agatu community in Benue State on

10 March 2016, which resulted in the death of an estimated 300 people, was linked to accusations of cattle-rustling (Ameh 1960, cited in Olaniyan and Yahaya 2016:101). During all these conflicts, many communities have been razed and hundreds of thousands of Nigerians have been displaced. The several attacks in Benue State and Southern Kaduna led to the displacement of tens of thousands of people. In an earlier attack on 29 February 2015 on Agatu villages and settlements, over 7 000 villagers were displaced from their homes. This humanitarian crisis also means that the displaced people will not be able to go about their normal schedules, and that their children's education will be disrupted.

Between 2010 and the end of 2016, the farmers-herdsmen conflict had claimed over 6 000 lives (Obaji 2016). According to a timeline of attacks on Benue State alone, compiled by the Movement against Fulani Occupation (MAFO), herdsmen have murdered over 1 269 people between 2013 and 17 July 2016. Herdsmen have also overrun 14 Local Government Areas in the State (Isine 2016). There were 21 attacks nationwide between 4 January and 26 April 2016 leading to the death of hundreds of people (SB Morgen Intelligence 2016), including the attack on a former Secretary to the Government of the Federation, Chief Olu Falae, on his farm in Ondo State, in which his security guard was killed; and also, the attack in Uzo Uwani, Enugu State, which drew national outcries.

### **Continuing farmers-herdsmen conflict as failure of conflict resolution in Nigeria**

The farmers-herdsmen conflict seems to be defying resolution. The structure of conflict resolution in the country spans the levels of government, namely, the federal, the states and the local governments, and all the structures concerned: executive and its bureaucracy, legislature, judiciary; military, police, security agencies; as well as traditional rulers and non-governmental and civil society groups. The attempts to find lasting solutions to the farmers-herdsmen conflict have involved two major methods, namely, police action and the military option to forestall or contain the conflict; and administrative procedures, including the setting

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up of Panels or Commissions of Inquiry and applying judicial measures, such as payment of damages and imprisonment. The various mechanisms of conflict resolution in the country have usually involved these structures in efforts to find lasting solutions to the farmers-herdsmen conflict in the country. Unfortunately, most of these structures and mechanisms have not lived up to their billings in the prevention and resolution of the farmers-herdsmen conflict in the country.

The Federal government is the most serious culprit in terms of institutional failures of conflict resolution in Nigeria. The federal government seems to have abandoned the efforts to regulate grazing in the country. Since the end of the regional arrangements of the First Republic, the federal government has been tentative on the matter, and so, no national policy or arrangement was made or ever sufficed in reality. Thus, although by 2009, grazing routes have been marked out through Nasarawa, Benue, Plateau, Katsina, Bauchi, Abuja, Sokoto and Adamawa, yet, out of a projected 4 125 such grazing lands, only 270 were functional by 2012 (Olayoku 2014:7). The recent attempt to introduce *ruga* arrangements by the Buhari government was drowned in the debilitating politics of ethnic contestation in the country. Presently, the seeming taciturnity of the Buhari government has fuelled the feeling that it is condoning the aggressive behaviours of the herdsmen – a feeling that has made the conflict to fester. Considering its enormous power and influence, a timely rebuke from the federal government could have restrained the aggressors from their attacks.

Other actions of the federal government have also not achieved results. Between 2002 and 2010 for instance, the federal government appointed four commissions to investigate the violent farmers-herdsmen conflicts around Plateau, Nasarawa, and Benue States (Odemwingie 2014). All these did not bear fruit as the findings of the inquiries have never been fully addressed and implemented. In the same vein, the legislature has not demonstrated conflict resolution capabilities that can ensure improvement in herdsmen-farmers relations in the country. The National Assembly, for example, was torn apart by the failed introduction of the Federal Grazing Reserve Bill (Suleiman 2012). Similarly, the judiciary has also not acted effectively in

resolving the crisis. The perceived and real ineffectiveness of the judiciary in Nigeria has obviously added to the woes of victims of farmers-herdsmen across the country and has thus helped in the spread of the phenomenon around the country.

Government security institutions have similarly shown lack of will to pursue the protection of Nigerians from this threat. The police have been severally accused of inaction or even complicity in the face of the raging carnage between herdsmen and farming communities across the states of the federation. The failure of the police to make arrests for the crimes committed after each round of violence made a newspaper editorial to woefully rate the institution (Punch 2016b). Indeed, the non-exemplary performance of the police has probably emboldened the herdsmen, especially in their unapproved use of sophisticated weapons during conflicts. Then, ‘success in their rampaging endeavours has granted increasing legitimacy to their methods among those who might have remained antagonistic to such violence within their ranks’ (SB Morgen Intelligence 2016).

State governments have on many occasions responded to the phenomenon in their states by instituting Commissions of Inquiry into the causes and possible ways of resolving the conflict. Commissions of Inquiry have been set up in Benue, Anambra, amongst other states, to very little effect, as the states lack the capacity to bring into effect the recommendations of such Commissions. In those states that are the hotbeds of this crisis, very few have acted in any decisive way. Apart from Ekiti state under Governor Fayose that came out with some legislation on grazing and shown some sort of political will in the apprehension and prosecution of aggressor herdsmen, other states are still to live up to their responsibilities. (Ameh, Owuamanam and Awoyinfa 2017). The local governments all over the country have also failed in this matter. Although the 1976 reforms made the local governments a strong organ in the structure of conflict resolution, the local governments seem to have instead become interested parties or even instruments in the hands of one or the contending parties in the dispute.

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In many other instances, the local governments have displayed such gross incompetence or lack of capacity in responding to the issues of conflict (Uzuegbunam and Nwofia 2014), that in the end, local governments have not counted for much at all in the efforts to curtail the conflict. Traditional institutions seem to be more result-oriented in their conflict resolution efforts. A Katsina State study of the institutions involved in the resolution of herdsmen-farmers conflict, traditional rulers and their institutions were ranked highest in terms of influence and result (Aliyu 2015). However, the albatross of the traditional institutions is that they only serve in advisory roles to the government and its apparatuses. Many civil society and community-based non-governmental organisations have also engaged in advocacy on the issue of farmers-herdsmen conflict in the country. They are also however, affected by lack of capacity and official pedestals. Nevertheless, only recently, in May 2017, the people of Kaninkon in southern Kaduna, and the Fulani in the area embraced peace through efforts brokered by a civil society organisation, the Global Peace Foundation, Nigeria. The Kaninkon chiefdom was ravaged by the farmers-herdsmen conflict since 2016 (Isenyo 2017).

Generally, the failure of conflict resolution at all levels in the country has not only proven to be the springboard for conflict between farmers and herdsmen, but has also provided occasion for a recurrence and an unhealthy spread of the conflict. It has also pushed the communities to take the law into their own hands. The two groups to this conflict have become so emboldened that they now elaborately prepare over long periods for eventual confrontation. The herdsmen now move about with sophisticated weapons which they readily use for the slightest reason. Farmers are equally known to now stockpile weapons in their communities, which come in handy during violent confrontations. Both sides now also utilise well-known strategies of modern warfare in their confrontations, including sieges, invasions, scorched earth tactics, guerrilla tactics and mercenary warfare.

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The farmers-herdsmen conflict has continued to spread across the country by the day. The failure of the structures of conflict resolution in the country has led to the ineffective administration of existing mechanisms of conflict resolution. Resolving the farmers-herdsmen conflict in Nigeria will therefore start with empowering the existing structures of conflict resolution in the country as well as rejuvenating the mechanisms of conflict resolution. Rejuvenating the mechanisms will involve the application of the principles of restorative justice, which offer a viable means of sustainable resolution of conflict generally, and the farmers-herdsmen conflict in the country in particular. Restorative justice helps to deal with the problem of ‘tragedy of victory’ (Alabi-Isama 2015), by helping to remove the zero-sum tilt of most mechanisms of conflict resolution, and promotes, instead, the ‘equilibrium of resolution’. This rests on a tripartite consideration of victims, offenders and the community, and its idea of justice is realised through the satisfaction of these parties’ feelings. Conflict is a social reality and must be dealt with in such a way that the parties are fully satisfied with the outcome(s) of the resolution. Restorative justice helps to avoid a situation where one party ‘wins’ the justice and the community ‘loses’ the peace. As a result of its involving both the offender and victim in the resolution process, restorative justice will be able to ensure that both farmers and herdsmen are satisfied with the outcome. Restorative justice is an approach to conflict resolution that involves programmes and processes that ensure that constant and continuous relations are built between parties to a conflict. Restorative justice offers a holistic approach to ending a crisis by building a platform for parties to come together to discuss the issue(s) that led to the unwanted situation. It proceeds to create a victim-offender dialogue which must include, in clear and unambiguous terms, the responsibilities and liabilities of each party – necessary in the advance to a solution.

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The utility of restorative justice is that it has the capacity to dig deeper into the foundations of a crisis and offer resolutions that have far-reaching effects on socio-economic relations among parties. While the conventional criminal justice system dwells excessively on maximum punishment for crimes committed, it does little to get to know the victim and community at large. It is then possible for the offending party to return to the crime(s) for which he/she was declared guilty. What this means is that because erstwhile attacks and their reprisals have not been properly dealt with, a relapse into violence is in the offing. The programmes and processes of restorative justice involve the implementation of the factors that discourage the commission of crimes by the offender and compensation for the victim's loss. It scrutinises the extent and history of relations between and among parties to conflict, and answers many questions that are usually left unanswered or unsatisfactorily responded to by the extant methods of conflict resolution in the country.

The mechanism for resolving the farmers-herdsmen conflict involving procedures of restorative justice will demand that the two communities first come together to discuss. The procedures will start once the initial contact is made between the two communities. Provision will be clearly made for the arriving herding community to pay their courtesies to the resident farming community. Once the arriving community has indicated its desire to stay in the lands of the farming community, the representatives of the farming community are to notify the Local Government Chairman and the Divisional Police Officer (DPO) without delay. The Local Government Chairman will then immediately activate the structure meant to handle further formal interactions between the two communities. This structure must statutorily include the Chairman or his representative as well as other relevant officers of the local government, the DPO or his representative(s), the traditional ruler and other representatives of the farming community, the leader and other representatives of the herding community, and an official from the State Ministry of Justice.

The two communities will then sit together to agree on the conditions of interaction. This platform will take into cognizance the cultural differences

between Fulani herdsmen and local farmers that might prevent possible agreement. All identifiable issues, including the differing perceptions of the two communities on the significant issues of interaction, must be discussed fully. The most significant issue here is land tenure and perceptions of land tenure. When a farming community allows pastoralists to graze cattle on their land, the understanding of the herdsmen is often that the grazing grounds have become their land, whereas the farmers view these lands as fallow, not yet ready for cultivation, and therefore available for temporary grazing by the herdsmen. Incidentally, it is the activity of the herdsmen that promotes the manuring of these lands, which subsequently make them, in the eyes of the farmers, ready for cultivation. But the attempt to then cultivate these lands is what, too frequently, produces conflict.

The conditions of land tenure must therefore be discussed initially before a herding community starts operating within the farming community. In this regard, the discussions must address the delineation of the rights of land ownership – who owns the land, what rights this owner has over the use of the land, and what obligations can he expect from a herdsman using his land for grazing. The issues to be delineated also include the obligations of the owner of the grazing lands to the herds and their owner, and what level of care both the herdsmen and the landlord are expected to devote to the grazing lands as well as the farmlands. Furthermore, the rights of farming communities over their lands must be so clearly determined that there is no doubt about the conditions under which they can forbid the herdsmen and their herds from grazing in their lands. The relationship between natural rights and citizenship rights must be delineated, so that the limits of each must be clear. Rights based on indigenous status must also be clearly spelled out.

Land tenure and economic exchanges between the two sides are central issues to be discussed, but so also are personal relationships between individuals across the divides. In fact, many times, at least in the Southern areas of the country, crises are caused by such ordinarily simple reasons as a love affair between a girl from one side and a boy from the other side. Acceptable personal relationships between individuals, especially,

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male-female relations, particularly between young and unmarried members of the community, must be discussed before one community is allowed to settle in the other community. The agreements reached will then become the basis for the herding community to stay in the farming community and graze their cattle. The agreements will also become the basis for resolving disputes if and when they break out between the communities. Once a dispute arises, leaders of the aggrieved party are expected to alert the DPO as well as the Local Government Chairman. The Local Government Chairman is required to immediately use his good offices to make peace among the communities, and to convoke any and all structures and committees devoted to conflict resolution. Should peace efforts fail however, and violence flare up, the DPO is required to take prompt measures to contain the violence and restore peace quickly.

In a situation where violence has led to losses, restorative justice procedures will bring together, under the auspices of the conflict resolution structure above, members of the herding and the farming communities. For such peace mediation after a violent conflict, officials of the State Ministry of Local Government, Agriculture, and Rural Development, as well as members of a number of community-based non-governmental organisations, are to be invited. Here again, the initial agreement for interaction will be the basic document, in addition to the laws of the land, for conflict resolution. In cases where, for instance, murder has been committed, individuals responsible for the deaths must be identified by the respective communities and made to face the criminal laws of the land. Then the aggressive group should be made to bear the cost of the burial rites of the dead victims. For instance, among the people of Nimbo in Enugu state, one epicentre of conflict, burial of the dead usually involves the slaughter of a number of cows alongside the feeding of the community and drinking.

The restorative justice platform can mandate that for every dead member of the farming community in a conflict, two cows will be provided by the herdsmen for the burial. The logic of this position is that since cattle are very precious to the herdsmen community, the loss of cows as compensation for burial will restrain them from resorting to violence during disputes.

The foods and drinks needed for the burial rites will be costed in money at present values, and paid by the herding community. For deaths suffered by the herdsmen, the same procedures will essentially apply, whereby the burial requirements according to the customs of the herding community are costed and provided for by the farming community. The individuals responsible for the deaths are fished out and made to face the laws of the land. In the same vein, locals found to have been involved in cattle rustling should be made to return the cows or pay for them if the cows have been killed.

These procedures as well as the structure must be statutorily incorporated into the existing mechanisms of conflict resolution, and the agreements between the communities must be justiciable, such that the justice system and the other structures of conflict resolution in the country must be able to refer to them whenever they want to settle any inter-communal disputes between farmers and herdsmen. Restorative justice would be able to address the issues surrounding farmers-herdsmen conflict in Nigeria, and enhance the prospects of escaping the 'zero-sum' practices – whereby what benefits the victim must be painful to offenders (McEvoy, Mika and Hudson 2002). The application of restorative justice is thus capable of encouraging the peaceful expression of conflict, promoting tolerance and inclusiveness, building respect for diversity and promoting responsible community practices (United Nations Office on Drugs and Crimes [UNODC] 2006:6), thereby returning herdsmen-farmers' relations to its original harmonious and complementary state.

## **Recommendations and conclusion**

The foregoing shows that notwithstanding the present intensity of farmers-herdsmen conflict in Nigeria, the phenomenon can be resolved if the right things are done by those responsible for doing them. The federal government must now take the lead and ensure that grazing laws are enacted for the entire country. The state governments can also make complementary laws, and local governments, complementary by-laws. These laws will clearly provide for ranches and define grazing lands, and must mark out grazing

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routes across the country. The federal government should also develop the legal structure and framework for restorative justice, to complement the extant criminal justice system in the country and encourage farmers and herdsmen to bring their misgivings to the constituted authority. Errant farmers and herdsmen must be made to pay reparation and victims must be properly compensated.

There is also an urgent need to define citizenship more clearly in the country, such that Nigerians are identifiable and know their rights. Foreigners must also have their rights clearly stipulated and need to be easily distinguished even in cases they are from adjacent countries but have kin in Nigeria. The herder-farmer divide must not be exacerbated by lack of clear guidelines for citizens and non-citizens.

Efforts at population control should be intensified in the country. National population policy had earlier pegged the number of maximum births per woman at 4, but implementation and enforcement have been lacking. In the light of the population explosion problems confronting the country, the policy must not only be enforced immediately, but it should also be redefined so that the limit is per man as this is what will truly curtail population growth.

Restorative justice committees must be created and promoted, offering parties a place to air their grievances and seek redress where necessary. Such committees should include environmental professionals who can orientate the farmers and herdsmen on best practices even within the situation of climate change.

Finally, there is an urgent need to define citizenship more clearly in the country, such that Nigerians are identifiable and they know their rights, while foreigners can easily be identified and restrained according to the laws of the country, even if they have ethnic kin across the borders in Nigeria.

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