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NIGERIA'S ANTI-GRAZING LAWS AND THE UNANSWERED QUESTIONS OF RIGHTS

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Abstract

Nigeria in its over 60 years of independence has witnessed a multitude of conflicts, that have been varied as the diverse ethnic communities that make up the country. Inter-ethnic, intra-ethnic and inter-religious conflicts have not only negatively impacted on the development of the Country, they have also shaped the way people of different ethnic groups perceive and relate with each other. The recent escalation of communal conflicts between Herdsmen and Rural farming communities is ordinarily no different from many other ethnic crisis in the Country in many respects, however due to under-lying religious and ethnic tensions, it has sometimes evoked high emotional responses across the Country. These responses have been further stoked by what appears to be a less than impressive response from the Federal Government, which is ordinarily charged with the maintenance of internal security in the Country. Nothing Illustrates the potentially destabilizing effects of the conflict than the enactment of various Anti-Grazing laws. They have been criticized for departing from well-established international Human Rights norms and principles. Though there have been counter-arguments from its drafters and there is yet to be any definitive judicial pronouncement on the legitimacy of their provisions; given the fact that the newly enacted laws are likely to be the template that would be used by other State Governments willing to enact similar laws, there is the need to examine these laws to other to determine the extent to which they depart from accepted Human Rights principles and how these may result in violations of basic rights already enshrined in the Constitution.

Introduction

Nigeria has a long history of communal conflicts, some of which predate the existence of the Country itself. While in the past most of these conflicts were inspired political aspirations¹, however, due to the introduction and wide-spread acceptance of both Christianity and Islam, some of these traditional conflicts have attracted an ethno-religious dimension.² More worrisome however have been those arising from competing economic agenda, such as disputes over ownership of mineral endowed land especially in the Niger-Delta Regions.

The most recent manifestation of this later form of conflict is the recurring dispute between farmers and pastoralist over grazing use of land and water resources. Though, this conflict often has an ethnic/religious colouration, largely due to the fact that the pastoralists are largely of the Fulani ethnic group and are also Muslims, while farmers especially in the middle –belt are largely of other indigenous tribes.³

¹ In the past, communal conflicts were largely as result of political rivalries between various communities or even egoistical aspirations of political leaders.

² Ethno-religious conflicts in Nigeria.

³ Most of the farmers in the middle-belt of Nigeria belong to the such tribes as Tiv, Idoma, Yoruba etc Its is however debatable to attribute it to religion, given the fact that there have

Irrespective of the debate of the appropriate classification of the conflicts between the farmers and herdsmen, what is undeniable is that the most important reason is the conflict over economic interests in land. Increasing population in the region in the regions and the expansion of urban settlements has resulted in a greater demand for land. This has impacted on the availability of free grazing land for the pastoralists. In addition, increasing desertification of the Sahel has resulted in the greater movement of cattle herds into the middle-belt, thereby straining an already tense situation.⁴

Under most customary land tenure systems in Nigeria, long settlement is an important criterion necessary to prove ownership of land.⁵ This system does not however recognize any claim or allude to any rights over such land by pastoralists, who may just have been making use of such land for as long as the settler community but did not settle permanently on such land or make any cultural claims of ownership.

There has however been an unspoken recognition of the rights of the pastoralists to free grazing on un-cultivated land. In some cultures, this borne out of a symbiotic relationship that exists between the farmers and the pastoralists. It's relationship of this age-long relationship and the need to grant pastoralists some modicum of protection by the law that laws were enacted to protect their traditional rights to migrate and graze their cattle, through the enactment of laws recognizing well-established grazing routes and also the establishment of grazing and reserves.⁶

In spite of the existence of these laws, increasing demand for land for agricultural and urban development purposes has resulted in greater incursions into traditional concessions granted to pastoralists. This has also resulted in increasing calls for regulation of the pastoral culture if not its total elimination.⁷ It is thus within this background that several states who have been affected by conflicts between famers and herdsmen, have done what can be regarded as the needful by enacting laws to regulate the activities of pastoralists.⁸

While not denying that the pastoral culture especially with regards to cattle culture is unsustainable at its present scale, the questions that needs to be asked is whether the current legal regime being adopted by the states that have so far enacted anti –grazing laws can be regarded as the best form of response that can e used to address the conflict; given concerns that have so far been expressed about its human rights implications and also when

been incidences of conflict in areas such as Kwara State also in the Middle-belt where the farmers are also predominantly Muslims. In addition, Farmer/ Herdsmen conflict have also been experienced in countries like Mali, where both parties are also Muslims.

⁴ Desertification of the Sahel

⁵ Long settlement on land

⁶ Grazing reserve routes law, grazing reserve law and transhumance convention

⁷ There have been calls for ranching to replace pastoralism

⁸ Ant-grazing law in Taraba, benue and Ekiti States.

compared with practices that have been adopted in other countries that have experienced similar conflicts.

This paper, thus examines the nature of human rights generally, constitutional provisions on human rights in Nigeria and also Anti-grazing laws in Nigeria. It also, examined approaches that have been adopted in other African countries with regards to similar African conflicts between herdsmen and farmers, with a view to identifying any lessons that Nigeria may learn from such countries in its quest to also develop an inclusive approach towards solving the conflict between farmers and herdsmen.

Development and Conceptualization of Human Rights

There have been various arguments on the historical development of the concept of human rights and its extent. While most scholars, favour its attribution to Ancient Greece and the recognition given to natural rights within the cultural milieu.⁹Others, favour a much later period for its emergence. Within this perspective, the French revolution is regarded as the modern precursor of the modern concept of human rights. Its influence on the American revolution and the Declaration of independence have been relied upon to further justify this assertion.

Neither of these schools of thoughts however deny the ground-breaking impact the universal Declaration of Human Rights played in the inclusion of human right norms in the Constitutions of most Countries as they emerged from colonialism. Though the emphasis of human right norms have traditionally been focused on political rights, of equal importance are those rights that ensure economic freedom and welfare of the citizenry. Thus, the second paragraph of the first article of independence, recognized three inalienable rights, which are 'Life, Liberty and the pursuit of happiness'¹⁰. While the meaning of Life and Liberty are obvious, various interpretations have been alluded to what is intended by the right to pursuit of happiness.¹¹The most widely accepted interpretation favours it being intended to guarantee the right to a dignified life and economic liberty through the right to own property.

It may thus be deduced that this formed the basis for the inclusion of rights that guaranteed economic prosperity in the Universal Declaration of Human Rights. These includes the right to liberty and security of person¹² the right to freedom of movement and residence within the borders of each state¹³;right to own property alone as well as in association with others and no one shall be arbitrarily deprived of his property¹⁴

⁹ The story of Antigone is usually told within this perspective
EES ¹⁰ American Declaration of Independence

¹¹ John Locke's Opinion

¹² Article 3

¹³ Article 13

¹⁴ Article 18EE

The provisions of the Universal Declaration of Human Rights, seem to some extent to have influenced human rights provisions under the Nigerian Constitution, especially with regards to rights that would guarantee economic liberty by ensuring people have the basic rights that would ensure they are able to seek a viable means of earning a livelihood and also exercise of proprietary rights.

Constitutional Guarantees for Ensuring Economic Liberty and Proprietary Rights

These include the following:

1. The Right to Freedom of Movement

Section 41 guarantees the right of every Nigerian citizen to move freely through out Nigeria and to reside in any part of the country. No citizen of Nigeria shall also be expelled from Nigeria or refused entry thereto or exit therefrom.

Though this provision relates to the right not to be expelled from Nigeria or denied entry into Nigeria, it invariably creates the impression that same cannot be done in respect entry or being expelled from a state. Though indigeneship is usually used as a criterion for allocation of benefits at the state level, or appointment into some specified public service positions.¹⁵ The Constitution only defines indigeneship only based on what qualifies a person to be regarded as a Nigerian indigene. The only allusion to place of origin other than that for all Nigerians is contained in Section 42, which guarantees the right not to be discriminated against on account of a person's ethnic group, place of origin sex, religion or political opinion.

The relationship between right to freedom of movement and the opportunity for economic liberty has long historical foundations in the in the feudal system of medieval Europe. Within the feudal society, serfs were tied to feudal lands. They could not move out of their feudal, nor could they move away from the occupation of their birth. The black plague however led to massive shortage of labour and one of it repercussions is the creation of the right to movement, especially for economic purposes.

2. Right to Freedom from Discrimination

Section 42 of the Constitution relates to right of a Nigerian not to be discriminated against because he belongs to particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason

¹⁵ Section 42(3) provides that the right freedom from discrimination does not invalidate any law by reason that the law imposes restrictions with respect to appointment of any person to any appointment under the state or as a member of the Armed forces of the Federation or a member of the Nigerian Police Force or to an office in the service of a body corporate established by any law in force in Nigeria

only that he is such a person be subjected either expressly or in the practical application of any law to restrictions, which other citizens of Nigeria of other ethnic groups are not subjected to.

The under-lining principle behind this provision is the guarantee of equality of all citizens and their equal treatment. To this end, no law should be made that would expressly target a particular group of people or exclude them from the enjoyment of any benefit simply on the ground of their ethnicity or class to which they belong.

3. Right to Acquire and Own Immovable Property anywhere in Nigeria

Proprietary rights are recognized as one of the most important rights. This is due to the importance usually attached to it in most cultures. Several jurisprudential arguments have been espoused to show its importance.¹⁶ Some of these writings influenced some of the earliest human rights documents. In both the French Rights of Man and United States Declaration of Independence, the right to own property was recognized as one of the inalienable rights of man. This approach was also duplicated in the Universal Declaration of Human Rights.

It is therefore not surprising that this right was recognized in the Nigerian Constitution. Though it may be argued that it is a right that is not universal, in the sense that it only limits its provisions to Nigerians alone, notwithstanding this obvious discrimination against foreigners, it is a right that is expected to be enjoyed by all Nigerians.

Aside from the Constitutional provisions that guarantee enforceable rights, the directive principles of state policy constitute another category of rights, though unenforceable but which are expected to be the principles upon which state policies and programs would be based. In this regard, within the context of this topic, three of the principles will be examined and they are the political objectives; social objectives and economic objectives.

Political Objectives of State Policy

Section 15 of the 1999 Constitution, prescribes that the political objectives of state policy should seek to promote the motto of the country, which is Faith, Peace and Progress. Towards this end, it is expected that all state policy should encourage 'national integration, while discrimination on the grounds of place of origin, sex, religion status, ethnic or linguistic association or ties shall be prohibited'.¹⁷

The state is also expected to promote and ensure there are adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.¹⁸

¹⁶ Theories on the importance of proprietary rights''''''''

¹⁷ S15(1)(2)

¹⁸ S15(3) of the CFRN 1999

Economic Objective

Section 16 of the Constitution, equally provides that the State shall focus its economic policy towards guaranteeing the right of every citizen to participate in the economy. Towards this end, the government is¹⁹ expected to harness the resources of the nation and promote national prosperity. The state is also expected to control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.²⁰

In order to ensure an equitable economic framework, the Constitution also provided that the material resources of the nation are harnessed and distributed as best as possible to serve the common good.²¹

Pastoralism in the Context of Farmer-Herdsman Conflict

Historically, the pastoral-herdsmen conflict has been one of the enduring themes for conflict in most societies. According to Blench, three perennial motives for conflict runs in the course of history. These have been identified as the conflicts between the townsman/farmer; sea power/land power and peasant farmer/nomads.²² Though some early historians²³ had restricted the existence of the conflict between nomads and sedentary farmers to some specific geographical areas, it can however be said to be wide-spread and exists in various local variants. The existence of narratives documenting the farmer/nomad conflict such as the story of Cain and Abel and historical accounts of the building of the Great Wall of China as being to keep out the marauding horde shows the ancient nature of this conflict.

The relationship between sedentary farmers and nomads in Nigeria has largely been described as having been based on 'cooperation, competition and conflicts'.²⁴ The basis of the cooperation historically was linked to the dependence of the sedentary farmer for protein and manure from the pastoralists, which the pastoralists exchanged for grain. Several studies have documented this historical cooperation. Awogbade²⁵ in his study, conducted on the Jos Plateau noted that though at that time, the relationship was coming under increasing pressure due to fierce competition for resources, 'Fulbe herds were still welcomed by Jos Farmers. Herders keep animals for the village. Farmers who consider livestock, particularly cattle as a form of investment; milk, cattle, and manure are traded for agricultural produce and

¹⁹ S16(1)(a)

²⁰ S 16(b)

²¹ S 16(2)

²² *ibid*

²³ Ibn Kaldun and Toynbee

²⁴ Hussain 1998

²⁵ Awogbade M.O. '*Fulani Pastoralism: Jos Case Study*' (1983 Zaria, Ahmadu Bello University Press)

social links between the sedentary population and herders are evident in ceremonial exchanges'²⁶

In agreement with this narrative, a respected elder states-man also recounted his experience of cordiality between the farmers and pastoralists in response to increasing discord between the two communities, especially on the Jos Plateau.²⁷

Similar cooperation has also characterized the relationship in other parts of West Africa, which show that was the norm and not an occasional occurrence. In Senegal, a popular adage shows the importance of this relationship. In describing them it says: 'herder and field are natural allies' According to Gueye, this adage buttresses the long-standing reciprocal, complementary relationship that has existed between Agric and animal husbandry'.²⁸ In spite of the well-documented co-operation that characterizes the relationship, it is often also blighted by conflict. Most researchers tend to opine that conflict is a natural consequence of the relationship and the ability of both groups to devise effective methods of sharing resources such as land and access to water.

In spite of the fact that conflict is regarded as a natural consequence of the relationship between farmers and pastoralists, there has been recent upsurges that have achieved tremendous incendiary capacities, especially in the affected regions. Several researchers have sought to identify the underlining factors that have contributed to this problem; their research have identified various factors, but the bottom-line remains how to devise an effective strategy to resolve the conflict.

Given the fact that the problem is not peculiar to any particular region, the strategies that have been adopted have been varied and in a lot of instances also influenced by peculiar local circumstances. In Nigeria for example attempts to solve the problem have been varied. Most have focused on developing effective land tenure systems that would accommodate both the pastoralists and the herdsman. Some of the policies borne out of this strategy, includes the establishment of grazing reserves, demarcation of grazing routes and the recognition of the importance of the pastoralist movement across national borders across West-Africa borders and its protection.²⁹

²⁶ *ibid*

²⁷ Lami Sadiq 'We Must Understand Dimensions of the Farmer/Herder Clashes' Gen John Shagaya" *Daily Trust*, 27 Jan 2018, available <https://www.dailytrust.com.ng/we-must-understand-dimensions-of-farmer-herder-conflict> accessed 20 April 2018

²⁸ M.B. Gueye, 'Conflict and Alliances between Farmers and Herders: A Case-Study of the Fandene Village, Senegal(1994, London IIED) Cited in Abba Gana Shettima and Usman A. Tar, 'Farmer-Pastoralist Conflict in West-Africa: Exploring the Causes and Consequences', *Information, Society and Justice (on-line) Jornal 2008(1)(2)*

²⁹ Transhumance Convention-----West-Africa

While most of these strategies are based on the acceptance of the pastoral system, in recent years, popular opinion has increasingly attributed the under-lining cause of the dispute to pastoralism. There have thus been increasing call from various quarters, especially from politicians for the pastoralist to adopt a more sedentary approach to cattle rearing. Ranching has often been presented as a more ideal and more efficient system, especially because it is the system adopted in more advanced countries in the world.

Towards this end, various laws have been passed in some states³⁰, especially those affected by violence between herdsmen and sedentary farmers and even some that fear such potential conflict in future. Though these laws are purportedly to achieve the goal of preventing the underlining cause of the conflict, which is unrestricted grazing by the pastoralist, and as such in most instances prescribes regulations on how grazing is to be conducted, in other instances, it also out rightly proscribes open grazing. Notwithstanding the obvious good intentions of these laws, the question that has remained unanswered is the potential effect of these laws on the human rights of the communities affected, especially when those right that have been guaranteed by the Constitution.

Anti-Grazing Laws and the Human Right Questions

Due to the long-standing nature of the conflict between farmers and pastoralists, there have been numerous laws that have been that been enacted at regulating and managing the conflict. At variance with this older approach, the Ekiti State³¹ Government was the first to enact a law proscribing open grazing. Some of its important provisions includes the prescription that grazing of cattle and other ruminants should only be done land set aside for that purpose by the government. Any person caught otherwise grazing in unspecified area would have his cattle confiscated and sent to the government ranch. In addition, the law also made it illegal for the herd-men to bear any arms. The law provided that it would amount to treason to do so. There have however been arguments on the part of the herds-men that this particular provision goes against the provisions of an extant law, the Terrorism Prevention Act 2011.

Notwithstanding the apparent flaws in the Ekiti State Law, other states have followed suit in adopting a similar legislative approach to the problem. The most notable of these is the recently enacted Anti-Grazing law of Benue State. It adopted a more drastic approach to the regulation of the

³⁰ Nigeria is a federal republic that is comprised of 36 federating units. The regions are referred to as states and they have some level of autonomy in some matters including making laws for their individual state on matters classified under the residual list in the Constitution. Any law passed by a state is however not expected to be incompatible with any existing Federal law or the Constitution.

³¹ Ekiti State is a State in the South-Western Part of the country. It is mainly an agrarian state and shares boundaries with Kwara State.

activities of pastoralists. This can be seen in some of its key provisions, which includes the following:

1. Prohibition of Open Grazing

Section 19 of the law prohibits open and nomadic livestock herding or grazing in the state. It equally prohibited the movement of livestock from one location to another on foot. It is expected that all such movement shall be by 'rail wagon, truck or pick-up wagon'.³²

Though this provision serves the obvious objective of the law, which is to prohibit open grazing, however, its practicality is suspect. Even in the most advanced countries, cattle ranches are usually located in rural areas. Which is expected to also be the case in Nigeria. However due to poor road network in most rural settlements, access has always been a problem. In some farming communities some do have to walk a substantial distance on foot before they can have access to motor vehicles and other means of vehicular transport, due to the inaccessibility of their communities. If people have to walk on land, making an exception for cattle will only amount to an impossibility.

In addition, it was also noted by Secretary-General of the Miyetti-Allah Cattle Breeders Association³³ on a TV programme³⁴ that Benue State lies on an international recognized cattle-transit route that is recognized under an ECOWAS treaty and restricting access of cattle on foot also violates the provisions of this treaty.

2. Prohibition of Out-Right Sale of Land for the Establishment of a Cattle Ranches

In spite of the fact that the Constitution guarantees to every Nigerian Citizen, the right to own property, which includes land in any part of Nigeria, the Benue State Anti-Open Grazing Law restricts this right in respect of land to be used as ranches and also especially when such ranches are to be established by non-indigenes of Benue State. Under Section 3 of the law, it is provided that the State Livestock department shall be in charge of administering, regulating and controlling livestock in the State.³⁵In furtherance of this power, it shall have the power to issue ranching permits to any interested rancher. However, an important caveat to this provision is that the permit can only be issued for a period of not more than one year with renewal subject to the discretion of the Department.³⁶

³² Section 19(4) Benue State Anti-Open Grazing Law 2017

³³ The Miyetti- Allah Cattle Breeders Association is a socio-cultural group representing the interests of nomadic herders mostly of the Fulani Tribe.

³⁴ Sunrise-Daily A Beakfast Show on Channels Television, broadcasted live via DSTV satellite television and monitored in Ilorin on 6th June 2018. His assertion was not controverted by the local Chairman of the Benue Branch of the NBA, who was also on the show.

³⁵ Section 3(4)

³⁶ Section 3(5)(b)

Section 12 of the Law further prohibits the sale of any leased land to the rancher or his agent for the purpose of ranching, residence and other related purposes. This provision not only restricts the right of the rancher with respect to his Constitutionally guaranteed right to own land, but it also restricts the right of any land-owner to dispose off his land in any manner and to any person that he may so desire. In pursuance of the provisions of Section 12, Section 17 also provided that only temporary structures and other improvements for the management of the permitted livestock may be constructed within the land under permit issued by the Department.

Right of Ranchers to Bear Arms and Protect their Property

Though possession of Firearms is regarded as a crime in Nigeria especially when possessed un-lawfully, however under the provisions of the Firearms Act,³⁷ two categories of firearms are recognized; possession of the first which is contained in the first schedule is out-rightly prohibited except under a license granted by the President³⁸ The second category of firearms recognized under the Act are classified as personal firearms. For this category of firearms, the law provides that any person wishing to have possession and control of such firearm must obtain a licence from the Inspector-General of Police.³⁹ In addition to this second category, the law allows the Commissioner of Police in a State, with the consent of the Governor of the State may prohibit the possession and control of muzzle-loading firearms.⁴⁰

In spite of the existence of this law, and its detailed provisions with regards to the classification of firearms, it is unclear whether the provisions of Section 19(6) which provides that livestock owners cannot possess firearms whether licensed or unlicensed is valid when the law further provides that violators would be prosecuted under the Robbery and Firearms Act,⁴¹ though even in its own provisions, the substantive law with regard to the possession of Firearms is recognized to be the Firearms Act.⁴²

³⁷ Firearms Act CAP F28, Laws of the Federation 2004

³⁸ Under the first Schedule, the following types of firearms are listed: Artillery, Apparatus for the discharge of any explosive or gas diffusing projectile; Rocket Weapons; Bombs and Grenades; Machine Guns and Machine Pistols; Military Rifles, namely those of the 7.62mm, 9mm, 0.300 inches and 0.303 inches.

³⁹ Under part II of the schedule, the firearms in respect of which the Inspector-General of Police may grant license include: Shot-guns other than automatic and semi-automatic shotguns; and shotguns provided with any mechanical reloading devices; Sporting Rifles, namely rifles of calibres other than those specified in item 6 of part I; Air-guns, air rifles or air pistols; humane pistols of the captive bolt type.

⁴⁰ Muzzle-loading firearms are defined under part III of the schedule as including Dane-guns; Flint-lock Guns; and Cap guns.

⁴¹ Robbery and Firearms (Special Provisions) Act CAP. R11 Laws of the Federation 2004

⁴² Section 3 of the Robbery and Firearms Act, provided as follows: Any person having a firearm in his possession or under his control in contravention of the of **Firearms Act** or any order made thereunder shall be guilty of an offence under this Act.

Definition of Nigerian Citizen

One of the contentious issues in the herdsman-farmer conflict has been citizenship of some of the herdsmen. It has often been argued that a substantial number of them are not Nigerians. Given the nomadic nature of the Fulani herdsmen and the fact that they are spread all over the West-African sub-region, this fact cannot be disputed. Neither is the right of a particular to limit the right to own property to only Nigerians. It is however unclear whether any state can limit or define citizenship by standard other than that prescribed by the Constitution. It is thus yet unclear whether by the definition Section of the Benue-State Anti-Open Grazing law, which defines a Nigeria citizen as follows: ‘A Citizen of Nigeria means any Nigerian Citizen with verifiable means of identification such as International Passport, National Identity Card, National Driver’s License and Permanent Voters Card’. Under the 1999 Constitution however, no such condition is attached. This makes it unclear whether this provision can be used to restrict the enjoyment of any right otherwise open to any Nigerian Citizen in the absence of such documents.⁴³

Lessons from other Jurisdictions

There is little debate about the fact that the Herdsmen-Farmers conflict is a long standing one, that has only been exacerbated by reduction of available grazing land due to farming and urbanization and other infrastructural development schemes, removal of traditional basis of cooperation between the two communities (such as the need for manure); absence of regulated framework for guaranteeing access to water by herdsmen and most importantly lack of planning.

One of the fervent arguments in the course of the debates on the issue, has been the need for the pastoralists to adopt ranching. This has often been touted as cheaper and the ‘international best practice’.⁴⁴ These recommendations are however not a reflection of well-documented researches that have shown that pastoralism is cheaper and more effective than ranching if well-managed.

Experiences in other West-African Countries have also shown that co-operation, dialogue and mutual recognition of the rights of each community is key to any effort aimed at devising effective solutions that will be recognized by all the parties. With the passage of the Anti-Grazing law, serious concerns have been raised about the pastoralist’s lack of consultation in the process of enacting some of these laws and the inadequate protection provided by the laws on their enjoyment of fundamental rights guaranteed by the Constitution.

⁴³ See generally Sections 25 and 31 of the Constitution of the Federal Republic of Nigeria 1999

⁴⁴ Sunrise Daily

This paper has, while not justifying the use of violence by either party to the conflict found that the Anti-Open Grazing laws do indeed violate some guaranteed rights and other existing legislations. Pastoralism is a cultural practice and economic system that has been practiced over Centuries. It was based on cultural system that prioritized access rather than ownership of land. Stopping such a system should require careful planning and proper consultation. The process should also accede to the rights of the pastoralist and devise means by which they can enjoy such rights without disturbing the equally important rights of sedentary farmers. Though legislation is key to the resolution of the conflict, however where legislation cannot be expected to over-night a way of life that has been developed over centuries. It can only be a recipe for violence as has been seen in the after-math of the passage of the Law.

The paper thus found that the laws clearly violates the fundamental rights of pastoralist and there is the need to review such laws and make them more compliant human norms in the Country.

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