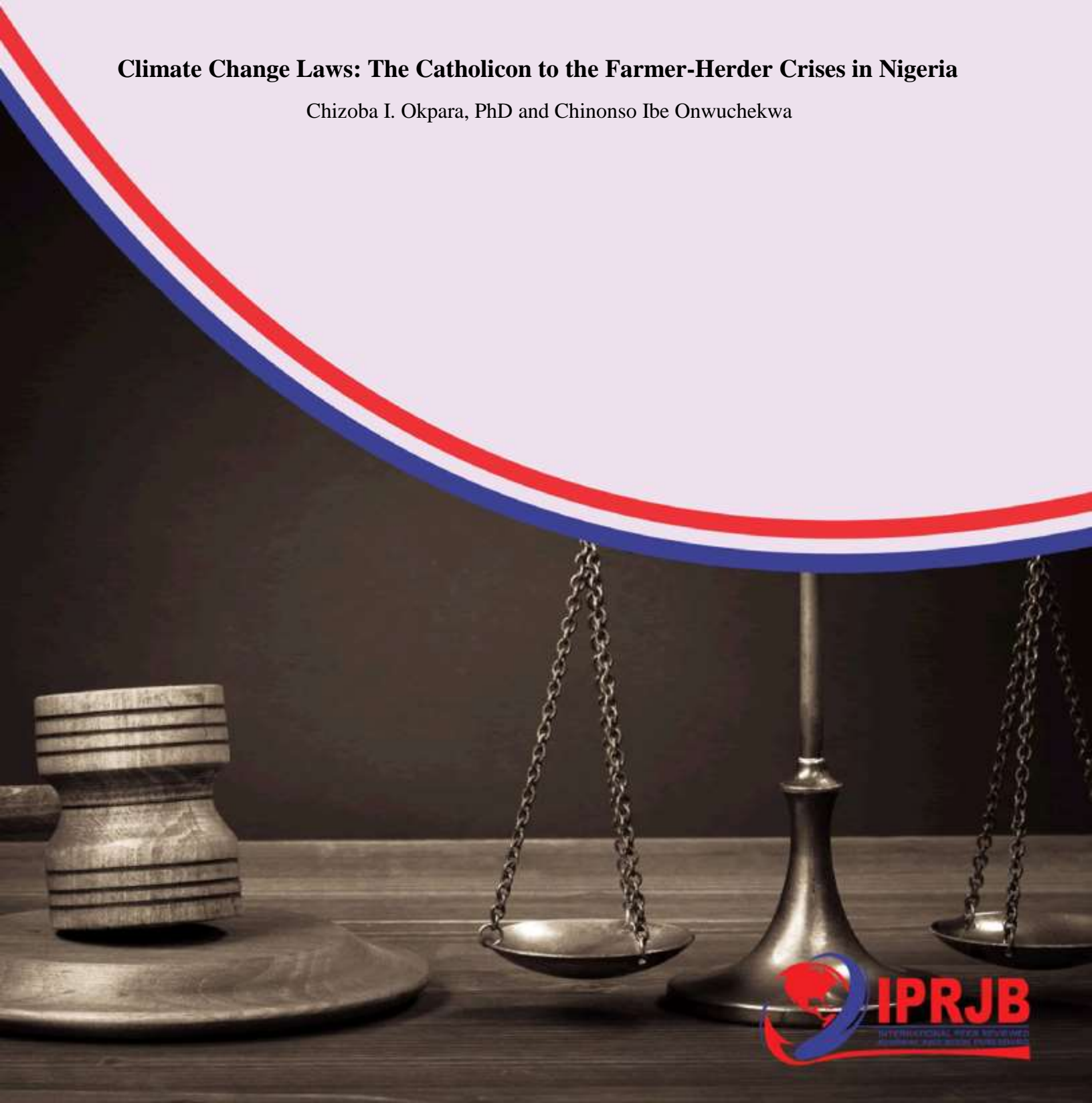


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Climate Change Laws: The Catholicon to the Farmer-Herder Crises in Nigeria

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Abstract

Purpose: The weight of overwhelming scientific evidence indicates that human-induced climate change is occurring in Nigeria, with the northern areas of the country faced with massive desertification. This has forced the northern herders down south in search of green pastures and on the farms of southerners who depend on these crops for a living. The resultant incessant clashes, this time with more sophisticated arms and weapons, take their toll in lives and property. The major problem envisaged in this work is the erroneous belief by the Federal Government that the proposed establishment of cattle colonies - Rural Grazing Areas (RUGA) - and National Livestock Transformation Programme (NLTP) will curb the farmer-herder crises.

Methodology: The study used doctrinal method of research which involve review of existing literature

Findings: Major findings in this work include that Nigeria has joined very elite countries in the world in enacting climate change laws encapsulated in the Nigeria Climate Change Act, 2021. Effective implementation of this Act therefore remains the neperthe to the farmer-herder crises in Nigeria.

Unique Contribution to Theory, Practice and Policy: The study recommends that the Nigeria Climate Change Act should be fully implemented so that the farmer-herder crises can capsize.

Keywords: *Climate Change, Laws, Farmer- Herder Crises, Nigeria*

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INTRODUCTION

The violent clashes between the farmers and herders in Nigeria have remained on the increase, this time with more sophisticated weapons. These clashes no doubt occur as a social response to the consequences of climate change. The herders moving down South for greener pastures and constant water argue that their traditional nomadic routes mapped out by the Grazing Reserves Act of 1965 have been converted for agricultural purposes and in other cases, built upon. The farmers on their part insist that they are the original owners of the land, with Certificates of Occupancy, in line with the Land Use Act of 1978, and therefore have the right to ward off all trespassers, hence the endless clashes. In 2018, Amnesty International in a Report captioned ‘Harvest of Death’ stated that these clashes have killed more than 3,600 persons that year, and over 1,531 in 2020. The International Crisis Group maintains that these farmer-herder clashes are six times deadlier than the *Boko Haram* insurgency.

The Federal Government in a bid to curb these crises took steps to establish ranches and grazing reserve locations across various states in the country. This, no doubt, did not go down well in several quarters, as there was the general belief that this was an articulated plan of the northerners to invade and *take over* the South. And even till date, the crises looms.

This work, having made several analyses posits that these ranches/reserves initiated by the government cannot tackle the farmer-herder crises. This is simply because the said ranches/reserves whether in the southern or northern part of the country are as well vulnerable to climate-related threats. Instead, there is the urgent need to enact climate change laws in Nigeria to forestall further changes in the environment. Luckily, the President signed the Climate Change Bill into law on Thursday, 18 November, 2021. Effective implementation of this law will no doubt nib this environmental menace in the bud.

The Concept of Climate Change

Climate change is the periodic modification of the earth’s climate, brought about by changes in the atmosphere, as well as interaction between the atmosphere and various other geologic, chemical, biological and geographic factors within the earth system. It includes both global warming, driven by human-induced emissions of greenhouse gases, and the resulting large-scale shifts in weather patterns. The Intergovernmental Panel on Climate Change (IPCC) defines the concept as any change in climate over time, whether due to natural variability or as a result of human activity. For Amokaye, climate change is the response of the earth’s climate system to altered concentration of greenhouse gases in the atmosphere.

Climate change is caused by an accumulation of greenhouse gases in the atmosphere which traps heat in the earth’s atmosphere, leading to increase in global temperature (global warming) and resulting in various changes in the environment. Scientifically, climate change is caused by both astronomical and extra-terrestrial (natural) and anthropogenic (man-made) factors. Kumar insists that climate change, prior to the Industrial Revolution in 1700s can only be explained by natural causes. These natural or astronomical causes include solar variations, earth’s orbital changes, ocean currents, volcanic eruptions and greenhouse gases occurring naturally in the atmosphere. Man-made or anthropogenic causes, which are hugely responsible for the increasing greenhouse

gases include burning of fossil fuels, deforestation, gas flaring, over grazing, unregulated dumping of toxic and comparable waste materials, inappropriate agricultural practices, mining, power generation from generators, coal and other plants and the continuous increase in population.

The impact of climate change is visible all over the world and includes: changes in climate and weather patterns, rise in sea level and ocean temperature, agricultural and forestry loss, desert and desertification, animal extinction, melting ice and disappearing glaciers and increase in vector-borne and water-borne diseases. Like Covid 19, this challenge is a global problem affecting both developed and developing countries; no country can opt out of it as it does not recognize the East-West divide or the North-South polarization. Just to mention the recent, in June 2020, massive flooding in China displaced 744,000 people across 26 provinces with over 81 people missing or dead, the worst ever in Chinese history. Still in 2020, devastating wild fires in Australia ravaged more than 6.3 million hectares of land and an estimate of half a billion animals and their habitats, making it the biggest forest fire ever in Australia. On 30 June, 2021, Canada was caught under a heat dome and recorded the highest temperature ever, 49.6 degrees Celsius (121 degrees Fahrenheit) in the village of Lytton, which amounted to several deaths. These are all devastating effects of climate change.

Climate change has also not spared the African continent either. The United Nations Framework Convention on Climate Change (UNFCCC) Report states that climate change is having a growing impact on the African continent, hitting the most vulnerable hardest, and contributing to food insecurity, population displacement and stress on water resources. The State of Climate Report for Africa states that Africa has witnessed devastating floods, looming spectre of drought and emergence of new diseases in regions where they were previously not present. In 2015, Cape Verde experienced her first hurricane ripples, *Hurricane Fred*, the first ever in Africa. In 2019, Southern Africa suffered extensive drought. In 2020, Kenya, experienced less than 30% of normal rainfall, wiping out pastures and increasing food and water shortages. Nigeria is not left out. Nigeria has a tropical climate with two precipitation regimes: low precipitation in the northern areas and high precipitation in parts of the southwest and southeast. Flooding and erosions have become the order of the day in these southern areas. The rising sea levels exacerbate flooding and submersion of coastal lands. Gullies and areas exposed to erosion in this area have tripled. Figures from the National Emergency Management Agency (NEMA) indicate that in 2017, flood affected over 200,000 people and in 2018, almost 250 people with thousands displaced. In the northern areas, states experience higher degrees of vulnerability to climate change arising from a decline in precipitation and rise in temperature. This combination of rising heat and less rain has hastened desert encroachment with loss of the wetlands and fast reduction in the amount of surface water, flora and fauna resources on land. Droughts are a constant in this area. As at 2009, the National Action Programme to combat desertification in Nigeria had estimated about 50-75 percent of Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Yobe, Sokoto and Zamfara states are seriously affected by desertification. Today, fifteen out of the nineteen northern states are endangered. This, no doubt, has prompted massive migration and resettlement of people to areas less threatened by desertification and is the root cause of the violent ongoing farmer-herder crisis in our nation at the present.

Climate Change and the Farmer-Herder Crisis in Nigeria

As rightly stated, climate changes are here, both in the northern and southern areas of Nigeria. Northern Nigeria is situated between Longitudes 3 and 15 degrees east and Latitudes 9 and 14 degrees north, and includes Kebbi, Zamfara, Katsina, Kano, Sokoto, Jigawa, Yobe, Borno, Gombe, Bauchi, Kwara, Plateau, Adamawa, Niger, Nasarawa, Taraba, Kogi, Benue and Abuja. The people of the area are largely farmers and in particular, herdsman, who rear cattle in thousands. With climate change, there is increasing desertification in the area. The Nigerian Meteorological Agency in their analyses of rainfall data show that rain days dropped by 53 percent, and the area is experiencing huge reduction of arable land, reduction of land in the coastal plain, desert encroachment as well as sand dunes, which have deprived herders of their agricultural farmlands and grazing range land. The Sahara Desert now covers about 35 percent of landmass, and is advancing inland at an estimated 0.6 km per annum. Sayne maintains that about two-thirds of Bauchi, Bornu, Gombe, Jigawa, Kano, Kaduna, Katsina, Kebbi, Sokoto, Yobe and Zamfara States could turn desert or semi-desert in the twenty-second century if proper control measures are not put in place. Lake Chad, located in the north-east, one of the largest of the four Saharan Paleolake, once estimated to cover about 400,000 kilometers squared in 2006 now covers about 10,000-25,000 kilometers squared. The drying lake was once one of Africa's largest and a source of livelihood for about 45 million within and outside the region. Farmers, fishermen and herdsman depended solely on it. The President of Nigeria, Muhammed Buhari at a recent Conference in 2018 soberly noted that the 'oasis in the desert' is just a desert now..."As the banks of the Chad Basin continue to recede and degrade, the nomadic herdsman continue to migrate southwards in search of fertile pasture and constant water supply.

The Southerners on their part are made up of seventeen states- Ondo, Oyo, Ogun, Osun, Ekiti, Lagos, Edo, Delta, Bayelsa, Rivers, Akwa-Ibom, Cross-River, Enugu, Anambra, Imo, Ebonyi, Abia. They are static farmers who depend solely on these farms for lives survival; some of these farmers live in their farms. Little wonder they are angered by the level of destruction caused by these cattle and herders to their crops. On the recent, on 14 April, 2020, women in Edo community staged a peaceful protest against the destruction of their farmlands and crops by Fulani herdsman. On 12 November 2020, farmers and indigenes of Ohaji/Egbema Council Area of Imo State lamented herdsman invasion of their farmlands. On July 9, 2021, the Middle Belt Forum reported no fewer than 45 farmlands belonging to 25 families in Miango district of Bassa, Plateau State were destroyed by Fulani herdsman to mention but a very few. The farmers insist they are the original owners of the land, inherited from their forefathers and more recently, in line with the provisions of the Land Use Act of 2004, are in possession of Certificates of Occupancy, and must do all within their means to ward off trespassers. The herders on their part argue that their traditional nomadic routes as mapped out by the Grazing Reserve Act of 1965 have been converted for agricultural purposes or in other cases, built up. The Grazing Reserve Act provides for 417 grazing reserves in the various states of the Federation, even though only 113 of such lands were officially given the grazing land status. Over time, there has been an encroachment on these grazing areas by urban and rural dwellers. Presently, the farmer-herder clash has escalated, especially as the conflicting parties now have access to arms and communication devices. It is no

longer news, seeing entire towns and communities ransacked and displaced by these herders. This wave of violence is more concentrated in the southern states, Plateau, Benue and Nasarawa states in the north-central geopolitical zone and in some cases, the bordering Adamawa and Taraba in the north-east zone. Odoemenam rightly observed:

The violent clashes between the Fulani herdsmen and occupiers of land seem to arise from the herder's penchant to use individual family or communal land without their consent. In extreme cases, the animals are led into grazing on the crops in the farms. The law allows persons in possession of land to assert and defend their rights when their land is trespassed upon. The herdsmen are special kind of intruders who would in a few seconds or hours destroy the farmer's crops and move on with or without trace.

They are not usually the type of trespassers that would want to remain on the land for quite some time or who may later contest the title to the land hence the resort to self- help by these farmers as a means to warding them off once they are sighted. The above acts are provocative and often results in deadly conflicts.

True to Odoemenam's words, in 2018, the International Crisis Group estimated that fighting between farmers and cattle herders in the first six months of the year claimed more than 1,300 lives. Still in 2018, Amnesty International estimated that at least 3,641 people were killed, 406 injured, 5000 houses burnt and 182,530 persons displaced, mainly as a result of increased sophistication in weaponry and communication. A 2019 report by Foreign Affairs put the death toll at 10,000 within a two year period.

Curbing the Farmer- Herder Crisis via Climate Change Laws

In striving to curb the farmer-herder crisis, the Federal Government proposed the establishment of cattle colonies termed Rural Grazing Area (RUGA Settlement) and furthermore, the National Livestock Transformation Plan(NLTP). RUGA is to be sited in developed communities in various states where there will be water, pastures for cattle grazing, markets, and security against cattle theft. The National Livestock Transformation Plan (NLTP) aims at building 94 experimental ranches which can accommodate between 30 and 300 cows in three years in ten pilot states. These projects, as laudable as they may sound, have been vehemently opposed especially by the state governors in the southern and middle belt areas of the country, who view the proposed RUGA as an attempt by the federal government to hand over their ancestral land to the Fulani herders.

While Nigeria's geopolitical dynamics are critical to understanding this conflict at its core, it is the writer's position that these proposed ranches and grazing reserves cannot tackle the farmer-herder crises, as they are susceptible to environmental degradation and climate-related threats. Lazarus maintains that the problem of climate change requires specific laws given the 'physics and chemistry' underlying this phenomenon, and the 'stock/flow' nature of climate change. He further states that any law aimed at addressing climate change must monitor greenhouse gases in the environment and most importantly, incorporate adaptation and mitigation measures to forestall further changes in the environment. Luckily, the President of Nigeria signed the Climate Change Bill into law on 18 November, 2021, now the Nigerian Climate Change Act, 2021. The Act provides for an all-inclusive and comprehensive regulatory and legal framework for achieving

Nigeria's long term climate goals which encompasses a net-zero carbon emission target between 2050 -2070. The Act provides a legal framework on which the country's climate change mitigation and adaptation efforts will be based. It establishes a systematic approach for the country to identify major climate risks and vulnerabilities and how to strengthen existing capacities to adapt to impacts of climate change. By Section 28, the Act provides for the establishment of the REDD+ Registry:

The aim of REDD+ is to encourage developing countries to contribute to climate change mitigation efforts by reducing greenhouse gas (GHG) emissions by slowing, halting and reversing forest loss and degradation and secondly, by increasing removal of GHGs from the earth's atmosphere through the conservation, management and expansion of forests.

The Act also makes provisions for the constitution of a National Council on Climate Change to supervise and coordinate the implementation of the Act, and further sets up the Climate Change Fund to be administered by the Council. This fund will be channeled towards adaptation efforts, support for technology and innovations that will lead to de-carbonization, investments into green economy and support for nature-based solutions towards climate changes in the environment. Finally, the Act provides for penalties targeted at public and private entities that flout the climate change mitigation and adaptation obligations.

Even where we applaud this brand new climate change law, it is important to state that there is a big difference between passing a law and implementing it. Only the effective implementation of this law can forestall further environmental degradation and desertification of the northern states, thereby curbing the farmer-herder crisis in the long run. With the climate change law in place, the government is expected to urgently focus efforts and resources in a coordinated manner to ensure that adequate adaptation and mitigation strategies are mapped out and financed with the climate change funds set aside for this purpose. The National Council on Climate Change must begin recruiting experts in various relevant fields to chart a way forward. Okoli in her work recommends both extant measures and ex-post responses as adaptative strategies to climate change, which for the north includes: use of accurate and timely weather forecasting, agricultural extension services, and efficient irrigation infrastructure, as well as growing of drought resistant variety of crops etc. These actions without being said will go a long way in forestalling further desertification in the northern areas of Nigeria.

Impact of Climate Change Laws in Other Jurisdictions

Many countries have enacted climate change laws and are working assiduously towards reducing greenhouse gases in their environment to their barest minimum and restoring their environment. The Grantham Institute database shows that over 164 countries of the world have introduced national policies and laws on climate change adaptation to address impacts, especially that of extreme events such as floods and droughts. Most of these countries have activated these laws and applied them as tools of social engineering, used in solving the nation's problems. In the UK, emission of environmental harmful gases has fallen by 59% since the Climate Change Act (C27) of 2008. UK's transition to a low carbon economy has reduced the country's dependence on fossil fuel, and the use of battery driven cars is proposed all over the country by 2030. To match actions

with words, the UK launched her first plug-in electric vehicles in 2020. The Mexican government, in the same breath, has reduced to the barest minimum, the country's dependence on fossil fuel by establishing three major wind farms, hence becoming the world's fastest growing wind energy producers. In Brazil, De Souza in his study maintains that the country uses almost all the sugarcane plant for energy, extracting the sugar to make ethanol, but also burning the stem residue known as bagasse, to power the mill, with the excess being used to generate electricity. The study finally projects that the Brazilian sugarcane ethanol can provide an equivalent of 3.63 -12.77 million barrels of crude oil per day by 2045, which will significantly reduce carbon emissions.

Citizens have also begun to demand their rights based on the enactment of these climate change laws. Even where climate change may not be central to all these cases, it acknowledges it as a relevant factor, and exposes the judiciary to climate change arguments. In Netherlands, in the case of Urgenda Foundation v State of the Netherlands, 899 Dutch citizens sued the Dutch government in 2013 to compel the State to reduce greenhouse gas emissions. The Supreme Court of Netherlands, amongst others, held that the State has a duty to protect citizens from climate change and must reduce emissions immediately. In Demanda Generaciones Futuras v Minambiente, Colombia's Supreme Court ordered the government to implement protective measures, and halt further climate changes due to deforestation in the Amazon. This was the first time in the world in which citizens established that their government has a legal duty to prevent dangerous climate change. In Brazil, a series of class actions was brought by the Public Prosecution Office against the airlines using Sao Paulo's international airport. The court was called upon in this suit to order the reforestation of lands around the airport to offset greenhouse gas emissions and other pollutants.

RECOMMENDATIONS AND CONCLUSION

This article has been able to trace the farmer-herder conflict to climate-induced degradation of pasture. Massive drought and desertification in the northern areas have left herders with no option than to move southwards for food, causing destruction of crops and loss of lives and properties in the heat of conflict. The Cattle Colonies termed RUGA and National Livestock Transformation Plan (NLTP) proposed by the government cannot stand the test of time, as they are prone to climate changes as well. However, Nigeria recently joined the elite countries in the world by signing the climate change bill into law. It is important to state that no matter how beautifully the new climate change law in Nigeria is couched, it will remain dormant until actuated by the appropriate political will needed to translate it into concrete reality. This law, like other environmental laws, must be implemented effectively, complied with and enforced by capable institutions, else, it remains meaningless and will do nothing to curb this looming catastrophe between the farmers and herders.

There is therefore urgent need for the government and citizens to rise to the occasion. The climate change fund should be channeled immediately into massive adaptation strategies to begin restoration of these deserts. Firstly, there is need for accurate and timely weather forecasting and reporting in this region. NIMET should be called to duty. Agricultural Extension Officers should also be deployed into the area to ensure that drought-resistant crops are planted all over the North. There is also need for efficient irrigation infrastructure. Enlightenment campaigns on climate change and adaptation must begin in the villages and cities, and schools at all levels. Use of

technology and innovation should be welcomed. And finally, the courts must be involved. Citizens must take proactive steps towards the implementation of these law. Like the cases cited above, they must be able to take up public interest litigations to activate this law.

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