

## **Farmer-Herder Conflict and International Crimes in Benue State, Nigeria**

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### **Abstract**

From 2013-2018, the farmer-herder conflict in Benue State escalated to an unprecedented level with attendant destruction of lives and property. The gravity of the crimes committed led to unofficial calls for the International Criminal Court to intervene. This study therefore, assess whether the crimes committed by suspected herdsmen in Benue State can be categorized under international crimes or not. The study adopted mixed method of research design and collected qualitative data through 25 Key Informant Interviews (KII), 8 In-depth Interviews (IDI), 2 Focus Group Discussions (FGD), and Direct Observation. Quantitative data were collected over six years (2013-2018) from two sources, including Benue State Ministry of Information and Orientation, and Nigeria Watch - an online database that keeps record of violent death in Nigeria. Purposive sampling and snowballing methods were employed in reaching out to respondents. Three Local Government Areas were selected as case studies. These include: Logo, Guma and Agatu Local Government Areas. Human need and deterrence theories were adopted as the framework of analysis for the study. Data were analyzed using simple descriptive statistics and content analysis. The findings of the study reveal that the crimes committed did not meet the gravity requirement of genocide. However, crimes against humanity such as murder, rape and forced pregnancy were committed by suspected herdsmen in Benue state, which makes it a security concern to the international community. Based on the finding, the study recommend that Nigeria should domesticate the Rome Statute, and high-level perpetrators must be prosecuted to serve as deterrence.

**Keywords:** Conflict, Crimes against humanity, Farmer-herder, Genocide & International crimes

### **Introduction**

Conflict between sedentary farmers and nomadic pastoralists is a global phenomenon that can be traced centuries back. Odoh and Chilaka (2012) traced this conflict to the Biblical incidence where Cain (a farmer) slew his brother Abel (a herder). Odoh and Chilaka also assert that one of the reasons for building the Great Wall by Chinese emperors was to ensure the marauding hordes remain outside their territories. In Africa, and particularly in the Western Sahel region, farmers and pastoralists clashes have increased considerably since the early 1990s (Okolie & Atelhe, 2014). The conflict in this region has gained a lot of attention from scholars over the decades (Hagan, Timpong-Jones, & Osei-Amponsah, 2021; Krätli & Toulmin, 2020; Usman & Nichol, 2022; McGregor, 2017). Nigeria, no doubt, is one of the most affected countries in West Africa by the farmer-herder conflict. This is due to its large size and ever-growing population (Odoh & Chilaka).

All geopolitical zones in Nigeria have witnessed this conflict between native farmers and herders which have led to severe consequences including destruction of farmlands, burning down of houses, raping of women, and killings (Tade & Yikwabs, 2019). But it is more prevalent in the Middle Belt, and Benue State has been the center of attraction in terms of frequency and casualties (Idowu, 2017). From late February to March 2016, over 500 people

were killed in Agatu, Benue State, in what is popularly known today as the Agatu Massacres, with over 7000 people displaced (Premium Times, March 12, 2016). On 1st and 2nd January 2018, 73 native farmers who were killed by suspected herdsman, were given a state mass burial on January 11, 2018, at the Industrial Layout along Naka Road, Makurdi (Sahara Reporters, 2018). According to Vanguard Newspaper of 5th February, 2017, Governor Samuel Ortom of Benue State affirmed that more than 1,878 people were killed between 2014 and 2016. In the same newspaper, the Sole Administrator of Agatu LGA, Benue State, Inalegwu revealed that over 3,920 people have lost their lives in the Agatu massacres between 2013 and 2017, while nearly 2000 died at different internally displaced camps. The killings by herdsman in Nigeria generally is now a threat to international peace and security. This is why the group was tagged the fourth deadliest terror group in the world behind ISIS, Boko Haram and al-Shabab, with a record killing of 1229 people in 2014 (Global Terrorism Index Report, 2015).

With these incessant killings, there were various accusations and counter accusations (especially from social and print media) of genocide and crimes against humanity perpetrated by suspected herders against the people of Benue State. For example, former Nigerian President of the Senate, David Mark (who hails from Agatu LGA in Benue state) was quoted by a national newspaper (Premium Times, March 12, 2016) of accusing suspected herdsman of committing genocide against his people. However, these allegations have not been proven to be true with empirical data. But from the above-mentioned crimes and numerous others, it can be deduced that some elements of international crimes have been met.

Over the years, the farmer-herder conflict has been the center of attention in terms of policy formulation, media reportage, and academic scholarship in West Africa, and Nigeria particularly. However, no durable solution seems to be coming out of all these. Scholars have written on the historical origin of the conflict (Abgebgedia, 2014; Adamu & Ben, 2015; Eyekpimi, 2016); its causes and effects (Ofuoku & Isife, 2010; Audu, 2014); and the economic, political and socio-cultural dimensions of the conflict (Moritz, 2010; Omilusi, 2016). On his part, Ademola (ND) analysed the foreign dimension of the conflict and the manifold challenges it poses to Nigeria's security. Kwaja and Adelehin (2017) have taken it further into policy perspective by analyzing the various anti-open grazing laws in some states in the Middle Belt and their impact on farmer-herder relations. In all these however, little or no attention has been given to the aspect of possible international crimes committed and the need for justice. This is the gap this study attempted to fill. It is within this context therefore, that this study assessed whether the crimes committed by suspected herdsman in Benue State can be categorised as international crimes of genocide and crime against humanity or not.

## Literature Review

The conflict between native farmers and herders in Nigeria is not a contemporary phenomenon. Many people have been killed and property worth fortunes destroyed in the process (Yikwabs & Tade, 2022). This protracted conflict has been fueled majorly by contestations over scarce resources such as land, water, and the right over the ownership and usage of those resources. In Benue State, the gravity of the crimes committed as a result of the conflict, such as murder, arson, displacement, rape etc, especially from 2013 to 2018, led to allegations of international crimes being committed. Scholars have written on the historical context, root causes, dynamics, and consequences of the farmer-herder conflict in Nigeria. All these will constitute the contents of this review. The concept and elements of international crimes are also highlighted for contextual understanding.

On the historical context, Gambo, Bodi, and Obadiah (2023) discovered that Fulani herders have been engaging in transhumance in the Benue Valley since precolonial era, and they have

been living with native farmers in a relatively peaceful symbiotic relationship. This relationship was not without some disagreements over land and resources. But starting from 1999, this relationship became more conflictual because of increase in population and high demand for agricultural land due to improvement in technology. In search of economic and sustainable development, African countries have invested a lot in the agricultural sector, leading to a shift from majorly subsistence to commercial agriculture because of government subsidies in form of tractors, improved seedling, and fertilizers (Mgomezulu *et al.*, 2024). As a result of this shift, lands that were hitherto left for grazing have been turned into farmlands, thereby affecting the business of pastoralists. This has been the historical driver of the farmer-herder contestations in Nigeria. Improvement in livestock production has also led to increase in the number of herds. The status of a herder in the society is directly proportional to the number of livestock under his name. The import of this is that, herders also needed more grazing land and water resources, thereby leading to competition with crop farmers.

A major causal explanation for the farmer-herder conflict in Nigeria is the eco-violence thesis, which is predicated on the fact that farmers and pastoralists depend solely on environmental resources like fresh water, cropland, forests and fish. The depletions of these resources as a result of climate change, population growth, economic development, environmental hazards, and pollution affects their productivity and threatens their livelihoods (Dlakwa, 2023). Fulani herdsmen are constraint into migratory lifestyle because of climate change. They move from Northern Nigeria into the South and compete for available scarce resources with aboriginal farming communities. The end result, most often, is violent conflicts (Ani & Uwizeyimana, 2022). The conflict has an ethno-religious dimension that has been responsible for its complexity. Adamu and Ben (2017) argue that ethno-religious identity has indeed been used by both actors in the conflict. On one hand, there is the native farmers who are predominantly Tiv and Christians. On the other hand, there is the Fulani herders who are predominantly Muslims. These identities have been at the forefront of the farmer-herder conflict in Benue state. Adamu and Ben also argue that the conflict is not unconnected to the Othman Danfodio Jihad of 1804, which was purely an ethno-religious conquest. This is more exacerbated by the nature of identity politics being practiced in Nigeria – a situation where politicians exploit ethnic and religious fault lines for their political interests, especially during general elections (Lenshie, 2014).

The conflict has destroyed a lot of economic assets ranging from houses to shops, cattle, farmlands, and crops (Yikwabs *et al.*, 2022). Farming has been the major occupation of native dwellers in Benue State, while Fulani migrants are predominantly herders. These livelihoods activities came to a halt with the escalation of the conflict in 2018. Farmers on one hand, could not access their farms or were afraid to go into the hinterland for agriculture. This situation affected food security in Benue state, especially in Agatu Local Government Area (Obi, 2023). On the other hand, herders were also affected by incessant cattle theft and rustling, which led to low purchasing power. At the climax of the conflict in 2018, there were a lot of human rights violations that were alleged to be international crimes of genocide, war crimes, and crimes against humanity. Amnesty international (2020) documented widespread mass killings, displacement, sexual abuse, and destruction of property in the farmer-herder conflict in Benue State. The killing of women and children, and innocent civilians have intensified the likelihood of commission of atrocity crimes.

State and non-state actors have carried out various interventions toward resolving or mitigating the conflict but, all to no avail. On the legal front, the Open Grazing Prohibition and Ranches Establishment Law in Benue State was aimed at resolving the conflict by stopping herders from roaming about with cattle while destroying crops and farmlands in the process. It was also aimed at pushing herders to embrace ranching as the global best practice in pastoralism.

However, this law exacerbated the conflict because the herders saw it as a state policy toward pursuing them out of Benue state. This, amongst others, is why the conflict still rears its ugly face at intervals. Ibeanu (2019) decries the failure of the government to address the root causes of the conflict and provide an enabling environment for flexible dialogue at both local and national levels.

International crimes are basically infringement on international criminal law which gives personal criminal liability to individuals. They are crimes of concern to the international community (Tchobo, 2023). These crimes include genocide, war crimes, crime against humanity and crime of aggression (Article 5, Rome Statute). Article 6 of the Rome Statute defines genocide as “the intentions to destroy, in whole or in part, a national, ethnical, racial or religious group.” It involves killing members of a group, causing serious bodily harm to members of the group, deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group (Masło, 2023). Genocide is regarded as the “crime of all crimes” because the perpetrator acts with the intent to wipe out and destroy an entire population (Mamo, 2023). War crimes are serious violations of the laws and customs applicable in international and non-international armed conflicts (Futamura, 2023). They are grave breaches of the Geneva Conventions of 12 August 1949 (Article 8, Rome Statute of the ICC), which gives protection to certain individuals and groups during armed conflict. Article 7 of the Rome Statute defines ‘crime against humanity’ as “any of the following acts when committed as part of a widespread or systematic attack directed at any civilian population, with knowledge of the attack.” Any of the following may constitute crime against humanity: murder, extermination, torture, enslavement, deportation, rape, sexual slavery, enforced prostitution, forced pregnancy, persecution, enforced disappearance, apartheid or imprisonment (Glyde, 2016). Crimes against humanity can occur either during war or in peace times.

### **Theoretical Framework**

In order to understand the rationale or the motivating factors for committing possible international crimes in the farmer-herder conflict in Benue State, human need and deterrence theories were employed as framework of analysis. John Burton’s classical work, *Conflict: Human Needs Theory* established the link between violence and human needs. To Burton, conflicts “were not generated primarily or even at all by shortages of material goods or even by claims to territory. There were fundamental issues in all cases, issues touching on personal and group security, identity, and recognition” (Dunn, 1995, p. 203). Burton challenges the realist view that man is naturally wicked and prone to conflict. To Burton, conflict occurs because of frustrated human needs. Burton is also of the opinion that human needs are universal and can cause both international and groups conflict. It is the lack of these basic human needs that lead groups “...to use violence to claim their rights and satisfy their needs” (Danielsen, 2005, p. 4). To this end, Burton presents the following as human needs: distributive justice, safety and security, belongingness and love, self-esteem, personal fulfilment, identity, cultural security, freedom, and participation.

Applying this theory to the conflict under study, it is evident that the basic need of both farmers and herders is first physiological. That is, food, water, land, and shelter. On one hand, the encroachment of grazing lands and *fadamas* (lakes) by farmers as a result of technological improvement in agricultural practices is seen by the herders as a threat to their survival. Cattle are ruminant animals that consume a lot of pasture and water. A typical cultural Fulani herder can do anything to satisfy this need (even if it means engaging in violent conflict). On the other hand, majority of the population in Benue State (regarded as the food basket of Nigeria) are

subsistence farmers who depend solely on their farm products for sustenance. The destruction of crops, cropland, and water by cattle as they graze is synonymous to destroying the livelihoods of the farmers. In turn, the farmers become frustrated and result to violent means to protect their basic needs - food crop, water, and land.

The second need has to do with safety and security. As a minority group, the herders in Benue state can be said to be living with a survival instinct based on the principle of show of strength. They have accused natives of cow theft and rustling without getting justice in turn. This, couple with general insecurity in the country and an ineffective criminal justice system, the herders seem to feel more secured, and seems to have found solace by engaging in deadly reprisal attacks or even unprovoked killings. This situation proves the impunity gap and the need for criminal justice in Benue State and Nigeria at large. At the other side of the spectrum, the fear of herders has led to mass exodus of poor rural farmers into Internally Displaced Persons (IDPs) camps around Makurdi, the state capital. This situation proves the need for safety and security by both farmers and herders. Those who can get it through force stays back in those troubled communities, but the vulnerable ones (especially children, women, and old) have to live in IDP camps in order to satisfy the need for safety and security.

Last but not the least, the issues of identity, recognition, redistribution, freedom, and cultural security are all germane to the farmer-herder conflict. This is most applicable to the Fulani cultural group who feels their identity as nomads is being threatened. Their freedom of movement as well as the tenets of their age long historical culture is at the cross roads of extinction to the survival of the 'others.'

Deterrence theory can be traced to the classical work of Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation (Introduction to the Principles)* (Paternoster, 1973). The central argument of Bentham is based on the rational choice theory which states that the resolve to commit crime is based on the analysis between the incentives to derive from committing a crime and the cost of committing such crime. This theory places a potential criminal's decision within the ambit of cost and benefit analysis. A potential criminal is most likely to commit crime if the pleasure (benefit) outweighs the pain (cost). To Bentham therefore, the solution is to increase the perceived pains in order to deter potential criminals (Buitelaar, 2015). Based on this conception therefore, it can be inferred that the proponents of deterrence theory are saying that severe punishments (like capital punishment) are necessary to send a clear message to intended criminals that the cost of crime is higher than the benefit to be derived. Certainty, severity, and swiftness are the main three features of any deterrent measure (Apel, 2022). The theory is thus, based on two principal arguments according to Buitelaar (2015, p. 3) "The first is that individuals make decisions based on a rational cost-benefit calculation. The second is that punishment by the legal system (such as fines, prison sentences, and capital punishment) can influence this cost-benefit analysis."

In relation to the farmer-herder conflict in Benue state therefore, as will be seen later in this study, there is a culture of impunity in the farmer-herder conflict in Benue state. Criminals are emboldened to carry out their activities without much needed counter measures from both the Nigerian security forces and the criminal justice system. Prosecution of international crimes is concerned with high level perpetrators. These include commanders and financiers of criminal groups. Criminal deterrence therefore will only be effective if these high-level perpetrators are prosecuted. This is not the case in the farmer-herder conflict in Benue state and Nigeria at large. Only foot soldiers are being prosecuted in the conflict and this has not served deterrence purpose. Most criminals and potential ones based their decision on how many times they (or their peers) were arrested or punished for crime. This is known as *experiential effect* (Kaiser, Huss, & Reinecke, 2021). This gives them an overall perception of the criminal justice system.

If found inefficient, it increases their chances of committing crime and getting away with it. Regrettably, this is the situation in Benue state. More so, because Nigeria has not domesticated the Rome Statute. Deterrence theory is saying therefore that, if perpetrators of the killings in the farmer-herder conflict in Benue state are punished (albeit severely), it has the potential of deterring further attacks because of fear of the pains of committing such crime.

However, deterrence does not deter hardened criminals, argues Wilner (2015), or a people fighting for identity and survival in the case of farmers and herdsman in Benue state. In this regard, Cocks (2004) in his review of the works of John Burton on conflict resolution and Human Need Theory affirmed the position of Burton that deterrence is not tenable in most cases because there is a primordial sentiment by people to engage in an endless struggle for recognition and identity, citing as example, the Irish and the Kurdish movements. Dietrich (2014) also argues that, at the international scene, and in relation to the activities of the International Criminal Court to deter future violations of human rights (international crimes), deterrence has little effect and may remain the same in the future. The Benue Anti-Open Grazing Law was supposed to serve deterrence purpose; rather, what was seen was an increase in the spate and gravity of killings and arsons. What then therefore can explain and proffer the best possible solution to this decades of violent conflict? It is pertinent at this stage to appreciate the import of *Human Needs Theory* in the overall business of interventions in the farmer-herder conflict in Benue State. Meeting the needs of both farmers and herders (and of course through painful compromises) is the surest possible way of finding a lasting solution to the conflict.

## Methodology

The study adopted a mixed method research design and made use of primary and secondary sources of data. Triangulation method was used as both qualitative and quantitative data were collected and cross-validated. Primary data were collected through 25 Key Informant Interviews (KII), 8 In-depth Interviews (IDI), 2 Focus Group Discussions (FGD), and Direct Observation. Purposive sampling and snowballing methods were employed in reaching out to respondents who were directly or indirectly affected by the conflict. They include victims and witnesses, individuals from farmers-herders associations, government\humanitarian agencies, local rulers\chiefs, Nigerian security forces, Benue State Livestock Guards, and the legal field. Three local government areas were selected as the setting of the study. These include Logo, Guma and Agatu local government areas. They represent the three senatorial zones under which Benue state is divided. Guma represents Zone A, Logo represents Zone B, while Agatu represents Zone C. The quantitative data in Table 1 below were collected over the time scope of six years (2013-2018) from two major sources namely: Benue State Ministry of Information and Orientation, Nigeria Watch - an online database that keeps record of violent death in Nigeria using national newspapers as their source. To ensure credibility, any death that does not appear in the two sources above is not included in the data. That is to say, the data were triangulated to ensure validity and accuracy. Quantitative data were presented and analysed using simple descriptive statistics such as table, percentages and charts. While interviews were transcribed and content analysed by fitting them into the study objective in the discussion section. The discussion follows a systemic pattern where elements on Articles of crimes are highlighted and then the crimes are presented to link with the Articles.

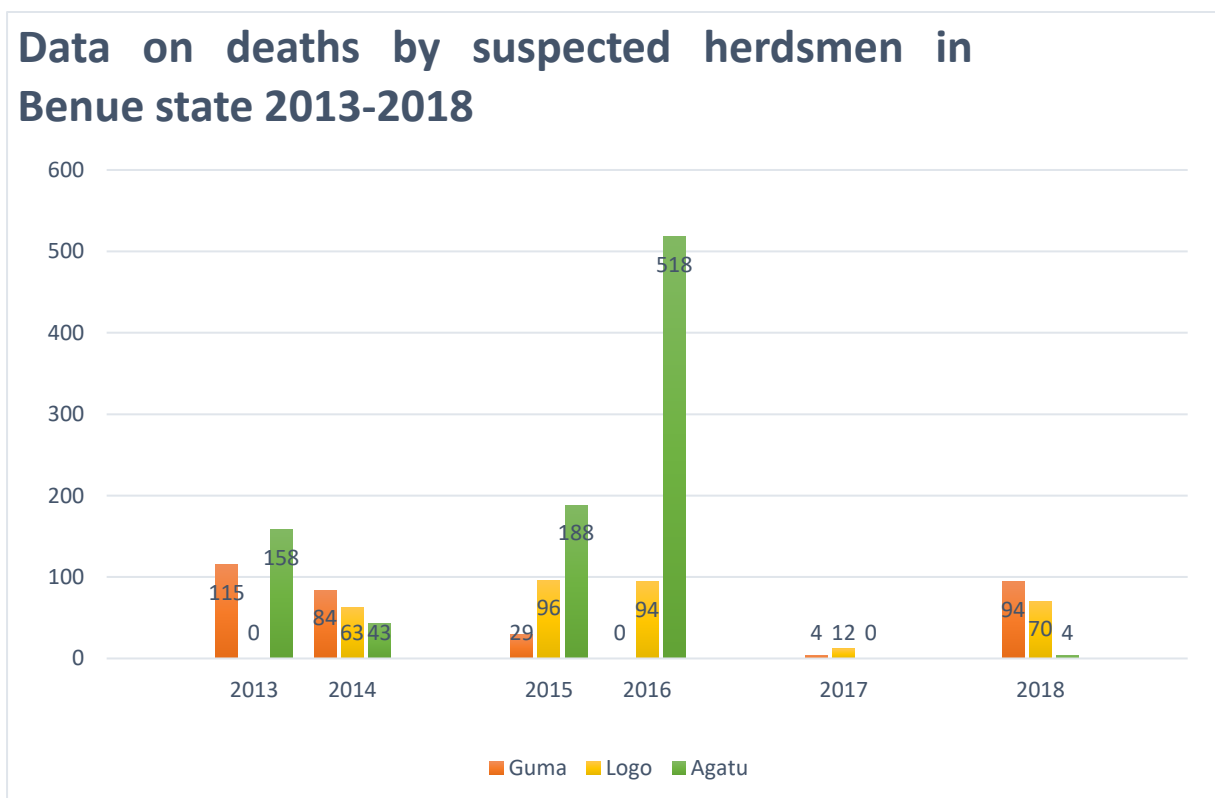
## Results of the Findings

Table 1 below shows the quantitative data on the number of deaths by suspected herdsmen in Benue State from 2013 to 2018 in three Local Government Areas, including Guma, Logo, and Agatu.

**Table 1: Data on deaths by suspected herdsmen in Benue state 2013-2018**

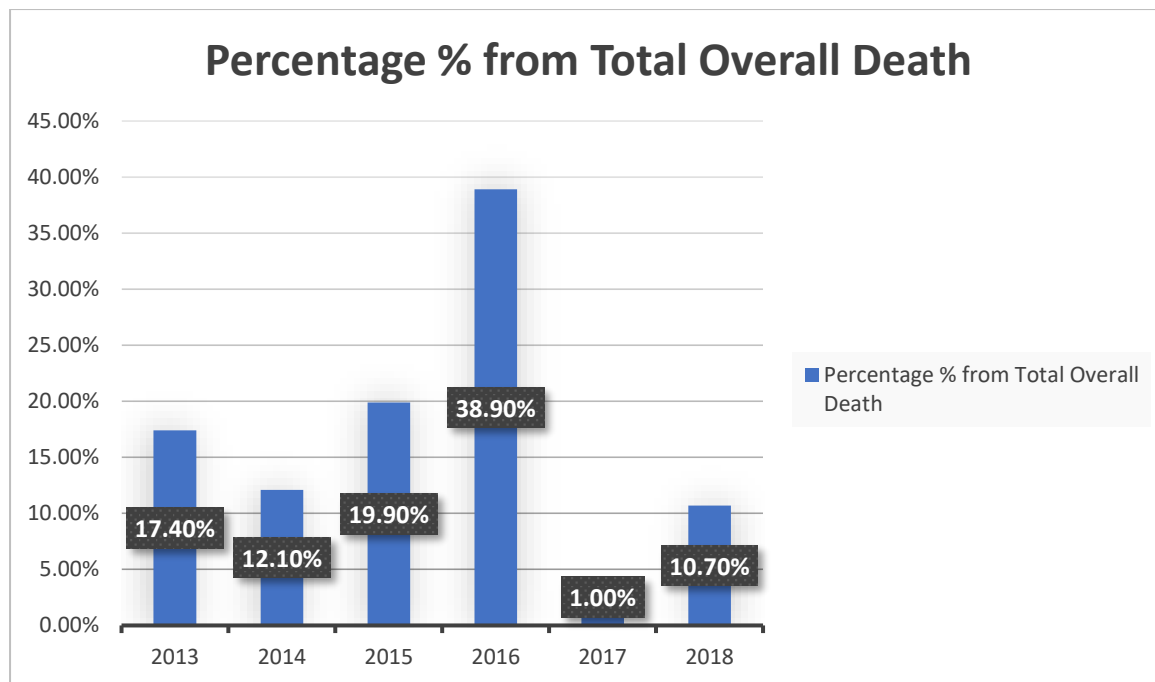
LGA/YEAR	2013	2014	2015	2016	2017	2018
Guma	115	84	29	0	4	94
Logo	0	63	96	94	12	70
Agatu	158	43	188	518	0	4
Total Deaths	273	190	313	612	16	168
Total Overall Death	1572					
Percentage % from Total Overall Death	17.4%	12.1%	19.9%	38.9%	1.0%	10.7%

Source: Researcher’s Compilation 2018



**Figure 1: Number of Death caused by suspected herdsmen in Benue State from 2013-2018**

Source: Fieldwork, 2018



**Figure 2: Percentage of Total Overall Death from 2013-2018**

Source: Fieldwork, 2018

From Table 1, Figures 1 and 2 above, it can be seen that in 2013, a total death of 273 people by suspected herdsmen occurred with a percentage from total overall death of 17.4% for the six years under review. The number of deaths reduced to 190 in 2014 with a percentage from total overall death of 12.1% for the six years under study. This figure went up to 313 deaths in 2015 with percentage from total overall death of almost twenty percent (19.9%) for the six years under examination. The year 2016 saw the highest number of deaths with 612 people killed in the state by suspected herdsmen. The percentage from total overall death is about forty percent (38.9%) for the six years under review. The number of killings in Benue State by suspected herdsmen dropped exponentially in 2017 to an all-time low of 16 people with percentage from total overall death of barely 1.0% for the six years under study. The year of 2018, the killings increased to a total death of 168 with percentage from total overall death of 10.7% for the six years under assessment.

### Discussion of Results

Based on the definitions of international crimes in the introductory section of this study, war crimes and crime of aggression does not fall under the category of farmer-herder conflict in Benue state. This is because the former can only be committed when there is a formal declaration of war between two or more entities. While the latter can only be committed between two or more independent states. The study will therefore focus its discussion on genocide and crime against humanity. The discussion then followed by placing the elements of the crimes committed by suspected herdsmen against the elements of international crimes of genocide and crime against humanity.

### Genocide

From the above definition of genocide, the researcher observed that genocide crimes of: causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group does not fall under the crimes



committed by suspected herdsmen in Benue State. But the elements of genocide of killing members of a group can be seen in this crime and thus must be analysed.

A perpetrator of genocide can be held responsible for killing one or more persons as part of a wider campaign against a particular national, ethnic, racial or religious group. As seen in Table 1 above, 1572 people have been killed by suspected herdsmen in Benue state from 2013-2018. The study observed that majority of the people killed come from the Tiv and Idoma ethnic groups, and are Christians by religion. The killings also took a pattern as Benue state remains the center stage for farmer-herder conflict (Idowu, 2017). Though some respondents accused the herdsmen of carrying out a campaign to wipe out native farmers and occupy their lands, these killings cannot be substantiated in terms of gravity and as an intention to destroy, in whole or in part, the Tiv and Idoma people of Benue State. This cannot also be attributed to their Christian religion as many Muslims were killed and Mosques burnt down in Agatu LGA particularly, according to findings from the field. Situating this crime against historical genocide in the world such as the Rwandan Genocide of 1994 (where over one million Tutsi were systematically killed by the Hutus), the study asserts that the crimes committed by suspected herdsmen in Benue State do not fall under the crime of genocide because it did not meet all the elements of genocide. This leaves us with the question of crime against humanity.

### ***Crime against Humanity***

In relation to the crimes committed by suspected herdsmen in Benue State, the study observed that the elements of crimes against humanity of murder, rape, and forced pregnancy were obvious. Article 7 (1) (a) of the Rome Statute states the elements of crime against humanity of murder thus: the perpetrator killed one or more persons; the conduct was committed as part of a widespread or systematic attack directed against a civilian population; and the perpetrator knew that the conduct was of or intended the conduct to be part of a widespread or systematic attack against a civilian population.

According to the official data collected from Police Headquarters in Makurdi, Benue State, a total of 349 people were killed in the farmer-herder conflict in Logo, Guma, and Agatu respectively. However, data retrieved from the Benue State Ministry of Information and Orientation, Nigeria Watch (an online database for violent deaths in Nigeria), and other secondary sources (as shown in Table 1 above) reveals that a total number of 1572 people were killed by suspected herdsmen in the three LGAs under review from 2013-2018. This corroborates with a similar study by Idowu (2017) who discovered that 1337 people were killed in Benue state from 2013-2016 as a result of the farmer-herder conflict. Musa *et al* (2016) also established the fact that there were killing of human beings and loss of property in Guma LGA of Benue state as a result of the conflict. Idowu (2018) recounted loss of lives as one of the negative consequences of farmer-herder conflict in Nigeria. The most widely known killings in this conflict were the ones carried out on the 1st and 2nd January 2018 in Guma and Logo LGAs of Benue state, where 73 farmers were killed by suspected herdsmen. The casualties received a well-publicized state burial as seen in plate 1.

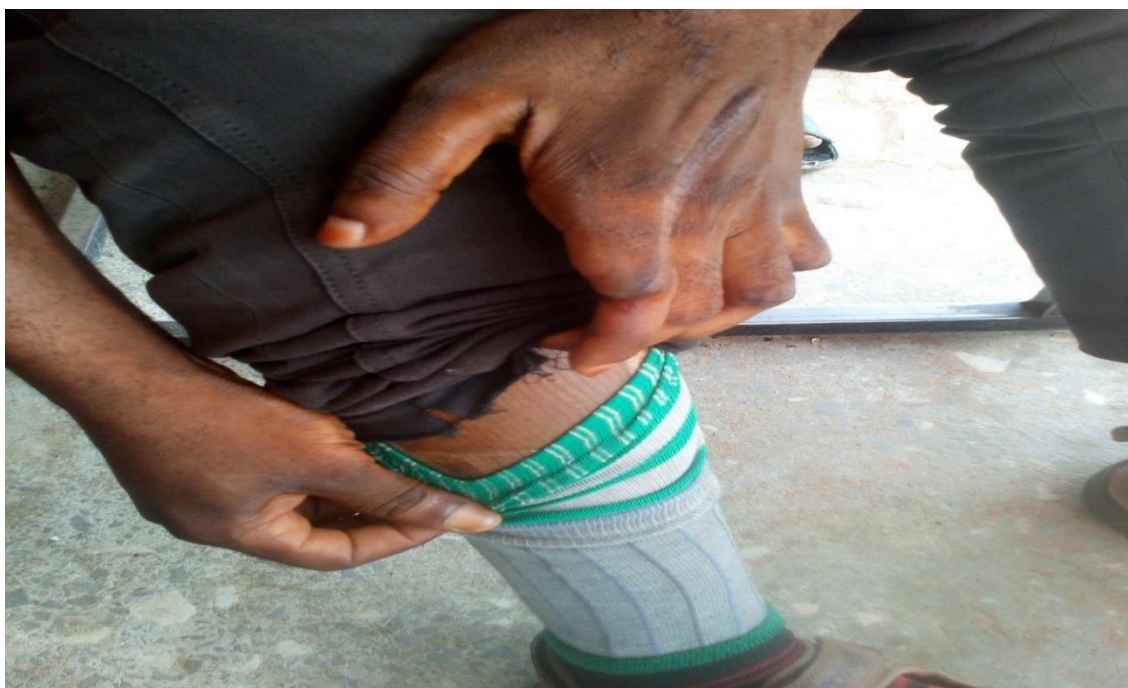


**Plate 1: State mass burial for 73 victims of herdersmen killings in Benue State**

Source: [www.premiumtimesng.com](http://www.premiumtimesng.com)

There were many stories of gruesome killings by herdersmen obtained from the field. Recounting his horrible experience, a victim who survived an attack with various body injuries (plate 2) and now using an artificial leg state that:

*We went to the farm and the Fulani herdersmen ambushed us. I was with four of my brothers, only me survived. They thought I had died, so they left me lying there. We were on foot going to farm, they just started shooting at us. (28 years, Male/Single/Tombo village, Logo Local Government)*



**Plate 2: An artificial leg of the Victim at Anyin IDP Camp, Logo LAG**

Source: Fieldwork, 2018

In a focus group discussion with widows, many shared horrible stories of their experiences in the conflict. Of particular interest is the story of one respondent (40 years, Female/Widow/Daudu IDP Camp, Guma Local Government) who after being displaced from their village, went back with her son to pack her property. After uploading their property on the lorry, the herdsmen suddenly surrounded them. They were asked to offload the content of the lorry which they did. After that, they asked the son to kneel down and they used machete to kill him right in her presence after which they asked her and the driver to drive away. Another victim (47 years, Female Widow/Daudu IDP Camp, Guma Local Government) recounted with tears how her son and brother were killed in her presence in the farm by herdsmen while they left her alive and unhurt. These are few out of the many horrible stories of killings by suspected herdsmen.

To this end, the study asserts that the attacks by suspected herdsmen on farmers were widespread and systematic in nature. They were not just a case of “two-fighting” or a case of isolated criminal acts. Rather, they were well coordinated and widely implemented across the state. To buttress the point that these attacks were well coordinated, a witness and victim to various attacks posits that:

*These people that come to fight are expert. It is not an ordinary Fulani man that has been dealing with cows. These are trained people. They come and they fire well. So, it is not just ordinary Fulani man trying to defend his cow and all that. They are people that come and they know what they are doing, and they fire well. (45 years, Male/Married/Tombo village, Secretary of Anyin IDP Camp, Logo Local Government)*

Having established the widespread and systematic nature of these attacks, it is obvious that the perpetrators acted intentionally and as part of an organized campaign against native farmers in remote villages in Benue state. Thus, the study concludes that, the crime against humanity of murder was committed by suspected herdsmen in Benue State. However, it is also important to point out the crimes perpetrated against herders in the state.

From interactions with herdsmen in the field, they claimed that majority of the attacks on native farmers were reprisal attacks. This means that, the farmers were often the aggressors, leading to grave reprisal attacks on them with more casualties. This point of view resonates with the study of Tade and Yikwabs (2019). They revealed that the general or common narrative is that farmers are always the victims in the farmer-herder conflict. However, they discovered that herders have also experienced victimhood through the loss of cattle and human beings. Though many farmers did not agree with this assertion, few respondents however attributed the killings of native farmers to cattle theft and rustling by criminal gangs in the state. The major point of concern for the Fulani herdsmen is the killings and theft of their cattle by native farmers and subsequently by the vicious Benue State Livestock Guards (BSLGs). During a key informant interview, the Secretary of Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) Benue state chapter had this to say:

*The Fulani have lost over 100 lives and more than 5000 cattle have been killed since 2013. We have compiled this list and submitted it to our national leadership in Abuja. (39 years, Male/Married/Makurdi, Secretary of MACBAN)*

In a separate interview with the chairman of MACBAN Benue state chapter, he also pointed out that more than 73 herdsmen and over 5000 cattle have been killed since 2013. There is a general feeling of state persecution by the Fulani herdsmen, especially with the enactment of the Benue State Anti-Open Grazing Law and the activities of the BSLGs in enforcing these laws. The head of the BSLGs, Mr Aliyu Teshaku who was an aid to Governor Samuel Ortom

has been accused by the herders as the mastermind behind some of the vicious attacks on farmers, otherwise attributed to herders. This view gained credence when he was arrested by the Army's 707 Special Forces Brigade as the prime suspect of some of the deadly attacks in the state, including the killing of 15 Catholic worshipers and two priests (Premium Times, April 28, 2018). These crimes however, does not justify the widespread, systematic, and grave killings of innocent native farmers by suspected herdsmen in reprisal attacks. The crimes against the Fulani herdsmen does not have elements of international crimes because they were individual or group criminal activities whose main targets were cattle, and does not also fall under the gravity requirement. Moving forward, the discourse is centered on crime against humanity of rape.

Article 7 (1) (g)-1 of the Rome Statute outlines the elements of crime against humanity of rape as follows: the perpetrator invaded the body of a person by conduct resulting in penetration, however light, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body; the invasion was committed by force, or threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent; the conduct was committed as part of a widespread or systematic attack directed against a civilian population; the perpetrator knew that the conduct was of or intended the conduct to be part of a widespread or systematic attack against a civilian population.

Based on data gathered from the field, there were cases of rape perpetrated by herdsmen against girls and women in the course of the conflict. An interviewee also recounted his family ordeal thus:

*We are five in my family, my blood sister was raped in the farm...and when they attacked that day, they killed 15 people which I witnessed. My family members were all killed. I was the only one that escaped. It was in the process of running that I was hit by a motor car. That is how I got this leg injury. (35 years, Male/Married/Daudu IDP Camp, Guma Local Government)*

A Benue State Emergency Management Agency (BSEMA) official, who serves as the assistant camp commandant of Anyin IDPs Camp, Logo LGA, attested to the fact that they have cases of counselling women who were raped in the conflict. She however, declined the identity of those women because of the stigmatization experienced by these women from fellow displaced persons in the camp. In a key informant interview, the Youth Chairman of Aila community in Agatu LGA disclosed that:

*We have had many cases of women and girls being raped by Fulani herdsmen in their farms. Where you see that they caught these women red handed. Sometimes they collect money from them, sometimes they rape them. (44 years, Male/Married/ Youth Chairman Aila village, Agatu Local Government)*

A survivor of an attempted rape who spoke to the researcher through an interpreter, says:

*We were in our house in the village. Later on, around 11-12pm we started hearing gun shots from everywhere. So, people started running. So, when I started running, I fell down. In an attempt to rape me, I was struggling with them. So, they decided to beat me seriously with big sticks. I was totally dislocated and taken to the hospital. (40 years, Female/Married/Anyin IDP Camp, Logo LGA)*

With the few instances of rape given above and many such stories obtained from the field, the study observed that, crime against humanity of rape was committed in Benue state by suspected herdsmen. If crime against humanity of rape has been established, then the possibility of committing crime against humanity of forced pregnancy is high. Article 7 (1) (g)-4 of the Rome Statute explained the elements of crime against humanity of forced pregnancy as: the perpetrator confined one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law; the committed as part of a widespread and systematic attack against a civilian population; the perpetrator knew that the conduct was part of, or intended the conduct to be part of a widespread or systemic attack directed against a civilian population.

From interactions with victims and witnesses from the field, it was obvious that there were few cases of forced pregnancy resulting from the rape perpetrated by suspected herdsmen. But virtually all respondents were adamant to admitting the knowledge of this crime probably because of some form of cultural taboo or the stigma that comes with it. However, a key informant made bold his observation:

*Cases of rape are very rare. Yes, about two women were pregnant for Fulani herdsmen out of rape, but they ran away from this camp out of shame, out of the stigma. (45 years, Male/Married/Tombo village, Secretary of Anyin IDP Camp, Logo Local Government)*

From the elements of crime against humanity of forced pregnancy stated above, a crime of forced pregnancy was committed by suspected herdsmen in Benue State. Even if it was only one woman, as far as it constitutes a part of the widespread and systematic attack against native farmers and was carried out intentionally, it is a crime against humanity.

## **Conclusion**

This study has examined the farmer-herder conflict and international crimes in Benue State, Nigeria. The findings of the study reveal that these crimes were widespread, systematic and intentional. Thus, fulfilling all the elements of crimes against humanity. The findings of the study reveal also that the crimes did not meet the elements and gravity requirements of genocide. Therefore, genocide was not committed by suspected herdsmen in Benue State. Though only one state was used as a case study, but generalization can still be made on the prevalence of crimes against humanity in Nigeria as a result of farmer-herder contestations. The systemic and widespread nature of the crime has become a human and national security concern. It is also a concern to the international community. Virtually all states in the federation are suffering one insecurity or the other as a result of this perennial conflict. The nature of killings and the types of weapons shows the gravity of this interactable intergroup violence. Majority of the attacks were carried out with the element of surprise, thereby leading to mass casualty. This paints a picture of an uncivilized aggression and lack of respect for the sanctity of human lives. This study concludes that, the crimes against humanity of murder, rape and forced pregnancy were committed by suspected herdsmen in Benue state.

## Recommendations

Based on the findings of the study, the following recommendations were made:

- i. That, Nigeria should deter criminals by showing strong political will and ability through prosecuting high-level individuals and groups found committing international crimes. That can only be accomplished, first all, by domesticating the Rome Statute thereby giving the country's Criminal Code jurisdiction over international crimes.
- ii. To the International Criminal Court, there is need to open a preliminary investigation into the farmer-herder conflict in Nigeria (especially Benue state) to ensure justice for victims, without which peace may be elusive

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