



## THE MENACE OF FULANI HERDSMEN: A LEGAL APPRAISAL OF TERRORIST ACTIVITIES AND ITS SOCIAL IMPLICATIONS

Chidimma Stella Nwakoby, Onyinye Ucheagwu-Okoye & Innocent Uche\*

### Abstract

*The Fulani Herdsmen menace in Nigeria presents a momentous security challenge having evolved into terrorism evidenced in destruction of agricultural lands, very violent attacks on family, communities and loss of lives and infrastructure such as schools, water supply and so on. These acts which prior were reported scantily and seasonally have transformed into a constant and continuous organized and more violent action differing from traditional farmer-herder conflict involving the use of violence and intimidation against civilians, thereby asserting fear on the residents of the region under attack, hence meeting the actions of terrorism. The pattern of attack depicts a design to instill fear and force communities to abandon their ancestral land. The menace which is evident in many states of Nigeria currently threatens national security and aggravates humanitarian concerns because it is carried out with sophisticated weapons. It is coordinated and systematic and is aimed at destroying farmlands and killing of members of the local population. The Fulani Herdsmen menace introduces existential implications for Nigeria economy and the state, it therefore requires a comprehensive approach which include urgent implementation of the anti-terrorism law by security agency and policy implementers.*

**Keywords:** Terrorism, Offence, Violence, Assault, Herdsmen, Imprisonment.

### 1. Introduction

The Terrorism (Prevention and Prohibition) Act 2022 provides for the prohibition of all acts of terrorism, prevention of terrorist financing, investigation and prosecution procedures, seizures and forfeiture of terrorist assets and international co-operation mechanisms. The Act tailored towards curbing the existential threat of terrorism waged directly on farmers and other occupants has often met the impediment of implementation. It prescribes severe penalties which include life imprisonment for terrorism related offences, empower security agencies to investigate suspected terrorist activists, detain suspects, conduct surveillance and freeze terrorist funds and assets. The Federal High Court assumes jurisdiction over matters relating to terrorism and can order forfeitures added to punishments. Emerging trends in terrorism and the rampancy of Fulani herdsmen malevolence on communities caused amendment of the Act in 2022 to effectively address evolving terrorist threats of Fulani herdsmen on settled farming communities and adherence to international standards. This trends which demand a concerted approach and has earlier defied varying systemic and kinetic approaches, have engulfed many parts of the country, thereby leaving losses and instilling perpetual fears in the populace.

### 2. Historical and Legal Context

Fulani is a tribe whose origin is traced to Senegambia. They settled majorly in some Northern parts of Nigeria; however, they are present in almost every nook of the country. Their major lifestyle in

---

\*Chidimma Stella Nwakoby, LLB, BL, LLM, PhD, MC Arb, Lecturer, Department of Commercial and Property Law, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Anambra State; [cs.nwakoby@coou.edu.ng](mailto:cs.nwakoby@coou.edu.ng); ORCID ID: 0009-0001-0100-0577

\*Onyinye Ucheagwu-Okoye, PhD, MC Arb, FIARDN Lecturer Faculty of Law Chukwuemeka Odumegwu Ojukwu University, Igbariam, 07039622281, [omaryqueen@yahoo.com](mailto:omaryqueen@yahoo.com)

\*Innocent Uche, LLB, BL, LLM (in view) Faculty of Law Chukwuemeka Odumegwu Ojukwu University, Igbariam, Anambra State



Nigeria is of the nomadic pastoralist tilt which avail their presence at almost all parts of the country at certain times of the year; in the Northern part during the rainy season and in the Southern parts during the dry season. These oscillations of their presence usually have its attendant challenges and pressures. The pressures and impact on infrastructure and the challenges of grab on minimal cultivatable and arable land for pasture often results in confrontations with local populations which usually escalates into feuds and wars. The history of Fulani herdsmen attack in Nigeria is presently not empirically documented but for the purposes of this paper, the limits of references will be drawn from after the inauguration of this 4<sup>th</sup> Republic in 1999. On the 21<sup>st</sup> of January in 2014 as the buildup for the 2015 General Elections commenced, about 20 civilians and 5 soldiers were killed by the Fulani herdsmen in Agatu, a Local Government Area of Benue State which is one of Nine Local Government Areas in Southern Senatorial Zone of Benue State mainly occupied by the Idoma tribe. This local government populated mainly by farmers had attacks been sustained by the killer herdsmen which hit a high notch in 2016. This attack resulted in very poor voter turnout because few residents were afraid of losing their lives in the event that they visit the polling stations to vote, even after the elections were postponed. In 2018, the Fulani herdsmen attacked Bachama villages in Adamawa State, allegedly in retaliation of the death of some Fulani men and women killed by the local population<sup>1</sup>. The Fulani herdsmen menace has been rated as deadlier than the Boko Haram insurgency, over 200,000 persons were internally displaced in several communities of Zamfara, Katsina, and Sokoto States between January and August 2019<sup>2</sup>. They kill, vandalize and maim without any introspection.

In 2019 November, an estimated 4000 people were internally displaced in Shiroro Local Government Area of Niger State<sup>3</sup>. On April 12 2022, armed Fulani herdsmen attacked several villages in Benue State killing over 25 persons and injured over 10 persons, arrests were neither made nor prosecution conducted. To combat this menace orchestrated by the Fulani herdsmen and other militia group, the Terrorism (Prevention and Prohibition) Act of 2022 was enacted, and shall be considered in community with other relevant provisions. The Act has 16 parts, a total of 100 sections, schedule and is titled an Act to repeal the Terrorism (Prevention) Act No 10. 2011 and enact the Terrorism (Prevention and Prohibition) Act 2022 to provide for effective, unified and comprehensive legal, regulatory and institutional framework for detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing of the proliferation of weapons of mass destruction in Nigeria and for related matters with commencement date as 12<sup>th</sup> May 2022. Part I concludes by providing that “An act which disrupts a service but is committed in pursuance of a protest, demonstration or stoppage of work is not a terrorist act within the meaning of the definition, provided that the act is not intended to result in any harm referred to in subsection (3) (b) (c) (d) (e) (f) or (g). Sections 3-5 in providing for active participation of civil society organizations and the public gave precise responsibilities to law enforcement agents<sup>4</sup>, the Attorney General<sup>5</sup> and the National Security Adviser<sup>6</sup>. While urging conformity of Nigeria’s counter terrorism laws, policies and other measures with United Nation’s Conventions on terrorism and terrorisms financing standards, it exacted unmitigated implementation of United Nations Security Council Resolutions (UNSCR’s) which are related to targeted financial sanctions on terrorism financing, proliferation of weapons of mass destruction and proliferation of financing. Section 5 subsection (5) reiterated the need for active collaboration of organs and agencies of government that are operating under the security arm by providing that:

In order to strengthen inter agency co-operation and coordination, improve synergy,

---

<sup>1</sup> International Crisis Group 2018.

<sup>2</sup> N(2)

<sup>3</sup> UNHCR report of 2019

<sup>4</sup> Terrorism (Prevention and Prohibition) Act 2022 s.5

<sup>5</sup> *Ibid* s.3.

<sup>6</sup> *Ibid* s.4.



joint working and effective interagency operation ability, the National Security Adviser shall work with relevant agencies under this Act to develop standard operating procedures and instruments.

Under Part III, Sections 6-8 made provisions for personnel and infrastructure. The National Counter Terrorism Centre establishment was provided for in section 6 while sections 7 and 8 provide for the appointment of National Coordinator the National Counter Terrorism Centre and for staffing and funding of the center respectively. "The Centre" is established in the office of the National Security Adviser and known as National Counter Terrorism Centre and acts as the Coordinating body for Counter Terrorism and Terrorism Financing in Nigeria with focus on coordination of counter terrorism policies, strategies, plans and support in the performance of the functions of the National Security Adviser. Concise provision were made in sections 7 and 8 for the appointment of the National Coordinator by the President on the advice of the National Security Adviser<sup>7</sup> and the scope of his duties and the job description of staff respectively. The Act<sup>8</sup> provides that subject to the approval of the NSA, the center shall be responsible for:

- a. Formulation of the job description, title, terms, conditions and qualifications; and
- b. Payment of salaries including the allowance of its employees.

Coverage of sections 11 to 33 are made in this part for offences of Terrorism and Terrorism Financing; definition for hostage taking, kidnapping and hijacking and criminalizing or same too, conspiracy aiding and abetting<sup>9</sup>, escape or aiding and abetting escape<sup>10</sup>, financing the travel of foreign terrorist fighters<sup>11</sup>, dealings in terrorist property<sup>12</sup>, membership of terrorist group or proscribed entity<sup>13</sup>, offences against internationally protected persons<sup>14</sup>, terrorist meetings<sup>15</sup>, soliciting and group support to terrorist groups for the commission of acts of terrorism<sup>16</sup>, harboring terrorist or hindering the arrest of a terrorist<sup>17</sup>, provision of training and instruction to terrorist group or terrorists<sup>18</sup>, concealing of information about acts of terrorism<sup>19</sup>, attempt to commit an offence<sup>20</sup>, preparation to commit acts of terrorism<sup>21</sup>, unlawful assumption of character of an officer of a relevant agency<sup>22</sup>, tampering with evidence or witness<sup>23</sup>, obstruction of an authorized officer of a relevant agency<sup>24</sup>, offences by an entity<sup>25</sup>, provision of devices to a terrorist<sup>26</sup>, recruitment of terrorists<sup>27</sup>, promotion or solicitation of property for the commission of terrorist acts<sup>28</sup>, provision of facilities in support of terrorist acts<sup>29</sup>, and financing of terrorism<sup>30</sup>. Part VI provides for offences of hijacking of aircrafts, seizing of container of ships and destroying same, carrying out acts of terrorism or violence against

<sup>7</sup> Terrorism (Prevention and Prohibition) Act 2022 S.7(i)

<sup>8</sup> Ibid s. 8(2) (a)b)

<sup>9</sup> Ibid s.24 (1) (2)

<sup>10</sup> Ibid s.26

<sup>11</sup> Ibid s. 27

<sup>12</sup> Ibid s.22

<sup>13</sup> Ibid s. 23

<sup>14</sup> Ibid s. 25

<sup>15</sup> Ibid s. 11

<sup>16</sup> Ibid s .12

<sup>17</sup> Ibid s .13

<sup>18</sup> Ibid s .14

<sup>19</sup> Ibid s .15

<sup>20</sup> Ibid s .16

<sup>21</sup> Ibid s .28

<sup>22</sup> Ibid s .29

<sup>23</sup> Ibid s .30

<sup>24</sup> Ibid s .31

<sup>25</sup> Ibid s. 32

<sup>26</sup> Ibid s .33

<sup>27</sup> Ibid s .17

<sup>28</sup> Ibid s .18

<sup>29</sup> Ibid s .19

<sup>30</sup> Ibid s .20



a person at an airport or at a fixed platform. The sections criminalize the acts and omissions and provide punishment up to 25 years imprisonment<sup>31</sup>. Further provisions are also made for supplies, sales, transfers, directly or indirectly to person placed on the consolidated list, arms and related materials of all types like weapon and ammunition, military vehicles and equipment<sup>32</sup>. Travel ban is provided for against any individual placed on the consolidated list entering Nigeria or transiting, through her territory, except the individual is a citizen of Nigeria<sup>33</sup>. Sections 58-61 provide for the proliferation of weapon of mass destruction, consequent penalties<sup>34</sup> and proliferation of financing<sup>35</sup>. Responsibility is also placed on financial institutions, non-financial businesses, professions and other entities to monitor their accounts and transactions against the UN consolidated list<sup>36</sup>. Section 62 is made up of 4 subsections which placed specific responsibility on airlines commercial carriers, tour operators and travel agents not to abet, facilitate and promote terrorist activities<sup>37</sup>. The penalty for contravention is N10,000.00, forfeiture of the vessel or air craft and other penalties provided in the act<sup>38</sup>.

Provisions are made in sections 63-75 for investigation and prosecution of terrorism and terrorist activities as follows- application *ex parte* to the court for issuance of a warrant of arrest for investigation into activities prescribed under this Act<sup>39</sup>, investigation and search without warrant<sup>40</sup>, detention for offences related to terrorism<sup>41</sup>, interception of communications order<sup>42</sup>, protection of informants and information<sup>43</sup>, power to prosecute<sup>44</sup>, power to declare state of emergency subject to the Constitution of the Federal Republic of Nigeria 1999 (as amended)<sup>45</sup>. In determination of jurisdiction, section 76 places the jurisdictional powers of trial of offenders under this act on the Federal High Court<sup>46</sup>. The court upon conviction of an offender, in addition to punishment which it may impose shall order forfeiture to the Federal Government<sup>47</sup>.

The UN convention against terrorism financing 1999, placed for the first time an obligation on the State Parties criminalization of such conducts and establishes an international legal frame work for co-operation among State Parties directed toward prevention of such financing and ensuring the prosecution and punishment of offenders, wherever found. The Convention<sup>48</sup> adopted in 1995 by the UN General Assembly seeks to choke off the resources that fuel International Terrorism. International terrorists do not generally seek financial gain as an end, they actively solicit and raise money and other resources to attract and retain adherents and to support their presence and activities. Article 2 of the Convention made express provisions about the offence of terrorism financing *inter-alia*. Any person commits an offence within the meaning of the convention:

If that person by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or part in or order to carry out either of two categories of terrorist acts defined in the convention.

<sup>31</sup> Ibid s .38

<sup>32</sup> Ibid s .46

<sup>33</sup> Ibid s .47

<sup>34</sup> Terrorism (Prevention and Prohibition) Act 2022 s.58 (i) (2)

<sup>35</sup> Ibid s.5a (i) – (4)

<sup>36</sup> Ibid s. 61 (6)

<sup>37</sup> Ibid s. 62(1)

<sup>38</sup> Ibid s.62 (4)

<sup>39</sup> Ibid s.63 (1)

<sup>40</sup> Ibid s.64 (1) (5)

<sup>41</sup> Ibid s.66 (1) – (3)

<sup>42</sup> Ibid s. 68 (1) (5)

<sup>43</sup> Ibid s. 72

<sup>44</sup> Ibid s. 74

<sup>45</sup> Ibid s.75

<sup>46</sup> Ibid s. 76 (1)

<sup>47</sup> Ibid s. 76 (5)

<sup>48</sup> UNCHR; International Convention for suppression of financing of terrorism  
<https://treaties.un.org/doc/db/terrorism/>,



For the purpose of this paper, emphasis will dwell on the second category:

Any act intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in hostiles in a situation of armed conflict, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act

This convention is a critical new weapon in the campaign against the scourge of International Terrorism<sup>49</sup>. Intimidation of a population or compelling a government have been an ever-obtainable trait, which though are often underhanded is experienced in all the reported and unreported scenes of the attack of Fulani Herdsmen.

In same line of progression of thought, the Criminal Code Act<sup>50</sup> provides that:

1. Any person who levies war against the state in order to intimidate or overawe the President or the Governor of the state is guilty of treason and is liable to the punishment of death.
2. Any person conspiring with any person, either with or without weapons, to levy war against the state with intent to cause such levying of war as would be treason committed by a citizen of Nigerian is guilty of treason and is liable to the punishment of death.

Any Act deemed to overawe the President or the Governor of the State is a crime. Actions directed at defying laws of the country and carrying of firearms without licenses, attacking a populace and forcefully taking over of the inhabitants' land are not only despicable, they are proven acts of terrorism, of which the Fulani Herdsmen have been consistently arrested for such acts.

### 3. Violent Incidents and Legal Implications

As established earlier, the history of Fulani herdsmen attack in Nigeria is presently not empirically documented but for the purposes of this paper, the limits of references will be drawn from after the inauguration of this 4<sup>th</sup> Republic in 1999. The interpretation section<sup>51</sup> provides that act of terrorism means any act specified in section 2<sup>52</sup> of the Act, to wit: An act willfully performed with the intention of furthering an ideology, whether political, religion, racial or ethnic and which, may seriously harm or damage a country or an international organization; unduly compels a government or an international organization to perform or abstain from performing any act; seriously intimidates a population; seriously destabilizes or destroys the fundamental political, constitutional, economic or social structures of a country or an international organization; influences a government or an international organization by intimidation or coercion, violates the provisions of any international treaty or resolution to which Nigeria is a party, subject to the provisions of section 12 of the constitution of the Federal Republic of Nigeria, 1999 (as amended) and involves, causes or results in the provision of sub g (1) - (XIV).

In 2018, the Fulani herdsmen attacked Bachama villages in Adamawa State, allegedly in retaliation of the death of some Fulani men and women killed by the local population<sup>53</sup>. The Fulani herdsmen menace has been rated as deadlier than the Boko Haram insurgency, over 200,000 persons were internally displaced in several communities of Zamfara, Katsina, and Sokoto States between January and August 2019<sup>54</sup>. They kill, vandalize and maim without any introspection. Section 37 of the Criminal Code Act becomes instructive as it provides in subsection (1) thus: "Any person who levies war against the state, in order to intimidate or overawe the President or the Governor of the state is guilty of treason and is liable to the punishment of death". In Benue state, Governor Samuel Ortom sent letters to the President premised on intelligence report that there is an imminent herder's

<sup>49</sup> William J Smith letter of submittal to the senate of the Us, October 12 2000, <https://www.congress.Gov/treaty>

<sup>50</sup> Criminal Code Act S 37

<sup>51</sup> Terrorism (Prevention and Prohibition) Act 2022, Section 1.

<sup>52</sup> Ibid s.99

<sup>53</sup> International Crisis Group 2018; <https://www.crisisgroup.org>

<sup>54</sup> Ibid



militia attack on the state, seeking for military support, the letter and request were not attended to<sup>55</sup>. The Fulani attacked and sacked over six Local Government Area, citing reprisals.

Paragraph (a) of section 2 of the Act<sup>56</sup> provides thus: “An act of terrorism means any act that is performed willfully with the intention of furthering ideology, political, ethnic, etc which may seriously harm or damage a country or an international organization”. In 2019 November, an estimated 4000 people were internally displaced in Shiroro Local Government Area of Niger State<sup>57</sup>. On April 12 2022, armed Fulani herdsmen attacked several villages in Benue State killing over 25 persons and injured over 10 persons, arrests were neither made nor prosecution conducted.

Furthermore, paragraph (c)<sup>58</sup> provides “...which seriously intimidate a population”. On the 21<sup>st</sup> of January in 2014 as the buildup for the 2015 General Elections commenced, about 20 civilians and 5 soldiers were killed by the Fulani herdsmen in Agatu, a Local Government Area of Benue State which is one of Nine Local Government Areas in Southern Senatorial Zone of Benue State mainly occupied by the Idoma tribe. This local government populated mainly by farmers had attacks been sustained by the killer herdsmen which hit a high notch in 2016. This attack resulted in very poor voter turnout because few residents were afraid of losing their lives in the event that they visit the polling stations to vote, even after the elections were postponed. Section 80 of the Criminal Code provides; any person who goes armed in public without lawful occasion in such a manner as to cause terror to any person is guilty of a misdemeanor and is liable to imprisonment for two years and his arm may be forfeited. The Fulani Herdsmen have been overtime apprehended with firearms only designated for use by the Armed forces. The National Livestock Transformation Plan in Plan 4 precisely 4.1 provided for Ranching as an overarching approach to preventing conflict, highlighting options of improving the genetic merit of indigenous cattle for milk and meat production and enhancement of the reproductive performance of indigenous cattle. The plan made implementable road maps for cattle ranging from 30 to 300 to be ranched and the role of the government and her interventions. But surprisingly, the Fulani herders through varying groups including Miyetti Allah Cattle Breeders Association rejected the plan and rather insisted in the RUGA policy of the Buhari regime which preserved lands in communities for exclusive use of herders. This resulted in series of conflicts which resulted in death in Obi, Doma, Keana and the Awe Local Government Area of Nassarawa state in 2017, leading to displacement of communities, loss of lives and livelihood. Benue State borrowing from the National Livestock Transformation Plan enacted their Open Grazing Prohibition and Ranches Establishment Law which led to aggravated conflicts and influx of over 2 million cows into Benue State, whose main stay of her economy is growing cash crops. The establishment of forest guards which is part of the implementation of the anti-open grazing laws led to more grievous conflicts and use of firearms by the herders who resisted it<sup>59</sup>. There abound a bevy of reports in which Fulani herders attack and kill Tiv people in Nasarawa State in the guise that the Tiv Governor in Benue State is chasing them out of Benue<sup>60</sup>, and in retaliation, they murder the Tivs. Section 2 (c)<sup>61</sup> provides for the above acts abhorrence in clear terms.

#### 4. Government and Legal Response

The Legal pages of the Terrorism (Prevention and Prohibition) Act of 2022 and other signed International Treaties evidenced the unified efforts of the Nigerian Government in tackling the monstrous acts of terrorism. Coverage of sections 11 to 33 are made in this part for offences of Terrorism and Terrorism Financing; definition for hostage taking, kidnapping and hijacking and

<sup>55</sup> International Crisis Group 2018; <https://www.crisisgroup.org>

<sup>56</sup> Terrorism (Prevention and Prohibition) Act 2022

<sup>57</sup> UNHCR report of 2019

<sup>58</sup> Terrorism (Prevention and Prohibition) Act 2022

<sup>59</sup> The Conversation: a University of Ibadan Publication accessed online on 11<sup>th</sup> January 2025

<sup>60</sup> *Ibid*

<sup>61</sup> Terrorism (Prevention and Prohibition) Act 2022.



criminalizing or same too, conspiracy aiding and abetting<sup>62</sup>, escape or aiding and abetting escape<sup>63</sup>, financing the travel of foreign terrorist fighters<sup>64</sup>, dealings in terrorist property<sup>65</sup>, membership of terrorist group or proscribed entity<sup>66</sup>, offences against internationally protected persons<sup>67</sup>, terrorist meetings<sup>68</sup>, soliciting and group support to terrorist groups for the commission of acts of terrorism<sup>69</sup>, harboring terrorist or hindering the arrest of a terrorist<sup>70</sup>, provision of training and instruction to terrorist group or terrorists<sup>71</sup>, concealing of information about acts of terrorism<sup>72</sup>, attempt to commit an offence<sup>73</sup>, preparation to commit acts of terrorism<sup>74</sup>, unlawful assumption of character of an officer of a relevant agency<sup>75</sup>, tampering with evidence or witness<sup>76</sup>, obstruction of an authorized officer of a relevant agency<sup>77</sup>, offences by an entity<sup>78</sup>, provision of devices to a terrorist<sup>79</sup>, recruitment of terrorists, promotion or solicitation of property for the commission of terrorist acts, provision of facilities in support of terrorist acts, and financing of terrorism<sup>80</sup>. Furthermore, provisions are made in sections 63-75 for investigation and prosecution of terrorism and terrorist activities.

Application *ex parte* to the court for issuance of a warrant of arrest for investigation into activities prescribed under this Act<sup>81</sup>, Investigation and search without warrant<sup>82</sup>, Detention for offences related to terrorism<sup>83</sup>, Interception of communications order<sup>84</sup>, Protection of informants and information<sup>85</sup>, Power to prosecute<sup>86</sup>, Power to declare state of emergency subject to the Constitution of the Federal Republic of Nigeria 1999 (as amended)<sup>87</sup>.

At the international scene, the UN Convention Against Terrorism Financing 1999, placed for the first time an obligation on the State Parties criminalization of such conducts and establishes an international legal frame work for co-operation among State Parties directed toward prevention of such financing and ensuring the prosecution and punishment of offenders, wherever found. The convention<sup>88</sup> adopted in 1995 by the UN General Assembly seeks to choke off the resources that fuel International Terrorism.

## 5. Socio-Legal Impact

What is quickly observed with the incessant attacks by the Fulani herdsmen is the proliferation of

---

<sup>62</sup> Terrorism (Prevention and Prohibition) Act 2022, S. 24 (1) (2)

<sup>63</sup> Ibid s.26

<sup>64</sup> Ibid s.27

<sup>65</sup> Ibid s.22

<sup>66</sup> Ibid s.23

<sup>67</sup> Ibid s.25

<sup>68</sup> Ibid s.11

<sup>69</sup> Ibid s.12

<sup>70</sup> Ibid s.13

<sup>71</sup> Ibid s.14

<sup>72</sup> Ibid s.15

<sup>73</sup> Ibid s.16

<sup>74</sup> Ibid s.28

<sup>75</sup> Ibid s.29

<sup>76</sup> Ibid s.30

<sup>77</sup> Ibid s.31

<sup>78</sup> Ibid s.32

<sup>79</sup> Ibid s.33

<sup>80</sup> Ibid s.20

<sup>81</sup> Terrorism (Prevention and Prohibition) Act 2022

<sup>82</sup> Ibid.

<sup>83</sup> Section 66 (1) – (3)

<sup>84</sup> Terrorism (Prevention and Prohibition) Act 2022, s. 68 (1) (5)

<sup>85</sup> Ibid s.72

<sup>86</sup> Ibid s.74

<sup>87</sup> Ibid s.75

<sup>88</sup> UN Convention 1999; International Convention for suppression of financing of terrorism, <https://treaties.un.org/doc/db/terrorism/>



Internally Displaced Persons (IDPs) and camps. Internally Displaced Persons are people who have been forced to flee their homes by conflict, violence, persecution or disasters, however, they remain within the borders of their own country. IDPs are among the most vulnerable people, and trapped in protracted displacement for years or even decades. Uprooted from their homes and livelihoods, they often face dangerous conditions and continue to face risks even after fleeing for safety. It is inevitable that such displacement negatively impacts the economic activities going on in Nigeria. The continued threat of Fulani herdsmen has occasioned a decrease in the Foreign Direct Investment (FDI) as no organization, investor or company would want to invest in the security prone area. Hence, it is convenient to conclude that the activities of Fulani herdsmen pose a great danger to economic, political, and security of the country. Flipping the other side is the legal impact of the activities of the Fulani herdsmen. The antiquity of their terrorist acts presents some legal issues for consideration. The first is the violation of fundamental right to life. The sacredness of human life is guaranteed under the constitution which provides that: 'Every person has right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria'.<sup>89</sup> Relevant provision is enshrined in Article 3<sup>90</sup> and Article 4<sup>91</sup>. Furthermore, some writers and commentators have described the incessant killings of innocent people by Fulani herdsmen as genocide. Genocide is one of the greatest crimes under the international law, often called the 'crime of crimes' after the Nuremberg Trials. According to Article 2<sup>92</sup> genocide refers to "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such: killing members of the group; 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; and forcibly transferring children of the group to another group".

These attributes of genocide are found in the Fulani herdsmen attacks when the national Christian body held thus:

We are particularly worried at the widespread insecurity in the country where wanton attacks and killings by armed Fulani herdsmen, bandits and terrorists have been taking place on a daily basis in our communities unchallenged despite huge investments in security agencies. The perpetrators are being deliberately allowed to go scot free. It is even more worrisome that... over 6000 deaths in 2018 alone have been recorded in various attacks, especially in the northern and middle belt states... and other states when the country is not in a state of war... There is no doubt that the sole purpose of these attacks is aimed at ethnic cleansing, land grabbing and forceful ejection of the Christian natives from their ancestral land and heritage.<sup>93</sup>

In affirming the above statement of affairs, the Nigeria's Federal House of Representatives in their resolution described the killings in Plateau State as genocide. The resolution went further to demand that the masterminds and perpetrators of the attacks and massacres be arrested and prosecuted. Another legal implication is the dual trespass; trespass to land and trespass to the person. Trespass to land is committed where a person, without lawful justification, enters upon land in the possession of the other; or remains upon such land; or directly places or projects any material object upon such land<sup>94</sup>. This tort was originally conceived as a remedy against forcible and aggressive entry on to the land of others; but later it was extended to include any wrongful entry, whether forcible or not, as

<sup>89</sup>The Constitution of the Federal Republic of Nigeria 1999 (as amended), section 33.

<sup>90</sup> Universal Declaration on Human Rights (UDHR), 1948.

<sup>91</sup>African Charter; The African Commission on Human and Peoples' Rights (the Commission), ACHPR/Res.276 (LV) 2014 [www.africanlii.org/akn/aa-au/statement/resolution/achpr/2014/276/eng@2014-04-12](http://www.africanlii.org/akn/aa-au/statement/resolution/achpr/2014/276/eng@2014-04-12)

<sup>92</sup> United Nations Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

<sup>93</sup> Davidson, Edieya, The Menace of Fulani Herdsmen Attack and Its Effects on the Socio-Economic Development of Nigeria. <<https://dx.doi.org/10.2139/ssrn.3476374>>; Accessed 3<sup>rd</sup> February, 2025.

<sup>94</sup> Onasanya v Emmanuel (1974) 9 CCHCJ 1477 at p. 1481.





well as merely remaining on the land unlawfully, or wrongfully placing a material object on it.<sup>95</sup> The forceful grabbing and possession of lands occupied by the indigenous is mostly seen during Fulani herdsmen attacks. The second arm of the trespass is that of trespass to the person which often constitutes the elements of the Fulani (militia) herdsmen attacks. This trespass comprises three torts: Assault, Battery and False Imprisonment. While assault is the intentional putting of another person in fear of an imminent battery, battery is the intentional application of force to another person.

## 6. Recommendation and Conclusion

The menace of the Fulani herdsmen which have transversed lots of decades and seemingly defile all extant enactments to curb it, by deduction from the foregoing, presents a clear and unblurred picture of acts of terrorism. It is established that the Fulanis, without any provocation, kill people, vandalize properties and cultivated farm lands and commits other acts of crime like rape on the populace met by them. The Fulani Herders (also known as Fulani militia) was named in 2014 as the fourth deadliest terrorist group in the world by the Global Terrorism Index, however their known organizations have not decried this appendage, but rather, has unquenchably ravaged wherever they set their foot with their livestock and met any restraint.

In Central Nigeria; Kaduna State one of the worst affected area, more than 8000 men and children have already been killed with over 10,000 displaced<sup>96</sup>. In response to unkeenness in implementing to the letter, the provisions of the UN Convention against Terrorism Financing, the Criminal Code Act and most importantly the Terrorism (Prevention and Prohibition) Act 2022, we therefore recommend poised reportage by the media of all conflicts, arrests, trial and convictions of the rogue Fulani herdsmen, diligent prosecution by the state and full implementation of the provisions of the National Livestock Transformation Plan.

---

<sup>95</sup> Kodilinye and Aluko, *The Nigerian Law of Torts* (Ibadan: Spectrum Law Publishing, 2018), p. 177.

<sup>96</sup> Kaduna State quarterly security briefings 2023