**Grazing Reserves Bill: Unconstitutionality, illegality and inconsiderable**

The proposed National Grazing Reserves Bill which purportedly aims to bring incessant clashes between herdsmen and farmers to an end, is the most ill-considered piece of legislation ever proposed in Nigeria. It’s an attack on social justice, human rights and fundamental freedoms. The 35-clause Bill seeks to establish a National Commission to which Governors must transfer State land which will be used for the maintenance and management, of cattle routes and grazing reserves. The Bill lacks analytical depth, doesn’t take cognisance of the problems associated with forced integration of peoples, and epitomizes the typically shallow thinking of those in charge of our affairs. It’s crystal clear that the contents of the Bill are unconstitutional.

The Nigerian Constitution (Section 42(1)) forbids taking any action, or applying any law that favours any particular community or group, and it’s undoubtedly discriminatory to create any sort of “reserved” areas for members of any ethnic group. The powers which the Bill would confer on the Commission to identify “suitable” land which Governors must hand over, is both contrary to the Land Use Act (1978) and also a constitutional aberration which subordinates Governors to the Commission. There’s no law in Nigeria under which land belonging to some citizens can be forcefully acquired and given to others. Section 28(1) of the Land Use Act limits any Governor’s powers revoke a right of occupancy singularly to only situations of overriding public interest.

The Supreme Court (Osho vs Foreign Fin Corp (1991)) gave a judicial definition of “public interest” and even ruled (Lawson vs Ajibulu - (1991) 6 NWLR) that a Governor’s power to revoke land for overriding public interest doesn’t cover revoking an individual’s interest in land and giving the same to another for private purposes. The Apex Court stated that “...it would definitely not be in the interest of the general public for farmers to be displaced from their farming and fishing activities to pave way for the establishment of grazing routes or grazing reserves that benefit a few”.

In addition to being both unconstitutional and illegal the proposed Bill is deficient in legal remedies. Although the Commission would be mandated to pay compensation, there is nothing the owners can do if they have no desire to sell or relinquish their land. Meanwhile before any compensation is paid, documents of ownership must be produced. Everyone knows such documents don’t exist in rural areas where land is collectively owned and held in trust for future generations. To rural peoples, no compensation can ever be enough for loss of communal lands, and the proposed law contains no provision for re-settlement of affected communities.

Quite ridiculously anyone proposing to take the Commission to Court, would first have to get permission from the Attorney-General of the Federation. If permission is refused, then their land is lost forever. A situation in which choice arable lands in localities are identified and given to “foreigners” is only likely to create local conflicts rooted in religion, ethnicity, and land rights, as well as mobilise support for the various separatist movements nationwide. There’s nothing wrong with Fulani owning land, but it should be land that was wilfully and freely sold to them by the owners. If the matter is simply about meat, then there is no law which says that only Fulani are allowed to herd cattle. If the government has no ulterior motives, then they should train and encourage local youths of all tribes in cattle rearing just as they do in farming. If passed the Bill would have serious implications for both the right to property and the protection of such rights as enshrined in our Constitution. It simply doesn’t make sense to give the Federal Government powers to reduce rural people to landless poor.

The fear which now exists amongst hundreds of thousands of rural poor is that they could be displaced from their ancestral homes for an economic activity which isn’t beneficial to them and is destructive to their means of livelihood. This isn’t the change they voted for. Nobody should be misled into thinking the Bill will solve any problem, it will only produce more. Introducing such legislation without conclusively investigating past killings and punishing the perpetrators, only fuels speculation that herdsmen are now above the law, and their lawlessness has official support from the highest quarters. At best the Bill can be seen as a surreptitious means of forcefully depriving people of their land in order to subsidize a multi-billion Naira cattle industry which refuses to bear its costs.

Enacting such a law is a recipe for disaster because to quote Thomas Jefferson “when injustice becomes law, resistance becomes duty. The Bill is repugnant to natural justice and resistance to it is justified by relying on our existing laws and Constitution. Our nation is undeniably divided along ethnic and regional lines and we have enough problems without creating more. The real solution is to move away from randomized grazing to cattle ranching which creates employment opportunities, uplifts the educational and social status of the Fulani, and produces a much healthier cow with better meat.