

CHAPTER K19 - KWARA STATE FARMERS AND HERDSMEN (PREVENTION AND SETTLEMENT OF DISPUTES) LAW

ARRANGEMENT OF SECTIONS

SECTION

1. Citation.
2. Interpretation.

PART II

Establishment, Composition and Functions of the Committees

3. Establishment of State Committee.
4. Appointment and composition.
5. Tenure of office.
6. Appointment of Secretary to State Committee.
7. Remuneration.
8. Resignation.
9. Removal from Office.
10. Functions of the State Committee.
11. Establishment of Local Committees.
12. Composition of the Local Committee.
13. Tenure of office.
14. Appointment of Secretary to Local Committee.
15. Payment of allowances.
16. Resignation and removal from Office.
17. Functions of the Local Government Committee.
18. Grazing on farmland.
19. Abandoned animals.
20. Extent of liability of a member.

21. Meeting.
22. Quorum.
23. Co-option of a member.
24. Power to give directives by the Governor.
25. Proceedings.

PART III

Finance Provisions and Report

26. Funds.
27. Periodic reports.

PART IV

Miscellaneous

SECTION

28. Offences.
29. Punishment.

KWARA STATE FARMERS AND HERDSMEN (PREVENTION AND SETTLEMENT OF DISPUTES) LAW

A Law to ensure peaceful co-existence between farmers and herdsman—

[No. 5 of 1997, No. 4 of 2006.]

[Date of commencement: *10th July*, 1997]

1. Citation

This Law may be cited as the Kwara State Farmers and Herdsmen (Prevention and Settlement of Disputes) Law, 1997.

2. Interpretation

In this Law—

"animal" includes camels, cows, sheep, goats and other animals;

"Chairman" means the Chairman appointed pursuant to section 4 and 12 of this Law;

[No. 4 of 2006.]

"Commissioner" means Commissioner charged with the responsibility for Agriculture;

"Committee" means a Committee on Farmers and Herdsmen (Prevention and Settlement of Disputes) Established under section 3 of this Law;

"Farmer" means a person who cultivates land for growing crops or keeps animals;

"Governor" means the Governor of Kwara State;

"Herdsmen" means person who looks after a herd of animals which live and feed together;

"Local Committee" means a Committee on Farmers and Herdsmen (Prevention and Settlement of Disputes) established under section 6 of this Law;

"Local Government" means a Local Government established under the Local Government Law;

"Member" means a member of a Committee and it includes a Chairman;

"State" means Kwara State of Nigeria.

PART II

Establishment, Composition and Functions of the Committees

3. Establishment of State Committee

There is hereby established in the State a committee to be known as the Farmers and Herdsmen (Prevention and Settlement of Disputes) Committee.

4. Appointment and composition

The Committee shall consist of the following members to be appointed by the Governor—

- (a) the Commissioner responsible for agricultural matters who shall be the Chairman;
- (b) a representative of each of the following—
 - (i) the ministry of justice
 - (ii) Nigerian police
 - (iii) state security service

- (iv) farmers of the state
 - (v) herdsmen in the state
 - (vi) the state council of chiefs; and
 - (vii) Governors office who shall serve as secretary
- (c) two other persons.

[No. 4 of 2006.]

5. Tenure of office

A member of the Committee other than an *ex officio* member shall hold office for a period of three years and shall be eligible for re-appointment.

6. Appointment of Secretary to State Committee

(1) There shall be a Secretary to be appointed as contained in section 4 (b) (vii) of this Law.

(2) The secretary shall be responsible for the day to day running of the secretariat and such other functions as the Committee may direct.

(3) The secretariat of the Committee shall be situate at the State headquarters.

7. Remuneration

A member of the Committee shall be paid allowances as may from time to time be approved by the Governor.

8. Resignation

A member of the Committee may resign his appointment by giving notice under his hand addressed to the Chairman.

9. Removal from office

A member may be removed by the Governor on the recommendation of the Commissioner where he—

- (a) is incapacitated or unable to discharge his duties diligently;
- (b) is convicted of any criminal offence by a court of competent jurisdiction;
- (c) is adjudged bankrupt; or
- (d) frequently absents himself from meetings of the committee without reasonable excuse.

10. Functions of the State Committee

The functions of the Committee shall include—

- (a) co-ordinating the activities of the Local Committees;
- (b) receiving reports from the Local Committees and making appropriate recommendations to the State Government;
- (c) liaising with similar committees in other States to promote and improve the relationship between farmers and herdsmen;
- (d) advising the Government on the creation of grazing

reserves as well as designate water courses for the grazing of animals in various parts of the State;

(e) carrying out any other function as may from time to time be assigned to it by the Governor.

[No. 4 of 2006.]

11. Establishment of Local Committees

There is hereby established in each of the Local Government Areas in the State a committee to be known as the Farmers and Herdsmen (Prevention and Settlement of Disputes) Local Committee (hereinafter referred to as the "Local Committee").

12. Composition of the Local Committee

The Local Committee shall consist of the following members to be appointed by the Governor on the recommendation of each Local Government Council in the State—

- (a) a Chairman who shall be the Chairman of the Local Government;
- (b) a Deputy Chairman who shall be a Traditional Ruler not below the status of District Head;
- (c) the Divisional Police Officer;
- (d) the representative of the State Security Service in the Local Government Area;
- (e) a representative each of—

- (i) farmers;
- (ii) herdsmen; and
- (f) a respectable person in the Local Government Area.

13. Tenure of office

A member of a Local Committee other than an *ex officio* member shall hold office for a period of 3 years and shall be eligible for reappointment.

14. Appointment of Secretary to Local Committee

(1) There shall be a secretary to be appointed by the Local Government Council from amongst its staff.

(2) The Secretary shall be responsible for the day to day running of the secretariat and such other functions as the Local Committee may direct.

(3) The secretariat of the Local Committee shall be situate at the Local Government headquarters.

[No. 4 of 2006.]

15. Payment of allowances

Members of the Local Committee shall be paid such allowances as may be determined by the Governor from time to time.

16. Resignation and removal from office

(1) A member of the Local Committee may at any time resign his appointment by notice in writing under his hand to the Governor through the

Chairman.

(2) A member of the Local Committee may be removed by the Governor on the recommendation of the Local Government Council where he—

- (a) is incapacitated or unable to discharge his duties diligently;
- (b) is convicted of any criminal offences by a court of competent jurisdiction;
- (c) is adjudged bankrupt;
- (d) frequently absents himself from meetings of the Local Committee without reasonable excuse.

17. Functions of Local Committee

The functions of the Local Committee shall be to—

- (a) enlighten farmers and herdsmen on their value to the society and the need for peaceful co-existence between them;
- (b) monitor the movement of herdsmen and control the entry of migrant herdsmen and their animals into its areas;
- (c) assess compensation in respect of loss or damage to farm produce or animals;
- (d) encourage disputing parties to resolve their differences amicably particularly by facilitating the settlement of

disputes between farmers and herdsmen and compensation of any party who suffers damage by the other party who causes such damage;

- (e) enlighten farmers on the need to evacuate farm produce within a reasonable time after harvest;
- (f) ensure that farmers do not encroach on any existing stock routes and grazing reserves in its area of jurisdiction;
- (g) ensure that farmers do not encroach on any existing track leading to a stream, river or water course for the purpose of watering animals;
- (h) ensure that no herdsmen encroaches unto a communal potable water point for the purpose of watering his animals;
- (i) report to the Local Government Security Committee any security risk that arises or is likely to arise respecting farmers and herdsmen relationship in its area of jurisdiction for their action;
- (j) liaise with similar committees in other Local Government within the State to promote and improve the relationship between farmers and herdsmen on the one part and the Committee on the other;
- (k) liaise and co-operate with similar Committees in neighbouring Local Governments;
- (l) enhance good relationship, mutual understanding and

respect between farmers and herdsmen;

- (m) organise meetings of farmers, herdsmen and the Committee at least twice a year to discuss their problems; and
- (n) perform such duties as it deems necessary for the due discharge of its responsibilities under this Law.

18. Grazing on farmland

No herdsman shall graze his animals on a farmland where there is farm produce or remains of farm produce.

19. Abandoned animals

(1) Where any herdsman breaches any of the provisions of this Law and thereafter abandons his animal or animals under his custody, such animal shall be arrested and kept in custody by the Committee or Local Committee which may auction it by the leave of a Court of law if nobody appears to claim it after one month.

[No. 4 of 2006.]

(2) The proceeds from an auction made pursuant to subsection (1) of this section may be applied to—

- (a) compensate any person who suffers any damage as a result of the action of the herdsman or his animals;
- (b) defray any cost that may arise therefrom.

20. Extent of liability of a member

No member or Secretary of the Committee or Local Committee shall be liable for any act done or omission made in good faith while acting in his official capacity.

[No. 4 of 2006.]

21. Meeting

(1) The Committee or Local Committee shall meet for the conduct of its business at such times and places on such days as the Chairman may appoint depending on the season of the year, but shall not be less than six times a year.

(2) The Chairman may, or at the request of not less than two members, summon a meeting.

(3) The Chairman shall preside at every meeting of the Committee or Local Committee but in his absence, the Deputy Chairman shall preside. Where both are absent, members present may nominate one of them to preside over that meeting.

(4) The person nominated pursuant to subsection (3) of this section shall have all the powers and privileges of the Chairman.

22. Quorum

The quorum for meetings of the Committee or Local Committee shall be four.

23. Co-option of a member

(1) Where the Committee or Local Committee desires to obtain the

advice of any person on any particular issue or matter in its meeting it may co-opt that person as a member for that purpose.

(2) A person so co-opted shall not be entitled to vote and shall not count towards a quorum.

24. Power to give directives by the Governor

The Governor may give general or specific directives to the Committee or Local Committee as regards the discharge of its functions and the Committee or Local Committee shall give effect to such directives.

25. Proceedings

No act or proceeding of the Committee or Local Committee shall be invalidated by reason of any vacancy in its membership or by reason of any defect in the appointment of any member.

PART III

Financial Provisions and Report

[No. 4 of 2006.]

26. Funds

(1) There shall be a fund for the Committees to be jointly financed by the State Government and the Local Government Councils in the State.

(2) All expenditures of the Committees including the remuneration of its members shall be defrayed from this fund.

27. Periodic reports

The Committees established under sections 3 and 11 of this Law shall

prepare and submit to the Administrator periodic reports of their activities.

PART IV
Miscellaneous

28. Offences

(1) Whoever—

- (a) encroaches on a stock route or grazing reserve; or
- (b) grazes his animals on a farmland where the produce have not been removed; or
- (c) destroys animals or farm produce; or
- (d) causes, participates, abets or incites clashes between farmers and herdsmen; or
- (e) grazes his animals in the night,

shall be guilty of an offence.

(2) Related offences not provided for under this Law shall be tried under the Penal Code Law.

29. Punishment

Whoever contravenes the provisions of section 18 and 28 of this Law shall on convictions be liable to—

- (a) a term of imprisonment not exceeding five years or a fine not exceeding fifty thousand naira or both, in the case of a first

offender; and

- (b) a term of imprisonment not exceeding ten years, in the case of subsequent offence.

[No. 4 of 2006.]

CHAPTER K19

KWARA STATE FARMERS AND HERDSMEN (PREVENTION AND SETTLEMENT OF DISPUTES) LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
