

RATIONALE AND CHALLENGE OF ANTI-OPEN-GRAZING LAW IN THE 21ST CENTURY NIGERIA

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Abstract

The mass burial of 73 crop farmers in Benue State in 2018 is a black spot in history. The farmers had been gruesomely murdered January 1, 2018 by Fulani herdsmen protesting the anti-open-grazing law promulgated by the State government. This paper examines the rationale and challenges of the anti-open-grazing law in forestalling and curbing herdsmen-farmer clashes in Nigeria in the 21st century. The paper notes that the law specifically permits grazing of livestock only within ranches and prohibits the roaming of cattle from one place to another within a state except by rail, trucks and other vehicles. The anti-open-grazing law was seen by many as the best solution to the incessant clashes between killer herdsmen and crop farmers in the recent history of Nigeria. But, the Fulani herdsmen resist it as unworkable.

Keywords: *Anti-open-grazing law, Threat to crop farming, Bloody herdsmen-farmer clashes*

Introduction

In Nigeria, issues of anti-open-grazing re-surfaced in other dimensions in 2015 when Muhammadu Buhari became President of Nigeria and

Fulani herdsmen became unruly. Suddenly, the herdsmen became armed with AK47 and grazed on crop farmland of host farmers, destroying family crops and livelihoods and raping and killing the crop farmers and defying arrest and prosecution by the federal security agencies. In response to the crisis generated by these new developments, the Ekiti State Governor, Ayodele Fayose, on August 29, 2016, signed an anti-open-grazing bill into law to curb herdsmen excesses. He threatened to charge any cattle rearer found carrying arms while grazing with terrorism. The anti-grazing law has six main features.

1. Grazing must be from 7am to 6pm daily.
2. Anyone caught grazing on portions of land or any farmland not allotted by the government shall be apprehended and made to face the law.
3. Any herdsmen caught with firearms and any weapons during grazing shall be charged for terrorism.
4. Any cattle confiscated shall be taken to the government cattle ranch at Erifun and Iworoko Ekiti community in the State.
5. Any farm crop destroyed by any apprehended herdsman shall be estimated by agricultural officers and the expenses shall be borne by the culprit.
6. Any herdsman who violates any of these rules shall be imprisoned for six months without an option of fine.

Also, on Monday, May 22, 2017, the Benue State governor, Samuel Orton, signed into law the Open Grazing Prohibition Law 2017 to come into effect from November 1, 2017 as the best solution to curb the recurrent clashes between herdsmen and farmers in the state. The anti-open-grazing law specifically allows grazing of livestock only within ranches and prohibits the roaming of animals from one destination to another within the state except by rail, trucks and other vehicles. The law protects livestock and ranches by stipulating severe punishment for any person convicted of cattle rustling or any other

animals kept in ranches. Punishments for offenders range from imprisonment to payment of fines on conviction by a law court (Onamiga, 2018).

Governor Ortom set in motion the machinery to provide land for pilot ranches to assist livestock owners who may find the establishment of private ranches financially involving. The Governor inaugurated livestock guards and advisory committee charged with enforcement of the act across the State. Consequently, relative peace returned to the communities while farming and other socio-economic activities resumed (Onanuga, 2018).

But, Miyetti Allah Kautal Hore, a Fulani socio-cultural association, faulted the law, describing it as obnoxious and a recipe for anarchy. On January 1, 2018, irate herdsmen invaded villages in Guma and Logo Local Government Areas of Benue State, killing host crop farmers in their farms and homes. Seventy-three (73) fallen farmers were buried in a mass grave. The killings sparked outrage. Tor Tiv and paramount ruler of Tiv land, Prof. James Ayatse, said the attack was the 47th in five years by the Fulani herdsmen. He likened the killings to genocide (Onanuga, 2018).

Rationale of the Anti-Open-Grazing Law

This anti-open-grazing law was introduced in Ekiti and Benue States of Nigeria for the following reasons:

1. The practice of open grazing of cattle by Fulani herdsmen destroy crops and the businesses and livelihood crop farmers.
2. It needed to be regulated by clearly stated dos and don'ts to prevent the killer herdsmen from killing farmers, raping their wives and female children and destroying farmlands
3. The anti-grazing law would legitimize cattle rearing done in such a way as not to destroy someone else's business.
4. The killer Fulani herdsmen are suspected terrorists, decent of Boko Haram group terrorizing the northeast for half a decade running. Except their open-grazing activities were checked,

invasion of southern states by Fulani herdsmen was imminent. Hunters were charged with defending the people against unforeseen invasion.

5. There was an alarm against the surreptitious move by some persons identified as Bororo to kill and maim people. The anti-ope-grazing law was needed to protect the people and curb the killings of farmers by killer herdsmen (Balogun, 2018).
6. The killer Fulani herdsmen were mindless and devilish, requiring the introduction of anti-grazing law to protect lives and properties of indigenous farming communities (Balogun, 2018).
7. The government needed to discourage indigenous farmers from desertin crops and cash crops farming activities due to threats of herdsmen killings, expansionism and domination through the inauguration of Grazing Enforcement Marshall to confiscate cattle found grazing after 6 p.m.
8. For the past 10 years the people of Ekiti and Benue had continued to suffer attacks from the killer herdsmen. For example, from Ekiti came the report that herdsmen destroyed about 45 hectares of 500 hectare farm belonging to former Chief of Naval Staff; Vice Admiral Samuel Afolayan. The Ex-naval boss was quoted as saying that the cattle rearers burnt about 20 hectares of cassava farm and five hectares of palm farm. Afolayan averred that the destruction of his farm was a setback to his quest to contribute to food security in the state and the country.
9. The herdsmen also carried out frequent attacks on the farm of former Finance Minister and Secretary to the Government of the Federation, Olu Falae, in Ekiti state, who in addition, was once kidnapped by the herdsmen, but later regained his freedom. These attacks were sufficient precipitating factors for enactment of anti grazing laws (Obioha, 2018).
10. The once peaceful Fulani herdsmen suddenly became armed criminals, carrying not just sticks and knives to ward-off cattle rustling, but armed with AK47 guns to destroy crop farms, rape, maim and kill the crop farm owners. Worse still, Buhari's sturdid

silence and body language emboldened the Fulani herdsmen on their killer rampage of some states in the country. This fear, suspicion, and mistrust gave birth to anti-grazing law in Ekiti and Benue states.

11. The marauding herdsmen's menace attracted global attention that in 2014, they were ranked the 4th deadliest terrorist group in the world after Boko Haram, ISIS and Al-Shabab by the Global Terrorist Index. A pro-democracy group, the Human Rights Writers Association of Nigeria (HURIWA) called on President Buhari to categorise the killer Fulani herdsmen as terrorists, but he looks the other way. The introduction of anti-open-grazing law to protect people from terrorists in the disguise of herdsmen became necessary (Obioha, 2018).
12. The federal government had been handling the herdsmen menace with kid gloves. It never arrested nor punished the masterminds of Enugu massacre, Benue massacre and their foot soldiers. It was bad to turn Nigeria into the killing field because of cattle. Sadly, Nigeria is not reckoned among major producers of cattle in the world, yet cattle remain the source of Nigeria's headache and danger as herdsmen trespass on farmland of other people. If they dare complain, they would either be killed or intimidated with impunity. Under the Buhari regime the Fulani had been killing farmers daily because of cow.
13. All over the world, cattle are reared in ranches where their quality can be maximized and never allowed to roam and destroy people's farms and crops. Continuous killings in Nigeria because of cow farming do not portray Nigerians as a civilized and entrepreneurial people. Fulani herdsmen should establish ranches in northern part of Nigeria, from where they hail and stop the ongoing massacre that the cattle pastoralists portend (Obioha, 2018).
14. Cattle rearing is carried out to constitute a danger to farm crops and human lives as is presently the case in the Middle Belt and other parts of Nigeria.

Challenges facing the anti-grazing law in the 21st century Nigeria

Since the coming of the anti-grazing laws in Ekiti State in 2016 and Benue State in 2017, Miyetti Allah Kautal Hore, a Fulani socio-cultural and economic group, faulted the laws and described them as obnoxious, offensive and hurtful to their economic interest of roaming about freely and rearing their cattle on peoples' crop farmland. The National President of Miyetti Allah Kautal Hore Association, Alhaji Bellow Abdullahi Bodejo, said the land grazing law of 1960 is what they know and is subsisting. He harped on the impossible mission to decimate the Fulani and expressed worries that their human right to free movement was being violated as a result of the restriction placed on their means of livelihood. Bodejo noted that pastoralist have same legal rights like every Nigerian (Onanuga, 2018).

There are operational challenges, causes and difficult conflict between the Fulani herdsmen and crop farmers struggle for survival in the Benue Green valley axis. This axis has witnessed continuous orgy of violence and killings by suspected herdsmen not only in Benue State but the whole of the Middle Belt region. Nigeria has in recent time witnessed increased violence between farmers and herdsmen leading to the death of innocent souls. In Benue and Ekiti States, as well as other Southern states, open-grazing is seen an uncivilized and outdated cattle-rearing practice and a source of anarchy, utter lawlessness, chaos and complete disorder with the increasing population in Nigeria and development everywhere. How can herdsmen roam about with their cattle without trespassing on crop farmlands? These are some of the challenges facing herdsmen in recent times. To curtail the clashes of herdsmen and crop farmers, states have had to enact anti-open-grazing bill to protect citizens' lives and property and to arrest the threats to peaceful and mutual co-existence in many farming indigenous communities. But Miyetti Allah Kautal Hore members see the anti-grazing bill as discriminatory, ill-intended and a misplaced priority. To them, grazing, like any other occupation, is cultural. The challenge of open grazing in the recent history of Nigeria makes

indigenous crop farming communities to be battling with killings and wanton destruction of property by killer herdsmen.

Other challenges facing herdsmen and crop farmers as regards the anti-grazing law are ethnic politics, religious and multi-cultural differences. The killer herdsmen and the crop farmers are divided along ethnic and religious fault lines, most often between Christians and Muslims hatred and bigotry which often cause bloodshed and anarchy. The Benue State Governor, Samuel Ortom, on Saturday, January 20, 2018, opined that only the arrest of the leadership of Miyetti Allah Kautal Hore (MAKH) can give the Benue people a sense of belonging and restore their hope in the Nigerian State. Ortom also lamented that despite open threats by the leadership of the group to mobilize all its members to resist the anti-grazing law, which resulted in the attack on some communities of Benue State and killing of over 73 people, the leaders of MAKH are still walking freely in the country.

Ortom urged the federal government to take proactive action on intelligence reports that were gathered on threats alerts from the state so that the fears of the indigenous crop farming communities regarding possible attacks could be allayed. Aside from the 73 people killed by the killer herdsmen in Benue state on January 1, 2018 alone, the state was saddled with the responsibility of catering for over 80,000 internally displaced persons (IDPs), who were dislodged from their homes as a result of the herdsmen attacks. In further protest against the anti-grazing law, MAKH claim that the Benue valley belongs to them (Ejembi, 2018). Despite widespread condemnation and rejection of the proposed cattle colony across the country for Fulani herdsmen by the federal government, the pro-North Arewa Consultative Forum (ACF) has expressed its backing for the proposal. But, other socio cultural groups, like Ohaneze Ndigbo, Yoruba Elders as well as some ethnic groups all over the country, lately kicked against the idea.

Even if the Ministry of Agriculture got a law to back the cattle colony project for the Fulani, it would be a bad law and would certainly be obeyed in the breach. To make a law to create cattle colonies for Fulani herdsmen is discriminatory. Nigeria's constitution

does not permit discriminatory laws, which will easily be defeated on the judicial interpretation as unconstitutional and sectional to favour and benefit a particular set of Nigerians against others (Emewu, 2018). The herdsmen killings of crop farmers in Benue State in response to Ortom's creation of the anti-grazing law was a big dent on Buhari administration and an indication that the federal architecture had collapsed. The cattle colony project is viewed as a ploy to Islamise Nigeria. Cattle colonies creation in the federation would increase conflict in Nigeria because those aggrieved by the loss of loved ones in Benue, Enugu and Ekiti killings would see this as a reward for the killer herdsmen.

The Nigerian police, the Nigerian Intelligence Agency (NIA), the Department for State Security (DSS) and the State Security Service (SSS) have sadly failed to live up to their responsibilities on the issue and this may result to food shortages and hunger because crop farmers, for fear of the killer herdsmen, have run to urban centres and internally displaced persons' camps for safety. Other challenges that hinder the smooth operation of the anti grazing law in Benue and Ekiti States are inflammatory statements from the leadership of Miyetti Allah Kautal Hore. They do not exercise restraint in their comments on the current herdsmen-farmer crisis across the country. The leadership of Miyetti Allah Kautal Hore is not cautious and circumspect on their public utterances, especially in this trying period of the country's unity. The association sees nothing wrong in the use of firearms, including AK 47, for herdsmen to protect cattle.

Way out of herdsmen/crop farmers clashes

Federal Government should establish special court to settle cases of cattle rustlers rather than allow herdsmen to take violence and reprisal on innocent crop-farmers. The government should also regulate the quest of herdsmen for pasture and water for their cattle which have often brought them in collision with indigenous crop farming communities. Government must also identify the root cause of the problem and summon the courage to confront them and not to look the

other way, while killer herdsmen massacre the crop farmers. Government of the various states where these herdsmen hail from should brace up to the challenge and develop ranches where herdsmen could breed and raise their cattle rather than for the herdsmen to be trespassing on peoples crop farmland.

The security situation in Benue and other Middle Belt States is worrisome. The mindless bloodletting in these crop farming communities by killer herdsmen does not augur well for the peace and unity of the country. The federal government must overhaul the nation's security architecture. The current arrangement of centralization of provision of security services and the inadequate numerical strength of the Nigeria Police Force cannot guarantee adequate security for all Nigerians. While Abuja and the 36 States capitals are relatively secure, the same cannot be confidently said of the local government areas in the country. This probably explain why many local government officials and big time farmers who hardly stay in their domains, but mostly reside in their State capitals.

The federal government should consider introducing state police, to make policing more effective. Community policing is also required to tame the increasing menace of killer herdsmen. The insecurity in Ekiti, Benue and the states in the Middle Belt, which some influential politicians in the North are trying to politicize, must be seriously checked before it degenerates to anarchy. For many years, Benue politics has been associated with violence of unimaginable proportion. The political gladiators in the region ought to work for peace in the larger interest of the farming communities. Security agencies should bring the killer herdsmen to book. They should not relent until the killer herdsmen and cattle rustlers are apprehended and brought to justice, to enable the families of the victims of this dastardly murder and maiming to recover and continue to sustain Nigeria with abundance foodstuff from te green Benue valley.

The continued clash between killer herdsmen and crop farmers in the Middle Belt and the nation in general calls for a national dialogue of the creation of grazing fields for the herdsmen, especially

from the region they hail from. This will rescue the nation from anarchy.

Conclusion

Nigeria needs a marshal plan to rebuild the whole of grazing fields in the North where the cattle rearers come from. The government and cattle owners need to collaborate in building modern ranches in the region. In addressing the herdsmen-farmers crisis in Nigeria, the media campaign should not be biased against ethnic or religious groups. The media ought to say the truth and provide panacea and space for herdsmen-farmers conflict resolution and management in order to address the contentious issues. The federal government should call for judicial commission of inquiry into all these killings so as to unravel the truth and the offenders. Nigerians media should shun every form of discrimination and vices that can trigger senseless violence and bloodshed in the country. The Nigerian law enforcement agencies should be prepared to lay down their lives to fight crime in the country and the citizenry should co-operate with security agencies and furnish them with relevant information and intelligence that will help in ending the senseless bloodshed caused by killer herdsmen-farmers clashes.

The government at all levels, religious leaders, traditional rulers, activists and the media should serve as national vanguards in resolving the killer Fulani herdsmen and crop farmers crisis. Likewise, politicians should be wary of their campaign messages and slogans by ensuring that they are geared towards peaceful coexistence of the electorate. The agony created by killer herdsmen and crop farmers tragedy should not be used as a campaign tool to instigate crisis among the ethnic and religious groups who are already divided along fault lines. Instead, mediations, dialogue and peaceful participation and constructive engagement of the citizenry should be encouraged. During this trying moment of tension created by killer Fulani herdsmen and crop farmers clashes across the six geopolitical zones in Nigeria, the armed forces and the security agencies are advised to remain apolitical,

neutral and focused on the ethics of discipline which is the hallmark of their profession.

Recommendations

This study has come forth with the following recommendations to curb herdsmen-farmers crisis in the 21st century Nigeria:

1. The federal government should assure farmers of adequate protection of their lives and property and mobilize security forces to prevent nefarious activities of the killer herdsmen and cattle rustlers who provoke the Fulanis to attack farmers. Governors, the Police and other law enforcement agents should always read the riot act to the herdsmen and crop farmers regularly, urging them to stop their dastardly acts or face the wrath of the law. Be they Nigerians or foreigners, killer herdsmen must stop killing farmers and destroying farmlands in the bid to herd their cattle.
2. The federal government and the Governors must be ready to defend Nigerian farmers wherever they may be. The ugly experience of killings in Benue, Taraba, Adamawa, Enugu and Ekiti States by Fulani herdsmen must not be allowed to happen or spread to other states of the federation. The Fulani herdsmen attack in the Middle Belt region of Nigeria had created the consciousness and spirit of defence mechanism to all ethnic groups against the killer herdsmen.
3. Government should also introduce new grazing system and deployment of modern technology like an electronic chip to track animals. This will go a long way to curb crisis of herdsmen and farmers in Nigeria.
4. Nigeria has a total of 417 grazing reserves out of which only about 113 have been gazetted. This means that the government should commission a large scale research to carry out in-depth study to understand the reasons for the escalation of violence between herdsmen and cop farmers, pattern of population distribution, and

development areas. These factors may determine areas to develop ranches and cattle colonies in Northern Nigeria.

5. The media should show restraint in their reportage of the clashes of herdsmen and crop farmers crisis in order to prevent further escalation to other areas. The media dousing the tension of the crisis would help promote mediation and dialogue between herdsmen and crop farmers in Nigeria.
6. In resolving the herdsmen and crop farmers crisis in Nigeria, international best practice of animal husbandry should be considered by the state and federal governments.
7. Government should also recommend ranching as one of the possible models in areas with lower population densities in the North East (Sambisa Game Reserve in Borno State) and North West (Gadan Jaja Grazing Reserve in Zamfara State). This will help curb herdsmen and crop farmers crisis in Nigeria.
8. The federal government should honestly prevent the situation that year-in year-out crop farmers are killed in the Middle Belt and other parts of Nigeria with no action taken by the government to address the conflict, save proposed cattle colonies. The killer Fulani herdsmen, be they Nigerians or foreigners, should not device an agenda to be killing people in the indigenous farming communities and destroy their economy and promote their domination of the people politically and economically. Between 1800 and 2018, Benue people have been under attack by this organized evil, and only courage and determined resistance have preserved the people. Between 2010 and 2018 alone, over 1,000 people have been slaughtered in Benue state without the federal government taking definitive steps to end the massacre, attacks and killing of citizens of Nigeria en mass by an armed organization attacking the Nigerian state. The unity of Nigeria is being threatened not only by organized terror, but also by those in authority, who have the capacity to act, but deliberately do nothing (Anule 2018).

9. Enough has been said, but not done about these mindless killings in the Middle Belt and other parts of Nigeria. Yet, while the murdering, raping and destruction of homes and crop farmlands continues, the herdsmen's activities have no links to "communal crisis" compelling police operations. They are programmed for certain ends, which could inadvertently threaten the security and corporate existence of the nation. For one, the government must come clean about the issue of herdsmen and crop farmers crisis, which has become an albatross on the necks of President Buhari and the All Progressive Congress (APC) administration he heads. Why is it difficult to mandate the military to take charge, and label the armed herdsmen terrorists, the way the unarmed Indigenous People of Biafra (IPOB) was named, proscribed and pigeonholed? Why would the President, despite spirited denials, allow the festering of the direct allegation of using the herdsmen as foot soldiers for the so called plan to Islamise Nigeria? Doesn't this discernment bother him, as it worries even his most ardent supporters of other faith and tribe? With patriotic fervour, Buhari should juxtapose his stance on the herdsmen issue with his famous inaugural proclamation to keep his oath and serve as President to all Nigerians in the manner of "I belong to nobody and to everybody". The time to act is now, and with the bare knuckles, not kid gloves, that demands immediate deployment of military troops to the troubled spots, so that the "pythons can dance" and the "crocodiles can smile" to the perpetrators of the heinous crimes against Nigerians. That is the only way to disprove the President's perceived "body language" towards the killer herdsmen's notoriety, and to pacify a harrowed, traumatized and beleaguered citizenry (Ezomon, 2018).

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