

Appraising the Socio-Legal Implications of “Ruga” Cattle Colony Controversy in Nigeria

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Abstract

Save the proponents who are governors mainly from the Northern part of Nigeria, governors and other stakeholders from the East, West and Southern part of the country perceived “Ruga” as indirect compulsory acquisition of land for the exclusive use of a tribe-the Fulani Cattle herdsman by the Federal Government of Nigeria. This according to them is a usurpation of the state government power to control and manage land in various states as vested by section 1 of the Land Use Act 1978, hence the controversy that greeted the proposed “Ruga” cattle colony in Nigeria. Premised on this, this doctrinal research paper which depends largely on secondary sources for its analytical discourse examines various issues in the proposed “Ruga” cattle colony which has generated unprecedented controversies in the country. The paper also attempts an in-depth discussion on the socio-legal implications of the programme to the corporate existence of Nigeria as a Nation. From the analysis, the paper infers that as laudable as the programme is, the hijacking of same by political jobbers in Nigeria may spell doom for the country. The second focal issue in the paper dwells on the effect of the programme on the provision of Land Use Act with a view to providing some practical solutions based on statutory provisions on Land Regimes in Nigeria.

Keywords: Ruga; Cattle Colony; Controversy; Socio-Legal Implications.

Introduction

Over the years, several clashes and conflicts have constantly occurred between Fulani herdsmen and farmers across Nigeria over land grazing. The major cause for the clash is that the Fulani herdsmen in search of pasture and water frequently had brushes with local farmers whose crops are routinely destroyed by the herdsmen. In order to find a lasting solution to this socio-legal problem that is ravaging the country and endangering the peaceful co-existence of Nigeria, the federal government recently proposed ‘Ruga’ cattle colony. Unfortunately, instead of solving the problem, the proposed programme has generated more controversy than solving the problem. In fact, save Northern part, in the East, West and Southern part of Nigeria, *Ruga* is roundly and vigorously condemned. *Ruga* is a Fulani dialect which simply means settlement. *Ruga* is a colony where both the Fulani herdsman and their cattle reside. *Ruga* contemporarily is tantamount to a camp. *Ruga* is a planned programme by the Federal Government of Nigeria to halt Fulani herdsmen/farmer clash. By the programme, the Federal Government is advocating for a kind of resettlement of the herdsmen far away from the farm land areas. To them, such action will halt the constant farmer/Fulani herdsmen clashes thereby reducing tension and insecurity in Nigeria. The Fulani herdsmen and farmers conflict in Nigeria is a land resources-based conflict that has cut across all parts of the country but with middle belt being the most tensed war location.

Land is a limited resource and an entity that cannot ordinarily be expanded or increased. Land is one of the most valuable gifts of nature. Man lives, breed, farm construct, builds and exist on land. Though scientist is trying to experimenting on ways by which land can be expanded either by sand filling and or construction on seas; however, no matter the style used, it still amounts to living on land. Extension of the existence of man in the moon though seems possible, but same have not been achieved in totality. For this, land continues to be a limited resource that is being chased by unlimited numbers of people hence the unending tendencies and struggle by man to acquire sizeable plots of land to lived on with his family and his animals. Going by the decision in *Bruce v. Erskne* (1716) Mor 9642 and *Mitchell v. Moseley* (1914)1 Ch. 438 per Cozen Hardy M.R; land owner also owns all minerals below the surface of his land and he may work them or lease them to another user. This however in law, is subject to the right of the state to reserve for her mineral resources or to statutorily expropriate them (Fabunmi, 1986:40).

Before the enactment of the Land Use Act, the land tenure systems of the regions were not identical and no uniform land policy in Nigeria (Solomon, 2014:22). Thus, one of the main aims of the enactment of the Land Use Act 1978 (Cap. L5, Laws of Federation of Nigeria 2004) was basically to establish a uniform land tenure system and to check the potential crisis in land distribution in Nigeria prior to 1978. In short, it was the effort to check

the catastrophic aftermath of uncertain communal land regimes system in Nigeria that led to the enactment of the Land Use Act in 1978 by the Military Government. As was held in the case of *Madam Salami and ors v. Oke* 4 NWLR (pt563, p.1), the innovation introduced by the Land Use Act is that it divests any claimant of radical title and limit claim to a right of occupancy. Sections (1) (a) and Sections 6(1) (a) and (1) (b) Land Use Act. Cap L5 Laws of Federation of Nigeria 2004 effectively nationalized all land by requiring land users to obtain statutory Right of Occupancy and Customary Right of Occupancy from the state and Local Governments respectively. It is obvious from the above that the ownership power in Nigeria commencing from the enactment of the Land Use Act squarely rest on the state jurisdiction. In short, with the enactment of Land Use Act, the state government was given absolute power to administer lands in their various states; though the power is held in trust for the populace of each states but the power actually transforms to some level of certainty of land ownership in Nigeria. Unfortunately, as time goes by the derivable peace in land matter in recent time is shrinking, facing jettison and risking abandonment for anarchy and renew crises due to the proposed “*Ruga*” programme by the federal government of Nigeria. This cannot be a surprise because the issue of land is of utmost importance to the people as well as the government. Unfortunately, “a very high percentage of abuse and corruption are associated with land matters (Rimi, 1981:33). Land has been acquired in the past by government fraudulently, or without compensation. Land have been acquired for public purpose and later shared among political elite *etcetera*”. For this, whenever government raise the issue of acquisition, same is always greeted with pessimism, doubt and antagonism just as the proposed “*Ruga*” programme is currently facing in Nigeria.

Literature Reviews

The controversial issue on “*Ruga*” colony in Nigeria has been on for some time now. The issue has attracted comments and writings from both the proponents as well as the opponent of the programme. Though there has not been a standard academic text on the subject, but some writers, public commentators and some state governors have been trying to raise some academic discussion on the issue. Apart from these categories of people, some limited numbers of academics have tried to say one thing or another on “*Ruga*” in their works. In this section, some related literatures on the issue of proposed “*Ruga*” colony will be appraised. The Cross-River State Chapter of the Pan Niger Delta Forum, PANDEF, in conjunction with the All Cross-River State Nationals Front has warned the Federal Government, that Cross River State has no land for the proposed “*Ruga*”/ Cattle Colony being forced on the federating states of Nigeria by the Federal authorities. In their communiqué available at (<https://www.vanguardngr.com/2019/07/criver-has-no-land-for-ruga-cattle-colony-pandef/>>accessed on 7th July 2019), the group warned the Federal Government not to even contemplate including the state or any state in the Niger-Delta as a participant in the proposed programme. Despite this clear expression of rejection, both the government and the people of the region never mentioned what they thought would be the best solution or alternative to the “*Ruga*” colony.

In another effort, the people of Delta in a meeting at Kiagbodo, Delta State, attended by royal fathers, political leaders and other representatives from the six states of the South-South region, presided by the National Leader, Chief Edwin Clark, expressed solidarity with the people of other regions in Nigeria where communities have suffered untold hardship in the hands of Fulani herdsmen(<https://www.vanguardngr.com/2018/01/pandef-fg-no-land-ndelta-cattle-colonies/>>accessed on 7th July, 2019). Despite their rejection of the programme, they never suggested any alternative or discuss the legal implication of the programme as it will be done in this study. In another development, the Middle belt people argued that Buhari through “*Ruga*” is seeking to Colonize Nigeria (<http://saharareporters.com/2019/06/30/buhari-seeking-colonize-nigeria-through-establishment-ruga-settlement,-%E2%80%93-southern-and>>accessed on 10th July, 2019). They insisted that anyone who wants to do cattle business should on his or her own approach the Government of the state concerned to buy land and establish ranches under the prevailing regulations of such state. They insisted that the programme is indirect colonization. Despite the effort of the Middle Belt they failed to clearly itemize any legal issue involved in the proposed “*Ruga*” programme. On individual effort in this direction, the Noble Laurel winner Professor Wole Soyinka in one of his comment in a newspaper posited that “*Ruga*” programme will put Nigeria on fire (Soyinka: ‘cattle colonies can set Nigeria on fire’, available at <<https://thenationonlineng.net/soyinka-cattle-colonies-can-set-nigeria-on-fire/>>

accessed on the 10th July, 2019). Unfortunately, despite this weighty assertion, the respected professor never itemized any cogent issue and or solution that are best to check whatever may come up because of the programme.

On security generally, some author believed that “*Ruga*” issue may degenerate to human rights issue in Nigeria. In the words of Dada (2018:4) quoting Deng Francis (1998) on guiding principles on internally displaced people, she said that most of the attendant result of herdsmen is now resulting into displacement of people in several parts of Nigeria. Internally displaced people are people or groups of people who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. There are many refugees now in the North-Eastern part of Nigeria running to neighboring countries for refuge. Though not directly on “*Ruga*” as it affects Nigeria as a country, the comparison made by Dada that if not checked, serious issue like the current “*Ruga*” issue may degenerate to big security issue in Nigeria is relevance to this study. However, despite its relevance, since the major thrust of the author in her paper was on Human Right, it could not have covered the entire ground this study hopes to cover. Joshua in one of his paper posited that terrorist act no matter how small it is desired apt attention. This is because according to him worldwide, terrorism of diverse nature is increasingly becoming a daily reality (Ewulum,2015:64) (Joshua,2018:18). Constant problems of kidnapper, Bokko Haram, cattle rustling and others are enough problems for Nigeria. For this allowing “*Ruga*” to degenerate may brew severe chaos and more problems. The deductible fact of relevance between Joshua’s work on terrorism and the proposed “*Ruga*” programme is that if the programme is not carefully handled, the aftermath may compound terrorism in Nigeria. Unfortunately, *Ruga* programme is still contemporary and yet to attract any serious academic discussion despite the likelihood of devastating aftermaths in terms of social, legal as well as economic calamity that may befall the country if not carefully handled. The main focus of Ugwueje *et al.* (2018)’s work was on the prospect of using community directed intervention strategy to stem the Fulani herdsmen and farmer crises in South East region, Nigeria. Even though social effect of herdsmen farmer clash was discussed in the paper the legal implication of the conflict was out rightly left out.

Conceptual and Theoretical Framework

Ruga cattle controversy falls practically under the inter-group relations and conflicts that sprang from resource-based conflicts-land. Resource is of essence in inter-group relations. In fact, according to Oti (1988), resources within the territory of ethnic nationalities are part of their identity which they lay claim to just as migrants ought to understand that resources within particular vicinity already have an ethnic group who laid claim to them Gomez (2005). *Ruga* cattle controversy therefore, is an economic and resource-based conflict involving various ethnic players. Conceptually, Socio-legal implications as discussed in this paper are the social as well as legal resultant effects as well as repercussion of the controversy on *Ruga* cattle colony in Nigeria. The relevant sections of the Land Use Act which is the basic statute regulating land matters in Nigeria are critically dissected and the literal interpretation of same on the ownership of land in Nigeria is used to take position on likely effect of *Ruga* on land tenure system in Nigeria.

Theoretically, two theories appear to be relevant to the exploration of high prevalence of ethnic prejudice and clashes between Fulani and other ethnic groups in Nigeria (Ugwueje *et al.*, 2018:105) (Brehm, Kassin and Fein, 2005). The theories are realistic conflict theory and relative deprivation theory. The realistic conflict theory shows that limited resources like land can easily breed conflict and hostility among groups while the relative deprivation theory on the other hand portrays the likely tensions that may develop due to unequal resources distribution among the populace. These two theories aptly apply to the situational power politics currently going on in Nigeria due to the proposed *Ruga* cattle colony.

Land Ownership Regimes and the “*Ruga*” Controversy in Nigeria

The Land Use Act in Section 1 completely changed the notion of ownerships and possession of land in Nigeria by individuals as it was under the various locally enacted and imported English Law of real property (Oluyede, 1985:1). The law inter alia provides in Section 1that:

Subject to the provision of the Act, all land comprised in the territory of each state in the / are hereby vested in the Military Governor of the State and the land shall be held in trust and administered for the use and common benefit of a Nigeria in accordance with the provisions of this Act.

For the ideal control and management of land vested in the Governor, Section 2(1) (a) of the Land Use Act divided land into two. These are urban land and non-urban land. Going by the provision of the section 49(1) Land Use Act, the total control and management of urban land is vested in the Governor, save land held by federal government before the commencement of the Act. The power of control and management of land in urban centers vested in the Governor can be exercised for sustainable urban development through the adoption of a planning strategy to control land use and development (Adedeji, 2009:281). In the past, the common bone of contention in Nigeria is the mineral resources control jurisdiction of various states of the nation as against the federal government vested interest and power. The main reason for this contention was succinctly captured by Shehu and Hadiza (2010: 238), (Usman and Abba, 2009:23), (Hyne,1995:34) while describing the geological formation of Nigeria thus,

...Nigeria is only divided between the complex basement rock and the sedimentary rock formation of the Country; the Lake Chad basin, the Sokoto Rima basin, the Niger-Benue basin, the Niger Delta, the Benin-Lagos coastland and the Cross-River basin. The foregoing areas constitute the oil producing and the prospective oil producing basins of the Country, and these basins share a common geological heritage of a sedimentary rock formation. Undoubtedly, this is different from the plains of Hausa land, the Jos Plateau, and the Central uplands; the Yoruba upland, the Adamawa and Mandara Mountains, which are basement complex and Volcanic material.

They described further that

It is this geological basis of the Country that established the foundation for the soil, the water resources and the natural resources endowment of the Country. The geological formation of sedimentary basin of the Country (70% of the country) started about 120 million years ago when it is believed that the different rocks were formed between the Albian-Cenomanian and the Holocene periods.

In conclusion they argued that, it was

This geological antecedent with the 1914 birthday of the country explains the geological diversity of the Country and the basis of different characteristics regarding the environment and the general mineral resources endowment. It is the geological evolution of the Country that made the soil, formed the mineral resources and defined the Fauna and Flora of the Country.

Contemporarily however instead of oil, finding land for Fulani herdsmen is now the contentious issue facing Nigeria. While the federal government and governors and people in the Northern part of the country are highly interested in the programme, most governors and people in the Southern and Eastern and Western part of the country are clearly against “*Ruga*” programme probably due to lost lives through activities of killer herdsmen who were frequently referred to as “a merciless killing squad” (*Saturday Sun* 2nd May, 2016). In those conflict, the Fulani herdsmen have borne a large proportion of the blame for most conflict and environmental degradation in policy statement in Nigeria as well as Guinea Savannah Region of West Africa States (The Buad and Batterburry, 2001) (Ugwueje *et al.*, 2018: 119).

The traditional concept of land tenure according to Abdumalik (2014:25) is eloquently expressed in the much-quoted saying of a West African Chief as follows: “Land belongs to a vast family of which many are dead, few are living, and countless numbers are still unborn”. Under this system according to the Court in the case of *Amadu Tijani v The Secretary of Southern Nigeria*, (1921) A C.399; title to land or ownership is vested on this social group and therefore each member of the group, merely by virtue of birth acquires a share in that ownership, a

right of use (usufruct) on the land and after use, ownership is reverse back to the social group. Historically, the control of land use in Nigeria may be traced to the earliest times when the chief representing the Oba or the Emir are acting as the administrator, protector and trustee of the land which belonged to the community had to give permission and consent of the elders of the community, before vacant land in his district could be developed (Ola, 1977:18). In short, under the indigenous tenurial system, the nature of land holding was communal with land being owned by the community held under the control and management of the head chief, the Oba, Emir and the Obi. These communal head chiefs as mentioned above held communal land as trustees for the use and common benefits of members of that community, but the system was associated with lots of inadequacies as well as vices and negative and oppressive effects especially on the less privileges in the community. This was the situation before the enactment of the Land Use Act, 1978. In 1900 due to the inadequacy in customary land tenure, Lord Lugard abrogated the Native Land Law and replaced same with land acquisition through the High Commission. However, since land in Nigeria may be acquired compulsorily or by agreement the main reason for the Lugard land policy as well as the later plan through Land Use Act was to achieve systematic land plan and arrangement in the country. "The need for planning laws in Nigeria is the direct product of the prevailing social and economic system, if land were owned by the government in trust for the entire people of Nigeria there would be no need for compulsory purchase legislations when land was required for public purpose...." (Ola,1977:17).

The Land Use Act according to Adedeji (2009:177) was principally enacted to achieve sustainable urban development. Sustainable urban development is the integrated, long-term planned development of cities and urban center, to ensure optimal use of the available land, spaces and infrastructure, without jeopardizing the likely potential for similar benefits in future. However, for the programme of sustainable urban development to succeed however, it requires a process covering detailed assessment of available resources and existing infrastructure, analysis of present and projected demands, identification of constraints to development, and the determination of the real costs and benefits of alternative actions (Adedeji,2009). Effective planning and meeting of socio-legal consideration and requirements of sustainable development through land administration and policy must be put into place by government, failure of which the realization of the laudable objectives of sustainable development programme would be a mirage. This actually is what is happening in the case of proposed "Ruga" cattle colony in Nigeria. As laudable as the programme may look like, the *modus operandi* adopted by the federal government by allowing the programme to be politicized is negatively affecting the acceptability and popularity of the programme in the South, East and Western part of Nigeria. As the Federal Government is claiming that "Ruga" will solve Nigeria socio-legal problems, most Southern Governors are saying that establishment of a "Ruga" is an indirect force acquisition of land for the Fulani's. This and other controversies now becloud the proposed "Ruga" cattle colony programme. Similarly, due to the delicate nature of the Nigerian societal setting, tribal dichotomy, distrust and ethical suspect among Nigerians, the government plan for "Ruga" Colony is meeting serious opposition and condemnation especially from the South-South, South West as well as Eastern Governors and their people. To them, "Ruga" is an indirect Islamisation and emancipation of land strictly for the use of the Fulani's. Despite series of explanation and justification by the Federal government to the contrary, *Ruga* programme is facing stiff oppositions, clogs, and controversies ranging from social, economic as well as political. Legally, institutionalizing "Ruga" cattle colony will certainly change the face of the Land Use Act especially section 1 of the Act which empowers the state government to hold and manage land in their various states. Establishment of *Ruga* colony by the federal government may take away the absolute power the state governments are having on land in their various states; thus, the state government power on land may diminish.

The Socio-Legal Implications of "Ruga" on Corporate existence of Nigeria

The effect of the unholy marriage of Nigerian states in 1914 through amalgamation is still felt in Nigeria today. Thus, despite the colouration of the fusion as independence there is hardly a practical unity and or oneness among the Nigerian states. Disintegration's paraphernalia such as tribalism and nepotism is still rife in Nigeria. Not surprising the negative reactions of most government and people of the Southern, Eastern and Western part of Nigeria against *Ruga* programme. It is a fact devoid of fallacy that save careful execution, "Ruga" program may go the way of Boko Haram as well as the way of violent environmentalist reaction as witnessed in the South-South trough frequent destruction as well vadalisation of oil pipes.

Similarly, *Ruga* programme in Nigeria has clearly created North-South division on national issue. Even though, *Ruga* supposed to be a national issue in Nigeria, but the situation on ground does not reflect this. The North is protagonist of the “*Ruga*” while the South is antagonist and from the crying and shouts of the “*Ruga*” antagonist, the programme is practically taking the shape of sectional ethnicity programme. The federal government is accused of planning a forcefully taking over land for the Fulani herdsmen in the country and when consider and juxtaposed this accusation against the Fulani herdsmen with series of atrocities reported to have been committed by the Fulani herdsmen for instance banditry, high way robbery, kidnapping *etcetera* in the national dailies, one may be forced to see some level of reasonability in “*Ruga*” antagonist line of arguments. The aggressive reactions of the Miyatti Allah, the Socio-Cultural group formed by the Fulani herdsmen in Nigeria to fight for Fulani Ethnic interest toward anybody that oppose the “*Ruga*” programme tend to lend credence to the position of the antagonist that, “*Ruga*” will only be beneficial to the Fulani’s and not the whole Nigeria as a Nation. As rightly observed by Audu (2010:27) (Olokooba and Olatoke, 2012: 53)

a general look at the activities of the members of these ethnics and religious groups shows that they sometimes not only ensure the law enforcement functions of the police, but also wear provocative uniforms, and openly brandish offensive weakness without any authorization.

This action when critically examined amounted to social vice as well as terrorist acts. All these in the words of Ikelegbe (2003:37), do not only constitute a great threat to the nation’s democracy, national stability and security but also consistently and stubbornly throw up the issue of the national question in Nigeria. *Ruga* is a stepping stone to the indirect usurpation of the state government power on land administration by the federal government. In short, “*Ruga*” by implication is indirect usurpation of state power on land matters. Mandating states to forcefully provide land for cattle settlements without full support and agreement of state governors is clearly inconsistency with the provision of Land Use Act. In short, such action amount to a negation of the spirit behind the enactment of Land Use Act. This is because it is the state that owns land and not federal government therefore, compelling the state to release land is therefore tantamount to arm-twisting as well as illegal acquisition which may result to worst situation in near future. Issue of *Ruga* in Nigeria if not carefully handle may deteriorate the fragile security situation of the country. Creation of a colony within a state may compromise the security in such a state which may ultimately degenerate to chaos and insecurity. This is so because once some group of people stayed for a very long time at a particular location in a state, moving from such place may not be easy for they may have established themselves and invest deeply in developing the place which naturally may make them unreceptive when the original land owner ask them to leave. This is typical genesis of frequent Ife/Modakele communal clash in Osun State of Nigeria.

Conclusions

Based on the above discussion, it could be gleaned that due to the fragile nature of ethnic unity in Nigeria, the adverse legal implication(s) of “*Ruga*” on the Land Use Act if implemented may be enormous. Similarly, it is the argument of this paper that forceful acquisition of lands from states by the Federal government for the implementation of “*Ruga*” may likely do more harm than good to the peaceful co-existence of Nigeria as a nation. This is because, if any land is forcefully acquired by the federal government for the program, apart from aggressive and open confrontation and condemnation from the government of Southern, Eastern and Western part of Nigeria; the implementation is likely to attract several social vices, communal clashes and same can escalate the act of terrorism in Nigeria.

Recommendations

- i. Instead of compulsory acquisition of land, it is recommended that the federal government should serve as ordinary intermediary to negotiate terms and conditions between the state governor(s) that are willing to release land and the Fulani herdsmen who is/are willing to be a tenant of such governor.
- ii. The Federal government instead of forceful acquisition may also stand as a suretee for the Fulani who is/are willing to abide by whatever condition the land owners lay down before releasing of land.

- iii. Finally, in the alternative, the federal government may lobby the National Assembly to amend the Land Use Act in order to whittle down state governors' powers over the states land and give some power to the federal government in the acquisition of land once same is for national purpose, usefulness, benefits and interests.

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