

The Challenges of the Anti-Open Grazing Laws in Nigeria

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ABSTRACT

Open grazing, the traditional practice of moving livestock freely across regions in Nigeria, has contributed significantly to rising insecurity, farmer-herder conflicts, and environmental degradation. In response to the Federal Government's inaction, several Nigerian states have enacted Anti-Open Grazing Laws to regulate the practice. This article critically examines the legal, political, and environmental challenges posed by these laws, with particular reference to the Delta State Livestock Breeding and Marketing Regulation Law, 2021. Using a doctrinal legal methodology, this study analyses statutory texts, judicial decisions, and scholarly commentaries. It finds that while these laws offer a regulatory framework for livestock management, their implementation is hampered by questions of constitutional competence, weak enforcement mechanisms, political resistance, and the exclusion of nomadic pastoralist perspectives. The paper further reveals that the federal government's opposition to state-level grazing laws exacerbates ethno-regional tensions, especially due to the socio-cultural identity of nomadic herders. The study concludes that while state legislation is constitutionally permissible under the concurrent legislative list, a harmonized federal framework incorporating customary law, socio-economic realities, and inclusive stakeholder consultation is essential for a sustainable solution.

Keywords: Anti-Open Grazing Laws; Environmental Sustainability; Open Grazing Prohibition; Pastoralism.

ABSTRAK

Penelitian ini mengkaji fenomena kejahatan keuangan hijau (green financial crime) dalam kerangka hukum Islam. Seiring meningkatnya minat global terhadap pembiayaan berkelanjutan, entitas bisnis semakin banyak terlibat dalam praktik investasi hijau. Namun, tren ini juga memunculkan potensi terjadinya kejahatan keuangan yang terkait dengan penyalahgunaan, penyelewengan, atau alokasi dana yang tidak etis untuk proyek-proyek berwawasan lingkungan. Hukum Islam, yang menekankan keadilan, transparansi, dan etika dalam setiap transaksi keuangan, memberikan landasan normatif yang kuat untuk merespons tantangan tersebut. Penelitian ini menggunakan pendekatan hukum normatif dengan memadukan perspektif konseptual dan komparatif untuk mengeksplorasi kompleksitas kejahatan keuangan hijau. Metode yang digunakan bersifat deskriptif-preskriptif dengan analisis isi (content analysis) terhadap berbagai teks hukum dan praktik terkait. Temuan penelitian menunjukkan bahwa hukum Islam menjunjung tinggi prinsip integritas dan akuntabilitas dalam transaksi keuangan, terutama dalam konteks tanggung jawab lingkungan dan pembangunan berkelanjutan. Hukum Islam menekankan pentingnya perlindungan lingkungan, kesejahteraan masyarakat, dan keadilan ekonomi melalui praktik keuangan yang jujur dan transparan. Sebagai kesimpulan, prinsip-prinsip hukum Islam menawarkan kerangka hukum dan etika yang komprehensif dalam menangani kejahatan keuangan hijau. Dengan menjunjung tinggi nilai-nilai pengelolaan lingkungan, keadilan, dan integritas keuangan, hukum Islam berperan penting dalam mendukung perkembangan etis dari pembiayaan hijau di tingkat global.

Kata kunci: Keberlanjutan Lingkungan; Larangan Penggembalaan Terbuka; Pastoralisme Undang-Undang Larangan Penggembalaan Terbuka.

INTRODUCTION

Open grazing in Nigeria, which is the traditional practice of moving livestock freely across farmlands and settlements, has become a significant driver of environmental degradation and insecurity. One of its most devastating consequences is the recurrent violent clashes between herders and farmers, often resulting in the loss of lives, destruction of property, and widespread displacement of rural populations. For instance, the News Agency of Nigeria (NAN) reported in January 2018 that approximately 18,000 individuals were displaced in Nasarawa State and accommodated in 11 internally displaced persons (IDP) camps, following conflicts that spilled over from Benue State (Ogunyemi, 2018). These challenges, once largely confined to the Middle Belt, have now spread to other parts of the country, prompting urgent calls to prohibit open grazing and adopt alternative livestock management systems, such as ranching, in line with international best practices (Ikhilae, 2021; Oyeyipo & James, 2016). In response to the persistent crises, several Nigerian states began enacting Anti-Open Grazing Laws, starting with Ekiti, Benue, and Taraba States (Mrabure & Awhefeada, 2020; Olugbenga, 2017). However, the impact of these laws has been weakened by a combination of systemic issues. Chief among them is the proliferation of small arms and light weapons, coupled with Nigeria's porous national borders, which enable the uncontrolled migration of armed herders and livestock across state lines (Ogunyemi, 2018; Udeagbala, 2020). These structural problems continue to exacerbate violence, undermine state-level regulatory efforts, and frustrate attempts at sustainable livestock governance.

The challenges posed by open grazing in Nigeria have intensified in scope, frequency, and severity, with dire consequences for national security, environmental sustainability, and social cohesion (Amnesty International, 2018; Ogbogu, 2022). In response, on 11 May 2021, the seventeen governors of Nigeria's Southern States convened in Asaba, Delta State, where they issued a communique now widely referred to as the "Asaba Declaration" on Open Grazing Prohibition. Among its resolutions was a directive urging state governments to enact laws banning open grazing as a measure to curb the widespread violence and environmental degradation associated with the practice (Muoneke & Okoli, 2020). The problems linked to open grazing are numerous and multifaceted. They include land degradation, erosion, deforestation, desertification, biodiversity loss, bush burning, and the pollution of air, land, and water in broader issues such as climate change and environmental unsustainability (Mrabure & Awhefeada, 2020; Ukhurebor & Adetunji, 2020). Additionally, the practice has fueled persistent clashes between farmers and herders, leading to threats against public health, community safety, and national unity (Nnoruga, 2022). The senseless killings, destruction of farmlands, and large-scale displacement caused by these conflicts have significantly undermined peace and order in many states across Nigeria (Muoneke & Okoli, 2020).

Although the Asaba Declaration on Open Grazing Prohibition was a non-binding resolution by the Southern Governors of Nigeria, it significantly influenced legislative actions across the country. Following the declaration, many states either enacted or initiated the process of enacting Anti-Open Grazing Laws aimed at addressing the escalating security and environmental concerns associated with open grazing (Muoneke & Okoli, 2020; Igbokwe-Ibeto et al., 2021). However, the legislative response has become a contentious and polarising issue, dividing the nation along ethno-regional and political lines. The enactment and implementation of these laws have posed complex legal, cultural, and administrative challenges, particularly regarding their constitutionality, enforceability, and public acceptance.

This paper critically examines the Asaba Declaration's influence on open grazing legislation in Nigeria. It evaluates the content and implications of the declaration, provides an overview of existing Anti-Open Grazing Laws, and analyzes the key challenges these laws face in regulating open grazing. The article concludes by offering recommendations for improving the effectiveness and inclusivity of legal frameworks aimed at sustainable livestock management.

RESEARCH METHOD

This study employs a doctrinal legal research method, which involves a systematic analysis of legal texts, statutes, case law, and scholarly literature to examine the challenges of the Anti-Open Grazing Laws in Nigeria. The doctrinal method is chosen for its structured approach to legal research, focusing on interpreting, analysing, and evaluating the legislative framework, judicial decisions, and policy implications surrounding open grazing regulations. The primary materials for this study include statutory instruments such as the Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017, the Delta State Livestock Breeding and Marketing Law, 2021, and other state-level Anti-Open Grazing Laws. Judicial precedents, including Attorney General of Benue State & Ors. v. IGP & Ors. (2018) and The Incorporated Trustees of Miyette Allah Kautal Hore Socio-Cultural Association & Ors. v. The National Assembly & 13 Ors. (2017), are analysed to assess how courts have interpreted and applied these laws.

The secondary materials include scholarly articles, policy papers, environmental law reports, and media publications discussing pastoralism, environmental sustainability, land use policies, and legal frameworks for livestock management. Reports from Amnesty International (2018), Punch Newspaper (2023), and Vanguard News (2021) provide insights into the security, environmental, and socio-economic challenges associated with open grazing and the enforcement difficulties faced by these laws. To ensure the replicability of this research, the study follows a systematic approach, beginning with the collection of primary legal materials, including statutes, case law, and government policy documents, to establish a foundational legal framework. Finally, all findings and recommendations are systematically documented to ensure clarity, legal precision, and accessibility for further research and policy development.

RESULTS AND DISCUSSION

The Communiqué on the Asaba Declaration on Open Grazing Prohibition

The meeting of the Southern Governors of Nigeria in Asaba, capital of Delta State, on 11th May, 2021, came up with an eleven (11) point communiqué was issued at the end of the meeting and included amongst other things:

1. A ban on the Open Grazing and movement of cattle (livestock) by foot in the Southern parts of Nigeria and a directive to enact Anti-Open Grazing Laws.
2. A call on the Federal Government of Nigeria to support the States that were willing to develop alternatives to open grazing by establishing modern livestock management systems and practices that meet best practices and ensure environmental sustainability.
3. An affirmed commitment of the people of Southern Nigeria to the unity of the Nigerian Nation based on the principles of justice, fairness, and equality, with a focus on the attainment of shared goals for economic development and prosperity.

4. An expression of their worry on the many security challenges bedevilling the country and a call on the President, Muhammadu Buhari Government to address the nation on these challenging issues.
5. An agreement that the progress of the nation required urgent and bold steps at restructuring the Nigerian federation, so as to firmly entrench the practice of true federalism in Nigeria.
6. An advocacy for the evolution and establishment of State Police and a review of the revenue allocation formula in favour of the sub-national Governments of Nigeria.
7. A recommendation that the Federal Government of Nigeria should convoke a national dialogue or conference to address the many issues leading to various regional agitations in the country.
8. A request for the review of appointments in the Federal Government Agencies, including the security agencies, so as to truly reflect the federal character of the country.
9. An expression of their concerns over the continued gridlock on the Oshodi-Apapa expressway and the chokehold it continues to exert on the nation's economy.
10. A request for the activation and establishment of ports in other States of the federation to help create jobs and enhance socio-economic activities.
11. An expression of concern over another lockdown in the country due to the COVID-19 pandemic and advocated for greater coordination and cooperation between the Federal and State Governments in evolving new strategies in the containment of the COVID-19 pandemic in Nigeria.

The meeting of the Southern Governors and the communique that followed were notable for several reasons. First, it enjoyed rare bipartisan support, as governors from both of Nigeria's major political parties participated either in person or through official representation and reached a unanimous consensus on the decisions taken (Nwaebuni, 2021; Nanlong, 2021). Second, the resolutions reflected the prevailing public sentiment across Southern Nigeria, particularly the widespread frustration over the insecurity, displacement, and environmental degradation caused by open grazing. The communiqué resonated with the general populace's demand for urgent reforms and offered a coordinated regional response to a national crisis (Falana, 2021).

The Impact of the 'Asaba Declaration' on Anti-Open Grazing Laws in Nigeria

The directive by the Southern Governors for states to enact Anti-Open Grazing Laws was a coordinated effort to address the escalating problems associated with open grazing in Nigeria. This initiative had a significant impact, as it catalyzed the passage of such laws in several states (Ekpei, 2021). States that have since enacted Anti-Open Grazing Laws include Lagos, Ondo, Abia, Rivers, Akwa Ibom, Ogun, Anambra, Enugu, Cross River, Bayelsa, Edo, Oyo, and Delta. Notably, Ekiti, Benue, and Taraba States had already passed similar laws prior to the Asaba Declaration (Mrabure & Awhefeada, 2020).

The Asaba Declaration has therefore contributed meaningfully to social and policy change across Nigeria. It successfully brought the challenges posed by open grazing to the forefront of national discourse, compelling action from both state and federal governments, policymakers, civil society, and the general public. By doing so, it has underscored the urgent need for legal and institutional responses to the environmental, security, economic, and socio-political crises exacerbated by the continued practice of open grazing.

The enactment of Anti-Open Grazing Laws by various Nigerian states has been highly divisive, pitting state governments against the Federal Government and deepening longstanding socio-political fault lines. These laws have polarized the nation along regional, ethnic, and religious divides, especially between the predominantly Muslim, Fulani herders from the North and agrarian communities in the South. Nigeria's fragile unity continues to be tested as political elites frequently exploit ethnic and religious identities to advance sectional interests, with the open grazing debate serving as a catalyst for renewed mistrust and conflict over land and resources (Nnamani et al., 2024). The Federal Government, through both policy positions and public statements by key officials, has demonstrated opposition to the state-level Anti-Open Grazing Laws. Federal officials have described these laws as unconstitutional and in violation of the 1999 Constitution (Malami, 2021). Similarly, pastoralist groups—particularly the Fulani-dominated herders' association, Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN)—have vocally opposed the laws. They argue that the legislation disproportionately favours farmers while marginalizing herders, who already face systemic exclusion from mainstream economic and political structures. Many Fulani herders perceive the laws as targeted and sectional, further alienating a group that has historically lacked full integration into settled communities. This perception of exclusion has fueled resistance, especially in states like Benue and Taraba, where enforcement of the Anti-Open Grazing Laws has led to further conflict escalation (Sule, 2020). In response to mounting tensions, the Federal Government proposed the establishment of cattle colonies (also known as Ruga settlements) in every state as a solution to open grazing. However, this proposal was widely rejected by many Southern states, who viewed it as unconstitutional and as an attempt by the federal authorities to expropriate ancestral lands for the benefit of pastoralist groups, at the expense of indigenous farmers and host communities.

The enactment of Anti-Open Grazing Laws in some Nigerian states was welcomed by many. However, there remain proponents of open grazing who extol its virtues and argue that the rapid legislative push to ban it was a political stunt, allegedly based on unsubstantiated claims such as the unavailability of grazing land and the assertion that ranching is a global best practice for livestock management. These critics further argue that, across sub-Saharan Africa, ranching is limited to specific regions in countries like Ethiopia and Kenya, where groups such as the Maasai and Oromo still practice traditional pastoralism. In defense of open grazing, Ekpei (2021) notes that with a cattle population of approximately 20 million and a human population exceeding 200 million, Nigeria still possesses sufficient land to sustain traditional livestock management systems.

There is no doubt that open grazing has a long and deeply rooted history in Nigeria, particularly among the Fulani people, who constitute the largest pastoralist group in the country. Historically, it has served not only as a method of livestock rearing but also as a core socio-cultural tradition. Over time, however, the practice has evolved into a complex national issue with significant social, economic, environmental, and security implications. It is no longer merely a way of life but has become a major source of recurrent violent conflict between herders and farmers across various parts of Nigeria (Nnoruga, 2021; Dickson & Weinoh, 2024). Understanding the legal regulation of open grazing requires an appreciation of Nigeria's pluralistic legal system, which comprises statutory law (largely shaped by English common law through colonial influence), customary law, and Islamic law in some northern states. These coexisting legal traditions often lead to jurisdictional overlaps and implementation challenges, particularly in rural areas where customary norms still govern social behavior. The widespread customary acceptance of open

grazing among nomadic communities complicates the enforcement of uniform statutory bans. As such, any meaningful legal reform must go beyond statutory enactments and meaningfully engage with the customary legal frameworks that continue to shape local practices and societal expectations in many parts of Nigeria.

The issue of agro-pastoralists or the small-scale herders and livestock producers who have settled in communities all over Nigeria, including Southern Nigeria, is evidence of the long history of open grazing in Nigeria, which would be most affected and impacted by the ban. These groups of herders negotiate with members of the community where they are very well-settled and build their homesteads. Some of these types of herders and pastoralists exist in the South of Nigeria, such as those staying along the Iseyin-Igangan axis of Oyo State, those along Adada-Nkpologu-Adani-Iggah axis of Enugu State, and those along the Awka-Nkanu-Abakalike axis of Ebonyi State to mention a few. Some of these settlements have existed for over seventy (70) years, and many of these local languages, their children attend the local schools, and their wives engage in some trades in these communities (Ekpei, 2021). These agro-pastoralists account for a reasonable number of dairy products in sub-Saharan Africa. The ban on open grazing by the law enacted by the States in Nigeria may negatively impact and probably destroy this system and uproot this group of livestock producers. The formulation of the anti-open grazing laws in Nigeria should be able to take into account the long history of the culture of open grazing in Nigeria and how best to give some accommodation for the customs of the people in the formation of the laws considering that Nigeria operates a mixed legal system made up of several different and distinct influences, such as the English common Law, Customary Law and the Sharia Law. However, the constitution of the Federal Republic of Nigeria is the supreme law of the land, and any law in Nigeria inconsistent with the provisions of the constitution is void to the extent of that inconsistency (s. 1(3) CFRN, 1999). There are two types of courts in Nigeria, which are either Federal Courts or State Courts.

The Need for Open Grazing Legislation in Nigeria

The problems and challenges occasioned by the practice of open grazing in Nigeria, such as its contribution to environmental unsustainability, degradation and pollution, the farmer-herders clashes and other security challenges, the public health concerns, and other challenges, make the need for Anti-Open Grazing Laws very necessary. A Jurisprudential look at the anti-Open Grazing Laws enacted by the state in Nigeria, emphasizes the very important fact that Law as a concept is not static but very dynamic. The Law keeps changing with time and place, due to the changes or the desire for change in any society (Taiwo & Koni, 2019, pp. 291–292). This is why the law is considered an end in itself, but is only a means to an end. The end purpose of law is to secure social justice, because law is an instrument for securing justice (Abate, 2009). The law aims to ensure the satisfaction of human wants in the society where it operates (Dworkin, 1973). The challenges posed by the practice of open grazing to society all point to the fact that there are human needs, wants, or desires that need to be met in society, and as such, the requirement for some form of social justice to be served in society. Hence, the need for laws in society to address those needs, wants, or desires in the society. There is therefore a need for laws to help mitigate the problems of open grazing in Nigeria.

According to Dean Roscoe Pound, the law exists to serve social interests, and when the law ceases to serve this purpose, the law itself becomes sterile (Taiwo & Koni, 2019, pp. 293). The interest of a State is the guardian of the social interest of the society (Eso, 1990, pp. 123–125). The

social interest of the society here includes protection of peace and order, health and safety, security of transactions, protection of domestic relations, political and economic existence, sanctity of marriage, protection of society against moral destruction, provisions against corruption, and gambling. This is because it is the claim of all members of a society to be able to live their lives according to the standards of the society (Eso, 1990, pp. 123–125). Therefore, law is more than a set of norms or legal order, but a process of balancing the different conflicting interests that exist in the society and helping to secure the satisfaction of the maximum wants, needs, or desires of the society with minimum friction (Fitzgerald, 1966, p. 66). To this end, the law therefore serves the purposes of socially engineering the society, by striving to achieve distributive justice in seeking a fair division of the social benefits and burdens amongst the different members of the community or society (Fitzgerald, 1966, p. 66). The Anti-Open Grazing Laws enacted by the States in Nigeria is therefore necessary as it seeks to enforce the rule of law by ensuring some distributive justice for members of the community, either in terms of the environmental unsustainability, degradation and pollution, the constant clashes between farmers and herders, the public health concerns and the other challenges caused by the practice of open grazing in Nigeria and other issues which the laws seek to address. Open grazing, as an old and environmentally unsustainable method of livestock management, needs to transition to a more modern and environmentally sustainable method of livestock management that meets global best practices and standards of environmental sustainability. It is the law that will help to socially engineer this transition process.

The open grazing of livestock, as a major polluter and degrader of the environment, presents a serious social interest challenge in Nigeria. It threatens the ability of individuals and communities to live in a safe and healthy environment, thereby justifying the enactment of Anti-Open Grazing Laws by various state governments. The public health concerns arising from this practice further underscore its implications for social welfare, as the law seeks to protect the health and safety of citizens. Additionally, the persistent conflicts between farmers and herders, exacerbated by competition over scarce grazing resources, constitute another pressing social interest issue that law and policy must address. Given the pluralistic nature of Nigeria's legal system, it is necessary to adopt a legal framework that not only relies on statutory and constitutional provisions but also incorporates customary and religious (Sharia) legal traditions, which continue to influence social relations in various parts of the country. Such an inclusive approach would provide a more culturally grounded and widely accepted solution to the challenges of open grazing. It is important to note that Nigeria currently lacks a federal law expressly banning or regulating open grazing, despite previous attempts such as the National Grazing Reserve Establishment and Development Commission Bill, 2016, which failed to pass into law. Recent efforts at the federal level, such as the proposed National Animal Husbandry and Ranches Commission Bill, are still pending at the second reading stage in the National Assembly (Mrabure & Awhefeada, 2020; Azomani, 2025, pp. 131–134). In the meantime, states have acted within their legislative competence to enact Anti-Open Grazing Laws, reflecting Nigeria's federal structure, which allows states to address issues of agriculture, land use, and internal security within their jurisdictions.

The Need for Open Grazing Legislation in Nigeria

The Anti-Open Grazing Laws are bound to face challenges as they seek to become effective, as the objective of achieving the regulating practice of open grazing and the challenges it poses to

the environment, amongst other challenges, in Nigeria. The first major challenge of the Anti-Open Grazing Laws is dealing with the controversy arising from the issue of who has jurisdiction for environmental law-making and enforcement in Nigeria (Fitzgerald, 1966, p. 66). The Supreme Court of Nigeria in the case of Attorney General of Lagos State v Attorney General of the Federation (2003) had held that only the National Assembly can legislate and make laws on issues of the environment in Nigeria. Even though no portion of the Nigerian constitution expressly says so (Ekpu, 2022, pp. 5–7).

Nigeria is a Federation, where the power to make federal laws resides with the National Assembly, while the power to make laws in the States lies with the State House of Assembly (s. 4(10), s. 299 and s. 100 CFRN, 1999). The President of Nigeria or the Governor of a State in Nigeria, as the head of the executive branch at their respective levels, cannot directly make laws to regulate open grazing. But the President or the Governor can propose legislation or bills to the National Assembly or the State House of Assembly, as the case may be. Where the bill is debated and voted on, and if the bill is passed, in the case of the National Assembly and the President of Nigeria gives his assent to it, then it becomes a Federal Law and an Act of the National Assembly of Nigeria. In the case of a State, when the House of Assembly passes the bill and the Governor gives his assent, it becomes a Law in that State passed by the State House of Assembly (Aligba et al, 2017, pp. 1-5). This is in addition to the fact that the Constitution of the Federal Republic of Nigeria, 1999 (amended) contemplates a system of dual enactments from both States and the Federal Government because Nigeria is federation and by the provisions of sections 2(2), 3(1&6) and 4(6&7) of the Constitution (Ogunba, 2016). This ambiguity is a major challenge for the Anti-Open Grazing Laws, because it has made the Federal Government of Nigeria very emboldened and wants to see all issues of environmental law making and enforcement as its sole business, even to the exclusion of the States and other tiers of Government. This is also contributing to the reluctance or the lack of will on the parts of the federal government to want to enact a federal Anti-Open Grazing Law in Nigeria and may also explain why the Federal Government of Nigeria sees the actions of the States Governments in enacting Anti-Open Grazing Laws in their states as illegal and unconstitutional (Malami, 2021).

This controversy also hampers the ability and efforts of the different tiers of Government to effectively enforce environmental laws, because it hinders their ability to build the much-needed synergy and cooperation required to solve environmental problems in Nigeria (Ekpu, 2022, pp. 5–8). This is so because issues affecting the environment, such as the practice of open grazing of livestock, occur locally, and such environmental problems should be better handled at the State and local government levels nearer to where the activities occur (Ekpu, 2022, pp. 5–8). A careful look at the Anti-Open Grazing Laws enacted by the States (Delta, Taraba, Ekiti and Benue States), will reveal that all of them have been enacted as agricultural and animal husbandry laws, even though they will overlap to help regulate the practice of open grazing and help combat its great impact on the environment amongst other challenges. It is to avoid the controversy about who has environmental law-making and enforcement powers in Nigeria, which States are to exercise their powers under the constitution to enact the Anti-Open Grazing Laws (CFRN, 1999, as amended, s. 4, Part II, Second Schedule). These Laws, if properly implemented, will greatly complement other existing environmental laws by helping to ensure that environmental degradation and other problems caused by the unsustainable practice of open grazing in Nigeria are regulated (Ogboru & Adejonwo-Osho, 2018). The challenges of environmental degradation, farmers and herders clashes,

and other problems of open grazing are all around, not because there are no environmental laws, but mainly because of the poor enforcement mechanisms for the existing laws in Nigeria (Nwazi, 2022, pp. 1–5; Stewart, 2016). Environmental degradation and other challenges associated with open grazing in Nigeria will not just disappear, simply because there are now State Anti-Open Grazing Laws, but because of the diligent enforcement and implementation mechanisms of these laws.

The enforcement mechanism is therefore a major challenge the Anti-Open Grazing laws will have to face and overcome to effectively regulate the practice of open grazing in Nigeria. The challenge of enforcement is what some of the critics of the southern governors of Nigeria's decision to enact Anti-Open grazing laws are alluding to in dismissing the move to enact Anti-open grazing laws by the states as a political stunt by the Governors of the states (Maina, 2021). This is because, without a proper implementation and enforcement mechanism for the laws, the whole exercise of enacting Anti-Open Grazing laws can be only a political stunt. Even with the Anti-Open Grazing laws now in most states, the practice of open grazing has not been completely eradicated. Cattle and livestock can still be seen roaming around and grazing freely, even in the capital cities of some of these states that have enacted Anti-Open Grazing laws. There are still killings, conflicts, and continued tensions between pastoralist herders and farming communities in the states of the south-west of Nigeria and other States in Nigeria, including Delta State (Punch Editorial Board, 2023). The story is the same in other southern states that have enacted the Anti-Open Grazing law. The herders are adamant and are still in the practice of open grazing (Adedipe et al., 2022). In Delta State, Herders have continued open grazing activities with impunity for more than one year after the Anti-Open Grazing Law came into force, and the problem and challenges that led to the enactment of the law in the first place are still taking place (NewsNet Nigeria, 2022; Ogwuda, 2024). Without implementation and enforcement, the Anti-open grazing laws enacted by the state will be like the toothless bulldog that can bark but cannot bite (NewsNet Nigeria, 2022; Ogwuda, 2024). This is because of the politicization of the issues of open grazing practice in Nigeria, which is a major challenge for the Anti-Open Grazing Laws. There is therefore a need for a reform of the Nigerian System that seeks to encourage exclusivity, impunity, lawlessness, and inequality (Nnamani et al., 2024). These are the root of why it is difficult for Nigerians to obey laws.

Another challenge facing the Anti-Open Grazing Law is the general lack of interest by the country's security agencies to want to enforce the state Anti-Open Grazing Laws and ensuring that these laws are obeyed (Gusa & Tijah, 2022). The Nigeria Police Force, the main agency for the enforcement of laws in Nigeria, has not hidden its dislike and opposition to the Anti-Open Grazing Laws. The Benue State Police Command, for example, tried to disband the Livestock Guards established under the Benue State Anti-Open Grazing Law, 2017 (Gusa & Tijah, 2022). Just because the Inspector General of Police had instructed the Commissioner of Police in Benue state, through a police wireless message to dismantle and close down all the offices of the Benue State Livestock Guards and to ensure that the Officers of the Benue State Livestock Guards do not operate anywhere in Benue State (Gusa & Tijah, 2022). However, in *Attorney General of Benue State & Ors. v IGP & Ors*(2018), the Court held that it is unconstitutional, null and void and ultra vires, for the directive of the Inspector General of Police to direct the Benue State Police Commissioner by Police wireless message to close down the offices of the Benue State Livestock Guards (Gusa & Tijah, 2022). The Court maintained that the Benue State Livestock Guards was duly established under Section 24 to 30 of the Open Grazing Prohibition and Ranches Establishment Law, 2017 of Benue State and as

such, it was not a quasi-illegal security outfit to be so disbanded, shutdown or banned from operation by a mere wireless message from the Inspector General of Police. The court further maintained that the Benue State Livestock Guards was duly established by a validly passed law of the Benue State House of Assembly and as such the Inspector General of Police lacked the power to disobey it (Gusa & Tijah, 2022). The lack of cooperation from the Nigeria Police Force, obviously has had great consequences for the enforcement of the Anti-Open Grazing laws, considering that the Nigeria Police Force and other Security Agencies in Nigeria, as they are presently structured, constituted and deployed are outside the control of the States, such that even the State Governors as the Chief Executives and Chief Security Officers of their respective States do not have total control over the security architecture and apparatuses in their States. This is because orders must usually come from above for the police and the other security agencies. This demonstrates the unitary structure of the security establishment in Nigeria, which has only served to increase the clamour for the establishment of State Police in Nigeria to further help in the enforcement of the laws, amongst other clamours for the restructuring of the Nigerian federation (Osunyikanmi, 2019). In addition, the Nigeria Police Force is currently understaffed and over-stretched and may not be able to adequately police the nation and effectively enforce the Anti-Open Grazing Laws in all the states (Osunyikanmi, 2019).

Another challenge of the Anti-Open Grazing laws is that some of the provisions of these Laws appear to be too stringent. Such as the requirement for ranching, which is a very expensive venture that the poor herders may not be able to afford? Closely related to the above is the fact that the herders will need to be highly trained and educated on the ranching methods of cattle management as advocated for by the Anti-Open Grazing laws. This is a very difficult challenge for the herders, when one considers that a very high percentage of them are illiterates and without adequate formal education, thus making it more difficult for herders to adapt to these new methods suddenly (Erunke, 2017). The Open Grazing Prohibition Laws will also impose a lot of difficulties and requirements on the herders, who are to keep their livestock confined in a reach or fenced designated grazing areas as required by the laws. This is out of line with the culture and way of life of these nomadic herders who are now required to suddenly adjust to this new way of life (Erunke, 2017). Similarly, some of the herders also claim that the Anti-Open Grazing Laws were passed in a hurry and in such a manner that the representatives of the nomadic herders were not invited to participate and make inputs in the discussions, leading to the enactment of the Anti-Open Grazing Laws. This is one of the reasons cited for their opposition to the law and thus a major challenge to the implementation of the Law (Ogboru & Adejonwo-Osho, 2018; *The Incorporated Trustees of Miyette Allah Kautal Hore Socio-Cultural Association & Ors. v. The National Assembly & 13 Ors.*, 2017).

Another major challenge lies in ensuring respect for the rule of law and guaranteeing access to justice in resolving disputes under the Anti-Open Grazing Laws (Ekpu, 2022, p. 6). Courts vested with jurisdiction must be prepared and committed to dispensing justice efficiently and fairly, as the effectiveness of any law is ultimately judged by its enforcement and application. Furthermore, the various bodies, committees, and task forces established for the implementation of these laws across different states must be properly constituted, well-funded, and equipped with skilled personnel. These include experts in environmental science, agriculture, public administration, law enforcement, and security. They must also be provided with modern equipment, techniques, and technology to ensure the effective monitoring and regulation of grazing practices, in line with global

best practices (National Environmental (Desertification, Control and Drought Mitigation) Regulation, 2011, s. 2(a), (b), (e), (g), (h)). There is also an urgent need for public awareness campaigns targeted at farmers, herders, and local communities to enhance their understanding of the environmental and socio-economic impacts of open grazing. Such awareness will help dispel perceptions that the Anti-Open Grazing Laws are discriminatory, thereby promoting public acceptance and encouraging community participation not only in the formulation but also in the implementation of these laws (Eneh, 2011).

While the Anti-Open Grazing Laws enacted by state governments mark a significant step forward, they may not, on their own, fully resolve the deep-rooted problems of environmental degradation and resource conflicts. There is a pressing need to explore alternative approaches that are both environmentally sustainable and culturally compatible with the pastoralist lifestyle. One such alternative is the adoption of integrated livestock systems, which combine controlled grazing with elements of pastoral mobility, feedlots, and rotational pasture management. These systems are more adaptive and can accommodate the socio-cultural realities of nomadic communities in Nigeria. Additionally, the policy-making process must involve key stakeholders, including pastoralists, farmers, and non-governmental organizations (NGOs) to foster inclusivity and minimize resistance to reform. Laws should also be designed to be flexible and dynamic, through mechanisms for periodic evaluation, monitoring, and review. Moreover, community empowerment initiatives, including structured dialogue between farmers and herders and the provision of financial incentives and technical support, are essential to facilitate the transition to environmentally friendly livestock systems (Osunyikanmi, 2019; Adebayo, 2010, pp. 15–22; Ogboru & Adejonwo-Osho, 2018, pp. 58–78).

CONCLUSION

This article has critically examined the challenges associated with the enactment and enforcement of Anti-Open Grazing Laws in Nigeria, situating them within the broader context of environmental protection, federalism, and socio-political tensions. The findings reveal that open grazing contributes significantly to environmental degradation, recurring violent conflicts, and insecurity, particularly in agrarian regions. In response, several states have legislated to prohibit open grazing, with varying degrees of success and resistance. However, the effectiveness of these laws is constrained by issues of constitutional ambiguity, institutional enforcement gaps, and socio-cultural opposition from pastoralist communities. The federal government's lack of coordinated support further undermines the legal and operational legitimacy of these state-level efforts.

Importantly, the article emphasized the need for a more inclusive and harmonized legal framework that respects Nigeria's plural legal order and socio-cultural diversity. Such a framework must balance the environmental and security imperatives driving the ban on open grazing with the cultural rights and economic realities of nomadic herders. Therefore, beyond merely enacting Anti-Open Grazing Laws, there is an urgent need for sustained stakeholder engagement, legal reform at the federal level, investment in ranching infrastructure, public awareness, and capacity building. A deliberate transition to modern, sustainable livestock systems anchored on fairness, legal clarity, and institutional cooperation is necessary to ensure environmental justice, social cohesion, and the rule of law.

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