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FARMERS AND HERDSMEN (PREVENTION AND SETTLEMENT
OF DISPUTES) EDICT, 1997



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FARMERS AND HERDSMEN (PREVENTION AND SETTLEMENT OF DISPUTES) EDICT, 1997

Adamawa State of Nigeria
Edict No. 1 of 1997

(4th March, 1997) Date of Commencement.

THE MILITARY ADMINISTRATOR OF ADAMAWA STATE OF NIGERIA hereby makes the following Edict -

1. This Edict may be cited as the Farmers and Herdsmen (Prevention and Settlement of Disputes) Edict, and shall come into operation on the 4th day of March, 1997.

Citation and Commencement.

2. In this Edict unless the context otherwise requires -
"animal" includes camels, cows, sheep, goats, and other animals;
"Chairman" means a Chairman appointed pursuant to Sections 4 and 7 of this Edict;
"Committee" means a Committee on Farmers and Herdsmen (Prevention and Settlement of Disputes) established under Sections 3 and 6 of this Edict;
"Farmer" means a person who cultivates land;
"Herdsmen" means a person who takes care of, tends or drives animals;
"Member" means a member of a Committee and it includes a Chairman;
"Administrator" means the Military Administrator or Governor of the State;
"State" means the Adamawa State of Nigeria.

Interpretation.

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

Establishment of State Committee.

4. (1) The Committee shall consist of the following members to be appointed by the Administrator -

Appointment and Composition.

- (a) Commissioner of Agriculture who shall be the Chairman;
- (b) the Attorney-General or his representative;
- (c) representative of Farmers;
- (d) representative of cattle breeders;
- (e) a representative of the State Council of Chiefs;
- (f) the Commissioner of Police or his representative;
- (g) representative of the State Security Service;

M. A. Foster

(3) A member of the Committee shall be paid allowances as may from time to time be approved by the Administrator.

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

Functions of the State Committee.

5. The functions of the Committee shall include -

- (a) co-ordinating the activities of the Local Government Committees;
- (b) receiving report from the Local Government Committees and making appropriate recommendations to the State Government;
- (c) liaising with similar Committees in other States to promote and improve the relationship between farmers and herdsmen;
- (d) advising the Government on the creation of Grazing Reserves as well as designate water courses for the grazing of animals in various parts of the State;
- (e) carrying out any other function as may from time to time be assigned to it by the Administrator.

Establishment of Local Government Committee.

6. It is hereby established in each of the Local Government Areas in the State a Committee to be known as the Farmers and Herdsmen (Prevention and Settlement of Disputes) Committee.

Composition of the Local Government Committee.

7. The Committee shall consist of the following members to be appointed by the Administrator on the recommendation of each Local Government Council -

- (a) a Chairman who shall be the Chairman of the Local Government;
- (b) a Deputy Chairman who shall be a Traditional Ruler not below the status of a District Head;
- (c) the Divisional Police Officer;
- (d) the representative of the State Security Service in the Local Government Area;
- (e) 2 representatives of each of the following:
 - (i) farmers;
 - (ii) Herdsmen; and
- (f) a respectable person in the Local Government Area.

Term of Office.

8. A member other than an ex-officio member shall hold office for a period of three (3) years and shall be eligible for re-appointment.

10. Members shall be paid such allowances as may be determined by the Administrator from time to time. Payment of Allowances.

11. (1) A member may at any time resign his appointment by notice in writing under his hand to the Administrator through the Chairman. Resignation and Removal from Office.

(2) A member may be removed by the Administrator on the recommendation of the Local Government Council where he -

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

12. The functions of the Committee shall be to - Functions of Committee.

- (a) enlighten farmers and herdsmen on the importance of each other to the society and the need for peaceful co-existence between them;
- (b) monitor the movement of herdsmen and control the entry of migrant herdsmen and their animals into its areas;
- (c) assess compensation in respect of loss or damage to farm produce or animals;
- (d) encourage disputing parties to resolve their differences amicably particularly by facilitating the settlement of disputes between farmers and herdsmen and compensation of any party who suffers damage by the other party who causes such damage;
- (e) enlighten farmers on the need to evacuate farm produce within a reasonable time after harvest;
- (f) ensure that farmers do not encroach on any existing stock routes and grazing reserves in its area of jurisdiction;
- (g) ensure that farmers do not encroach on any existing tract leading to a stream, river or water course for the purpose of watering animals;
- (h) ensure that no herdsman encroaches unto a communal potable water point for the purpose of watering his animals;
- (i) report to the Local Government Security Committee any security risk that occurred or is likely to occur respecting farmers and herdsmen relationship in its area of jurisdiction for their actions;

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- (a) enlighten farmers and herdsmen on the importance of each other to the society and the need for peaceful co-existence between them;
- (b) monitor the movement of herdsmen and control the entry of migrant herdsmen and their animals into its areas;
- (c) assess compensation in respect of loss or damage to farm produce or animals;
- (d) encourage disputing parties to resolve their differences amicably particularly by facilitating the settlement of disputes between farmers and herdsmen and compensation of any party who suffers damage by the other party who causes such damage;
- (e) enlighten farmers on the need to evacuate farm produce within a reasonable time after harvest;
- (f) ensure that farmers do not encroach on any existing stock routes and grazing reserves in its area of jurisdiction;
- (g) ensure that farmers do not encroach on any existing tract leading to a stream, river or water course for the purpose of watering animals;
- (h) ensure that no herdsman encroaches unto a communal potable water point for the purpose of watering his animals;
- (i) report to the Local Government Security Committee any security risk that occurred or is likely to occur respecting farmers and herdsmen relationship in its area of jurisdiction for their actions;

(n) perform such duties as it deems necessary for the due discharge of its responsibilities under this Edict.

Grazing on Farmland

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

Abandoned Animals.

14. (1) Any herdsman who breaches any of the provisions of this Edict and thereafter abandons his animal or animals under his custody, such animals shall be arrested and kept in custody by the Committee which may auction them by leave of a High Court if nobody appears to claim them after one month.

(2) The proceeds from the auction pursuant to Sub-section (1) of this Section may be applied to:

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

Extent of Liability of a Member.

15. No Member or Secretary of the Committee shall be liable for any act or commission done or made in good faith while acting in his official capacity.

Meeting of the Committee.

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

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

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

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

(5) The quorum for meetings of the Committee shall be four.

Grazing on Farmland

Abandoned Animals.

Co-opting of a Member.

17. (1) Where the Committee desires to obtain the advice of any person on any particular issue or matter in its meeting it may co-opt that person as a member for that purpose.

(2) A person so co-opted shall not be entitled to vote and shall not be liable for any act or commission done or made in good faith while acting in his official capacity.

(b) defray any cost that may arise therefrom.

Extent of Liability of a Member.

15. No Member or Secretary of the Committee shall be liable for any act or commission done or made in good faith while acting in his official capacity.

Meeting of the Committee.

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

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

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

20. (1) There shall be a fund for the Committee to be jointly financed by the State and the Local Government Council. Funds of the Committee.

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

21. The Committee established under Section 6 of this Edict shall prepare and submit to the Administrator periodic reports of their activities. Periodic Reports.

22. (1) Whoever - Offences.

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

shall be guilty of an offence.

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

23. Whoever contravenes the provisions of Section 13 and 22 of this Edict shall on conviction be liable to - Punishment.

- (a) a term of imprisonment not exceeding five (5) years or a fine not exceeding N10,000.00 or both, in the case of a first offender;
- (b) a term of imprisonment not exceeding ten (10) years without an option of fine, in the case of subsequent offence.

Made at Yola this 4th day of March, 1997
and submit to the Administrator periodic reports of their activities.

22. (1) Whoever -

- (a) NAVY CAPTAIN JOE AGWU KALU-IGBOAMAGH
- (b) grazes his animals on a farmland where the produce have not been removed; Military Administrator of the State
- (c) destroys animals or farm produce;
- (d) causes, participates, abets or incites clashes between farmers and herdsmen; or
- (e) grazes his animals in the night;

shall be guilty of an offence.

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

23. Whoever contravenes the provisions of Section 13 and 22 of this Edict shall on conviction be liable to -

- (a) a term of imprisonment not exceeding five (5) years or a fine not exceeding N10,000.00 or both, in the case of a first offender;
- (b) a term of imprisonment not exceeding ten (10) years without an option of fine, in the case of subsequent offence.