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Rights of Indigenous People (Farmers) and Herders to life, peace and security in Numan Federation in Adamawa State, North Eastern Nigeria

Joint Submission By:

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Executive Summary

1. Since the aftermath of World War II safeguarding human dignity has become an obligation of the United Nations Member States and indeed the community of nations in general. In this regard, Nigeria has ratified several Human Right Treaties. But while the Federal Republic of Nigeria has some provisions on Human Rights enshrined in the 1999 Constitution, Nigeria is yet to fully incorporate its international treaty obligations on human rights into domestic law. This has resulted in difficulty in addressing some human rights violations in particular in relation to the rights of indigenous people in the Numan federation to life and to peace and security.
2. This submission aims to shed light on the violations of the rights of indigenous people of Numan Federation in the context of protracted violent conflicts between farmers and herders in this sub-geo-polity. The submission covers violent incidences from 2017 to date, and is based on primary data collected through community consultations and expert analysis. The key findings highlight the rights of indigenous peoples to life, and to peace and security.

1. Legal framework and human rights of indigenous peoples

3. The government of the Federal Republic of Nigeria has acceded to most human rights conventions and treaties except the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty. Nigeria is also a party to regional human rights instruments such as the African Charter on Human and Peoples' Rights of 1981; and the Commonwealth human right obligations of 2013, among others.
4. In addition, the principles of these treaties influenced the human rights provisions in the 1999 Constitution of the Federal Republic of Nigeria (CFRN). The provisions are considered as part of the fundamental objectives and principle directive of state policy. Yet, the Federal Republic of Nigeria lacks concrete legislative framework at the national level on certain aspects related to the international and regional human rights treaties it has ratified. Most notably, Nigeria is yet to domesticate treaties that seek to prevent human rights violations, especially those obligations aimed at protecting the right to life, and liberty; the right to peace and security; freedom from racial discrimination; and the rights of indigenous peoples.

Recommendations to the Government of the Federal Republic of Nigeria:

- a. Ratify all outstanding relevant treaty obligations on human rights.
- b. Take concrete measures to domesticate all ratified regional and international human rights instruments into Nigerian legal system and frameworks to improve the human rights situation especially in relation to violent conflicts between farmers and herders in the Numan federation region.

2. Right to Life

5. The government of the Federal Republic of Nigeria has established the National Human Rights Commission in 1995, which replaces the Public Complaints Commission established in 1975 with a mandate to monitor and report on the human rights situation in the country for the government to fulfil its human rights obligations to the people of Nigeria. However, despite these efforts, Nigeria continues to have a poor human rights track record especially when it comes to the protection of the right to life.
6. This is in part due to the following reasons: (i) The Human Rights Commission remains toothless and lacks power to render binding decisions or compel legal action or cooperation from individuals, and public or private institutions; (ii) the commission has little financial support and no autonomy; and (iii) representatives of the government are members of the commission and hence compromising the independence of this institution with negative implications on the continuation of human rights violation and violation of the right to life.

Recommendations to the Government of the Federal Republic of Nigeria:

- a. Improve the protection of the right to life through rigorous civic education and legal awareness raising on legislations that promote sanctity of life.
- b. Allocate sufficient fiscal budget to improve the function of the human rights commission.
- c. Strengthen and empower the human rights commission by delinking it from government control to ensure its independence while capacitating it with independent legal experts to fulfill its mandate of effectively monitoring and reporting on the human rights situation in Nigeria.
- d. Enact comprehensive legislation on all forms of violence to protect human rights, especially in respect to the recommendations that were accepted by Nigeria during the previous cycle in the 17th Plenary of Universal Periodic Review of 20th March, 2014 itemized thus:

A-135.2 (Republic of Benin)

A-135.3 (Philippines)

A-135.48 (Germany)

A-135.66 (Argentina)

A-135.71 (USA)

A-135.78 (Norway)

A-135.79 (Republic of Ireland)

A-135.81 (Sponsored by Democratic Republic of Congo)

3. Right to Peace and Security

7. Physical and psychological violence is a persistent problem in Nigeria, in particular in relation to protracted violent conflicts between herders and farmers in Numan Federation. Since 2017, the violence has escalated, with numerous incidences documented that suggest that the conflict is degenerating into ethno-religious inter-communal violence. Nevertheless, the thrust of the submission are the tragedies of serial human rights violations of the right to life, peace and security that is being committed by the parties to the conflicts, namely (i) the Nomadic Fulani Herders; (ii) indigenous People of Numan Federation; and (iii) government of the Federal Republic of Nigeria.
8. In one incident, Fulani herders that lived within the precincts of their host communities in Numan Federation attacked farmers, who challenged the destructive activities of their herds. In November, 2017 for instance, herders in Kikon village in Numan local government area attacked and killed two farmers on their farms, and taunted the villagers to dare retrieve the corpses. This incident typifies similar clashes in Koh, Labondo and Goron in Girei local government area and in Kodomun, Kwayine and Kudiri villages in Demsa, which is another local government area. Further massive reprisals by the Fulani and Nigerian Airforce Jets, led to the destructions of Dong, Lawaru, Shaforon and Kikon villages in both Demsa and Numan local government areas. The actions of the Fulani herders did not only amount to threat to peace and security, life and public order, but also violation of the rights of the Indigenous People of Numan and Demsa areas.
9. The indigenous people of 'Numan federation' interpreted the Fulani herders' provocations as a declaration of war as well as challenge to their dignity and pride to which they responded by violent engagements, which resulted in deaths, injuries and displacements of the Fulani communities living among the indigenous people of Numan federation. The consequence of these incidences was not only a breach of Nigerian laws, it amounted to violation of the Rights and forced displacement of both the indigenous people of Numan federation and the sedentary Fulani herders.
10. In retaliation, the Fulani herders living within Gwamba District in Mbula chiefdom of Demsa local government area attacked and killed a farmer on his farm. They then proceeded to mutilate the body in similar fashion as they did in some Bachama and Batta Villages of Numan and Demsa local government areas respectively. The indigenous people of Gwamba district reacted and the result was bloody. Again, the Fulani Herders regrouped and launched a second wave of attack, which was also repelled by the 'allied forces' of Numan Federation. In an unprecedented fury, the Fulani Herders recruited both domestic and foreign mercenaries from Mali, Chad, Cameroon, Niger etc. (about five thousand hired killers and suspected Boko Haram terrorists), attacked and burnt Gwamba villages on 27/2/2018. The casualties in this very conflict were very high because it involved the use of advance weapons and trained mercenaries. Military intervention was again lethargic, suspicious and

consequently ineffective. In a bid that eventually failed, the Fulani Herders attempted to attack Borrong town, the capital of Mbula chiefdom on 2/3/2018.

Recommendations to the Government of the Federal Republic of Nigeria:

- a. Devise a comprehensive mediation strategy to amicably resolve the violent conflict through non-violent conflict resolution that will culminate in a peaceful settlement that is acceptable to all conflict stakeholders.
- b. Devise policies and legal mechanisms to safeguard the right to life and security through policing, civic education and criminal law.
- c. Stop excessive use of indiscriminate force to address the violent conflict.

4. Rights of the Indigenous Peoples

11. The Nigerian Federal structure of government operates at three levels: local, state and federal levels. The Constitution of the Federal Republic of Nigeria explicitly declares that the government exists for the good order, well-being and security of the entire citizens of Nigeria. But judging by government response to the burgeoning violent conflict in Numan federation between farmers and herders it becomes clear that the government lacks political will and capacity to decisively, effectively, and impartially intervene to end the violent conflict, address the root causes restore mutual peaceful coexistence between the different ethnic groups and communities in this region. Moreover, the intervention strategy adopted by the government resulted in gross abuse of the rights of both the Herders and Farmers in Numan Federation.
12. The prevention of gross human rights abuses in all corners of Nigeria is the responsibility of the Nigerian State. But government response to the conflict in Numan federation shows that the Human Rights abuses were negatively skewed against Indigenous People of Numan Federation. Further, the rights violations exposed an agenda which bordered on the realms of 'Racial Discrimination' against the indigenous peoples of Numan federation, and contrary to the United Nation provisions of the International Convention on the Elimination of all Forms of Racial Discrimination, signed in 1965. Yet the Nigerian Government operated on the basis of double standards. Whilst the injured, wounded and displaced Fulani Herders and their collaborators are treated in hospitals and encamped at government expenses, the reverse is the case with the Indigenous People of Numan Federation. These government responsibilities were taken over by the LCCN and other church organizations.

13. Nigerian Government military deployment was always skewed in favor of Hausa/Fulani ethnic stock. The officers and men on these assignments on several occasions were found to be only protecting the Fulani herders and not providing same level protection for the Indigenous people of Numan Federation. This contributed to the very high levels of casualties among the Indigenous People of Numan Federation.
14. Moreover, the Nigerian Government resorted to censorship of Mass Media, to prevent the international community from observing gross act of discriminations and other abuses against the Indigenous People of Numan Federation, as was the case on the reprisal attacks on Kikon village in January, 2018. Over all, the Nigerian government professed determination to create Herders colonies/ranches at government expenses, framed as compensation to Fulani Herders for the losses incurred during the conflicts with Indigenous People of Numan Federation and elsewhere in Nigeria. But the same government did not roll out similar plans to compensate farmers in Numan Federation, whose farm produce were destroyed by Fulani Herders. The slow space of decision making for promised resettlements, rehabilitations and reconstructions of Indigenous People of Nigeria, also shows government reluctance to protect and restore the dignity of the Indigenous People of Numan Federation.

Recommendations to the Government of the Federal Republic of Nigeria:

- a. Protect the rights of the indigenous peoples of Numan federation under the same footing with the rights of other communities in Nigeria guided by the fundamental principle of equality and non-discrimination
- b. Investigate rights abuses against the indigenous peoples of Numan federation and hold those responsible accountable before the court of law to discourage the culture of impunity and racial discrimination in state institutions.
- c. Comprehensively map-out victims and affected parties in the conflicts from all communities and make appropriate and impartial restitutions or reparations to redress the human rights violations.

Annex 1: Logos of the Submitting Organizations

