

## **Towards Stemming the Tide of Farmers-Herders' Conflicts in Nigeria- Lessons from the Marial Bai Agreement on Cattle Seasonal Movement in South Sudan**

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### **Abstract**

*The farmers-herders' conflicts have remained a deadly monster in Nigeria due to inappropriate approaches that tend to neglect the involvements of some critical stakeholders in reaching a comprehensive agreement that will be binding on all. This paper, therefore, examined the provisions of the Marial Bai Agreement on cattle seasonal movement in South Sudan, which have contributed significantly to the reduction of clashes between farmers and herdsman in South Sudan, and how Nigeria could benefit from the provisions of the agreement in tackling its own security challenges occasioned by the feuds between pastoralists and farmers. The study relied on secondary method of data collection drawn from textbooks, articles, journals and the internet. The data were qualitatively and descriptively analysed. Also, the eco-violence theory was adopted as a framework to explain the dominant factor that has always triggered the farmers-herders' conflicts in the country. In all, the paper argued that the farmers-herders' conflicts in Nigeria could be effectively addressed if Nigeria could borrow a leaf out of the Marial Bai Agreement in South Sudan. This is imperative because since the signing of the Agreement in 2016, the number of farms destroyed by herdsman had not only reduced from 60 to 20 between 2016 and 2017 respectively but had also helped in cutting down the use of arms by herdsman, thereby reducing the incidents of conflicts in the region. This approach, if adopted, will serve as an alternative to ranching, which is the ideal system of cattle breeding in modern times, but cannot be met immediately due to financial and time constraints. In order to do this effectively, the paper recommended that: The Nigerian Government should research and consult widely with major stakeholders to get their buy-ins before embarking on the project; Local authorities and community-based institutions should be allowed to own and drive the process just like it's done in South Sudan; Mobile courts should be set up to try offenders as soon as the provisions of the agreement are breached; and victims should be compensated immediately.*

**Keywords:** Nigeria, farmers-herders' conflicts, Marial Bai, South Sudan, Eco-violence, RUGA.

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### **Introduction**

Nigerian farmers and herdsman have continued to engage each other violently due to struggles for resources that are in short supply. In fact, it has become extremely hard not to find a state in the country that has not been affected by these violent competitions directly or indirectly. Thus, one

cannot but agree with Nextier (2020) that the conflicts are now “a new normal” in the country. Beyond Nigeria, different countries in Africa have also witnessed violent clashes between farmers and herdsman in their domains. For instance, UNOWAS (2018:12) stated that, “violent conflicts involving pastoralists have escalated in parts of West Africa and the Sahel in recent years, claiming thousands of lives across the region.”

In Nigeria, a report by the Nigeria Watch showed that, “then number of victims that died from clashes between herdsman and farmers increased from 549 in 2019 to 616 in 2020. No fewer than 23 states were affected, with Kaduna, recording the highest number of fatalities (203), followed by Plateau (106) and Benue (96)” (Nigeria Watch, 2020:10). The report was specific about the Southern part of Kaduna which it claimed to be the hotbed of the clashes. Thus, “Kajuru and Zango-Kataf Local Government Areas (LGAs) accounted for more than half of the fatalities in the state, with clashes also reported in Chikum, Jemaa, Kaura and Kauru LGAs.”

Also, from the report, “while clashes in other states often occur during the grazing season, many of the victims in Kaduna state died in attacks and counter-attacks involving local farmers and Fulani cattle breeders.” Outside Kaduna, the conflicts also occurred in places like Delta, Katsina, Kogi, Edo, Nasarawa, and Bauchi States with significant number of fatalities from pastoral incidents. For instance, in Ugheli North LGA of Delta State, no fewer than 14 people were killed in February, 2020 by suspected Fulani herdsman in Avwon, Agadama, and Ohoror communities of Uwheru Kingdom (Nigeria Watch, 2020:10).

The consequences of these clashes have prompted several actions both in Nigeria and beyond towards addressing the conflicts with some successes and failures recorded. For instance, in Ghana, the Government made an effort to establish cattle ranches in 2017, but was resisted by local communities, while herders argued that the pasture and water in the ranches were not adequate for their cattle (Bukari, 2021).

Bakari (2021) also made reference to the attempts made by the Economic Community of West African States (ECOWAS) at resolving farmers-herders conflicts in the West African sub-region. These include the enactment of Protocols on Transhumance in 1998 and the Free Movement of Persons and Services in 1979 both of which were meant to ensure inter-country trade and access to resources. Bukari (2021) noted in particular that the protocol on Transhumance was to help solve the huge problems faced by nomadic pastoralist in accessing resources such as water, pasture and land in their own countries of origin, specifically the Sahelian countries. Regrettably, the protocol has failed to achieve its purpose as a result of which “violent conflicts have emerged between the pastoralists and the local communities over competition for land, destruction of farms by cattle, killing of cattle and question of citizenship/belonging” (Bukari (2021).

In Nigeria, diverse measures by the government both past and present, to tackle the menace have also been noted. These include: The Grazing Reserve of 1940s and 1950s for Northern Nigeria; The Grazing Reserve Commission Bills of 2012 and 2016; The Cattle Colonies; The Rural Grazing Area (RUGA) proposal and; The National Livestock Transformation Plan (NLTP) (Teniola, 2021; Agbedo, 2021). However, none of these measures has been successful in dealing with the conflicts between farmers and herders in the country as some measures were dead on arrival some were outdated and could not be implemented.

While there are setbacks in attempts at ensuring the constant clashes between farmers and herders are brought to an end in Nigeria, the study of the case of Marial Bai Agreement on cattle seasonal

Movement of 2016 in South Sudan is yielding positive results (Nnoko-Mewanu, 2018; Onguka, 2017; UN June 30, 2018). It is against this backdrop that this paper is embarked upon to see how Nigeria can gain from the provisions of the Marial Bai agreement and use it for an immediate remedy for the farmers-herders' conflicts pending when all necessary arrangements on ranching will be concluded. This has become necessary owing to the fact that ranching is capital intensive and cannot be practiced without appropriate government support. As a matter of fact, in the ten (10) states that 94 ranches were planned to be built by the federal government following their acceptance, BBC (2018) reported that "Planners estimate that it would take 10 years to put the ranches in place at a cost of 179 bn Naira (\$500m; £380m)."

### **The Concept of Conflict**

This is an important concept in the field of international relations and other social science disciplines. As a result, many scholars are devoting more interests in studying it. Accordingly, Adie, Nwokedi & Mahwash, (2020:5) explain that "Conflict as a concept, generally, describes a wide range of human activities, including hostility between people, organizations, communities and countries." Similarly, Lukman (2013:169) maintains that as a state of interaction, conflict "emerges when two or more groups or states seek to possess the same object, occupy the same space, play incompatible roles, pursue conflicting goals or undertake mutually incompatible means of achieving their purpose.

Ndubuisi (2018:1) provides more clarifications that, "conflict is simply a disagreement. However, when the disagreement is not properly managed it degenerates into violent or armed conflict, which is physical war that involves the use of weapons like guns, daggers, bows and arrows, as well as other sophisticated weapons." Finally, Turner, Ayantunde, Patterson, & Patterson, (2004:2) have argued that "Conflict is so fully part of all forms of society that we should appreciate its importance – for stimulating new thoughts, for promoting social change, for provoking policy change, for defining our group relationships, and for helping us form our own senses of personal identity. Conflict with another group often leads to the mobilisation of the energies of group members and hence to increase cohesion of the group."

It is true from the foregoing conceptualisation of conflict, that conflict is part and parcel "of all forms of society," including human society. It is also true that when two or more people have incompatible goals/objectivities and none of them is ready to compromise, conflict is bound to occur. However, while conflict can be positive, violent conflict must be avoided by all means because of its negative consequences as witnessed between farmers and herdsmen in Nigeria.

### **Theoretical Framework**

The study adopts the eco-violence theory propounded by Thomas Homer-Dixon in 1999 for the purpose of analysis. As rightly points out by Adigun (2019:78), the theory has been a reference case on works that bordered "on the interaction between human vulnerability in situations of conflict associated with environmental problems such as drought, erosion, and population growth..." Also, Onuoha cited by Okoli & Atelhe (2014:79) notes that "the theory of eco-violence is an emerging theoretical construct seeking to explicate the relationship between environmental factors and violent conflicts".

The theory of Eco-Violence was developed by the head of the "Toronto School," Thomas Homer-Dixon in 1999 (Soysa, 2002; Okoli & Atelhe, 2014:79) and, it basically posits thus:

Decrease in the quality and quantity of renewable resources, population growth, and resource access acts singly, or in various combinations to increase in scarcity, for cropland, water, forests, and fish. This can reduce economic productivity, both for the local groups experiencing the scarcity and for the larger regional national economies. The affected people may migrate or be expelled to new lands. Migrating groups often trigger ethnic conflict when they move to new areas, while decrease in wealth can cause deprivation conflicts (Homer-Dixon cited in Okoli & Addo (2018:21).

According to Homer-Dixon & Blitt cited in Odoh & Chigozie (2012:114) “large populations in many developing countries are highly dependent on four key environmental resources that are very fundamental to crop production: fresh water, crop and, forests and fish. Scarcity or shrinking of these resources as a result of misuse, over-use or degradation under certain circumstances will trigger off conflicts.” The proponents of the theory as stated by Adigun (2019:78), have identified “population growth and resource depletion as two potent factors which converge to produce conflict in many parts of the developing world.” Thus, “the depletion occurring in the amount or quality of resources reduces the total [resources] available, while increases in population divide what remains [of such natural resources] into smaller portions.”

From Dauda’s (2020:29) analysis of Homer-Dixon’ thesis, “migrating groups often trigger conflicts as they go to their new areas.” And that conflicts that usually occur between the pastoralists and farmers arise from the desperation for grazing and farming space, which is survival struggle for both parties in the eco-system that is characterized by scarcity. Thus, scarcity, especially environmental Scarcity, according to Percival & Homer-Dixon (1998) has three types: The first type is the supply –induced scarcity, which caused by the degradation and depletion of an environmental resource such as the erosion of cropland. The second type of environmental scarcity is the demand-induced scarcity due to population growth within a region or as a result of increased per-capita income consumption of a resource thereby heightens demands for the resources. Finally, the third type is concerned with structural scarcity, which emerges as a result of “an unequal social distribution of resources that concentrates it in the hands of relatively few people while the remaining population suffers from serious shortages” Percival and Homer-Dixon (1998:280).

The Eco-Violence theory has been adopted to explain the farmers-herders conflicts in Nigeria because it has been able to provide some reasonable explanations as to why the conflicts have persisted. These explanations are based on competitions resulting from scarcity of resources, which leads to clashes as seen between farmers and herders in the country. The scarcity of resources also causes migration of herders to areas the resources are available. Thus, as argued by Rafael Reuveny cited in Schnurr & Swatuk (2010:9), environmentally induced migration can lead to conflict when it is coupled with competition over scarce resources, ethnic tensions between groups, distrust between migrants and host communities, and the presence of socio-economic “fault lines” or “auxiliary conditions” such as political instability.

Thus, as in the Homer-Dixon’s(1999) Eco-violence sense, the ecological decay in northern Nigeria results in the seasonal migration of herders and their herds towards central and Southern Nigeria bringing them in contact with sedentary farmers who claim that their crops and farmlands are being destroyed and land appropriated(Nwankwo2021:140). The situation has remained the same for years because there is no extant agreement/law that is binding on the parties.

The theory of Eco-violence has, however, been criticised for dwelling on the scarcere sources as the basis for the eruption of conflict between farmers and herders. For instance, Soysa (2002) noted that recent theories of civil violence highlight environmental scarcity as a major causal factor, a situation “where people fight for survival as a result of environmental pressure stemming from a denuded resource base in short, a ‘shrinking resource pie’ is supposedly fueling violent civil conflict by aggravating strained social relations...,” stressing that an abundance, not scarcity, of natural resources spawn conflict by providing a “honey pot” over which to fight (Soysa, 2002:1).

Arguing further, the above author maintained that: “it has been common knowledge that many of today’s most durable conflicts, such as Angola, Liberia, the Democratic Republic of Congo, Sierra Leone, etc., are fuelled by the struggle for control of oil, diamond mines, timber, and other resources, and various conflicts in Asia and Latin America are fuelled by the profits from trade in illegal commodities such as weapons and drugs, or hardwood timber” (Soysa, 2002:7).

Also, Gleditsch (1998) cited in Schwartz, Deligiannis & Homer-Dixon(2000:79) has faulted“ much of the literatures for being ‘unclear as to whether the causal factor is absolute resource scarcity or environmental degradation.’” The author criticized Homer-Dixon’s “concept of *environmental scarcity*—which integrates supply, demand, and distributional sources of the scarcity of renewable resources—suggesting it “muddies the waters...”

Finally, Gleditsch (1998) cited in Schwartz, Deligiannis & Homer-Dixon (2000:82) claims“ that the Toronto Group’s theory about the links between environmental scarcity and conflict is flawed, in part because it is founded on inferences about future scarcities, noting that ‘Homer-Dixon, and many other authors. . .have stressed the potential for violent conflict in the future’ without providing adequate empirical evidence of past or present linkages between environmental scarcities and violent conflict.”

A number of responses have been put out by the proponents of the Eco-violent theory especially in relations to the criticisms by Gleditsch (1998 cited). For instance, regarding the last criticism above, Schwartz, Deligiannis & Homer-Dixon (2000:82) noted that:

Gleditsch is mistaken that the Toronto Group uses “the future as evidence” to substantiate its claims that there are links between environmental scarcities and conflict. In the process of developing its model, the Group has undertaken more than a dozen detailed historical case studies. These include studies of the Chiapas rebellion, the Rwandan genocide, violence between Senegal and Mauritania, civil conflict in the Philippines, and ethnic violence in Assam, India. The historical analyses in these case studies were informed by the rich literatures on the causes of revolution, insurgency, and ethnic strife. Taken together, they are a foundation for the Toronto Group’s larger theoretical model about linkages between environmental scarcity and violent conflict. None of the hypotheses in this model depends on events yet to come; rather, the model is informed by events that have already taken place.

It is important to stress at this point that the appropriate counter reaction to the criticisms above makes the theory fitting as a framework worthy to anchor our analysis on the subject under consideration.

### **An Overview of Herder-Farmer Conflicts in Nigeria**

One of the notorious and recurring conflicts in Nigeria since the return of democracy in 1999 is the farmers-herdsmen conflict, which has spread across the six geopolitical zones in the country. For instance, in 2020 alone, the conflict was reported in 22 states of the Federation, including the FCT. Also, from the study conducted by Ogbette, Attama, & Okoh (2018) Fulani herdsmen allegedly perpetrated such a conflict against the Agatu community in Benue State in 2016. According to them:

In February, 2016, over 300 persons from the communities were massacred, while some 7,000 were displaced. Some reports showed that many people died in ten Agatu communities at the hands of suspected herdsmen in early 2016. These killings were accompanied by the destruction of houses and other property as well as allegations of rape. According to their leader, the attacks were reprisals against the Agatu people for killing a prominent Fulani man and stealing his cattle in 2013 (Ogbette, Attama, & Okoh, 2018:47).

The main causes of the conflicts have been controversial. But according to International Crisis Group cited in Dauda (2020:51-52), the causes of farmers-herders' conflicts in Nigeria include:

Climatic changes (frequent droughts and desertification); population growth (closure of grazing lands and routes due to population expansion of human settlement); technological and economic changes (new livestock and farming practices); rural banditry and cattle rustling, political and ethnic strife accelerated by the spread of illicit fire arms and cultural changes (the collapse of traditional conflict management mechanisms) and a non-functional legal regime that allows crime to go unpunished has encouraged both farmers and pastoralists to take laws into their hands.

Similarly, UNOWAS (2018:12), has argued that, “these conflicts are primarily driven by a competition for land, water and forage, but there are also political and socio-economic factors involved.” For Akerjiir (2018:5) there is an argument “that climate change puts pressure on the herders to migrate to other regions leading to localized conflicts and tensions. Hence climate change-induced rainfall shifting patterns/amount and desertification reduces croplands and grazing lands which forced the Fulani herdsmen to migrate and, in some cases, settled permanently in the South in an attempt to find pasture for their herds.”

In a similar vein, the conflict between the farming communities in south and central regions and the nomadic herders from the Northern Nigeria “was initially as a result of desertification and drought in the Sahel region in the north that prompted the main migration of herders southwards to look for water and grasslands” (Lorimer, 2021). Additionally, the instability in the north-east occasioned by Boko Haram terrorists and organised crime such as kidnapping conducted in north-west and central regions have forced the herders to migrate south-wards. Their intrusion on grazing land in places like the Middle Belt specifically has been aggravated by the existence of militias as well as the recently introduced anti-grazing laws that outlaw open grazing in Taraba and Benue states (Lorimer, 2021).

As noted by Okoli & Addo (2018:21), “besides other factors, the audacity with which the headers shepherd their flocks to graze on available vegetation on their route has often attracted protests from the host communities.” This has given rise to unhealthy relationship between the farmers and the herdsmen who often result in violence, loss of lives and property, and that in most cases, farmers are

Forced to migrate out of their communities while some become internally displaced in other places. Apart from identifying the other causes of the conflict like Politicisation, neglect of the underlying context of the conflict in terms of the changing climatic conditions by both federal and state governments in Nigeria, lack of mechanised farming, population growth and poor regulation of land acquisition and usage, Adeniran (2020:4) also speaks of ethno-religious divide as another cause of the conflict. Thus:

...a number of Nigerian states implementing the cattle-open grazing policy are predominantly Christians (and non-Fulani), while most of the actors at the federal level, perceived by many to be promoters of the “cattle colony policy”, are both Muslims and of Fulani extraction. As such, the Fulani herders (and their assumed crackers in political cycles believe the anti-open grazing policy is merely a well-structured agenda to limit their right to make a living in any part of the country. At the same time the indigenous landowners) and their respective state governments) feel that the federal government has devised the cattle colony policy as a subtle move to advance an intrinsic hegemony Fulani agenda with within the larger Nigerian federation. This is the point of the conflict.

Commenting on the above assertion, Adigun (2019:85) posits that “the absence of vehicles of social control that were characteristics of traditional African societies, such as kinship, religious and political systems concerned with the well-being of the community, has led to the escalation of ethno-religious conflicts.”

### **Impact of Herders-Farmers’ Conflicts on the Nigerian Society**

The Amnesty International, in its 2016 to 2018 study, discovered that at least 3,641 people had been killed in the conflicts in Nigeria. The breakdown of the figure indicated that Benue state had the highest number of casualty with 726. This was followed by Adamawa state with 540, Plateau with 492, Zamfara 489, Taraba 453, Kaduna 414, Nasarawa 196, Niger 94 Kogi 66, Sokoto 52, Enugu 46, Delta 22, Cross River 16, Oyo 13, Edo 9, Ebonyi 4, Rivers, Ondo and Abuja 2 each, while Ekiti, Anambra and Abia had 1 each. The organisation blamed the ugly development on government’s inaction which fueled impunity thereby resulted in attacks and reprisal attacks (Amnesty International, 2018).

Ajibo, Onuoha, Obi-Keguna, Okafor & Oluwole (2018), who noted that the conflicts between the herdsmen from the northern Nigeria and farmers in the central and southern zones have escalated in recent years also likened the unfortunate incidents to that of Boko Haram. Thus, “with estimated death toll of approximately 3,500 people in 2016 the conflicts are becoming as potentially dangerous as the Boko Haram insurgency in the North East”(Ajibo,Onuoha,Obi-Keguna, Okafor & Oluwole, 2018:158).

Furthermore, Gbaradi (2018) cited in Ajibo, Onuoha, Obi-Keguna, Okafor & Oluwole, (2018) reveals that between 2012 and 2018, Fulani herdsmen killed 3,780 Nigerians in attacks across the country excluding the injured and adopted. On the other hand, farmers have killed cows belonging to Fulanis for eating up their crops. The author gives a particular instance where 8 people were killed in Agatu LGA of Benue State by the Fulani on allegation of killing 112 cows belonging to Fulani. The Consequences of all this, have also been adequately captured by the Assessment Capacity Projects (ACAPs, 2017 cited in Okolic & Addo (2018:19). Thus, approximately, 132,818 are said to be facing IPC Phase3 (crisis) levels of food insecurity in Benue State,167,561 in Plateau and 2,348

In Kaduna States as at December, 2016, with 12, 063 in phase 4 in Plateau State, 46,000 are projected to face crisis and food security conditions in Benue, Kaduna, and Plateau states from June to August 2017. Also, according to the source:

The majority of IDPs have identified food as their most pressing need. They have limited food access their stocks were looted and there is little access to replenish farm stocks. Staple food and cash crop production is below average in plateau. Prices remain extremely high around the country and are expected to continue increasing due to current inflation and recession. Conflict affected households, thus face additional strain in accessing stable food due to their reduced purchasing power. Any food assistance has been inadequate and irregular. Members of the Goska district in southern Kaduna, made up of about 156 households report receiving food assistance once, and enough for only 30 families” (cited in Okoli and Addo, 2018:19).

Likewise, Ajibefun (2017) cited by Ogbette, Attama, & Okoh (2018) has highlighted the socio-economic impacts of the conflict. Thus, on the social effects, they include: Sexual harassment of women; Acquiring of weapons/arms; Reduction in quality of social relationship; Reduction of social support; Loss of human life and; High cases of rape. Economic effects on the other hand are: Loss of produce in storage; Displacement of farmers; Reduction in output and income of farmers/nomads; Scarcity of Agricultural products; Loss of houses and properties and; Infrastructural damages.

Adding its voice to the negative impact of the conflicts, the Middle Belt Forum (MBF,2021), Kaduna branch, has lamented that, “many villages in Southern Kaduna and other Meddle Belt states cannot go to farm again except to farm in their backyard because their farms have been forcefully annexed by their Fulani murderous. In the Middle Belt today, a wife and daughter can be taken away right before her husband or father and be repeatedly raped then released at the convenience of the barbaric Fulani tribesmen and no one dares to talk.” Besides, Amusan, Abegunde & Akinyemi (2017:35) have raised the concern that the conflicts have become a national security issues as they“ further strained already tenuous national fault lines and fuels insecurity.”

### **Some attempts at curbing the Conflicts between Herders and Farmers in Nigeria**

The impacts generated by the conflicts between herdsmen and farmers are so enormous and worrisome to the extent that the Nigerian government has been making several efforts to address but without success. Prominent among these efforts was the Bill for the establishment of Grazing Reserves and Cattle Routes Commission. According to Guilbert (2016) when passed into law, the Commission has the right to acquire land in any part of the country for the purpose of establishing grazing reserves and cattle routes. This was, however, rejected by other groups, who felt that, if allowed, it would amount to violation of the subsisting Land Use Act as well as the traditional means of land holding. Aside from the Grazing Reserves Bills, there were proposals for cattle colonies; the Rural Grazing Area (RUGA) and the National Livestock Transformation Plan (NLTP) (Teniola, 2021; Agbedo, 2021). But none has been fruitful due to strong oppositions.

For instance, the proposal to establish the cattle colonies for herdsmen in 2018 was rejected by many states of the federation due to suspicion that the federal government wanted to confiscate their ancestral lands for the use of Fulani herdsmen whom they perceived to be armed militia waiting to harm them if they dwell together (Agbedo, 2021). States such as Ekiti, Benue and Taraba and have gone ahead to pass anti-grazing laws, banning open grazing in their states. Also, state governors from the Southern region have recently outlawed open grazing in their domains and called on the “Federal Government to support the WILLING states to develop alternative modern livestock management systems” (Ayitogo, May 11, 2021). In spite of these attempts/actions, there seems to be no end in sight regarding the clashes between farmers and herdsmen in the country.



Thus, as observed by Seddon & Sumberg (1997:1) “the current levels of conflict that occur in some locations are clearly intolerable for farmers, herders and also for the environment. The need for local communities to resort to such violence is indicative of a lack of policies, or that existing policies are not working to the benefit of these communities as a whole.” This is a valid observation as the conflicts between farmers and herders have become more regular in Nigeria rather than declining. This, therefore, underscores the need for Nigeria to learn from the Marial Bai agreement of 2016 in South Sudan to be able to address the conflicts in the country.

### **Background to the Marial Bai Agreement in South Sudan**

According to Onguka (2017:1) “Marial Bai is among the seven Payams of Jur River County in Western Bar el-gazal (WBeG) in South Sudan” and that it is located along the paths in which cattle breeders normally used as they move from Warrap state to Marial Bai in search of water and pasture (Onguka, 2017). As stated by Stelder & Amerongen (2021:47), since independence in 2011, “the Republic of South Sudan has been a site of ongoing social unrest and conflicts related to the civil war, thereby dividing territories and communities. Conflicts related to violence between communities have complicated the situation even more. One of these conflicts has been a dispute between farming communities and cattle keepers” as year in year out beginning from January to April, cattle herders in the Tonj and Gogrial region moved their animals towards Wau, and such yearly practice involving hungry cattle and their armed owners creates tensions with farmers in the area as cows tend to eat up the crops belonging to farmers (UNMSS, 2016). As further explicated by Stelder & Amerongen (2021):

Particularly, during the dry season when pastoralists move across state and county borders, violence back and forth bursts out as crops are eaten or trampled by the cattle and animals are killed as vengeance, leading to death, destruction of poverty and hunger. Moreover, the conflict negatively impacts inter-and intra- governmental relations, in a context where local government resources are already limited and a shared regulatory structure is often lacking (Stelder & Amerongen, 2021:47).

Also, during the journey, cattle are said to often trespass farmland and cause damage to crops, leading to conflict with local farmers and competition for water results in clashes between herdsmen and girls as well as women who want water for domestic use (Onguka, 2017).

This had been the situation of things in the region until 2014 when cattle migratory pattern of the herdsmen changed owing to the change in the pattern of rainfall. As noted by Onguka (2017), originally, “Pastoralists that moved to Marial Bai set up their cattle camps during the dry season (November-April) and returned back to Warrap state when rains started in May” but due to climatic change, she noted, “cattle migration now starts much earlier. Longer period of overcrowding has increased the competition over grazing land and water resources. It also contributes to the outbreak of livestock diseases and creates local market distortion”(Onguka,2017:1). As a result, the conflicts occurred more regularly and spread quickly while the local institutions and stakeholders lack the necessary capacities to effectively bring them to an end.

### **The Marial Bai Agreement on Cattle Seasonal Movement in South Sudan**

According to UNMSS (2016) the Marial Bai agreement between pastoralists and farmers was brokered by the International Cooperation Agency of the Association of Netherlands' Municipalities (also known as VNG) in the presence of government representatives of the three states of Wau, Gogrial and Tonj. The agreement came as a result of attempts at dispute mechanism to preserve the peace in the region. Consequently, "VNG International was invited to co-organise an initial conference of parties in 2014. After 2years of community consultation and research, their suggestions for regulation and implantation were presented at the Marial Bai Community Conference in 2016 and signed by 24 chiefs of the 19 counties" (Planetary Security, 2021). The above source also hinted that, "to enforce the agreement, an Interstates Coordinating Committee for the regulation of cattle movement, comprising members elected by the communities involved was setup alongside a robust dispute and compensation mechanism for crop or livestock damage" (Planetary Security, 2021).

### **Some key Provisions of the Marial Bai Agreement on Cattle Seasonal Movement in South Sudan**

*Seasonal migration of pastoralists from Tonj and Gogrial to Waustate during the dry season will this time depend on the fulfilments of requirements imposed by the Marial Bai Agreement of 15-17 December 2016 (UNMSS, 2016).*

The Marial Bai Agreement of 2016 contains some provisions that cover both the herdsmen and farmers' interests. For instance, the initial agreement provides that: "No pastoralist will be allowed to carry gun during migration in dry season to Wua. Whoever [is] found doing so will be disarmed by the government. Nobody will be allowed to bring his cattle to Wua without a letter of permission from their chiefs. Whoever violates this will be denied entry to Wua state" (UNMISS, 2016). The source also stated that the agreement makes provision for compensation. Accordingly, the highest pay is 100SSP per cassava plant destroyed and the lowest is 10SSP per Tobacco plant destroyed by cattle. Also, if a farmer kills a cow, he has to compensate the owner with another cow.

In 2019, the Mairal Bai agreement on cattle seasonal movement was reviewed for the first time by the Interstates Coordinating Committee and other key stakeholders. The agreement contains a total of 14 resolutions covering: natural resource; arrival time; movement related to cattle auction; pre-cattle seasonal movement procedures and letter; local cows in Wau state; mature persons to look after animals and compensation for damage of farms; killing of animals and compensation for killed animals; persons attacked by dog; determination of damage; carrying of guns; burning of grass; Interstate Coordinating Committee on Cattle Seasonal Movement; monitoring committee establishment; and Dispute Resolution Committee (DRC) Establishment.

For instance, Resolution 1, which centres on Natural Resources, states: "All parties from the three states have agreed and recognised that agricultural and animal (livestock) resources are all national resources of the Republic of South Sudan and all must be protected and Preserved." Also, Resolution 2 on Arrival Time, provides, thus:

1. "All cattle movement in the cultivation land in Wau state shall be in January every year and return from the farming areas to Gogrial and Tonj States, or other locations outside the farming areas, as the rainy season starts in April or May;
2. In the event that water and grass are not available before January, the concerned chief in Gogrial or Tonj will negotiate early arrival with the chief of the concerned area in Wau state

following the pre-cattle seasonal Movement procedures as prescribed in resolution 4 of the agreement

3. Cattle camps to arrive early in Wau State without a negotiated early arrival time will be told to go back home by the chiefs and the authorities in the three states.”

Other interesting resolutions include: Resolution 10, which states that: “all the parties from the three states agreed that there must be comprehensive disarmament to be conducted in all the three states and this subject to the policies of the three state security committees”; Resolution 11, which prohibits bush burning in order “to avoid damaging the crops and the environment [and that] anybody found burning grasses shall be brought before the law according to South Sudan Environmental Law” (1<sup>st</sup> Review of Marial Bai Agreement 2019:1-2, 6-7).

Furthermore, Resolutions 6 and 7 dwell on the compensation for destruction of crops and killing of animals as presented in **Tables 1 and 2** below (see **appendix 1 & 2**).

**Table 1** (see **appendix 1**) contains the compensation list for varieties of crops covered in the Marial Bai Agreement. All the compensations are to be paid in cash, that is, in South Sudan Pound (SSP) except that of beehive which is in kind. Accordingly, the compensations for a long term sorghum (plant) is 150; Short term sorghum (plant), 150; Bean (Stem), 90; Cassava (stem), 400; Maize (stem), 45; Groundnut (stem), 90; Hardnut (stem), 45; Simsim (square meter), 300; Telepone (head), 150; Millet (head), 150; Sugar Cane (stem), 300; Guava (seedling and Mature tree), 300; Mango (seedling and Mature tree), 300; Lemon (seedling), 300; Tomato (stem), 90; Okra (stem), 45; Banana (seedling), 300; Egg Plant (stem), 90; Pumpkin (stem), 90; Tobacco (stem), 30; Sweet Potato, 90; Beehive, Pregnant Heifer; and Grass (bundle), 90.

Similarly, in **Table 2** (see **appendix 2**), the compensation schedule for all types of animals has been spelt out. However, unlike the one for crops, compensation schedule for animals are in kind with the same animal. For instance, if a farmer kills donkey belonging to a herder, the farmer is expected to provide another donkey as compensation to the herder. So, the animals are: First Class Bull (Adong), Second Class Bull, Third Class Bull, Bull (1 year Old), Ajiép (3-6 Calves), Ajiép dhieth (2 Calves), First Class Heifer (danliac), 2nd Class Heifer, One and Half year bull/heifer, Goat (Pregnant), Nyokadong (3-5 years Old), Nyokbouth (2 years Old), Thok-Ajiép (1-6 dau), Dau, Sheep and Donkey. Any farmer who kills one of these animals must provide same for the owner as compensation. Commenting on the overall impact of the agreement, the UN (June 30, 2018) noted: “the code of conduct, as demonstrated at a recent evaluation meeting in Wau between county commissioners, chiefs and partners working with communities in the conflict-affected areas of the Bahr Ghazal region, has had a positive impact.” Also, Stelder & Amerongen (2021:47) opined that:

The Marial Bai Peace Process helped to build up goodwill and trust between the communities as well as between the communities and local government officials in the longer run.... Due to the initiative, intercommunity violent incidents have decreased overtime, compensation for damages is peacefully settled and relationships between local communities have improved.

### **Lessons for Nigeria**

Given the spate of conflicts between farmers and herders in recent times in Nigeria and the seeming impossibility to get all the cows ranched at the same time owing to financial and other critical constraints, there are lots of lessons for Nigeria to learn from the provisions of the Marial Bai agreement as immediate measure towards stemming the tide of incessant conflicts between farmers and herders in the country. Consequently, the following lessons have been considered necessary:

- i. The agreement “stipulates rules on how to resolve migration related conflicts, procedures for seeking permission to move cattle and what compensation should be paid for crops eaten and cows killed” (UN, June 30, 2018). Currently, in Nigeria such regulations do not exist. So, the conflicts have increased. This should be a great lesson to Nigeria.
- ii. The agreement engaged the services of an international body who facilitated it (UNMSS, 2016; Planetary Security, 2021). In fact, the International Cooperation Agency of the Association of Netherlands’ Municipalities (VNG) was brought into assist in the drafting of the agreement. Nigeria can do same if needs be.
- iii. Also, the agreements tresses the need for cooperation and the use of local institutions. Thus, according to Onguka (2017:2), the Marial Bai agreement demonstrates that:

Conflict between farmers and pastoralists are better mitigated when individuals, families, communities and other stakeholders are involved and take ownership over the planning and implementation of localised conflict resolution strategies. Empowerment of community based peace institutions and local government, for example on advocacy and lobby strategies, enhances the sustainability of local peace building and human security initiatives.

In almost all the attempts by the government in Nigeria to address the herders-farmers’ conflicts, there have been no robust engagements with community/local institutions. This explains why there has been total failure in all the attempts.

- iv. The outcomes of the agreement have been quite impressive. For instance, it has been able to reduce the number of farms destroyed by pastoralists during migration from 60 in 2016 to 20 in 2017. It also contributed to improved communication, collaboration and coordination among peace stakeholders such as local governments, civil society and community-based peacebuilding institutions (Onguka, 2017).
- v. It is also important to learn about the proper implementation of the agreement because after the signing of Marial Bai agreement, the committees to monitor the implementation of the agreement and compensation for violation with members elected freely by communities involved were set up immediately (Planetary Security, 2021).
- vi. Nigeria should also learn that signing an agreement or passing a law of this nature is not enough. This is why the Marial Bai agreement has been reviewed twice with first in 2019. In 2020 there was a second review. According to UN (December 2, 2020), “the Objective was to review the Marial Bai agreement a second time and discuss recurring thorny issues, such as the preserve and use of arms, cattle being moved earlier than what was been agreed on, and how to settle disputes that may still arise.”
- vii. It took two years of intensive consultations and research involving different stakeholders to bring the agreement to bear (Planetary Security, 2021). The Nigerian government cannot wake up one day and propose regulations relating to nomadism without consulting stakeholders from other regions or conducting a proper research on the subject matter.

- viii. There is a move to establish mobile court to try those who violate the provision of the agreement at the second review in 2020 (UN, December 2, 2020). Establishing a mobile court for quick dispensation of justice on matters centering majorly on farmers-herders conflicts like in South Sudan will be of great value to the effort to end the conflicts in Nigeria.
- ix. The parties involved-farmers and Herders-accepted that“ agricultural and animal resources are all national resources of the Republic of South Sudan and all must be protected and Preserved.” The great lesson here is that no occupation is superior/inferior to another, and that all are working for the growth of their country.

### **Conclusion**

The paper discussed the farmers-herders conflicts in Nigeria, its causes, impact as well as the several attempts at resolving the clashes without success. Thus, the major causes of the conflict were highlighted to include: climatic change, which brings about frequent droughts and desertification; population growth, resulting in the closure of grazing lands and routes due to population expansion of human settlement; technological and economic changes that create new methods of livestock breeding and farming; rural banditry and cattle rustling, political and ethnic strife accelerated by the spread of illicit firearms and cultural changes (the collapse of traditional conflict management mechanisms) and a non-functional legal regime that allows crime to go unpunished (Dauda, 2020). On the impact, the paper noted that between 2016 and 2018 alone at least 3,641 people were killed in the farmers-herders’ conflicts that took place in Nigeria with Benue state having the highest number of casualty as 726. In addition, the conflicts have created an atmosphere of general insecurity, mistrust among citizens, food insecurity, hunger, poverty and apprehension.

While government has continued to experiment with different strategies to end the conflict without success due to inappropriate approaches resulting in stiff oppositions against every government attempt by some sections of the country, the paper called on the Nigerian government to borrow a leaf out of the Marial Bai Agreement of 2016 in South Sudan to be able to tackle her own similar challenges occasioned by herders-farmers’ conflicts in the country. This has become necessary owing to the fact that the modern ranching, which is expected to resolve the conflict cannot be built for all the cattle at once in the face of the dwindling economy of the country as well as the long period of time needed for completion. As stated earlier, it is estimated that a 10 year-period as well as 179 bn Naira (\$500m; £380m) will be required before the 79 ranches in 10 states of the federation can be established (BBC, 6<sup>th</sup> July, 2018).

The dry season is fast approaching and if we are to wait that long to establish the ranches, as estimated, what will happen when the rains finally stop? This, therefore, calls for an alternative option to be considered for the time being as exemplified in the Marial Bai agreement.

It is important to stress that though the agreement has not solved entirely the conflict between farmers and herders in the region (Human Rights Council, 2020), it has, to a large extent, reduced the incidents of the conflict between the two groups as discussed earlier. This can also help Nigeria if adopted.

### **Recommendations**

1. Based on the previous attempts by the government to address the conflicts, it is discovered that limited or no consultation was made with stakeholders. The government should,

- therefore, research and consult widely with stakeholders to get their buy-in before embarking on the project as was done in the case of Marial Bai Agreement.
2. The roles of local authorities and community-based institutions are very crucial in the success of a project of this nature. Hence, they should be allowed to own and drive the process as well.
  3. It took two years of planning, result and consultation before the agreement was birthed. Nigeria should learn this process rather than the usual quick-fix approach that does not work.
  4. The government should adopt this approach as an alternative to ranching, which though is the ideal system of modern cattle rearing, but appears impossible at the moment due to financial challenges and other encumbrances.
  5. Mobile courts should be setup to try offenders as soon as the provisions of the agreement are breached; and victims should be compensated immediately.
  6. Finally, like the Marial Bai agreement, Nigeria can enlist the services of the VNG International, which facilitated the agreement or other similar credible organisations within or outside her shores to assist in having her own version.

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**Appendix1:Table1: Compensation List for Varieties of Crops**

S/No	Varieties of Crops, Seeds, Vegetables Trees, Fruits, Beehives and Grass	Compensation in case of damage or destruction. In SSP or in Kind as below
1	Long term Sorghum (plant)	150
2	Short term sorghum (plant)	150
3	Bean (Stem)	90
4	Cassava (stem)	400
5	Maize (stem)	45
6	Groundnut (stem)	90
7	Hardnut (stem)	45
8	Simsim (square meter	300
9	Telepone (head)	150
10	Millet (head)	150
11	Sugar Cane (stem)	300
12	Guava (seedling and mature tree)	300
13	Mango (seedling and mature tree)	300
14	Lemon (seedling)	300
15	Tomato (stem)	90
16	Okra (stem)	45
17	Banana (seedling)	300
18	Egg Plant (stem)	90
19	Pumpkin (stem)	90
20	Tobacco (stem)	30
21	Sweet Potato	90
22	Beehive	Pregnant Heifer
23	Grass (bundle)	90

Source:1<sup>st</sup>Review of Marial Bai Agreement (2019:4)

**Appendix2: Table 2 Compensation Schedule for Types of Animals**

S/No	Animals	Compensation in Cases of Destruction In kind
1	First Class Bull (Adong)	First Class Bull
2	Second Class Bull	Second Class Bull
3	Third Class Bull	Third Class Bull
4	Bull (1year Old)	Bull (1year Old)
5	Ajiep (3-6 Calves)	Ajiep (3-6 Calves)
6	Ajiepdhieth (2 Calves)	Ajiepdhieth (2Calves)
7	First Class Heifer (danliac)	First Class Heifer (danliac)
8	2 <sup>nd</sup> Class Heifer	2 <sup>nd</sup> Class Heifer
9	One and Half year bull/heifer	One and Half Year bull/heifer
10	Goat (Pregnant)	The same age pregnant goat
11	Nyokadong (3-5years Old)	Nyokadong (3-5yearsOld)
12	Nyokbouth (2yearsOld)	Nyokbouth (2 yearsOld)
13	Thok-Ajiep (1-6dau)	Thok-Ajiep (1-6dau)
14	Dau	Dau
15	Sheep	Sheep
16	Donkey	Donkey

Source:1<sup>st</sup>Review of Marial Bai Agreement (2019:5)