BEYOND THE OPEN GRAZING BAN
WHAT SOUTHERN GOVERNORS AGREED ON
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In the aftermath of the meeting of the Governors of Southern Nigeria on the 11th of May 2021 in Asaba, Delta State, the country has been caught up in the controversy generated by the ban on open grazing agreed upon by the 17 governors.

That ban has elicited reactions from the two largest herdsmen associations, Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) and Miyetti Allah Hautal Hore, an unfitting analogy by the Attorney-General of the Federation to a hypothetical ban on spare parts trading by northern governors, and a powerful rebuttal by the Ondo State Governor, Rotimi Akeredolu.

Hardly spoken of are the other nine resolutions read as part of the communique arising from the meeting, ten resolutions if the one thanking the meeting’s host, Governor Ifeanyi Okowa of Delta State, is added to it.
It was quite fitting that the governors started by reaffirming their commitment to the unity of Nigeria, especially considering the recent surge in secessionist ambitions of a section of persons in the South-West led by Sunday Igboho, and violence targeted at police stations and offices of the Independent National Electoral Commission (INEC) that some have blamed on members of the Indigenous Peoples of Biafra (IPOB).

The governors also made a call for the country’s restructuring such as the introduction of state policing,
reviewing the revenue allocation formula and moving Nigeria closer to practicing “true federalism”. Such a call comes well-timed as the Senate Constitution Review Committee has started receiving memoranda and is conducting public hearings across the country on what proposals to accept as it begins reviewing the constitution, meaning that the governors have an opportunity to push the specific proposals that will help achieve the Nigeria they envision via the Constitution.
There was also the call by the governors on the President to convene a national dialogue to look into agitations for greater inclusiveness among various peoples in the country. This call is likely to fall on deaf ears, but having a dialogue on the salient issues affecting Nigeria does not have to be via a FG-convened event. As these states have committed to exploring a framework that will foster cooperation and economic integration among the southern states, they can also add their voices to the important issues in the country without waiting for the Federal Government.

The states are right to call on the Federal Government regarding security. Although state governors are called the chief security officers of their states, it is a title that has no significance due to the fact that governors do not control any security agencies in this country. While they are called the chief security officers of their states, they do not have any real powers into deploying security agencies as these are all federal bodies. Frustrated by this legal and constitutional dilemma, governors in certain parts of southern Nigeria have set up their own regional militias - Amotekun in the South West and Ebube Agu in the South East (the South-South, a region with a potpourri and a long history of well armed and politically motivated militias and gangs have been slow to the game so far). This state of affairs, however, does little to resolve the legal dilemma. For one, these militias were created by regional consensus, with enabling state laws formally recognising these groups yet to be passed in many states. Even if the enabling laws are in place, it is worth noting that the new laws will butt heads against security being exclusively a federal
responsibility - one which Abuja has committed to defending vigorously. We have doubts about what impact a presidential address on insecurity will do in solving the problem even as Nigerians would like to have the President communicate directly with them rather than his current aloof disposition to events in the country.

While the bulk of commentary and debate on the meeting has been on the open grazing ban, most commentators missed that the governors had called on the Federal Government to support states willing to develop alternative and modern livestock management systems, especially as open grazing was no longer tenable considering the increased pressure on land by population growth and development, as well as increased conflict between the herders and farming communities. The Presidency missed that as well, and rather responded by criticising the decision of the southern governors, expressing its plans to rehabilitate grazing reserves, a plan that has now been met with rebuttals from Governors Oluwarotimi Akeredolu (Ondo); Samuel Ortom (Benue); Ifeanyi Okowa (Delta) and Ijaw leader, Edwin Clark, who described the Presidency’s reaction to the ban as “shocking” and “provocative.”

Although the governors did not mention the National Livestock Management Plan of the Federal Government by name, their call for support can be seen within the ambit of the plan which the Federal Government has hinged hopes of modernising the livestock industry but still needs the states to buy-in since the Land Use Act has enshrined ownership of lands with the states. The NLTP has included, as part of its strategy, the establishment of ranches and grazing reserves with pilot ones rolling out in seven
states, all in the North. The southern states are evidently not predisposed to that strategy (for reasons that include the unpopularity of the expropriating land from existing land owners with southern voters coupled with a successful campaign by political action groups centered around the premise that government should not take the lead in what is essentially a private economic enterprise) but have also so far failed to provide an alternative approach to the Federal Government for its support.

While some of the resolutions of the governors fall on the doorstep of the Federal Government to implement, such as ensuring that appointments to lead federal agencies reflect the country’s diversity and meet federal character requirements, there are quite a number of the resolutions that the state governments can lead on without having to wait for Abuja.

For example, the state governments may have a legal pass in terms of bypassing the Federal Government to activate and establish ports in their regions in a bid to decongest the perennially congested Apapa ports. Maritime shipping and navigation is enshrined in the Executive Legislative List as a federal legislative priority, the Constitution states that the Federal Executive and Legislature can only be responsible for “such ports as may be declared by the National Assembly to be federal ports (including the constitution and powers of port authorities for federal ports)”. Already, some states like Akwa Ibom and Cross River are looking to establish their own.
The country’s ports have been concessioned to private operators since 2005 to operate, including making infrastructure developments. Out of the six operational ports, four are spread between Cross River, Rivers and Delta States. This means that the state governments can engage with these concessionaires for the purpose of exploring how they can collaborate to ensure that the ports are operating maximally.

Not only that, the state governments are not precluded from building seaports in their domains, and a couple of states have made moves in this regard: the Akwa Ibom State Government has had the $4.2 billion Ibaka Deep Seaport on its drawing board since 2003 with the current completion date as 2023 while the Cross River State Government has...
also started preliminary work on a deep seaport in Bakassi. Progress on Ibaka has been slow but the Nigeria Shippers Council (NSC) said it expects it to begin operating later this year. After years of foot dragging, the Federal Executive Council (FEC) approved the plan for the port in 2020. The port will be part of one of the largest free trade zones in the country, covering six local government areas in Akwa Ibom: Ikot Abasi, Oruk Anam, Onna, Eastern Obolo, Mkpat Enin and Ibeno. The area designated for the zone will cover 50,000 hectares. The Bakassi port, approved on behalf of Cross River, in collaboration with the Federal Ministry of Transportation and the Nigeria Ports Authority, was looking for an operator or investor to design, build, finance, operate and transfer the infrastructure project as at April 2021.

Another example is with regards to dealing with the coronavirus pandemic, particularly with ensuring that it does not trigger another lockdown, which will be disastrous economically. There is always great benefit to be gained with ensuring greater coordination with the Federal Government, but state governments also have a lot of leeway in doing their bit to contain the epidemic, enforcing restrictions on public gatherings, increasing testing, increasing the capacity of hospitals to care for COVID-19 patients etc.

In conclusion, the governors have raised a lot of salient issues of concern in the country, and have even advised on the way forward in addressing some of them. However, there is a lot that they can do within their powers that they are failing to utilise.
ABOUT SBM

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