



**CROSS BORDER RESOURCE SHARING AGREEMENT (RSA) FOR COMMUNITIES OF KENYA
(TURKANA AND WEST POKOT COUNTIES) AND UGANDA (KARAMOJA SUB-REGION AND
SEBEI)**

BETWEEN

THE REPUBLIC OF UGANDA AND THE REPUBLIC OF KENYA

THIS AGREEMENT is made this Day of.....2024 between the Government of the Republic of Uganda and the Government of the Republic of Kenya (hereinafter jointly referred to as “the Parties “and separately as “the Party”)

PREAMBLE

COGNIZANT of the relevant National, Regional, Continental and International legal and policy frameworks on Peace and Security, Climate Change, Trade and Investment;

RECALLING that the Memorandum of Understanding between the Republic of Uganda and the Republic of Kenya signed on 12th September 2019, which recognizes cooperation, close coordination in resource sharing and peaceful coexistence, as well as bridging isolation gaps to

improve livelihoods and socio-economic conditions of cross border communities for sustainable peace and development;

NOTING that the Karamoja sub-region and Sebei in Uganda, the Turkana and West Pokot Counties in Kenya are endowed with natural resources including artisanal minerals, livestock, wildlife, pasture, non-wood forest products, fish, agriculture in pastoral areas that form a critical part of the economies of the State Parties, offering a unique potential for wealth and employment creation, trade, food and nutrition security and economic growth both in immediate and long-term transformation;

AND WHEREAS the people of Karamoja sub-region and Sebei of Uganda, Turkana, and West Pokot counties of Kenya have enjoyed close historical, cultural, linguistic, economic, and other ties for many years and are desirous for free access, safe and orderly sharing of cross border resources;

RECOGNISING that the cross-border communities are Agro-pastoralists whose livelihood systems integrate crop and livestock production, practiced among settled livestock farmers and communities and who migrate with their herds in dry seasons across borders and move back to their homesteads when the wet season sets in;

AWARE that the nomadic and agro-pastoralist communities live in arid and semiarid areas prone to adverse effects of climate change which have created complex resources sharing problems in particular disorderly migration, persistent intercommunity conflicts, insecurity, lawlessness, the proliferation of small arms and light weapons, social, environmental degradation and underdevelopment.

ACKNOWLEDGING the legitimacy and role of indigenous leadership institutions such as Kraal/Alomar/Adakar/Keston/Mongot in resource sharing negotiations, orderly movement, and Alternative Dispute Resolution (ADR) mechanism in peace-building and enhancing peaceful co-existence;

RECOGNIZING the role and contribution of livestock economy in national Gross Domestic Product (GDP) and regional development;

AND WHEREAS the said communities are urged to achieve cooperation, peaceful coexistence, orderly sharing of resources among others; resolve to adhere to the fundamental principles that shall govern the achievement of the objectives set out herein and the national laws and other frameworks;

ACKNOWLEDGING the need for organized entry/exit points for the communities along the Uganda-Kenya border and disciplined utilization of shared resources and services in grazing areas and secure cooperation of these communities and their leadership structure with the state, local Governments and County administrations to enhance security, law and order;

ACKNOWLEDGING that the goal of the Government of Uganda for Karamoja is to end nomadism and subsistence, traditional cattle keeping and build a settled society based on commercial crop agriculture and livestock, agro-processing, mining and tourism industries based on value addition to crops, livestock, and minerals;

AND WHEREAS the Government of Kenya is committed to mitigating the effects of climate change and cross-border migration in Turkana and West Pokot counties through the promotion of water for livestock and people, tarmacking roads connecting Turkana, West Pokot to Uganda and Ethiopia, Irrigation schemes along river Turkwel, the One health programs across borders, Fish factory in Lake Turkana, Turkana University, tourism in Turkana and West Pokot, Oil and gas industrial development in Lokicher basins among others.

BEARING IN MIND that the above State Parties' long-term commitments, we recognize that the current situation in which climate change and its adverse effects in the region, have necessitated involuntary migration of herders and their livestock among the people of Karamoja, Turkana, and West Pokot in search of pasture and water which is projected to persist and need for State Parties to provide for urgent and transitional arrangements for free, safe and orderly movement for a period of 5 years subject to renewal.

NOW, THEREFORE, IT IS HEREBY agreed as follows:

Article 1
DEFINITIONS

1. In this **AGREEMENT** the words enlisted here below shall have the following meaning, except where the context otherwise requires;

"Nomadic pastoralists" – refers to people who move from one place to another seeking fresh pasture and water for their livestock

"Agro-pastoralist" – This is a livelihood system that integrates crop production and livestock production, practiced among settled livestock farmers and communities.

"Alomar/Adakar/Keston/Mongot" - The clusters of kraal units settled in a place temporally to graze and water the animals within the traditional setting of Karimojong, Sabiny, Turkana and Pokot.

"Border Communities" refers to the people of Karamoja and Sebei of Uganda, Turkana and West Pokot of Kenya

"Cattle" - includes bulls, cows, oxen, heifers and calves.

"Community" - means a group of individuals or households living in a specific geographic area and sharing a common interest or goal related to the use or management of natural resources.

"County" - means Turkana County and West Pokot County as established under Article 176 of the Constitution of Kenya 2010.

"Farming area" - means an area of land devoted to agriculture, systematic and controlled use for other forms of life. Particularly for cultivation, rearing of livestock, beekeeping, and fishing.

"Grazing land" - means the field covered with vegetation, grass, and pasture suitable for livestock.



"Head of Kraal" - The overall supervisor of a communal set up of people managing livestock, and rangelands (grazing area and water points).

"Interests" - means possessory/ access/ user rights (bundles of rights).

"Livestock" - means all domestic animals including but not limited to; cattle, camels, goats, sheep, donkeys, poultry and pigs.

"Local Administration " - A lower unit of governance. Includes parishes, sub-counties, counties, and local Governments.

"Natural resources" - means the physical non-human factors and components whether renewable or non-renewable.

"One health approach" - means an approach that recognizes the interconnectedness of human, animal, and environmental health.

"Protected areas" - An area restricted or gazetted for biodiversity conservation (wildlife, forests, watersheds) and management by the laws of the States.

"Rangelands" - means open expansive land areas that include shrublands, woodlands, wetlands, and deserts that are grazed by domestic livestock and wild animals.

"Sharable Resources" - For this Agreement, sharable resources shall include; Communal pasture, Water, and Social Services i.e. Health and Education.

"Security personnel" - means any Military or paramilitary forces, any police or other law enforcement agency.

"State Parties" - means the Republic of Uganda and the Republic of Kenya

"Transnational Crime" -shall be defined in accordance with the EAC protocol on peace and security)

"Trafficking" - is the activity of buying and selling goods illegally such as arms or drugs and buying or selling people, or making money from work they are forced to do (human/people trafficking)

"Transhumance" - means pastoral livestock production system characterized by seasonal movement of herds and herders to access water and pasture between complementary ecological areas within and between State parties.

"Transhumance corridors" - means migratory routes used by border communities and

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their herds during their mobility within and across the borders of the State parties to access water, pasture, markets and other commodities.

Article 2

Objectives

To provide the border communities a framework for safe and orderly crossing of livestock and herders.

Article 3

Areas of cooperation

The Parties shall co-operate under the following areas:

1. Peace and security
 - i. Control of illicit proliferation of small arms and light weapons;
 - ii. Transnational organized crimes;
 - iii. Safe and orderly mobility of persons and livestock;
 - iv. Conflict management;
 - v. Capacity building.
2. Social services (education and health)
3. Commercial agriculture
4. Infrastructure development
5. Environment, wildlife protection and sustainability
6. Trade and investment

Article 4

PEACE AND SECURITY

Control of Illicit Proliferation of Small Arms and Light Weapons.



1. The possession of firearms and ammunition within the jurisdiction of the State Parties to the Agreement is strictly prohibited and to eradicate illicit and the proliferation of small arms and light weapons among communities within the two states, coordinated disarmament operations shall be undertaken in strict compliance with National, Regional and International laws. The State Parties shall commit resources for coordinated and consistent disarmament efforts in their areas of jurisdiction.
2. The Parties shall enhance cross-border security coordination and sharing of intelligence information as per the established security architecture by:-
 - i. Constitution of security teams to carry out coordinated patrols in the transhumance routes.
 - ii. Deployment of security personnel along the common border.
 - iii. Operationalization of the Joint Defence Committee resolution, and;
 - iv. Creation of a Joint Inter-State Fusion Unit composed of security agencies.
3. The parties shall undertake Joint verification and investigation by joint investigation teams which shall be constituted to enhance tracking and handover criminals for further legal action.
4. The parties shall enhance Communication between the Investigative departments to avoid any possible arbitrariness.

ARTICLE 5

Transnational Organised Crime

The parties shall cooperate in detecting, preventing and curtailing transnational organized crimes along the common borders and beyond.

ARTICLE 6

Safe and Orderly Movement of Persons and Livestock

1. The Parties to this Agreement shall at all times ensure safe and orderly movement of persons and livestock across the borders, subject to:

 

- i. The persons moving shall have identification either national IDs or letters from local authorities.
 - ii. The persons moving shall be received by the host Government at the designated entry point.
 - iii. The persons and livestock moving shall follow the designated routes.
2. The Parties agree to designate and gazette 6 (six) Transhumance routes as follows:
 - i. Nawountos (Turkana West)-Kamion-(Kaabong)
 - ii. Nakitongo (Turkana West)-Kaileny-(Kotido)
 - iii. Urum (Loima)-Kobebe-(Moroto)
 - iv. Lomokori(Loima)-Nakabat-Nakiloru-(Moroto)
 - v. Nauyapong-Kosiroi
 - vi. Alakas-Amudat
3. The designated transhumance routes and transitional mobility routes shall not be used to facilitate; Human Trafficking, Drug Trafficking, Trafficking in Wildlife and Trophies, Money laundering and weapons.
4. The transhumance routes may be reviewed on an annual basis.

ARTICLE 7

Conflict Management Mechanisms.

1. The local communities, local administration, and the counties concerned in collaboration with the heads of Kraals (Adakar/ Alomar/ Keston/Mongot) / village elders shall establish core working committees with a clear understanding of the issues in the community and develop a coordination and communication mechanism and/or strategies to implement this Agreement. Additionally, they shall be tasked with enforcing communal norms, passing punishment for violations, and identifying and profiling criminal networks within communities.
2. For purposes of boosting livestock recovery operations, compensation of lost lives, curtailing and deterring cattle rustling, culprits and or their immediate families and Kraal/Alomar/Adakar/Keston/Mongot leaders/village elders shall cause the return of the number of livestock stolen and handover the perpetrators for prosecution. Where the





above mechanisms fail, security personnel shall come in to enforce the locally designed approaches in line with the existing laws of the host State.

3. The Parties to this Agreement shall;
 - i. Provide the necessary services to facilitate the use of the gazetted routes and entry/exit points.
 - ii. Map out the grazing areas and water points.
4. The transhumance corridors shall be manned by joint civil administration and security personnel to ensure orderly transitional movement of pastoral communities.
5. Traditional leaders, heads of kraals, the local administration, and other stakeholders shall promote community-based approaches through community dialogue and meetings aimed at conflict resolution to guarantee and foster peaceful coexistence among themselves.
6. The local leaders undertake to institute necessary and deterrent action against those found to act contrary to or sabotage the provisions of this Agreement.
7. Security personnel shall provide adequate security to enable Agro-Pastoral communities to ably watch over their livestock when in transit.
8. The agro-pastoralists undertake to ensure that the other parties' property is respected at all times.
9. The Parties shall commit resources to support civil-military relations to enhance participation of the heads of Kraals (Alomar/ Adakar/Keston/Mongot), civil administration, and other stakeholders in the security committee meetings to bring out concerns, support in the coordination of security operations and also promote observation of human rights.
10. For purposes of regulating livestock movement, the local Governments and county administrations, in partnership with respective security agencies and other stakeholders, shall meet, establish, and enforce a clear movement plan which shall indicate the timelines of departure and return of the migrating pastoralists, along with their respective leaders on each route/grazing corridor from one respective State to another,





where necessary, it shall indicate the number of pastoralists, number of herds and approximate number of livestock expected to move in and out at any particular point.

11. Livestock may be moved in and out of the territories under jurisdiction while observing regional conventions, protocols, policy frameworks, and national laws. The movement must respect any other temporary administrative measures as may be put in place from time to time by the Parties.
12. The Parties may develop modalities to facilitate the handover of convicts and accused persons for further action by the recipient state, the handover shall be guided by existing bilateral Agreements.
13. If pastoral communities conflict with the national law, the laws of the host state shall be applicable, in the process of enforcement, security personnel and/ or enforcement officers shall conduct themselves in a manner that complies with national constitutions and existing human rights legislation, due process and fair administration of justice shall be adhered to at all times.
14. The Parties, Local Governments, National and County Administrations shall support and encourage the celebrations of previous peace accords to promote peace and harmony among the communities.
15. The local leaders undertake conflict deterrence by utilizing the existing mechanisms that include early warning and early response.

Article 8

Capacity Building

In order to build the capacity of the security personnel deployed to man the transhumance corridors, parties shall collaboratively organize joint training exercises for law enforcement personnel from both parties to improve communication, tactics, and cross-border coordination.

ARTICLE 9

Social Services; Education and Health



1. The Parties will recommend compulsory boarding primary and secondary education for all school-age-going children;
2. The Parties will ensure access to Primary, Secondary, and Tertiary education including Universities where resources permit;
3. The Parties undertake to prioritize extension and access to health services in their respective regions.
4. The Parties, Local Governments, and County administrations shall ensure timely delivery of primary health care and vaccination services in the pastoralist areas through administering One Health Programmes;
5. Border communities of both Uganda and Kenya shall have unrestricted access to animal health and production extension services.

ARTICLE 10

Commercial Agriculture.

1. The Parties shall promote and finance commercial agriculture (crops and livestock) in Karamoja sub-region and Sebei; and West Pokot and Turkana Counties;
2. The Parties shall promote, finance, and coordinate value addition of crops and livestock to provide alternative means of livelihood for the communities.
3. The Parties shall establish mechanized agriculture training and servicing units/repair workshops for tractors and other equipment in each sub-region (Northern, Central, and Southern Karamoja and Sebei, Turkana, and West Pokot Counties);
4. The Parties shall support individual/family farm units and communal ranching type of producer co-operative with defined area (where possible), fenced and supplied with enough water valley tanks and dip-tanks.

ARTICLE 11

Infrastructural Development



1. The Parties shall prioritize the construction and upgrading of transhumance routes, strategic security routes as well as other regional and international routes or roads
2. The Local Governments and County Administrations of each party shall establish recognized and identified markets where properly identified livestock shall have access to the markets and traders shall only purchase properly identified animals. Livestock leaving the market and on transit shall have movement permits to curb commercialized cattle rustling.
3. The parties shall provide adequate water for mechanized commercial irrigation and livestock use, through the construction of communal dams and individualized valley tanks.
4. The Parties shall develop critical infrastructural facilities that include, schools, hospitals, health centers, roads, veterinary services.
5. The parties agree to work consultatively with border communities throughout the planning and implementation process and establish a joint monitoring and evaluation implementation framework.

ARTICLE 12

Environmental, Wildlife Protection and Sustainability

1. The Parties shall invest in the Karamoja Sub-region and Sebei, West Pokot, and Turkana counties through integrated land use plans that take into consideration the transitional migration due to effects of climate change, by putting in place climate change mitigation mechanisms, setting resources aside to address the immediate needs of pastoralists,



disaster risk management strategies, tracking of animal mobility, early warning mechanisms and long-term investment in the pastoral areas.

2. Livestock may be moved within the identified and clustered pasture areas and when doing so, restricted areas, including forest reserves, wetlands, wildlife sanctuaries, private properties, and those other areas that may be classified by the two States, shall be respected. Any access to the restricted areas shall be upon request made by the heads of Kraals to the Authorities in-charge who may grant or deny access.
3. The utilization of natural resources for feeding and watering livestock shall be done in a sustainable manner that preserves the rights of the present and future generations. Proper management and practices should be adhered to prevent the depletion of natural resources, including aerial seeding.
4. During movement, the herders shall utilise, pasture, water and social services along the gazzeted routes in line with procedure and guidelines provided by the host party.
5. Development projects along Uganda – Kenya border routes shall be designed and implemented with the participation of communities and in the realization of the need to preserve natural resources and in strict compliance to the environmental regulations including adherence to the Environmental Regulatory Frameworks in the respective State Parties.

Article 13

Participation of border communities in the implementation of the agreement

The parties shall ensure that the border communities play an active role in the implementation of this agreement and this shall include:

- i. Adopting sustainable grazing practices;
- ii. Embracing livelihood diversification;
- iii. Adopt sustainable crop husbandry practices;

- iv. Embrace peace building;
- v. Embrace early warning systems.

ARTICLE 14

Trade and Investment

THAT the Parties shall promote trade and investment by eliminating all non-tariff barriers and other unnecessary restrictions on the movement of goods and services.

Article 15

Institutional implementation Framework

The Parties shall establish a Joint Technical Steering Committee (JTC) under the Ministry responsible for East African Community (EAC) Affairs in Uganda and Ministry responsible for Arid and Semi-Arid Lands in Kenya which will oversee the implementation of this Memorandum of Understanding and will work closely with relevant National Government Ministries, Departments and Agencies, County/Local Governments, East African Community, Regional Agencies, UN Country Teams, IGAD, AU and other Development Partners. The Parties shall agree on the composition and mandate of the Joint Technical Steering Committee as well as other relevant implementation structures/frameworks.

ARTICLE 16

Review and Implementation Period

This AGREEMENT shall run for a period of 5 years, subject to annual reviews.

Article 17

Dispute Resolution

In the event of any disagreement or dispute between the Parties on any matter arising hereunder and particularly as to the breach of this **AGREEMENT**, the same shall



be referred to the representatives of their Governments through established diplomatic channels.

Article 18

Financial provision

The Parties undertake to formulate their respective budgets related to the costs and expenses derived from this Agreement, in accordance with their national legislation and financial resources necessary for the effective implementation of this Agreement.

Article 19

Confidentiality

Each Party shall undertake to preserve the confidentiality of information, documents or data received from the other Party during the implementation of this Agreement. Such information shall not be communicated to any third party without prior consent of the other party. In the event of termination, the Parties agree that the preservation of confidentiality shall continue to apply in activities undertaken during the duration of this Agreement.

Article 20

Jurisdiction

1. The Border communities shall be entitled to the protection of the law and fair access to justice when in the jurisdiction of either party, they shall fully respect the domestic law and shall abstain from any activity inconsistent with the domestic law or the spirit of this Agreement.
2. Parties agree that where the border communities are in conflict with the national law, the laws of that state shall be applicable. While implementing the laws, security personnel and or enforcement officers shall conduct themselves in a manner that respects, observes, and promotes human rights. Further, in the application of the referred laws, due process and fair administrative action shall be adhered to at all times.

Article 21

Amendment



1. This Agreement may be amended as may be required from time to time by mutual written consent of the Parties. Such amendments shall be signed and dated by the Parties prior to any changes being effected and shall come into force on such a date as shall be mutually agreed upon by the Parties;
2. Any amendment shall be done without prejudice to the rights and obligations arising from or based on this Agreement prior to the date of such amendment.

Article 22

Notices and Communication

All notices or other communications made pursuant to this Agreement shall be conveyed through the established diplomatic channels.

Article 23

Force Majeure

Neither Party State shall be in breach of this Agreement if it is prevented from performing any of its obligations hereunder, by reason of strikes, boycotts, acts of God, wars, riots, sabotage, acts of public enemy or any other circumstances of a similar nature, provided that prompt written notice is given by such Partner State to the other and is simultaneously referred to the Joint Implementation Committee in the most expeditious manner, setting forth the circumstances or inability giving rise to the failure to fulfill such obligations.

Article 24

Entry into force, Duration and Termination

1. This Agreement shall enter into force six (6) months after signature by both parties.
2. This Agreement shall be in force for five (5) years and maybe renewed by mutual consent on the basis of reports of annual Implementation reviews.
3. This agreement may be terminated by either party by giving a six (6) months notification in writing through diplomatic channels.

IN WITNESS WHEREOF;



THE PARTIES hereto, acting through their duly elected representatives, have signed this Agreement on the date first written herein above.

SIGNED BY:

HON BEATRICE ASKUL MOE

CABINET SECRETARY

**MINISTRY OF EAST AFRICAN
COMMUNITY(EAC),**

THE ASALS AND REGIONAL DEVELOPMENT

REPUBLIC OF KENYA

In the presence of:

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SIGNED BY:

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1ST DEPUTY PRIME MINISTER

& MINISTER OF EAC AFFAIRS

**MINISTRY OF EAST AFRICAN COMMUNITY
AFFAIRS**

REPUBLIC OF UGANDA

In the presence of:

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