



Cross-Border Pastoralists Resources Sharing Agreement Between the Republic of Uganda and the Republic of Kenya



Background and
Situational Analysis

Drafting Committee
March 4th, 2023

Produced by



OPERATION
WEALTH
CREATION

Information
Management
Centre (IMC)

in conjunction
with



AFRICA
LEADERSHIP
INSTITUTE

and



KARAMOJA PEACE AND
TECHNOLOGY UNIVERSITY
(KAPATU) PROJECT

Abbreviations

ADR	Alternative Dispute Resolution
AU	African Union
IGAD	Intergovernmental Authority on Development
MoU	Memorandum of Understanding
TCDP	Transhumance Corridors Development Plan

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Executive Summary

This synthesis report forms a background and situation analysis of the Cross-Border Sharing Agreement between the pastoralist communities of Turkana and West Pokot of Kenya and the Karimojong of Uganda. It teases out the most critical problems to be solved by the implementation of the agreement in order for the cross-border pastoralist communities to attain peaceful co-existence and sustainable development.

The Cross-Border Resource Sharing Agreement derives its authority and power from the Policy and Legal Framework set out by African Union, Intergovernmental Authority for Development (IGAD) and from the East African Cooperation protocols and policies.

AU Policy Framework on Pastoralism maintains that, “African pastoralism is defined by a high reliance on livestock as a source of economic and social wellbeing, and various types of strategic mobility to access water and grazing resources in areas of high rainfall variability. Pastoralism is found in all regions of Africa and in some regions, is the dominant livelihoods system. Pastoralists supply very substantial numbers of livestock to domestic, regional and international markets and therefore, make crucial – but often undervalued – contributions to national and regional economies in Africa. Their production systems are highly adaptive, constantly responding to market and climatic trends. Pastoralist culture is part of the cultural heritage of Africa, and animal and plant resources in pastoral areas comprise one of the most important types of genetic resource on the continent”.

At regional level, this Cross-Border Resource Sharing Agreement is anchored on the Policy Framework which upholds free, safe and orderly cross-border mobility of transhumant livestock and herders in search of pasture and water as an adaptation mechanism to climate change and weather variability within the IGAD region.

This is further reinforced and invigorated by the Kenya and Uganda Memorandum of Understanding (MoU) of September 2019 that allows for reciprocal grazing and other forms of cross-border assistance, such as access to education and health services in Kenya by communities from other parts of the Karamoja cluster.

Despite the above Policy and Legal Frameworks, pastoralists have had the following challenges:

- a) Limited knowledge of the law hinders seeking justice for cross-border issues among pastoralists and government institutions, including immigration, administrators, and security agencies.
- b) Lack of clarity in government institution engagement with pastoralists and between government-government institutions leads to confusion in resource sharing policies.
- c) The absence of a formal process of entry for pastoralists migrating across borders creates a challenge in managing resource sharing and migration.
- d) Prosecution of cross-border crimes and punishment of offenders among pastoralists is challenging due to a lack of access to diplomatic representation and unclear legal processes.
- e) The international frameworks' lack of legal obligations and pathways to ratification limits their effectiveness in promoting resource sharing among member states.

The Ugandan side of the Kenya-Uganda border region holds a vast range of pastoral resources that are essential for cross-border sharing, including water and grass pastures. Additionally, facilities necessary for cross-border transhumance exist on this side. Therefore, sustainable management practices that consider the needs of both pastoralists and other land users are crucial.

The IGAD/ICPALD have done transhumance mapping on the Uganda - Kenya corridor and have produced some of the most comprehensive understanding of transhumance routes aimed at supporting the IGAD protocol on transhumance, guiding member states on what, where, and how to invest in the Karamoja pastoral regions.

The primary sources of water in the region include rivers and seasonal streams, rock catchments, boreholes, and wells. The availability of water in the region is heavily influenced by unpredictable and erratic rainfall patterns, which can pose significant challenges for the health, livelihoods, and well-being of local communities. Access to safe and reliable water sources is crucial for human survival, as well as for agricultural, livestock rearing, and other economic activities.

However, the routes in the region are poorly accessible to both primary and secondary schools in both Kenya and Uganda. This inaccessibility is particularly significant in routes 5, 7, 8, and 9, where protected areas such as Pire along route 5, Magos along route 8, Nakiloroa-long along route 9, and past Nakitongo along route 7 into Uganda hinder access. The situation is similar in central and southern routes.

In terms of access to human health, pastoralists face challenges along the transhumance routes from north to south, particularly along routes 3, 5, 6, 7, 8, 9, 10, and 11. Although some health facilities are available closer to the routes, they often have limited amounts of drugs, and mothers and children must walk over 50 km to access proper medical services. The situation is moderate for routes 12, 13, and 14.

Market infrastructure is also limited along the routes, particularly for routes 3, 5, 6, 7, 8, 9, 10, and 11, where there is very low access to markets or centers of trade within 10 km or less along the route. Markets are only located at the beginning point at Kakuma (Kenya), at Oropoi (Kenya), and in Kaabong and towards Kacheri. Route 8 has market centers at Nakitongo (Kenya), Loyoro, and Nakapelimoru (Uganda). The southern routes, such as 12, 13, and 14, have moderate access to markets, with markets only found at the starting points of these routes, i.e., Orolwo, Nakuyen, and Kanyerus in Kenya and Karita in Uganda.

Regarding security facilities, the routes are generally underserved, falling within the poor/low security access level compared to conflict hotspots. The routes are also riddled with insecurity, and some internal conflicts have been reported even where some security apparatuses are available. The road and telecommunication network is also very poor along the border line, making it difficult for security personnel to access these areas in case of any insecurity-related situations.

- The most critical key considerations of this situation analysis are:
- There is pressure on existing resources on the Ugandan side of the border
- How can social services on the Ugandan side of the border be better developed to handle pressure?
- The issue of equitable investment in (water, pastures) natural resources in Uganda and Kenya e.g. natural resources protection and rehabilitation;

- Local agreements and arrangements for grazing exist within local communities through practices such as *Etamam*. How can these practices get better suited to formal practices of the two states?
- Facilitation of cross-border livestock vaccination, disease surveillance and monitoring of trans-boundary diseases. Kenya/Uganda need to recognize and invest in ‘one health’ for mobile populations. Interventions so far are not regular, and not well funded.
- Negotiation for resources at the political level should be inclusive of local governments/leadership.

Under customary tenure, there are shared resources like pastures, water, and indigenous knowledge, owned and used by different groups and individuals. Primary rights holders are typically the bonafide occupants of the grazing and watering points, who have unlimited access and use of resources as actual owners. Secondary rights holders are neighbouring communities who share resources with primary rights holders and have rights to access and use natural resources with their consent. Tertiary rights holders are any other group or individuals who don't have automatic access and use of natural resources.

In cross-border resource sharing, states have both rights and obligations. The rights of states include the right to sovereignty and control over their territories and resources, as well as the right to determine the terms and conditions of resource sharing agreements.

Resource sharing modalities must be instituted at all level. Sensitization, intercommunity dialogue, and the involvement of local (and possibly national) leaders in the discussion help ensure that the process becomes part of the local, national, and regional agenda. Community-based organizations and (inter)national NGOs are responsible for this component.

The resource sharing agreement will provide a basis for improved resolution of crime through community to government dialogue and inter-agency co-operation. Their key considerations at on point are:

- a) Disempowerment of communities in conflict resolution needs to be addressed by creating organized systems within the kraals and acknowledging kraal

associations as part of the leadership structure in the resource sharing agreement.

- b) Dialogue for conflict management should be fostered within communities, and governments should financially support local authorities to facilitate conflict management at the community level, including the support of local structures such as peace committees.
- c) The issue of unequal treatment among Kenyan pastoralists/representatives in Uganda can be addressed by establishing fair and just treatment, providing equity and representation for the vulnerable (such as women, children, disabled individuals), and establishing simple pathways for resolving grievances.
- d) The implementation of conflict resolutions at the local level should be in keeping with the spirit of national constitutions and respective laws, and support should be provided to ensure adherence to these resolutions.
- e) Alternative dispute resolution (ADR) practices, such as the Nabilatuk and Moruitit resolutions, should be encouraged, codified, and supported by different governments, even if they are not always consistent with formal state practices and laws.
- f) Cases of sexual and gender-based violence in the corridors need to be addressed through appropriate measures and support for victims, especially women, girls, and children.
- a) The involvement of youth and women in conflict management can be facilitated by creating representative conflict management committees. The participation of women in conflict management should be made mandatory, where possible.

On security concerns, the report notes that insecurity has negatively affected access to shared resources in the region, reducing and constraining mobile pastoralist movement, even as climate change is increasing the need for secure movement to make the most of the region's changing pasture and water resources.

Access to firearms through internal and cross-border trade has enabled criminal elements to continue acquiring rifles, replenishing their ammunition stock, and generally facilitating re-armament. Homesteads and kraals in the rangelands have also acquired arms as they are otherwise unprotected from raiders. To address the situation, the governments of Uganda and Kenya have undertaken various strategies, including disarmament operations, and implementing socio-economic programs.

In order to address the challenges that both Kenya and Uganda face with regard to provision of security to facilitate cross-border transhumance, an increased level of engagement between security agencies from both countries is recommended, to harmonize security responses. In addition, it is critical that security agencies from both countries engage in continuous and meaningful dialogue with community and kraal leaders, to agree on mutually accountable responsibilities for security provision. It is important that communities and the military work together.

Any disarmament should be done concurrently across different jurisdictions and take place in close cooperation with community leadership. In order to ensure effective collaboration between the two countries, regular sharing of intelligence through the creation of joint fusion units and exchange of military liaison officers and other appropriate means is recommended.

Under security issues the following considerations were isolated for implementation as an enabling environment for successful Cross-Border Resource Sharing:

- a) The flow of illegal firearms, which is a security concern that needs to be addressed through a disarmament protocol.
- b) Harmonizing disarmament activities in pastoralist communities in Kenya and Uganda and concurrently undertaking disarmament operations against armed members of the communities.
- c) Develop security infrastructure such as roads and telecommunications services to make it easy to respond to security threats.

- d) Deployment of Kenya Defense Forces (KDF) at select border points to strengthen joint operations of security forces.
- e) Civil-military cooperation should also be strengthened to ensure effective management of security challenges.

The background and situation analysis also took cognizance of environmental concerns for sustainability. It holds that achieving ecosystem sustainability is critical for long-term resource access and the safety and protection of pastoralist communities.

Cross-border agreements should respect traditional land management practices anchored by host communities, and pastoral mobility systems should consider respect for different land uses, including cultivated lands, traditional shrines, and private lands and forests.

These protected areas are home to a variety of large mammals and carnivores, as well as indigenous forests, shared water resources, and grazing areas for pastoralists. Poor resource management practices and human-wildlife conflicts are critical issues in the region, and resource-sharing agreements should be put in place to mitigate these conflicts. Sensitization of bush burning is also necessary to ensure the safety of wildlife and livestock inside protected areas, especially during dry seasons when wildfires are more common.

The report made the following considerations with regard to environmental management and sustainability:

- a) Promote sustainable exploitation of biodiversity within the area covered by the resource sharing agreement, while minimizing negative impacts on the environment and local communities.
- b) Address human-environment conflicts through a collaborative approach between government agencies and local communities.
- c) Enhance government understanding of and support for pastoralist inter-communal pasture/water user agreements
- d) Mitigate the issue of depletion of resources in protected areas resulting from the resource sharing arrangements through appropriate monitoring efforts, dialogue, and sanction under existing laws.

- e) Ensure engagement with communities on the necessary regulation of access to, and proper maintenance of water facilities for wildlife and local communities.
- f) Address the environmental and other natural resources issues that may arise during the execution of this agreement.
- g) Human-wildlife conflicts compound problems related to the management of protected areas. Furthermore, there's issues related to the expansion of conservation areas into community grazing lands.
- h) Take measures to prevent and manage the introduction of invasive species which may have negative impacts on the environment and local biodiversity within the resource sharing area.

For successful realization of the Cross-Border Resource Sharing Agreement, it is important to involve pastoral communities at all levels an especially through sharing their traditional knowledge of the natural resources and ecosystems, as well as their customs, values, and practices related to resource use and management. Their participation can help to ensure that their interests and needs are considered, and that the resource sharing agreement is equitable and sustainable.

The report is also speaking to the fact that effective communication is crucial for the successful implementation of the resource sharing agreement. All stakeholders should adopt appropriate communication strategies, including public education and awareness campaigns, the use of Information and communication technology and regular cross-border dialogue. The implementation of the agreement should be guaranteed by both governments, and mechanisms should be put in place to ensure its implementation at all levels.

Finally, the report provided a monitoring and evaluation framework since monitoring and evaluation are crucial for the success of a cross-border resource sharing agreement between Kenya and Uganda. It provides early indications of progress or lack thereof in achieving the agreement's objectives, which include free access, safety, and orderly movements of pastoralists and cross-border trade. Without monitoring, it is impossible to measure results or recognize failures, leading to the inability to reward success or correct failure. Demonstrating results through monitoring and evaluation can also help gain public support as a measure of accountability.

Introduction

The breadth of the part of the Uganda-Kenya border in question is approximately 430 km long. This cross-border terrain is mostly rugged and mountainous, and mostly remote and inaccessible except for mobile pastoralists. The population of these areas is in total 2,748,171 (Karamoja 1,200,000; Turkana 926,945, and West Pokot 621,226). The region is predominantly arid and semi-arid (ASAL) with a bimodal rainfall system receiving an average precipitation of between 188 mm and 1200 mm annually. The effects of climate change are expected to be particularly pronounced in the horn of Africa, where rising temperatures, unpredictable anomalous rainfall, and high vulnerability to extreme natural hazards will continue to exacerbate human conflict and harm local and regional human, economic, and environmental security. The prolonged droughts have resulted in the drying up of natural water resources leading to insufficient amounts of pasture and water available for domestic and livestock use.

Resource-based conflicts along the cross borders are often caused by negative cultural beliefs, cattle rustling, and movements in search of pasture and water. Traditional reciprocal resource agreements between ethnic groups govern the use of shared resources during times of drought, which are essential for pastoral mobility and livelihood systems. For centuries, Kenyan Turkana and West Pokot clans have relied on Uganda Karamojong land as a "fallback" region during droughts.

In September 2019, the Presidents of Uganda and Kenya signed a Memorandum of Understanding in Moroto with the objective according communities at the borders with opportunities for better cooperation, close coordination and peaceful coexistence, as well as bridging isolation gaps to improve their livelihood and socio-economic conditions for sustainable peace and development.

It is on the background of the 20th February 2023, joint high-level security mission-stakeholder meeting between Kenya and Uganda in Moroto in Hotel Africana; a number of issues were deliberated such as; the release of nine Turkana herders held in Uganda prisons for crimes committed while they were suspected to be grazing their herds in Uganda. Participants at the joint meeting considered the issue at hand and determined that it should be considered within the context of the broad provisions of the cross-border MOU. However, it was further

determined that the MOU while provided for in the MOU, there is no elaboration on cross-border resources sharing.

Therefore, cross-border agreement is based on desk review of previous materials such as AU policy framework on pastoralism in Africa, IGAD Protocol on transhumance, Cross border MOU. Mapping shared resources, key informant interviews, and national and international laws.

This situation analysis and background report to the Cross-border resource sharing agreement was gleaned from secondary data collection by way of literature review enriched with the vast experience of the team which comprised of members of civil society organizations, security experts and relevant government heads of departments.

Section I: The Policy and Institutional Framework

At the regional level, several key Pastoralists policy and institutional frameworks, such as the African Union's (AU) policy framework on Pastoralism in Africa and the Declarations of N'djamena and Nouakchott, are non-binding.¹ These can be first steps toward legally binding international agreements, as well as providing momentum for national advocacy. However, their implementation is contingent on member states' as well as their respective border communities' commitments.²

Furthermore, the AU Agenda 2063 is a framework for implementing seven aspirations, each with a goal of improving equitable and sustainable socio-economic prosperity, peace and stability, culture, and stronger governance. Two of its seven aspirations speak closest to natural resources management, namely: a) developing human capital, social assets, infrastructure and public goods, and b) establishing enduring peace and security.

Additionally, the IGAD protocol on pastoralism and Trans-boundary transhumance, which was approved at the ministerial level in November 2020, calls for the use of transhumance corridors and the issuance of a transhumance certificate.³ One aim of the protocol is to enhance a conducive environment for pastoralism in member States and to formulate, for that purpose, a harmonious facilitative and regulative regional policy and institutional framework on transhumance. In line with this, the protocol has three key intentions: a) allowing free, safe

¹ Davies, J., Ogali, C., Slobodian, L., Roba, G., & Ouedraogo, R. (2018).

² *ibid*

³ IGAD, 2020

and orderly cross-border mobility of transhumant livestock and herders in search of pasture and water as an adaptation mechanism to climate change and weather variability within the IGAD region, b) committing member states to invest adequate resources to pastoral regions and competent institutions managing transhumance, c) harmonization of national laws and policies related to livestock and pastoral development, land use and governance, disease control and cross-border measures.⁴

Moreover, Kenya and Uganda signed a memorandum of understanding (MoU) in September 2019 that allows for reciprocal grazing and other forms of cross-border assistance, such as access to education and health services in Kenya by communities from other parts of the Karamoja cluster.⁵ This began as a grassroots initiative that grew into a bilateral agreement. However, for the time being, it is merely a declaration of intent. Furthermore, it does not address the issue of uneven disarmament, which has been rigorous and sustained on the Ugandan side but intermittent elsewhere in the cluster, upsetting the balance of power between different groups.

Regional and continental frameworks are thought to be more progressive in their recognition of mobility and trans-boundary resource management for pastoralists.⁶ For example, the African Union Policy Framework for Pastoralism in Africa is described as a "much-needed antidote" to some governments' sedentarisation agenda.

However, whereas several regional policy frameworks encourage cross-border movement and natural resource sharing mechanisms for pastoralists, the main policy and legal framework

⁴ *ibid*

⁵ Feyissa, *Supra* n.51

⁶ IGAD, 2022

limitation has been the variance between national and regional or continental policy responses to border areas and borderland communities.⁷

Border areas are also typically dominated by security and sovereignty concerns, and governments are frequently influenced by immediate geopolitical pressures.⁸ Furthermore, regional commitments signed by ministers other than those in charge of security or foreign affairs, such as those governing cross-border trade, may be viewed as less significant in domestic government circles.

International policies recognize the rights of pastoralists and aim to secure and protect their lives, livelihoods, and rights, while reinforcing the contribution of pastoral livestock to national and regional economies. These policies also aim to make pastoralism more productive and sustainable, reduce rural poverty, and enable more inclusive and efficient pastoralism. Key provisions in these policies include strengthening pastoralist access to their traditional rangelands, supporting the further development of regional and national policies to enable pastoral mobility, preventing avoidable losses of livestock assets, supporting the marketing of pastoral livestock and products, and recognizing the importance of indigenous pastoral institutions. The main bottleneck remains the *absence of effective 'complaints and redress mechanism'* in seeking access to justice in transhuman corridors among pastoral communities, which can be addressed by respective government systems within the broad description of international best practices and guidelines.

Key Considerations for the Resource Sharing Agreement:

1. Limited knowledge of the law hinders seeking justice for cross-border issues among pastoralists and government institutions, including Kraal/Alomar/Adakar leaders, administrators, and security agencies.

⁷ World Bank, 2020a

⁸ Davies et al. 2019

2. Lack of clarity in government institutions engagement with pastoralists and between government-to-government institutions leads to confusion in resource sharing policies.
3. The absence of a formal process of entry and exit for pastoralists migrating across borders creates a challenge in managing cross-border resource sharing and migration.
4. Prosecution of cross-border crimes and punishment of offenders among migrating pastoralists is challenging due to a lack of access to legal, civil administrative and diplomatic representation and unclear legal processes in host country and host community.
5. The international policy and institutional frameworks' lack of legal obligations and pathways to ratification, limits their effectiveness in promoting cross-border resource sharing among member states.

Additional Sources used:

AU policy framework

IGAD Transhumance

Transhumance implementation strategy

Section II: Shared Pastoral Resources in the Uganda - Kenya Border

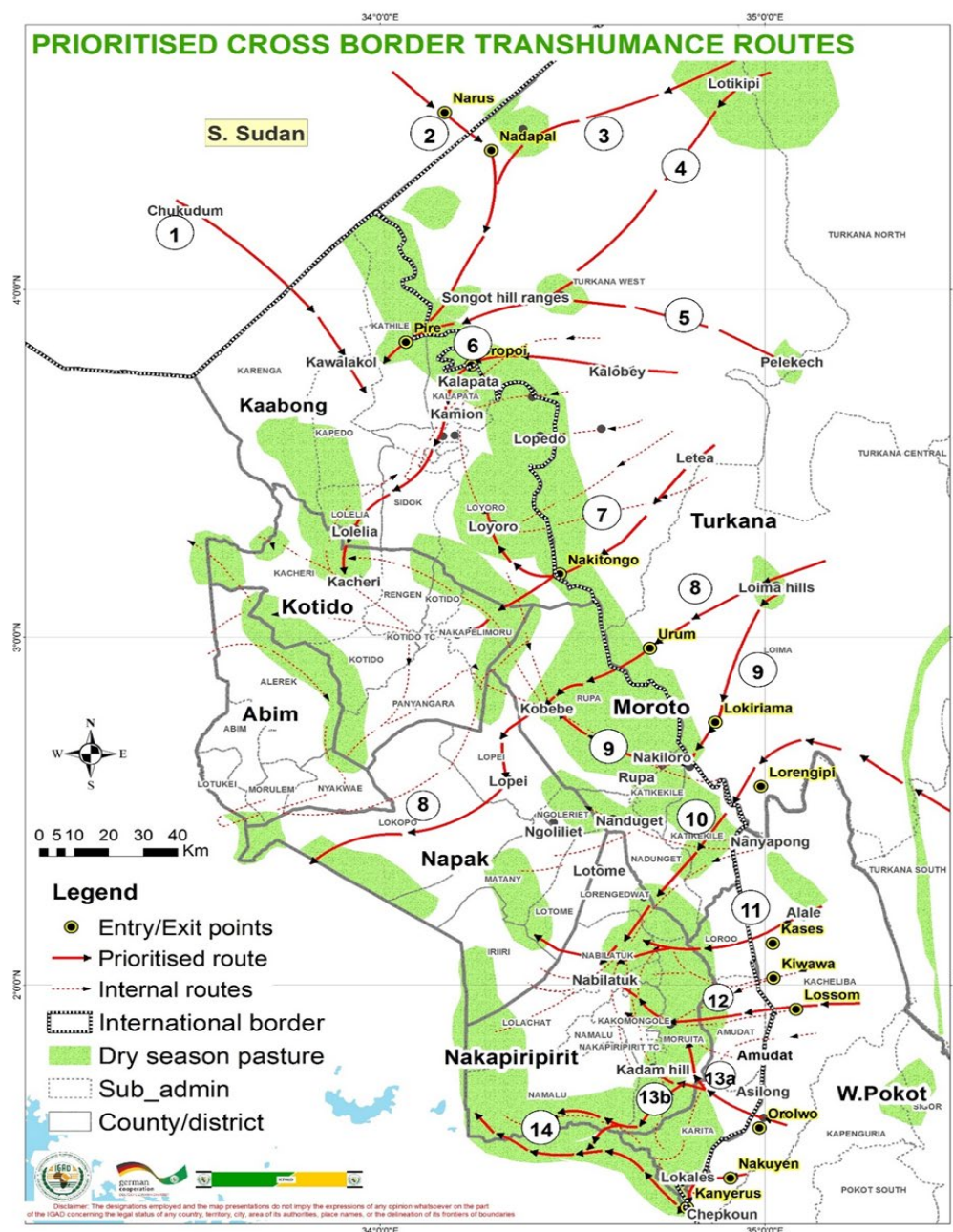
The Ugandan side of the Kenya-Uganda border region holds a vast range of pastoral resources that are essential for cross-border sharing, including water and grass pastures. Additionally, social services, livestock health and market facilities necessary for cross-border transhumance exist on this side. The region offers a diverse range of livestock resources well-suited for transhumance, although climate change, land degradation, and conflicts between pastoral communities and farmers pose a threat to these resources. Therefore, sustainable management practices that consider the needs of both pastoralists and other land users in the present and future, are crucial.

The available forage in the Karamoja region supports livestock production across vast tracts of grazing land.

The IGAD/ICPALD have done transhumance mapping on the Uganda - Kenya corridor and have produced some of the most comprehensive understanding of transhumance routes and cross-border grazing corridors. Pastoral communities traditionally move their herds between different grazing areas, and based on this, the GIZ SCIDA III program has developed the Transhumance Corridors Development Plan (TCDP) for routes 3, 5, 6, 7, 8, 9, 10, 11, 13, and 14 (see map on next page). The aim of the plan is to support the IGAD protocol on transhumance, guiding member states on what, where, and how to invest in the Karamoja cluster pastoral regions. The TCDP provides guidelines to promote and enhance the livelihoods of local communities and meet the needs of the pastoral population regarding watering, grazing, and accessibility to social amenities. The analysis below uses this comprehensive piece of work, as well as other mapping information.

Grazing routes: These routes are mainly located in the northwestern part of Kenya, close to the border with South Sudan. **Route 1** starts in Chukudum and passes through Newkuch and Kidepo National Park before reaching Kawakol and Usake, finally ending in Kidepo National

Park. **Route 2** starts in Narus (South Sudan) and goes through Nadapal, the Mogilla ranges, Solei, and Pirre. **Route 3** starts in Lotikipi and crosses the Mogilla ranges to reach Pirre. **Routes 4 and 5** both start in Lotikipi but take different routes to reach Pirre, passing through the Songot hill ranges and Pelekech, respectively. **Route 6** begins in Kalobeyei and passes through Nawantos/Oropoi, Naporoto, Timu, Kamion, Lolelia, and Kacheri before ending in Nakapelimoru. **Route 7** starts in Letea and goes through Loreng, Nakitongo, Morulem, and Loyoro/Nakapilemoru. **Route 8** starts in Loima hill and passes through Urum, Nacharakan, Naitai, Kobebe, and Lopei. **Route 9** also starts in Loima hill but takes a different route, passing through Lokiriama and Nakiloro before reaching Kobebe through Naput and Lopei, Lokopo, and Apeitolim, crossing into Teso sub-region. **Route 10** starts in Turkana South and goes through Lorengipi, Loya, Tapac, Katikile, Nadunget, Lorengedwat, and Nabilatuk. **Route 11** starts in North Pokot and goes through Alale/Kasitot, Lopedot, Loroo, Achorichor, and Nabilatuk/Lotome. **Route 12** starts in North Pokot and goes through Lossam.



Prioritized cross-border transhumance routes - Uganda & Kenya. IGAD/ICPALD.

Grazing grounds: The grazing grounds used for cross-border transhumance are primarily located in the eastern part of the region, particularly in the northern half. These grazing grounds are utilized throughout both in the dry and wet seasons and include areas such as Kawalakol (Karenga district), Kalapata, Kamion, Pire, Loyoro, Lopedo (Kaabong district), Nakitongo (on the border of Kenya and Uganda), Nakapelimoru, Rengen, and Panyangara (Kotido district), Rupa, Lotisan, Kobebe, Nakonyen, Nakiloro, Tapac and Katikekile (Moroto district), Kakomongole, Moruita, Kadam, Namalu, Kaawach, and the Pian-Upe reserve (Nakapiripirit),

and Apeitolim, Lokopo, Lopeei, Lotome (Napak), Lorengedwat, Lolachat, and Nabilatuk (Nabilatuk district).

Water resources: The availability of runoff water and groundwater varies along the Kenya-Uganda border, with the West Pokot, Turkana, and Karamoja regions being arid and semi-arid areas with limited access to water resources. The primary sources of water in the region include rivers and seasonal streams, rock catchments, boreholes, and wells. The availability of water in the region is heavily influenced by unpredictable and erratic rainfall patterns, which can pose significant challenges for the health, livelihoods, and well-being of local communities. Access to safe and reliable water sources is crucial for human survival, as well as for agricultural, livestock rearing, and other economic activities.

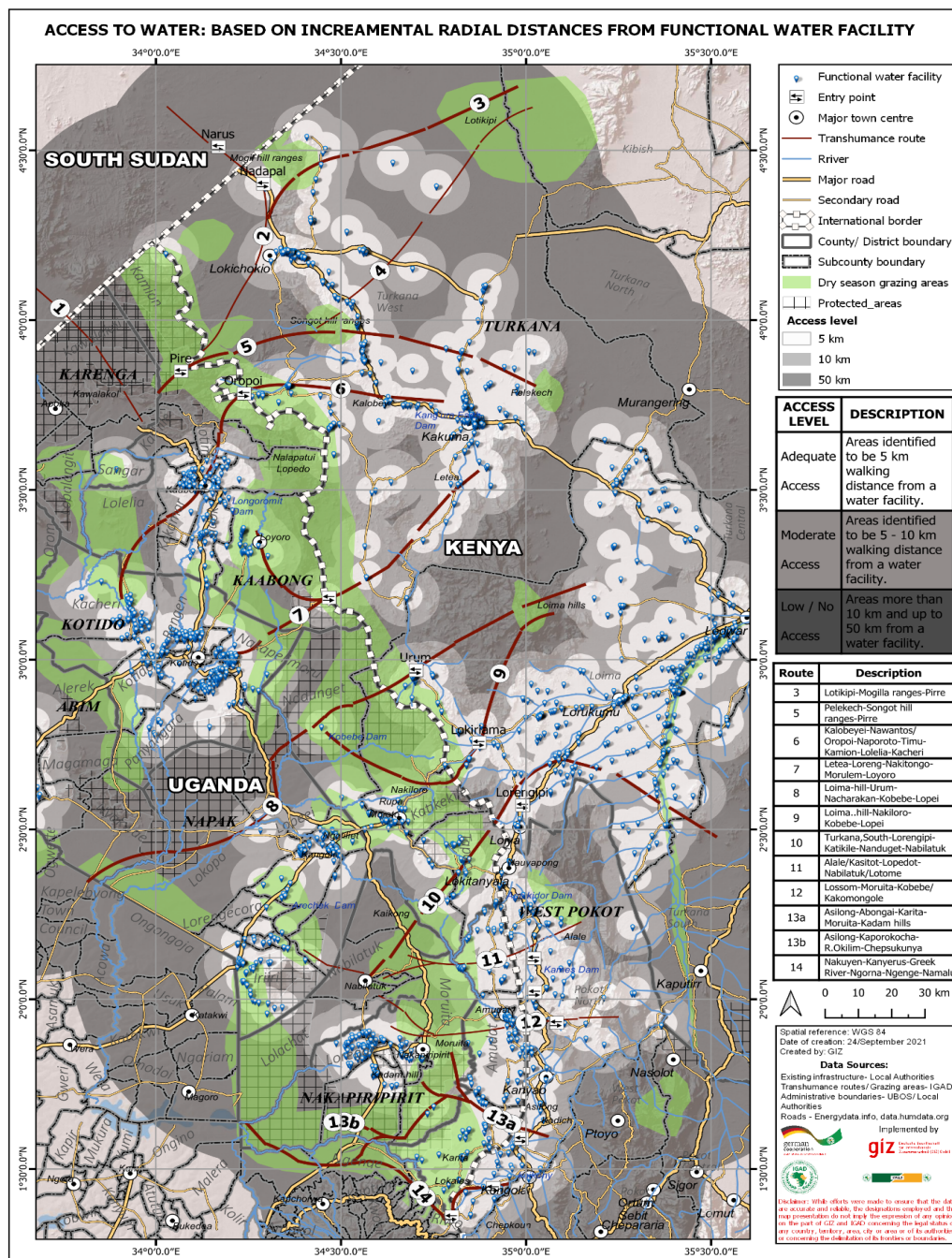
Regarding migratory routes on the Kenyan side, areas such as Lotikipi, Mogilla, Sogot, and Lokichogio have limited access to water, while Urum, Loima, and Naoyaapong have very low access to water. However, Kacheliba and Alale have moderate access to water, and people from Amudat share health and educational services on the Kenyan side of the border. An estimated 340,000 West Pokot cows migrate into Uganda during the dry season, and vaccines were purchased by the Kenyan government, benefiting Ugandans as well.

Water: Water resource availability and access vary along different transhumance routes in terms of distances and countries, as analyzed below:

Route 3 has very low access to water for half the distance from Lotikipi to Mogilla ranges, but the other stretch from Mogilla ranges to Lokichoggio has moderate to adequate access due to the presence of water pans and boreholes. **Route 5** has moderate access to water from Pelekech to the Songot hills, but the stretch after the Songot ranges up to Pire has very low access to water, with no water facilities within a 10km distance.

Route 6 generally has adequate access to water due to the presence of Kangurra dam in Turkana (Kenya) and Longoromit dam in Kaabong (Uganda), which hold water all year round and can serve large herds. Only a few pockets, such as Loteleleit in Uganda and Kalobeyei-Oropoi in Kenya, have low access to water. **Route 7** depicts moderate access to water, with most available facilities being boreholes, valley tanks (with a short period of holding water), and riverbeds that only serve a few animals.

Despite the limited water facilities along **route 8**, access to water can be described as adequate because it passes through Kobebe dam and ends up near Arechek dam.



The water infrastructure map along migratory routes Kenya & Uganda. GIZ/IGAD

Social Services: The region's social services include facilities for animal and human health, market infrastructure, and security installations. There are a total of 101 animal health facilities, including 75 cattle crushes, 17 cattle dips, 4 drug stores, 2 vaccination centers, and 3 holding

grounds. However, only 72 of these facilities are functional, with 62 cattle crushes, 5 cattle dips, 1 drug store, 1 vaccination center, and 3 holding grounds. The local authorities prioritize the use of cattle crushes over cattle dips, which are difficult to maintain and require a lot of water. There is a high concentration of cattle crushes in the area, which adequately serve animal health needs.

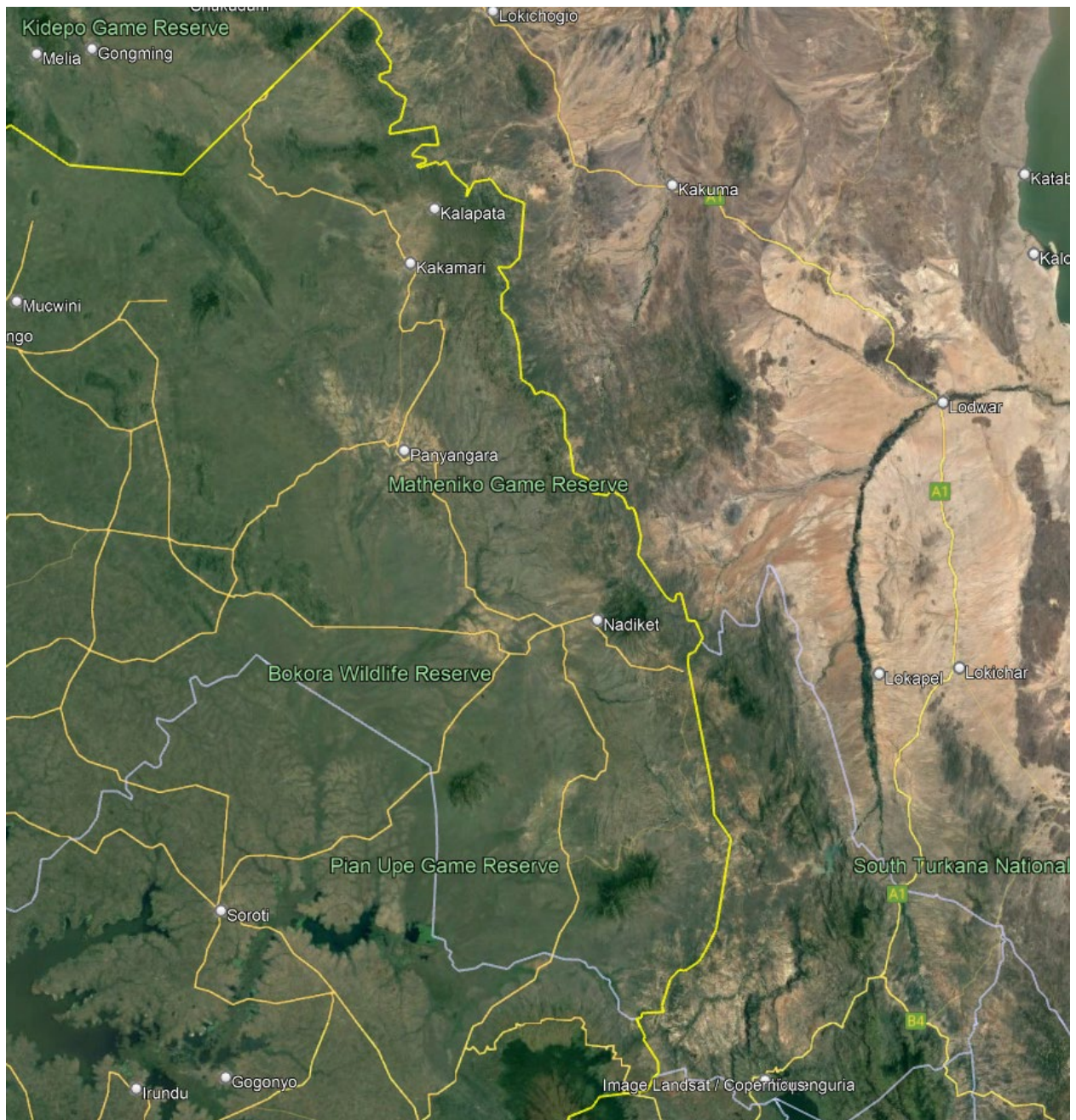
However, the routes in the region are poorly accessible to both primary and secondary schools in both Kenya and Uganda. This inaccessibility is particularly significant in **routes 5, 7, 8, and 9**, where protected areas such as Pire along **route 5**, Magos along **route 8**, Nakiloro along **route 9**, and past Nakitongo along **route 7** into Uganda hinder access. The situation is similar in central and southern routes.

In terms of access to human health, pastoralists face challenges along the transhumance routes from north to south, particularly along **routes 3, 5, 6, 7, 8, 9, 10, and 11**. Although some health facilities are available closer to the routes, they often have limited amounts of drugs, and mothers and children must walk over 50 km to access proper medical services. The situation is moderate for **routes 12, 13, and 14**.

Market infrastructure is also limited along the routes, particularly for **routes 3, 5, 6, 7, 8, 9, 10, and 11**, where there is very low access to markets or centers of trade within 10 km or less along the route. Markets are only located at the beginning point at Kakuma (Kenya), at Oropoi (Kenya), and in Kaabong and towards Kacheri. **Route 8** has market centers at Nakitongo (Kenya), Loyoro, and Nakapelimoru (Uganda). The southern routes, such as **12, 13, and 14**, have moderate access to markets, with markets only found at the starting points of these routes, i.e., Orolwo, Nakuyen, and Kanyerus in Kenya and Karita in Uganda. The other stretches of the routes have very low access to market facilities.

Regarding **security facilities**, the routes are generally underserved, falling within the poor/low security access level compared to conflict hotspots. The routes are also riddled with insecurity, and some internal conflicts have been reported even where some security apparatuses are available. The road and telecommunication network is also very poor along the border line, making it difficult for security personnel to access these areas in case of any insecurity-related situations.

During the **dry season**, herders from both Kenya and Uganda along the border region have two main segments of rangelands: *the northern segment/Kobebe segment* and the *southern/Pian-Upe segment*. The northern segment covers grazing areas running from Morungole to Kobebe, cutting across Timu, Lodiko, Lobongia, Loyoro, Lotisan, Katiekile, and Kobebe in Rupa sub-county. The southern segment runs from Nakonyen, Narii, Nabiltuk, Loroo, Achorichor, Moruita to around Pian Upe game reserve on the Ugandan border area.



A satellite image of part of the border area showing vegetation cover. Notice the relative scarcity on the Kenyan side, and relative plenty on the Ugandan side, Google Earth, 2023

Key Considerations for the Resource Sharing Agreement:

- There is pressure on existing resources on the Ugandan side of the border. The services gap is more glaring on the Kenya side. The team expects ‘reciprocity’ to continue to be an issue of debate at all levels of deliberation but should include sharing of trade, commercial and employment opportunities as well.
- How can social services on the Ugandan side of the border be better developed to handle pressure of increased numbers of livestock herders? For example on health services and clean water sources?
- The issue of equitable investment in (water, pastures) natural resources in Uganda and Kenya e.g. natural resources protection and rehabilitation;
- Local agreements and arrangements for grazing exist within local communities through practices such as *Etamam*. How can these practices get better suited to formal practices of the two states?
- Facilitation of cross-border livestock vaccination, disease surveillance and monitoring of transboundary diseases. Kenya/Uganda need to recognize and invest in ‘one health’ for mobile populations. Interventions so far are not regular, and not well funded.
- Negotiation for resources at the political level should be inclusive of local governments/ and grazing association (Kraal/Alomar/Adakar) leadership.

Resources used:

Satellite Imagery

IGAD Transhumance MAP

GIZ Transhumance Corridor Development Plan

Section III: Mapping Rights – Which Groups Have which rights.

In this section we map rights to identify and understand the legal and institutional frameworks governing the resources being shared, as well as the rights and obligations of the different parties involved. This is done at the local level and national level.

Rights:

Local Level

Pastoralists rely on natural pastures to keep domesticated livestock as their primary source of income. In most African countries, they often lack clear property rights because they occupy land and other resources under a customary tenure format. However, pastoralists have certain rights that should be recognized and protected.

Under customary tenure, there are shared resources like pastures, water, and indigenous knowledge, owned and used by different groups and individuals. Primary rights holders are typically the bonafide occupants of the grazing and watering points, who have unlimited access and use of resources as actual owners. Secondary rights holders are neighboring communities who share resources with primary rights holders and have rights to access and use natural resources with their consent. Tertiary rights holders are any other group or individuals who don't have automatic access and use of natural resources.

In terms of human rights, pastoralists have the right to enjoy the inherent dignity of all members of the human family, as recognized by the Universal Declaration of Human Rights of 1948. This means that pastoralists, like all other individuals, should have access to civil and political rights such as the right to life, liberty, free speech, and privacy, as well as economic, social, and cultural rights, such as the right to social security, health, and education.

Therefore, recognizing and protecting the rights of pastoralists is crucial to ensure their livelihoods and promote sustainable resource management. This includes acknowledging their customary tenure of land ownership and ensuring their access to natural resources necessary for their livestock production. It also involves supporting their supplementary sources of income, such as agriculture, trade, and handicraft production.

State Level Rights

In cross-border resource sharing, states have both rights and obligations. The rights of states include the right to sovereignty and control over their territories and resources, as well as the right to determine the terms and conditions of resource sharing agreements. However, with these rights come obligations, such as the obligation to respect the fundamental human rights of all individuals within their borders and to act in accordance with international law.

States have an obligation to uphold the Universal Declaration of Human Rights and other international human rights treaties that they have ratified. This includes ensuring that all individuals, including those affected by cross-border resource sharing, have the right to life, a fair trial, freedom from torture and other inhumane treatment, freedom of movement, speech, religion, health, education, and other basic human rights.

States also have an obligation to ensure that cross-border resource sharing is conducted in a way that does not discriminate against certain groups, such as indigenous peoples or pastoralists. This may involve recognizing and respecting the customary rights of these groups to access and use natural resources, as well as providing them with equal opportunities to participate in decision-making processes related to resource sharing.

Furthermore, states have an obligation to protect the environment and natural resources within their borders, as well as to prevent and mitigate any negative impacts that may result from cross-border resource sharing. This includes implementing measures to promote sustainable resource use and conservation, as well as addressing any environmental or social risks associated with resource sharing agreements.

Overall, states have both rights and obligations in cross-border resource sharing and must ensure that these are balanced in a way that respects the fundamental human rights of all individuals and promotes sustainable and equitable resource use.

Modalities of sharing

Resource sharing being the existing pastoral resources (natural, social amenities) within the rangelands and migratory corridors can be accessed across the cross-border domains.

Community level: This level is the most critical to the success of efforts towards cross-border coordination and sharing. Indeed, the involvement of traditional institutions, community leaders, religious leaders and the wider community in the process is essential. Sensitization, intercommunity dialogue, and the involvement of local (and possibly national) leaders in the discussion help ensure that the process becomes part of the local, national, and regional agenda. Community-based organizations and (inter)national NGOs are responsible for this component.

Local government level: Local government authorities in the cross-border area must liaise to form cross-border managerial and technical bodies to coordinate and implement efforts towards resource sharing and coordination. The executive members of these bodies must be chosen in such a way as to represent the geographic composition of the area involved. In addition, local governments should send out technical teams to assist the communities involved in the prioritization and implementation of actions.

National government level: The role of national governments is to formulate policy guidelines and guide and facilitate the implementation of prioritized actions at the local level; they must ensure that the necessary resources are made available at the local level. As signatories to the MoU, national governments are accountable for the implementation of the agreements. The role of national ministries is to formulate policy positions and guidelines and supervise the implementation of the agreements; they also report on progress against the actions agreed upon in the MoU at the regional level. While it is the ministries of agriculture that sign the MoU, coordination with other ministries is essential, as the issues involved transcend the domain of agriculture. Issues are often bilateral or multilateral in nature; this warrants the strong involvement of ministries of foreign affairs.

Regional government level: Regional governments are the overall custodians of agreements to share pastoral resources and coordinate livestock movements. Their main role is to involve regional stakeholders and mobilize resources to enable the implementation of the agreed actions; they also implement regional cross-border interventions. Regional authorities formulate guidelines for policymaking and investment towards regional socio-economic integration.

Considerations for the Resource Sharing Agreement:

It has been difficult to fully understand the extent of resources available for sharing on the Kenyan side of the border. Drafters have struggled with questions of ‘reciprocity’.

Resources used:

FAO, (2020). Cross-border coordination of livestock movements and sharing of natural resources among pastoralist communities in the Greater Karamoja Cluster. Cross-border coordination of livestock movements and sharing of ...

Development of these resources

Based on accessibility analysis, as indicated in the Transhumance Corridor Development Plan,(Draft 07_Transhumance Corridor Development Plan for IGAD. The stakeholders identified pastoral infrastructure gaps and, with their knowledge of the landscape and patterns of pastoral movement, they proposed for the development and improvement of existing infrastructure as well as putting new ones where there is none.

The responsibilities to the development of the basic amenities and natural resources in the grazing areas and along the transhumance routes lies in every stakeholder (Primary users/pastoralists, National Governments, Development partners and Regional governments)

Section IV: Conflict Dynamics in Karamoja - Turkana - West Pokot

Background

During the pre-colonial era, management of conflicts through pastoralist traditional governance was based on agreements, protocols, alliances and the building of ethnic identities, a system of interaction which developed independently of external political influence. During the colonial times, Karamoja, Turkana, and Pokot areas were closed off from other parts of Kenya and Uganda, and British indirect rule increased the salience of ethnicity and exaggerated the divisions between ethnic groups. Nonetheless pastoralists retained their capacity to manage conflict and crime in their midst through maintaining strong customary institutions. After independence, political instability across the region opened the doors to an influx of small arms that continues to this day, and heralded the beginning of growing problems of crime, injustice, and persistent low-level conflict.

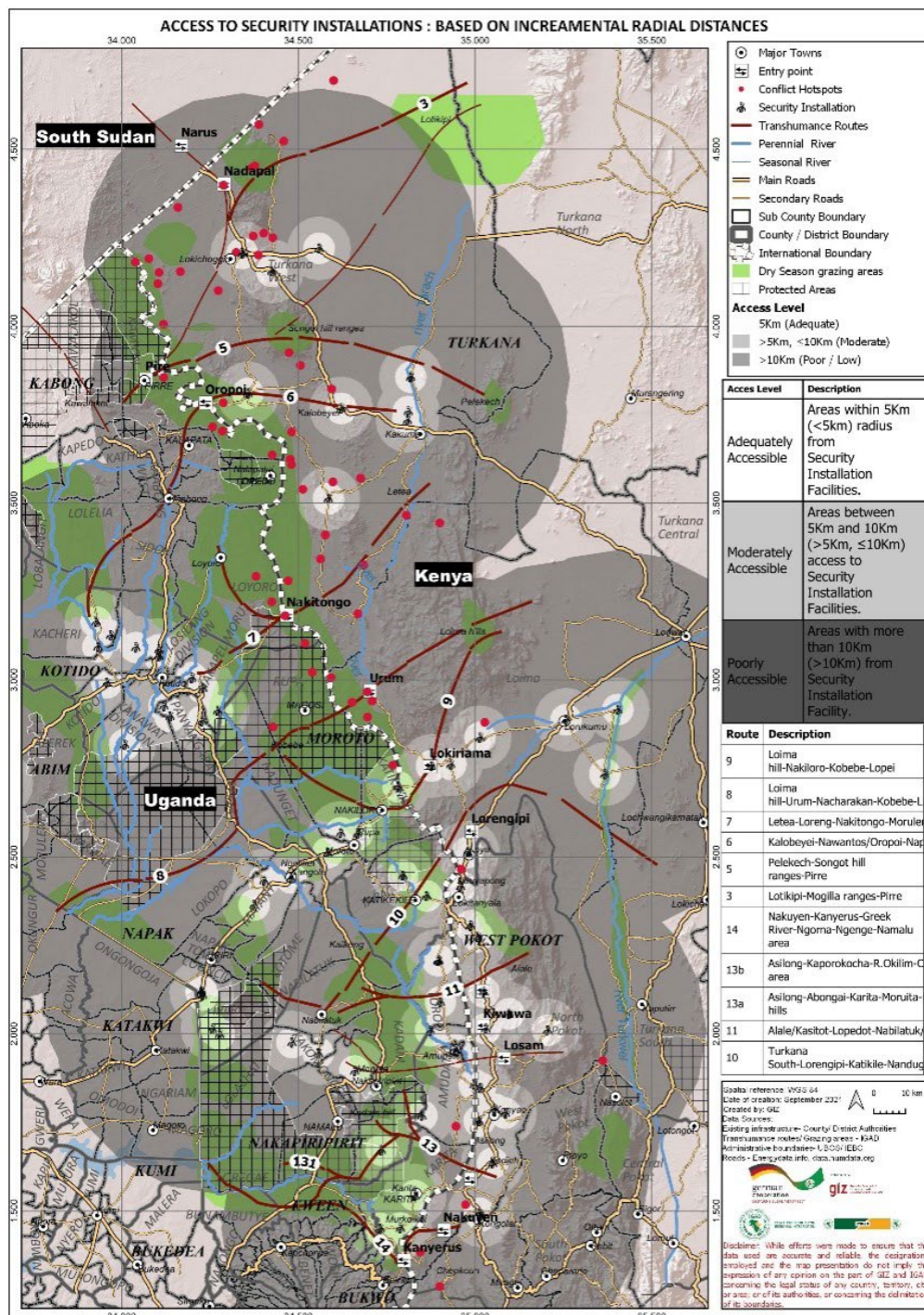
From the 1990s to 2000s, there was widespread internal insecurity, limited social services, uneven disarmament results, human rights abuses, and livestock and livelihood losses. From 2010 to 2019, the region experienced relative peace; there was improved security for communities, traders, government, and civil society. Livelihood activities resumed, markets expanded, investment grew, infrastructure was improved, and cattle conflicts were once again handled effectively, now by a combination of pastoralist and government institutions. However, from 2019 to date, violence flared again because of growing and unresolved livestock theft, much of it perpetrated by high level commercialized raiding alliances. These alliances linked raiders to persons in towns and at high levels of society, and across the different ethnic groups. With each case of failure to solve livestock losses and killings, the propensity for conflict between groups rose, as revenge and blame took the place of orderly resolution. In addition, historical disputes over land ownership have been increasingly linked to political tensions which add to the complexity of conflict.

Responses

Weak rule of law in the region has not only hindered efforts to address violent crime but has also allowed conflict to grow. Authorities are not well equipped to enforce the law, investigate, and prosecute offenders, or provide adequate protection to communities. Pastoralists seldom have access to legal remedies.

There are also concerns about excessive use of force by law enforcement agencies, undermining public trust in the justice system. Human rights abuses, including extrajudicial killings, torture, and arbitrary detention, have been reported in the region and increase fear among the population, reducing their willingness to cooperate with security and justice authorities.

The border area itself has also been plagued by law-and-order problems, including a lack of effective law enforcement, corruption, and the meeting of two national jurisdictions. These differences create difficulties of cooperation between different levels of government and between different law enforcement agencies, leading to inconsistencies in the way that security issues are addressed.



Conflict hotspots across the border versus the location of military units, 2021. Map by GIZ TCF

These issues have contributed to a situation where criminal activity often goes unpunished, fueling further conflict and instability in the region. Criminal gangs and other groups can engage in cattle rustling, theft, and extortion, using the border to protect their actions, while law enforcement agencies struggle to investigate and prosecute these crimes.

The resource sharing agreement will provide a basis for improved resolution of crime through community to government dialogue and inter-agency co-operation. It will offer opportunities for those working to improve the rule of law to improve services, and reduce abuses, making use of these channels of co-operation. It will thus give more space for the already existing mechanisms of conflict resolution to once more prevail over a revenge and blame culture that grew from a state of insecurity.

Key Considerations for the Resource Sharing Agreement:

1. Disempowerment of communities in conflict resolution needs to be addressed by creating organized systems within the kraals and acknowledging kraal associations as part of the leadership structure in the resource sharing agreement. Communities should be recognized, motivated, empowered, and given the power to advance their ways of managing conflicts (ALOMAR/ADAKAR).
2. Dialogue for conflict management should be fostered within communities, and governments should financially support local authorities to facilitate conflict management at the community level, including the support of local structures such as peace committees.
3. The issue of unequal treatment among Kenyan pastoralists/representatives in Uganda can be addressed by establishing fair and just treatment, providing equity and representation for the vulnerable (such as women, children, disabled individuals), and establishing simple pathways for resolving grievances.
4. The implementation of conflict resolutions at the local level should be in keeping with the spirit of national constitutions and respective laws, and support should be provided to ensure adherence to these resolutions.
5. Alternative dispute resolution (ADR) practices, such as the Nabilatuk and Moruitit resolutions, should be encouraged, codified, and supported by different governments, even if they are not always consistent with formal state practices and laws.
6. Cases of sexual and gender-based violence in the corridors need to be addressed through appropriate measures and support for victims, especially women, girls, and children.
7. The involvement of youth and women in conflict management can be facilitated by creating representative conflict management committees. The participation of women in conflict management should be made mandatory, where possible.

8. Adherence to peace accords can be improved by establishing relevant institutions to support and provide an enabling framework for their review and implementation. Incentives for maintaining peace accords should be established, and celebrations for these agreements should be supported by the states.

Section V: Security Dynamics in the Karamoja - Turkana - West Pokot

Insecurity has negatively affected access to shared resources in the region, reducing and constraining mobile pastoralist movement, even as climate change is increasing the need for secure movement to make the most of the region's changing pasture and water resources.

The security situation in the Karamoja Cluster along the Kenya-Uganda border has become increasingly complex in recent years. While between 2010 and 2019, the region experienced some stability, infrastructure development, and co-existence among communities, the period from 2019 to date has seen persistent raids and attacks, mainly driven by commercial interest of criminal syndicates as well as revenge and counter-revenge alliances forged by criminal groups within and across national jurisdictions. In addition, a general weakness in the rule of law has allowed for other insecurities to increase, such as gender-based violence, banditry, robbery, and armed conflict.

The expansive and porous borders facilitate the movement of armed elements, which is compounded by the difficult terrain and thin deployment of security forces.

The formation of alliances between criminal elements across borders is another challenge. These alliances are formed with the purpose of facilitating raids against other communities.

Access to firearms through internal and cross-border trade has enabled criminal elements to continue acquiring rifles, replenishing their ammunition stock, and generally facilitating re-armament. Homesteads and kraals in the rangelands have also acquired arms as they are otherwise unprotected from raiders. To address the situation, the governments of Uganda and Kenya have undertaken various strategies, including disarmament operations, and implementing socio-economic programs. While disarmament exercises have temporarily reduced arms among some communities, kraals and homesteads, their weaknesses in tackling the overall problem of insecurity have led to a decline in community trust in such approaches.

When animals are raided, they are very often not recovered, or if they are, many may be lost in the process of recovery. Prevention of raids on the one hand, and follow up, recovery, restitution, and punishment on the other, requires collaboration between security agencies and pastoralist communities, a process that has been under stress in recent years. The security

agencies are hampered by difficult terrain and poor roads through the borderline to ease the movement of forces patrolling and protecting travelers or pursuing armed rustlers.

Interventions:

To address the challenges that both Kenya and Uganda face regarding provision of security to facilitate cross-border transhumance, an increased level of engagement between security agencies from both countries is recommended, to harmonize security responses. In addition, it is critical that security agencies from both countries engage in continuous and meaningful dialogue with community and kraal leaders, to agree on mutually accountable responsibilities for security provision. It is important that communities and the military work together.

Kenya and Uganda may constitute joint or parallel security teams to carry out border patrols in the transhumance corridors aimed at enhancing the security of migration and curtailing the proliferation of small arms and light weapons. Increased infrastructure, including roads, and telecommunications should also be considered. After protection of lives and assets, the recovery of stolen livestock should be prioritized. Strengthened liaison between security agencies, across the borders and between them and pastoralist leaders will go a long way to creating conditions of security.

Any disarmament should be done concurrently across different jurisdictions and take place in close cooperation with community leadership. Such efforts to transform the conditions under which rule of law can thrive should be closely linked to community-based approaches aimed at building trust through collaboration, including for instance, identifying, and profiling criminal networks hiding among respective communities, with an ultimate aim of uprooting them and denying them operational space.

To ensure effective collaboration between the two countries, regular sharing of intelligence through the creation of joint fusion units and exchange of military liaison officers and other appropriate means is recommended. Any person or organization found on the wrong side of the law should be dealt with according to the laws pertaining in that country.

Both Kenya and Uganda should promote active and positive participation by political and community leaders at all levels to enable full implementation of the agreement and strongly act on sabotage.

Key Considerations for the Resource Sharing Agreement:

1. In the process of negotiating a cross-border resource sharing agreement, there are several sticky issues that need to be considered. One such issue is the flow of illegal firearms, which is a security concern that needs to be addressed through a disarmament protocol.
2. Harmonizing disarmament activities in pastoralist communities in Kenya and Uganda and concurrently undertaking disarmament operations against armed members of the communities would be a step towards ensuring that illegal firearms are dealt with. Any firearms recovered or confiscated from Turkana, Karamojong, and Pokot must be destroyed.
3. Another issue is the need to develop security infrastructure such as roads and telecommunications services to make it easy to respond to security threats. In addition, there is a need to regulate and manage entry and exit through designated points, with proper registration of individuals and their livestock numbers and species.
4. Distance from Nairobi is another challenge, which may require measures such as the deployment of Kenya Defense Forces (KDF) at select border points to strengthen joint operations of security forces.
5. Civil-military cooperation should also be strengthened to ensure effective management of security challenges.
6. Recovery of stolen livestock is another issue that needs to be addressed. There is a need to strengthen liaison and work on a bilateral mechanism for the collaboration of the Uganda People's Defense Forces (UPDF) and KDF to recover stolen livestock, including when crossing international borders. Sharing intelligence and other information is also crucial to address security challenges.

Section VI: Environmental Management and Sustainability

Achieving ecosystem sustainability is critical for long-term resource access and the safety and protection of pastoralist communities. Climate change, including rising temperatures and increased variability of rainfall patterns, is affecting the mosaic of grassland and water on which pastoralism depends. It is also putting other land uses, such as farming and conservation, under new stresses. It is therefore vital to include measures for the protection of the environment (soils, vegetation, wildlife, and water) in the process of cross-border resource sharing.

Inadequate land use management and a confusion between traditional and state responsibilities has allowed for resource depletion, leaving protected areas as the last point of water and pasture. Protected areas are central to pastoralist resource protection, whether those gazetted and administered by the government for conservation of wildlife, or those protected and administered by communities for grazing during extreme drought. The lack of involvement of conservation institutions in resource-sharing agreements has led to stresses between pastoralists and conservation authorities. Policies regarding access to environmental resources must consider pastoralism to access rangelands alongside wildlife based on defined and agreed modalities of accessing protected areas.

Cross-border agreements should respect traditional land management practices anchored by host communities, and pastoral mobility systems should consider respect for different land uses, including cultivated lands, traditional shrines, and private lands and forests. Zoning of grazing areas, agreed between pastoralists and government, can enable the easy identification of critical areas for protection and improved management of pastures and water for both wildlife and livestock in protected areas, without interfering with wildlife corridors.

The protected areas in Karamoja include Kidepo National Park, Matheniko Bokora Wildlife Reserve, Pian Upe Wildlife Reserve, Timu Forest Reserve, Mt. Moroto Forest Reserve, and Mt. Kadam Forest Reserve. These protected areas are home to a variety of large mammals and carnivores, as well as indigenous forests, shared water resources, and grazing areas for pastoralists. Poor resource management practices and human-wildlife conflicts are critical issues in the region, and resource-sharing agreements should be put in place to mitigate these conflicts. Sensitization of bush burning is also necessary to ensure the safety of wildlife and

livestock inside protected areas, especially during dry seasons when wildfires are more common.

Both the Kenya and Uganda governments have passed laws controlling charcoal burning. The resource sharing agreement should ensure that its provisions recognise and build on the provisions of existing laws protecting trees and forests.

Effective resource-sharing agreements and involvement of conservation institutions can help mitigate resource conflicts and environmental destruction.

Key Considerations for the Resource Sharing Agreement:

1. Promote sustainable exploitation of biodiversity within the area covered by the resource sharing agreement, while minimizing negative impacts on the environment and local communities.
2. Address human-environment conflicts through a collaborative approach between government agencies and local communities.
3. Enhance government understanding of and support for pastoralist inter-communal pasture/water user agreements
4. Mitigate the issue of depletion of resources in protected areas resulting from the resource sharing arrangements through appropriate monitoring efforts, dialogue, and sanction under existing laws.
5. Ensure engagement with communities on the necessary regulation of access to, and proper maintenance of water facilities for wildlife and local communities.
6. Address the environmental and other natural resources issues that may arise during the execution of this agreement.
7. Human-wildlife conflicts compound problems related to the management of protected areas. Furthermore, there's issues related to the expansion of conservation areas into community grazing lands.

8. Take measures to prevent and manage the introduction of invasive species, such as masenge and prosopis juliflora, which may have negative impacts on the environment and local biodiversity within the resource sharing area.

Section VII: Enabling Environment for the Cross Border Resources Sharing Agreement

This section is guided by the African Union Policy Framework for Pastoralism in Africa 2010. An enabling environment includes the contributions of parties that do not sign the agreement but are crucial to its success. These include the pastoralist community and its institutions, and the key state institutions of law, administration, security, and diplomacy that provide a framework under which agreement to function.

The community as an enabler: it is advisable that, as far as is practical, the cross-border pastoralist resources sharing agreement is discussed with communities on both sides of the border to ensure their commitment to its effective implementation. Recent participatory research facilitated by Karamoja Development Forum and Friends of Lake Turkana with communities across the border area has highlighted community appetite for operating under such an agreement between their respective governments and has indicated their willingness to contribute to the design and implementation of such an agreement.

In the absence of a genuine process of community engagement in which community members gain clarity as to what is proposed and make contributions and engage in discussion with expert and government as to what may be amended, added, or omitted, it is likely that the agreement may remain an expression of an ideal, rather than a firm basis for long-term cross-border resource sharing.

Key steps towards community engagement: Recognizing that resource sharing agreement may have more than one stage of development that may allow for immediate, medium- and longer-term refinements, the following steps for community participation would be helpful:

- At the design stage, hold an initial consultation with the pastoralist groups that are going to benefit from (or may face problems with) the cross-border resource sharing agreement, to refine the resource sharing agreement with community actors. This may include, inter alia, a review of where the proposed agreement contradicts existing patterns of cross-border resource sharing, and/or a consideration of the function of traditional institutions in such arrangements.
- At an early stage of the agreement, undertake dissemination of information to the public to support engagement on design and implementation.
- Once the agreement is in its early stages of implementation, set agreed dates for formal refinement by the government signatories to the resource sharing agreement, with prior

consultation with communities once institutional responsibilities have been rationalized and put into force.

- Once the agreement is operating smoothly, set in place a mechanism for regular review of the agreement with communities, including consideration of the role of communities in maintaining the agreement.

Stakeholder consultation can not only secure pastoralist involvement in refining the agreement but may also inform and sensitize pastoralists on the agreement which requires their active participation.

Elements of community involvement

Clarifying community interests: Equitable access to pastoral resources, (mainly pastoral land and water) within an enabling environment that is peaceful, secure, provides access to services will be of benefit to pastoral communities and others living in the border area. The first ingredient for a successful agreement consists of recognizing the interests and roles of pastoralists, the key stakeholders, as well as those of other groups within the population, including traders, cultivators, town dwellers etc. The stakeholders are not limited to pastoral communities and their indigenous institutions but also include the public at large and civil society organizations (CSOs).

Community roles may be considered to include:

- a. Participation in and agreement with design
- b. Participation in and agreement with final document
- c. Participation in and agreement with results of review
- d. Carrying out the provisions of the agreement in relation to agreements for grazing, access to water. This may include, inter alia, requesting access, reporting misuse of shared resources etc.

It would benefit the smooth implementation of the agreement if the role of community actors is made clear, these roles facilitated, and where there are shortcomings, mechanisms for improvement have been enabled.

Recognizing the role of indigenous institutions: It will enhance the implementation of the agreement if the legitimacy of the roles and operations of indigenous power structures, institutions and rights regimes on pastoral resources are recognized in the document. These might include conflict resolution systems, peace agreements and community systems permitting transhumance across and through community land boundaries. The agreement will benefit from specifying a necessary interface between indigenous institutions and state institutions providing for law, security, and administration. Such specification would help ensure community ownership of and trust in the resource sharing agreement and its successful implementation.

In designing the interface of state and indigenous institutions, it is advisable to address issues of equal and secured access to pastoral resources, and representation on all structures that are responsible for pastoral resource sharing and administration. This includes recognition of the need for gender representation, because many indigenous power structures in pastoral communities do not allow any or sufficient women's participation in dealing with issues related to access to pastoral resources. In consultation with women and men pastoralists, the agreement should make possible the representation of both women and men in the administration of the agreement. The same consideration should also be extended to the representation of all ethnic groups grazing in the area covered by the agreement from both sides of the international border.

Consultation with pastoral communities and engagement with civil society organizations: It is wise to make adequate provision for an informed consultation with pastoral communities and their organizations on the major issues to be addressed in the pastoral resource sharing agreement. All categories of pastoralists, especially women and youth, can be involved and care would be advised in avoiding the dominance of established interest groups or any tendencies of intimidation of pastoralists during consultation meetings.

Importance of legislative, institutional, and operational measures: Implementation of the agreement will be enhanced by recognition of the comprehensive legislative, institutional and operational measures needed to achieve its success. It will be very helpful if existing problems faced by state institutions in managing issues of rule of law, administration, infrastructure, and community participation affected by evolving cross-border resource sharing requirements can be examined, and where they interface with the agreements' provisions, consideration can be given. Thus, reviewing and even restructuring existing institutional settings, creating new

institutional arrangements at different levels may be necessary. Public sector institutions could be re-structured to address problems such as scattered and restricted access to records, poor internal communication systems, obsolete operating procedures, overlapping, conflicting and unclear mandates, duplication of efforts and responsibilities, and waste of resources.

Key Considerations for the Resource Sharing Agreement:

Pastoralists can contribute to the successful implementation of cross-border resource sharing by sharing their traditional knowledge of the natural resources and ecosystems, as well as their customs, values, and practices related to resource use and management. They can also provide information on the availability and quality of resources in different areas, as well as the routes and conditions for cross-border movement. Moreover, pastoralists can participate in the decision-making processes related to resource sharing and governance. Their participation can help to ensure that their interests and needs are considered, and that the resource sharing agreement is equitable and sustainable.

The role of UWA/NFA/KWS: The Uganda Wildlife Authority (UWA), National Forestry Authority (NFA), and Kenya Wildlife Service (KWS) have a crucial role to play in supporting the implementation of the resource sharing agreement. These organizations are responsible for managing protected areas and wildlife corridors that are essential for the free access, safety, and orderly movement of pastoralists across the borders. They can provide technical expertise and support in developing and implementing policies and regulations that ensure the sustainable use of natural resources, while also protecting the environment and biodiversity.

The role of the police, ASTU, UPDF, KDF, security organizations (ESO, ISO, GSU, etc.): Security organizations play a critical role in ensuring that the resource sharing agreement is implemented smoothly and without conflict. They can provide security and protection for pastoralists, traders, and other stakeholders who use the borders for their livelihoods. Additionally, they can work to prevent and resolve conflicts that may arise from the sharing of resources.

Taxation, customs, immigration, and agricultural ministries: Ministries responsible for taxation, customs, immigration, and agriculture are important in creating an enabling environment for the resource sharing agreement. They can work to simplify and streamline customs procedures and reduce taxes on cross-border trade. Additionally, they can facilitate

the movement of pastoralists and their livestock across the borders by implementing policies that promote cross-border grazing and access to markets.

Ministries of trade: Ministries of trade can play an essential role in facilitating cross-border trade between Kenya and Uganda. They can work to create policies and regulations that promote cross-border trade and investment, remove barriers to trade, and promote the development of trade-related infrastructure.

Ministries of EAC Affairs, AU, IGAD, internal affairs, foreign affairs: Ministries responsible for EAC Affairs, African Union (AU), Intergovernmental Authority on Development (IGAD), internal affairs, and foreign affairs can provide support and guidance for the implementation of the resource sharing agreement. They can facilitate dialogue between the two countries and promote regional cooperation and integration. Additionally, they can provide technical assistance and support in areas such as policy development, capacity building, and resource mobilization.

District Local Governments and County Governments: District Local Governments in Uganda and County Governments in Kenya can provide critical support for the implementation of the resource sharing agreement. They can work with local communities to promote peaceful coexistence and facilitate the sharing of resources. Additionally, they can provide technical support and guidance to local communities on issues related to natural resource management, land use planning, and conflict resolution.

Section VIII: Communication and Coordination of Cross Border Resource Sharing Arrangements.

Introduction

Pastoralist groups traditionally rely on interdependent relationships and the symbiotic sharing of knowledge and resources. However, the mobility of pastoralists is limited due to changing state borders, while at the same time causing tensions and conflicts. Moreover, due to climate change intercommunal conflicts and disputes which have worsened over natural resources, straining the pastoralists' ability to move their herds beyond their communities' own lands. More often than not, pastoralists are found at the periphery of each country's capital, rendering the drought-prone, cross-border region the lowest social development indicators (e.g., education and health) and the worst access to services (e.g. agricultural extension services).

The coordination of decisions regarding the use of pastures and water for livestock rearing requires information on livestock movements to be shared between the different groups that use the same resources. Decisions must be documented (for example, by maps and written agreements regarding the crossing of borders) and based on knowledge to provide opportunities for learning and innovation. The promotion of cross-border collaboration takes places at four interdependent levels:

Communication Responsibilities:

The resource sharing agreement involves different levels of stakeholders, from the kraal level to the regional level. Each actor needs to adopt appropriate communication strategies to ensure effective implementation of the agreement.

At the kraal level, it is important to establish a *kraal/adakar* committee to negotiate with the host community and report grievances or disputes. Communication should be established with local authorities at the sub-county level, with mobile phones being the most efficient and effective mode of communication. The kraal leader should also be responsible for disseminating information about the agreement and its implementation to the members of the kraal.

At the community level, effective communication is key to promoting understanding and buy-in for the agreement. This can be achieved through public education and awareness campaigns using various communication channels such as newspapers, television messages, radio broadcasts, and newsletters. Information and Communication Technologies (ICTs) can also be used to disseminate information about the agreement.

At the local government level, there is a need for financial and technical support for conflict management at the community level. The government should also guarantee the implementation of the agreement and put in place mechanisms to ensure its implementation.

National governments and policymakers should provide technical assistance to support the implementation of the agreement. They should also ensure that the agreement is aligned with national laws and policies.

At the regional level, regular cross-border dialogue should be promoted to coordinate livestock movements and share pastoral resources. This can be done through the Intergovernmental Authority on Development (IGAD) and other regional bodies.

In summary, effective communication is crucial for the successful implementation of the resource sharing agreement. All stakeholders should adopt appropriate communication strategies, including public education and awareness campaigns, the use of Information and communication technology and regular cross-border dialogue. The implementation of the agreement should be guaranteed by both governments, and mechanisms should be put in place to ensure its implementation at all levels.

Section IX: Monitoring and Evaluation of the Cross-Border Resource Sharing Mechanism.

Monitoring and evaluation are crucial for the success of a cross-border resource sharing agreement between Kenya and Uganda. It provides early indications of progress or lack thereof in achieving the agreement's objectives, which include free access, safety, and orderly movements of pastoralists and cross-border trade. Without monitoring, it is impossible to measure results or recognize failures, leading to the inability to reward success or correct failure. Demonstrating results through monitoring and evaluation can also help gain public support.

Implementation and monitoring roles

Institution/Organization	Nature	Roles
Government of Kenya and Uganda	Government at highest level	- Sign MoU and Resources Sharing Agreement - Guarantee the implementation of MoU and Cross-border sharing agreement - formulating policy guidelines, guide and facilitate the implementation of prioritized actions at the local level - Finance the implementation requirements - Monitor implementation
Ministries – Karamoja Affairs, East Africa, ASALs	Government at regional level	- Sign MoU and Resources Sharing Agreement - Supervise the implementation of MoU and Cross-border sharing agreement - Finance the implementation requirements - Monitor implementation - Advocacy

Local governments and County governments of Uganda and Kenya	District level	- Supervise the implementation of MoU and Cross-border sharing agreement - Monitor implementation - Advocacy -
Kraal leaders	Community level	- Implementation of the Cross-border resource sharing agreement - Monitoring the implementation - Reporting on the implementation -
NGOs	CSOs	- Support the implementation of the cross-border resource sharing agreement - Monitor compliance to the agreement - Finance activities towards effectiveness of the agreement
Media	Private Sector	- Advocacy - Report progress
Community		- Cooperate in implementation of agreement - Report violations to the agreement

Monitoring and evaluation are important processes in ensuring the success of a cross-border resource sharing agreement between Kenya and Uganda. Monitoring involves continuous tracking of activities related to free access, safety, and orderly movement and sharing of resources by pastoralist communities across the borders. It involves monitoring inputs such as the agreement, infrastructure, services, pasture, and water, as well as outputs such as cross-border trade and resource sharing.

The outcomes and impact of the agreement should also be monitored, including the peaceful co-existence of the Pokot, Turkana, and Karimojong, and booming trade transactions. Monitoring tools will include activity reports, field visit reports, and surveys.

On the other hand, evaluation is a selective exercise that attempts to assess progress systematically and objectively towards and the achievement of the agreement's objectives. Monitoring and evaluation tools include both qualitative and quantitative data such as opinions, perceptions, attitudes, figures, and numerical data on an issue. Both monitoring and evaluation should be linked to outcomes, and their tools should be administered to communities and kraals.

References:

1. African Union. Policy Framework for Pastoralism in Africa: Securing, Protecting and improving the Lives, Livelihoods and Rights of Pastoral Communities. Addis Ababa, October 2020.
2. World Bank. Development for Peace, “Early Warning System”. By Catherine Defontaine, February 15, 2019.
3. Jonathan Davis, Claire Agali, Lydia Slobodian, Guyo Roba, Razingrim Ouedraogo. Crossing Boundaries: Legal and policy Arrangements for Cross-border Pastoralism. International Union for Conservation of Nature. Rome, 2018.
4. FAO. Cross-Border Coordination of livestock movements and sharing of natural resources among pastoralist communities in the Greater Karamoja Cluster, 2020.