



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

IGAD PROTOCOL ON TRANSHUMANCE

February 2020
[ENG VERSION]

IGAD CENTRE FOR PASTORAL AREAS
AND LIVESTOCK DEVELOPMENT
(ICPALD)



PREAMBLE

WE, the Member States of the **Inter-governmental Authority on Development (IGAD)**;

Guided by the principles, aims and objectives of the Intergovernmental Authority on Development as enshrined in the Agreement Establishing the Intergovernmental Authority on Development (IGAD) 1996;

Pursuant to the authority granted by Article 17 (a) of the IGAD Agreement to Member States to conclude such protocols as may be necessary to execute the aims and objectives for which IGAD was formed;

Noting that the IGAD region is well-endowed with substantial livestock and natural resources including artisanal minerals and non-wood forest products and irrigated agriculture in pastoral areas that form a critical part of the economies of the Member States, offering a unique potential for wealth and employment creation, food and nutrition security and economic growth;

Convinced that pastoralism is essential for safeguarding and increasing production and productivity of livestock and crops in response to climate change and variability and the pressure on existing resources in IGAD Member States;

Aware that pastoralism is faced with several health, security, social, environmental, economic and political challenges;

Desiring to enhance a conducive environment for pastoralism in Member States and to formulate, for that purpose, a harmonious facilitative and regulative regional framework on transhumance within IGAD;

Appreciating that Member States established a specialized Centre for Pastoral Areas and Livestock Development (ICPALD) in 2012, to articulate, facilitate and support the emerging livelihoods, and environment and gender focused policies and programmes in cross border areas to promote resilience of pastoralists and agro-pastoralists;

Recognising the commendable work undertaken by ICPALD in providing a regional policy framework on animal health (2009) and supporting Member States in developing bi-lateral and multi-lateral memoranda of understanding for cross border animal health with a view of entrenching harmonization of cross-border practices;

Cognizant of other regional initiatives including the Nairobi Declaration on Ending Drought Emergencies in the Horn of Africa (2011), the IGAD Conflict Early Warning and Response Mechanism (2002), Climate Prediction as conducted by the IGAD Climate Prediction and Applications Centre (ICPAC) through the Greater Horn of Africa Climate Outlook Forum Climate Prediction (GHACOF), the Nairobi Protocol on the Prevention, Control and Reduction of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004), and the Protocol on the Prevention, Combating and Eradication of Cattle Rustling in the Eastern Africa Region (2008);

Appreciating the African Union's goals and priority areas of Agenda 2063 which includes working towards environmentally sustainable and climate resilient economies and communities;

Further Appreciating that the African Union (AU) has recognised the role of pastoralism in Africa and developed a Policy Framework on Pastoralism in 2010 that aims to secure, improve and protect lives, livelihoods and rights of African pastoralists, without prejudicing the existing social and cultural systems;

Reaffirming the sovereignty of the Member States and their commitment to supporting the existing informal agreements between border communities;

Have agreed as follows:

I. GENERAL PROVISIONS

Article 1: Definitions

For purposes of this Protocol:

“CEWARN” means the Conflict Early Warning and Response Mechanism established by the Protocol Establishing a Conflict Early Warning and Response Mechanism for IGAD Member States (2002);

“Competent authority” means an institution, organization or person that has legally and professionally delegated or invested authority, capacity and power relevant to the implementation process of this protocol;

“Herders” means persons including family members accompanying them, grazing and looking after transhumant livestock;

“Identification document” means any document that may be used to prove a person's identity (including but not limited to national identification card, passport, local authority card or a letter from a government recognized competent authority);

“ICPALD” means the IGAD Centre for Pastoral Areas and Livestock Development - an IGAD specialized institution mandated to promote and facilitate sustainable and equitable livestock and complementary livelihoods development in the region's arid and semi-arid areas (2012);

“IGAD Transhumance Certificate (ITC)” means to the IGAD identification document indicating the details of transhumant livestock including ownership, number, composition and respective health status;

“Local authorities” includes Woreda, Districts, Boma, Payam, Counties, Localities, Municipalities, Provincial and/or other administrative representatives of the Member States;

“Transhumance Corridors” means designated migratory routes used by herders and their herds during their mobility within and across the borders of the Member States to access water and pasture;

“Quarantine” means the act of placing animals entering a particular region under veterinary observation for a specified period of time with a view of determining their state of health;

“Stray animal” means a transhumant animal that is found wandering or lost in undesignated grazing areas;

“The Protocol” means the IGAD Protocol on Transhumance, whose implementation shall promote safe cross-border transhumance for the Member States;

“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 Member States;

“Transhumant livestock” means domestic animals and/or domesticated animals that herders migrate with including cattle, goats, sheep, donkeys, horses, camels and poultry.

Article 2: Purpose

The purpose of this protocol is to exploit the full social and economic potential of the pastoral system by:

- a) Allowing 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;
- 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.

II. GUIDING PROVISIONS FOR TRANSHUMANCE

Article 3: Safe Cross-Border Transhumance

Member States shall recognize and allow free and safe seasonal cross-border mobility of livestock and herders in search of pasture and water as an adaptation and survival mechanism

Article 4: Transhumance Corridors:

- a) The IGAD Secretariat shall coordinate and support Member States, with the involvement of respective communities, to identify and map the existing and new stock routes and resources therein and to designate them as 'transhumance corridors' through which transhumant livestock and herders may traverse.

- b) Transhumant herds and herders shall follow the designated transhumance corridors in accordance with the itinerary indicated on the IGAD Transhumance Certificate.
- c) The designated transhumance corridors shall be reviewed bilaterally or multilaterally upon request by the concerned Member States

Article 5: Border Crossings

- a) Border crossings shall be conducted between sunrise and sunset in view of the official working hours at designated border points in the respective IGAD Member States;
- b) Notwithstanding the foregoing provision, Member States through bilateral or multilateral agreements, may modify and determine the most appropriate times for border crossing considering the severe climactic conditions prevalent in selected crossing points and the interests of transhumant populations

Article 6: Itinerary

Herders shall provide within the IGAD Transhumance Certificate, an itinerary indicating the transhumance corridor(s) to be followed in their transhumance.

Article 7: Identification Documents

Herders shall possess identification documents duly issued by the competent authorities in their country of origin and shall produce it upon demand in the host country.

Article 8: Guarding Transhumant Livestock

Transhumant livestock shall be under constant guard by a sufficient number of herders, both while on the move and during grazing. Local authorities may approve the number of herders.

Article 9: Grazing Areas

Host Communities and local authorities shall define the areas where transhumant livestock may be stocked and shall determine the maximum capacity of each grazing zone identified.

Article 10: Stray Animals

Stray animals shall be dealt with by the relevant authorities without prejudice to the application of sanctions against their owner or herders, as provided for by national laws and local practices applicable in cases of stray animals in the host country.

Article 11: Protection of Herders

- a) Herders accompanying transhumant livestock shall enjoy fundamental rights in the host country as per the national laws and regulations of that country.
- b) Herders shall observe the laws and regulations of the host country, including but not limited to, those concerning conservation areas and management of watering points, and rangelands.
- c) No herder shall cross the frontier of another Member State with firearms

Article 12: Access to Services

- a) Transhumant pastoralists may access to basic services including education and health within the available resources and existing systems
- b) Member States may agree upon the accessibility of basic services to herders and herds through bilateral or multilateral agreements

Article 13: Early Warning Mechanism

Member States shall utilize information from the IGAD integrated early warning system to predict and plan for the transhumance livestock migrating in search of water and pasture.

Article 14: Bilateral Agreements

Member States shall develop and strengthen existing bilateral agreements towards facilitating implementation of the Protocol.

Article 15: Harmonization of Legislation and Policies

Member States shall harmonize relevant legislation and policies including those dealing with livestock and pastoral practices, animal health and land use policies in pastoral areas in order to facilitate implementation of the Protocol.

Article 16: Sale of Transhumant Livestock

- a) The protocol shall not apply to livestock taken across the border from one country to another for the purposes of commercial trade and shall not apply to animals that are not within the definition of transhumance livestock
- b) Herders may sell or buy some transhumant livestock for purposes of their sustenance provided that such sales are recorded in the IGAD Transhumance Certificate.
- c) Member states may establish bilateral or multilateral mechanisms to address illegal sale of livestock by transhumant populations

Article 17: Livestock Identification and Traceability

Member States are encouraged to adopt and institutionalize the livestock identification and traceability system (LITs) through appropriate livestock identification technology and systems amongst the pastoral communities.

Article 18: Establishment and Strengthening of Local Institutions

Member States shall support the formation and strengthening of local institutions in the border areas to facilitate cross-border collaboration during mobility and shall uphold other regional mechanisms for promoting pastoral coexistence including

the IGAD CEWARN, the prevention of proliferation of small arms and light weapons (SALW's); disease control and surveillance, prevention of livestock theft and use of the traditional systems and structures for conflict management and peace building among cross border communities.

Article 19: Investments in Border Communities

Member States shall invest in border communities through integrated land use plans that take into account the needs of pastoralists, disaster risk management strategies, tracking of animal mobility, early warning mechanisms and long-term investment in the pastoral areas.

III. THE IGAD TRANSHUMANCE CERTIFICATE [ITC]

Article 20: IGAD Transhumance Certificate (ITC)

- a)** All transhumant livestock and herders shall be allowed free and safe passage across points of entry into and departure from each country in accordance with the provisions of Article 3 on the condition that they have the IGAD Transhumance Certificate [ITC]
- b)** The annexed ITC shall form an integral part of The Protocol.

Article 21: Components of ITC

- a)** The IGAD Transhumance Certificate shall be issued by the relevant competent authorities in the country of origin and contains details of the ownership of the herd, composition, health status including vaccinations given, proposed itinerary and the border posts to be crossed by the herd.

- b) The certificate shall be verified and counter-signed by the relevant authorities at the entry and exit points in the host country and shall include information reflecting changes in the number and composition of the herds resulting from sale, purchase, slaughter, death, births and any other reasons.

Article 22: Non-Declared Transhumant Livestock

Subject to the sanctions provided for in the laws of the country concerned, transhumant livestock not covered by the certificate may be placed under quarantine and costs borne by the owner(s).

Article 23: Right of Admission

Without prejudice to Article 20, in the event of reasonable circumstances inter alia; security, public health and public order, receiving Member States reserve the right to admit or deny entry for transhumance pastoralists and discontinue transhumance movement of incoming livestock.

IV. COORDINATION OF CROSS-BORDER TRANSHUMANCE

Article 24: Coordination and Monitoring Structure

- a) Overall implementation of this protocol shall be coordinated and monitored by Ministers responsible for livestock and/or pastoral development in IGAD Member States.
- b) ICPALD shall assist to coordinate, develop implementation programs, and establish, strengthen and support cross border structures, services and mechanisms in achieving free, safe and orderly passage of transhumant livestock and herders.
- c) ICPALD shall help in the conduct civic education on the protocol to pastoral communities and related stakeholders for maximum exploitation of social, ecological and economic potential of the pastoral system.
- d) Community based coordination shall be conducted with support of but not limited to cluster-based pastoral services' management committees, cluster-based and regional pastoral associations and a regional coordination team.

V. SETTLEMENT OF DISPUTES AND APPROVAL OF THE PROTOCOL

Article 25: Settlement of Disputes

- a) Member States shall utilize local institutions provided for under Article 18 in addition to the IGAD Conflict Early Warning and Response Mechanism, (CEWARN) and bi-lateral mechanisms in dealing with disputes arising from transhumance.
- b) Any dispute arising from the interpretation or implementation of the Protocol shall be settled amicably, failure to which, the dispute shall be referred to the IGAD Council of Ministers

Article 26: Signature, Ratification and Adoption

The Protocol shall-

- a) Be signed by the duly authorized representatives of the IGAD Member States;
- b) Be subject to ratification in accordance with the constitutional or legal requirements and practices of Member States; and
- c) Remain open for adoption or accession after its entry into force.

Article 27: Language

- a) The adopted text of the Protocol shall be in English and French, the official languages of IGAD both versions being equally authentic.
- b) For the purposes of implementation, the Protocol may be translated into any other of the languages used in the IGAD region as may be practically possible.

Article 28: Amendment

- a) An amendment to this Protocol may be initiated by a Member State through written request giving ninety days' notice addressed to the Executive Secretary of IGAD.
- b) On receipt of a request for amendment, the Executive Secretary of IGAD shall transmit it to other Member States within thirty days of receipt and the request shall be discussed by the IGAD Council of Ministers.
- c) Any amendment to the Protocol shall be adopted by consensus failure to which, by a vote of two-thirds majority of the Member States.

Article 29: Suspension

- a) Any member party may suspend temporarily the implementation of provisions of the Protocol in its territory, in case of a threat to national security, public order or public health
- b) The suspending member state shall give [written] notice of suspension within 90 days and communicate to other member states through the Executive Secretary of IGAD the decision to suspend or lifting of the suspension in its territory.

Article 30: Withdrawal

- a) Any Member State may withdraw from this Protocol by giving twelve (12) months written notice to the Executive Secretary of IGAD;
- b) During the period of 12 months, referred to in paragraph (a) of this article a Member State wishing to withdraw shall comply with provisions of this protocol and shall be bound to discharge its obligations up to the date of its withdrawal.

Article 31: Depository

The Protocol shall be deposited with the Executive Secretary of IGAD.

Article 32: Entry into Force

- a) This Protocol shall enter into force thirty days after the receipt of the fourth signatures from Member States.
- b) Upon entry into force, this Protocol shall become an integral part of the Agreement Establishing IGAD.

Done at.....on the.....day of.....of the year.....

IN WITNESS WHEREOF, the duly authorized representatives of the respective States have signed this Protocol

SIGNED _____
For the Republic of **Djibouti**

SIGNED _____
For the Federal Democratic Republic of **Ethiopia**

SIGNED _____
For the Republic of **Kenya**

SIGNED _____
For the Federal Republic of **Somalia**

SIGNED _____
For the Republic of **South Sudan**

SIGNED _____
For the Republic of **Eritrea**

SIGNED _____
For the Republic of **Sudan**

SIGNED _____
For the Republic of **Uganda**



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