

SUDAN BORDER MANAGEMENT AND SECURITY

Concordis Briefing 5

June 2011

Policy Frameworks for Cross-Border Transhumance

Dr. Mohamadou Abdoul, Coordinator of Inter-Afriques Unit, Enda Diapol

Summary

- Cross-border transhumance is vital to the livelihoods of pastoral communities of northern and southern Sudan.
- Clear and agreed rules should regulate the mobility of cattle across borders.
- Policy frameworks for pastoralism should include cross-border transhumance.
- Linkages with existing and emerging regional initiatives are important in terms of building on best practice, policy coherence and policy harmonization
- Local authorities and civil society have a major role to play in the management of cross-border transhumance.

The internationalisation of what was previously considered an internal border and the political and military tensions related to border contestation accentuate the difficulties often noted in regulating the cross-border movement of people and goods in general and cross-border transhumance in particular.

The border regime will depend on the nature of the relationships between two new countries and is not yet determined, but whatever happens cross-border transhumance will continue to take place. It is therefore essential that consensual and collaborative mechanisms are established in order to regulate this type of transhumance.

This briefing provides arguments for the establishment of a collaborative cross-border transhumance management strategy between the two countries. It draws on examples of initiatives developed in West Africa.

Significance of cross-border activity/
cross-border issue

Transhumance is "a system of animal production characterised by seasonal and cy-

clical migration of varying degrees between complementary ecological areas and supervised by a few people, with most **of the group remaining sedentary**".¹ This activity is conducted by pastoral societies; those whose breeding structures, social relations, movement of livestock and associated values form the basis of its reproduction.

Transhumance is based on the use of different and complementary ecological niches in which the transhumant herders organise their lives and ensure the viability of their animal stock. The back-and-forth movement of animals and people occurs within a limited space and, in most cases, across borders. This is the case in Sudan. In between northern Sudan, with an annual rainfall less than 200 mm, and South Sudan, where rainfall can exceed 800mm, lies an intermediate zone which coincides with the border area. It is a space for agricultural production, livestock and oil exploitation in which transhumants spend time in the pastures of the South during the dry season and areas of the north during the rainy season. A system of migration routes and roads, from 100-400km long and 20-

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of Concordis International and can under no circumstances be regarded as reflecting the position of the European Union.



For more information contact Chris Milner (c.milner@concordis-international.org)

Concordis International
Jubilee House
3 Hooper Street
Cambridge
CB1 2NZ
United Kingdom

www.concordis-international.org



www.concordis-international.org

¹ Livestock in Sahel and West Africa, Promoting and Supporting Change in Transhumance Pastoralism in Sahel and West Africa, Transhumance Pastoralism: A Reality in Animal Production System in Sahel and West Africa (SWA), Policy Brief, Number 3, SWAC, ECOWAS, UEMOA, CILSS, POPPA, April 2007.

200m wide, have been in place since the colonial period if not before.

Research conducted by the Sahel and West Africa Club Secretariat highlights the often overlooked comparative advantages of transhumant pastoralism, but also the factors that lead to conflict as a result of transhumance activity². Transhumance makes it possible to manage the exploitation of pastures to allow for regeneration and to reduce predation on the soil. It is also beneficial in that sense it contributes to productivity, particularly through increased access to milk and improved soil fertility in the reception areas. It is also a way of preserving and/or reproducing the capital stock of cattle. In social terms, transhumance reinforces and consolidates relations between communities and facilitates social integration (marriage). Such economic and social linkages ultimately promote peace and stability.

But both the West African and Sudanese contexts also show that transhumance contains great potential to generate conflict, especially in border areas. Climate crises such as the Sahelian droughts of 1970s and 1980s led to significant changes in transhumant livestock production systems. Large numbers of herders suffered a devastating loss of their livestock, forcing them to transmute into farmers or migrate to urban centers in search of hypothetical jobs. The same climate crises have resulted in greater pressure on the scarce remaining resources (water, land, pastures) and increased competition between herders and between herders and other communities who also depend upon the same resources. In most cases, as in Sudan or elsewhere in West Africa, the Sahel in particular, these tensions manifest themselves in the form of violent conflict that establish reinforcing cycles of violence and revenge.

In addition to the problems mentioned above, the nature of cross-border transhumance is often influenced by the nature of political relations between contiguous countries. National disputes over the border regime or contestation over territory are barriers to good regulation of cross-border, not least because transhumant herders are often easily manipulated and mobilised to participate in conflicts between countries.

Cross-border transhumance can involve the movement of herds containing thousands of animals through treacherous routes (involving *inter alia* cattle rustling, insecurity, cultivated land, physical barriers such as dams, pipelines). The organisation of transhumance and its management therefore requires a strong political authority that controls and regulates mobility and the access to, and use of, resources in host areas. It requires above all common understandings and agreements between neighboring states and communities to

establish mechanisms to ensure that the potential of transhumance to contribute economically and socially outweighs its role as a source of instability. The example of West Africa shows that it is possible to implement these regulatory frameworks at local, bilateral and regional levels.

Guiding Principles to Inform Policy Framework

a) ECOWAS: A Sub-Regional Framework

Sub-regional ECOWAS has set up a Sub-regional legal arrangement regulating cross-border transhumance (Decision A/DEC.5/10/98, October 1998). This decision is supported by the rule C/REG.3/01/03 adopted in 2003 for the implementation of the regulation of transhumance between ECOWAS member states.

The decision and rule define the conditions for movement of livestock; looking after animals; and hosting transhumant cattle.

The International Transhumance Certificate of (ITC) of ECOWAS is a tool developed to implement this framework. This "laissez-passé" for transhumants and breeders is designed to:

- Ensure the sanitary conditions of local herds;
- Give information to people in reception areas about the arrival of transhumant animals and time to prepare and respond.
- The instrument also guarantees, through the laws of the receiving country, that the rights of nonresident herders will be respected. At the same time, non-residents transhumants must comply with the national legislation of the host country, including regards access and use of forest areas, wildlife, water points and pasture.
- A conflict resolution mechanism is put in place through a Conciliation Commission. This consists of herders, farmers, local authorities and others concerned stakeholders.

Despite the framework being both simple and comprehensive, effective implementation is challenging. Several constraints have been noted which should be taken into account when designing new systems to manage cross-border transhumance:

- Herders often find that migration routes and transhumance corridors in the reception areas are occupied by farmers or villages;
- Administrative impediments, delays, and illegal taxation of pastoralists are common;
- Communities in reception areas blame migrating herders for damage to crops the over-exploitation of protected areas (through hunting, fishing, over-grazing).

b) Bilateral Agreements on Cross-border Transhumance:

In 2003, Burkina Faso and Niger signed a Memorandum of Understanding establishing a cooperative framework to guide cross-border transhumance. They set up a Consultation Framework which aimed to:

- Manage transhumance between the two States;
- Ensure the proper implementation of the decision A/DEC.5/10/98 31 October 1998 on the regulation of transhumance between ECOWAS Member States;
- Promote dialogues and exchanges between the two States in the field of transhumance and the management of natural resources;
- Propose measures to promote and support the definition and implementation of regional policy related to the inter-State transhumance.

The Consultation Framework comprises two bodies: a political Committee of Ministers responsible for livestock, and a Joint Technical Committee. The meeting of Ministers considers and approves the proposals made by the Joint Technical Committee. It gives instructions on the regulation of transhumance between the two States.

The Joint Technical Committee proposes to the Committee of Ministers all measures to promote and support the definition and implementation of transhumance between the two states. The Joint Technical Committee is responsible for:

- Preparing inputs to the Committee of Ministers;
- Preparing, monitoring and assessing progress in managing transhumance between the two States;
- Making recommendations and proposing appropriate solutions to outstanding and emerging issues;
- Helping resolve conflict between transhumant herders and other natural resources users in both states;
- Strengthening the activities and programs of National Transhumance Committees;
- Initiating activities and implementing programs to solve problems related to transhumance.

The issue of livestock management is one of the most important activities performed by the Inter-State Commission between Mauritania and Mali. In this context, transhumance is subject to regulation and compliance with certain conditions is demanded. Cross-border transhumants must complete the following procedures and hold with them documents certifying their regularity:

- Transhumants must vaccinate their animals (which means that they should, in principle, hold a vaccination certificate);

- Transhumants must each have a certificate proving that their animals are healthy;
- Transhumants must hold a certificate of transhumance which highlights the identity of the pastoralist, the exact composition of livestock, the diseases against which these animals have been vaccinated and the proposed destination in Mali and/or in Mauritania;
- A pass issued by the prefect (Mali) or Hakem (Mauritania).

Additional conditions relating to the conduct of transhumants are also established. These include:

- Ensuring effective day and night guards for their animals. Guarding should be undertaken by persons aged 15 years at least;
- Requirement to pay the grazing fee are set in the host country;
- Respect for the traditions and customs of the host-villagers;
- Compliance with animal and human census operations.
- The host country is responsible for the security of transhumant herders;
- Transhumants are prohibited from hunting, mutilating trees, and starting bush fires.

In the case of non-compliance with the Animal Health Agreement between the two countries, herds may be quarantined and vaccinated. Immunisations in the host country shall be paid for by transhumant herders.

Policy Objectives to Inform Policy Frameworks

The African Union has developed a framework for defining a pastoral policy across the continent. It presents principles, objectives and strategies for implementation of this policy.

The principles recognise the rights of pastoralists and the need to provide them a secure environment, infrastructure and economic opportunities. The framework also recommends improvements to develop their political, economic and social capital, by involving them more particularly in the dialogues and decision-making processes. Significantly, it recognises pastoralism as a viable, and economically efficient way of life. The framework reaffirms the strategic importance of pastoral mobility along with the importance of adopting a regional approach, particularly in terms of policy reforms and pastoral legislations. It promotes risk management particularly related to drought and calls for governments to mainstream risk management into policy frameworks. The principle of recognition of, and the need to build on, existing processes and policies is also a very strong recommendation, as is the need to periodically update pastoral policy because of rapid changes and developments in the sector.

The African Union Framework for the formulation of pastoral policy is underpinned by a number of objectives and associated strategies:

- Secure and protect the lives, livelihoods and rights of pastoral peoples and ensure continent-wide commitment to political, social and economic development of pastoral communities and pastoral areas. A pastoralist policy framework to achieve this should: Recognise the role of pastoralism in development; Demonstrate commitment to pastoral policy development; Integrate pastoral issues into decision-making processes; Acknowledge the legitimacy of indigenous pastoral institutions; Strengthen the role and rights of women in pastoral communities; Mainstream pastoral issues in poverty reduction programs; Deliver services.
- Reinforce the significant and overlooked contribution of pastoral livestock to national, regional and continent wide economies. A pastoralist framework to achieve this should: Provide for pastoral rangeland governance; Support mobility within and between countries; Protect pastoral livestock assets; Promote markets for pastoral livestock and livestock products; Provide financial and insurance services tailored to pastoral areas; Protect African genetic resources – pastoral animals and plants; Undertake research, review and extensions.

The framework for pastoral policy developed by the African Union demonstrates a best practice viewpoint that States should adopt a national policy on pastoralism and that cross-border transhumance dimension should figure prominently within this.

Potential Application in the Sudanese Context
In many areas of Sudan, pastoral communities co-exist in relative peace and harmony despite the tense political and military situation. Management of transhumance in the borderlands between North and South Sudan should build upon ancient local practice and the mechanisms for management of transhumance that are based on local agreement. More generally, policy development can and should build on initiatives and projects already carried out in Sudan such as the RRBC³ project in North and South Kordfan, Upper Nile and Sobat Basin. This was established to support local authorities in the development of institutional systems to improve management of natural resources and build capacity of herders.

In addition, as outlined in this paper, a body of best practice exists from which lessons can and should be learned. Other processes are ongoing, for example, COMESA is currently drafting legislation to guide pastoral mobility in East and Southern Africa. Similar processes in Sudan should be linked to such regional initiatives, either directly or at the least through reflecting their key principles.

Resources

Concordis International (2010), *More than a Line, Sudan's North – South Border*, September 2010, Concordis International Sudan Report.

Dr Babiker A. El Hassan Izzy Birch, *Securing Pastoralism in East and West Africa: Sudan Desk Review, Final Version*, April 2008

Hidden Value on the Hoof: Cross-border Livestock Trade in Eastern Africa, Policy Brief Number 2, February 2009, Common Market for Eastern and Southern Africa, Comprehensive African Agriculture Development Programme

Legislation to support Cross-border Livestocks Mobility, Policy Brief Number 14, February 2010, Common Market for Eastern and Southern Africa, Comprehensive African Agriculture Development Programme, 3 p.

Livestock in Sahel and West Africa, Promoting and Supporting Change in Transhumance Pastoralism in Sahel and West Africa, Transhumance Pastoralism: A Reality in Animal Production System in Sahel and West Africa (SWA), Policy Brief, Number 3, SWAC, ECOWAS, UEMOA, CILSS, POPPA, April 2007, 4 p.



³This project launched in 2004 is *the Reduction of Resource Based Conflicts Project*. Supported by the Embassy of the Kingdom of the Netherlands, the Canadian International Development Agency (CIDA) and the United Nations Development Programme with the support of the Government of Norway in the preparatory phase (2002-2003).