





Issue 10 | December 2019

Vanishing herds

Cattle rustling in East Africa and the Horn

Deo Gumba, Nelson Alusala and Andrew Kimani

Summary

Cattle rustling, a term widely accepted to mean livestock theft, has become a widespread and sometimes lethal practice in East Africa and the Horn of Africa regions. Once a traditional practice among nomadic communities, it has now become commercialised by criminal networks that often span communal and international borders and involve a wide range of perpetrators. This paper explores reasons why the problem persists despite national and regional efforts to stem it and suggests some practical ways of managing it.

Recommendations

- Governments in the region need to re-examine their response to the age-old challenge of cattle rustling, which undermines human security and development.
- Most interventions by governments have focused on disarming pastoral communities and promoting peace initiatives although they may not offer a sustainable solution to the problem.
- The design and implementation of policies should be guided by informed research rather than by politics. This will ensure that programmes take into consideration the expectations and aspirations of target communities.
- Countries in East Africa and the Horn should enhance the existing common objective of a regional response to the transnational nature of cattle rustling by strengthening the existing legislative framework and security cooperation among states in the region.

Background

Cattle rustling in East Africa and the Horn was, in the past, predominantly practised by pastoral and nomadic communities for two main purposes. The first was as a way of restocking after a severe drought or disease had killed their livestock and the second was to enable suitors (young warriors) to acquire cattle to pay the bride price required in order to marry. Whatever the reason, however, it rarely involved violence or death.

This has changed dramatically in recent years, with the latest statistics and reports showing that the phenomenon of cattle rustling has evolved in both method and extent. It is now being practised for commercial reasons and through criminal networks that cross communal and international borders, rendering cattle rustling a transnational (criminal) act.

While the researchers are cognisant of existing work on cattle rustling, including sub-regional anti-cattle-rustling protocols adopted by affected countries in East Africa and the Horn, this research extends beyond the existing (published) work to ask the question: 'Why has the practice persisted despite national and regional efforts to stem it and what are the most practical ways of managing the problem today?'

Broadly, this paper highlights the evolution of cattle rustling and the factors that have contributed to the changing dynamics; establishes whether, in its new form, cattle rustling bears the characteristics of a transnational organised crime and draws from an analysis of the research findings some practical policy recommendations that might contribute to alleviating the challenges.

The paper is divided into nine sections. This section outlines the broad objectives of the paper. Section two defines the research problem, both theoretically and in terms of the evolution of the practice. Section three focuses on the factors that influence cattle rustling, while the fourth section looks at the way various actors, such as affected communities and governments, have responded. Section five forms the core of the field research findings conducted in five border areas traditionally affected by cattle-rustling activities.

Section six interrogates whether or not cattle rustling, as practised today, using small arms and light

weapons (SALW), should be considered a form of transnational organised crime. Section seven proposes a regional approach to the threat, while section seven details an operational framework or roadmap for reviewing, ratifying and implementing the protocol adopted by countries in the region. Finally, section eight sets out some recommendations, while section nine is the conclusion.

What exactly is cattle rustling?

Stereotypically, the culture of stealing livestock in East Africa and the Horn of Africa is considered to be the reserve of pastoral nomads,¹ communities that inhabit arid and semi-arid areas that cross the borders of countries in the region. In search of water and pasture, they move with their livestock from one place to another within one country or across borders. These communities include the Maasai, Samburu, Turkana, Borana, Orma, Karamojong, Dodoth, Teso, Pokot, Jie, Kipsigis, Nandi, Somali, Ankole, Tutsi, among others.²

In the words of a Turkana elder, and as simply understood in the region, cattle rustling, especially in the traditional setting, is the theft of livestock, usually a herd belonging to one community, by a group of armed warriors from another (rival) community.³

On the other hand, the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO) Cattle Rustling Protocol (also known as the Mifugo Protocol) defines cattle rustling as 'stealing or planning, organising, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the theft is accompanied by dangerous weapons and violence'. Whereas the Turkana elder did not expressly mention 'violence', the EAPCCO definition recognises that modern weapons (guns) are used. In recent times such firearms have replaced the less lethal weapons like spears, bows and arrows that have historically been used.

Cattle rustling has also been defined as an activity carried out by a group of individuals, often not from the same community, who plan, organise and forcefully steal livestock from another person, community or entity or from the grazing field or kraal for the purpose of social, political or economic gain.⁵

Cheserek, Omondi and Odenyo distinguish cattle rustling and 'cattle raiding' as follows:

Cattle rustling is the act of forceful raiding of livestock from one community by another using guns and leaving behind destruction of property and loss of lives. This concept should be understood alongside cattle raids which involve stealing livestock from one community by another without destroying property or killing people.⁶

In differentiating between 'rustling' and 'raiding' the authors underscore how the phenomenon has evolved over time from a cultural practice in which less lethal force and weaponry were used, to a more lethal, gunbased practice. It is therefore evident that a lot may have changed in the course of time, as elucidated in the findings below.

The phenomenon has evolved from a cultural practice in which less lethal force and weaponry were used, to a more lethal, qun-based practice

Factors influencing the practice

Cheserek, Omondi and Odenyo⁷ also identify culture as a factor behind cattle rustling among Pokot and Marakwet communities in Kenya's Baringo and Elgeyo Marakwet counties. They also highlight issues like poverty, erosion of traditional values and illiteracy as well as the 'profound' socio-economic effects of cattle rustling. These include displacement of populations, changes in livelihood activities and the erosion of cultural values. They argue that the economic value of cattle rustling is significant in the urban meat supply chain, which 'is controlled by business people who are not necessarily pastoralists but very well-connected politically'.

During a seminar held prior to the field research a number of factors that have contributed to the scope of and trends in cattle rustling were identified. These factors also resonate with some of the findings of the field research, as discussed below.

Diminishing pasture land

The increase in human population has led to other communities encroaching on land belonging to pastoralists. This has resulted in smaller herds, thereby creating a higher demand for cattle, which has correspondingly contributed to high rates of cattle rustling. Among the solutions suggested to solve these problems were the possibility of grouping pastoralists in ranches, offering amnesty to reformed offenders and introducing stricter measures to curb the proliferation of arms.

Emergence of 'cattle warlords'

As herds have diminished the demand for beef has escalated, especially in urban centres. This has aggravated the frequency of cattle rustling attacks and the scale of the force used. In addition, criminals, many of them with genealogical links with pastoral nomads, have made their appearance. For lack of a better term, this paper refers to the criminal networks that span international borders as 'cattle warlords'. Their weapons of choice are often illicitly acquired firearms and their operations have created an emerging class of businessmen using networks they control to enrich themselves through cattle rustling.

Ease of concealment and transportation

Cattle are not illegal commodities like drugs and contraband goods that may raise an alert when they are transported, whether on foot or in trucks. Nor is there a law in East Africa and the Horn forbidding transportation of cattle within a country's territorial borders. For this reason, stolen cattle are transported in trucks through networked organised syndicates. They are moved in similar ways across international borders in small numbers to avoid suspicion, or they are disguised to conceal their real colour. In these instances, documents are falsified to indicate that the cattle have followed a genuine transaction process necessary for 'export'. The use of trucks to transport livestock is a recent phenomenon, at variance with traditional methods of transporting cattle. It is a sign of the commercialisation of the practice and of the need to facilitate a quick escape, particularly across international borders.

Lack of effective regional instruments

The countries affected by cattle rustling in East Africa have not been able to commit to a common framework that would facilitate the fight against the practice. The closest they came to forging a common response was the adoption in 2000 of the EAPCCO Cattle Rustling Protocol. As discussed below, the protocol remains the most viable sub-regional instrument for addressing the challenges. More recent research highlights politics and

scarcity of resources as factors behind cattle rustling. For instance, Bunei, McElwee and Smith argue that political undertones as well as competition over grazing and farming rights are some of the factors behind the increase in cattle rustling.⁸

The emerging trend, which has had a disastrous impact on national and regional security, is commercial in nature and characterised by high intensity conflicts enabled by the proliferation of small arms and light weapons, particularly AK47 rifles, which, since the 1980s have become the weapons of choice for cattle rustling in the EAPCCO region.⁹

The emerging trend, which has had a disastrous impact on national and regional security, is commercial in nature and characterised by high intensity conflicts

In the same vein, according to Mganda,¹⁰ the practice along the Kenya-Uganda border has transformed over time with the increased proliferation of sophisticated firearms. Like Wepundi,¹¹ she highlights the arms trade routes in the region, which traverse national borders, and explores the factors that influence cattle rustling, including commercialisation, political incitement, unresolved recurrent conflicts, historical marginalisation and poor state strategies for curbing raids and related conflicts.

Responses

Responses to the upsurge in cattle rustling have been formulated at both community and regional levels.

Community level responses

The proliferation of small arms on the continent at the end of the Cold War resulted in the emergence of markets in the region where cattle were bartered for guns and bullets and guns and bullets traded for cattle, resulting in a lethal symbiosis with catastrophic results.

Historically, areas affected by cattle rustling have been characterised by inadequately resourced security apparatus, little government presence in affected areas and general underdevelopment. So, when guns and ammunition became easily available people opted to arm themselves in order to defend their communities, families and wealth, which, in this case, consisted largely of cattle. Cattle rustling has become a do-or-die affair.

Attempts at a regional response - EAPCCO Protocol

As cattle rustling has intensified, the number of deaths among rustlers, security forces and affected populations has increased. Countries in the region responded, in the main, in two ways, using largely indiscriminate force and incentivised disarmament initiatives. However, neither of these approaches was particularly successful. Indiscriminate violence ratcheted up community resentment against state security forces, while the exchange of livestock for firearms and ammunition achieved the opposite effect – incentivising civilians to acquire more firearms.¹²

The member states of the EAPCCO - Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Tanzania and Uganda - saw the sense in forging a common front when they realised that cattle rustling had metamorphosed into a violent practice and was spreading, as neighbouring communities raided each other across borders. In 2008 they signed the EAPCCO Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa.

The protocol sought to:

- prevent, combat and eradicate cattle rustling and related criminal activities in the eastern region of Africa;
- systematically and comprehensively address cattle rustling in the region in order to ensure that its negative social and economic consequences are eradicated and that people's livelihoods are secured;
- enhance regional cooperation, joint operations, capacity building and exchange of information; and
- promote peace, human security and development in the region.¹³

The instrument is far reaching. For instance, Articles 6 and 7 require member states to harmonise their legislation on cattle rustling as well as to adopt livestock identification systems and records. It also aims to improve the capacity of police, guards, customs, border communities, the judiciary and local leaders and relevant agencies to conduct joint operations as well as provide

mutual legal assistance. The states are also supposed to cooperate in law enforcement, with the involvement of civil society. However, the protocol is yet to be enacted.

The fact that cattle rustling transcends the borders between member states who are signatories to the protocol means its implementation will be a major step in the regional effort to combat the phenomenon. This was one of the main pointers in the findings of the field research conducted in selected border areas between EAPCCO member states, as detailed below.

Field research and findings

Statistics as recent as 2017 and the first half of 2018 when the field research was conducted show that various parts of eastern Africa experienced attacks in which thousands of livestock and dozens of people were maimed or killed. For instance, in April 2017 in Kenya's Laikipia County, about 10 000 pastoralists armed with automatic rifles raided farms, wildlife reserves and conservancies, driving away 135 000 head of cattle. A few months later security agencies in Kenya stopped politically-motivated raiders who had killed hundreds of cattle in a gunfight with pastoralists.14 In December 2017, 38 head of cattle were reported stolen in one attack alone in northern Kenya, while armed rustlers from South Sudan stole 30 head of cattle from northern Uganda. Earlier in May cattle rustlers from South Sudan looted 100 goats from the same region of northern Uganda.

Methodology

Pastoral nomads, those most affected by cattle rustling, live mainly in arid and semi-arid areas, most of them on the fringes of member states with limited state presence. The choice of areas in which to conduct the research followed this logic. It was also relatively easy to gather data from communities sharing a common border. These were grouped into clusters for ease of analysis.

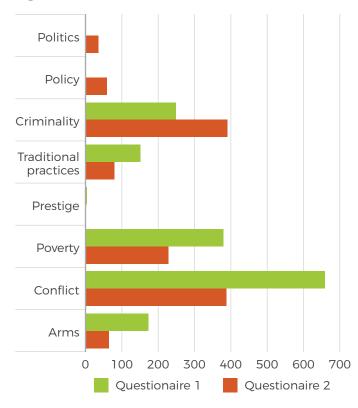
The clusters studied included the Somali cluster, covering Somalia, north-eastern Kenya and south-eastern Ethiopia; the Karamojong cluster, covering northern Uganda, southern South Sudan, north-western Kenya and south-western Ethiopia; the Boran cluster, which includes southern Ethiopia's border region and northern Kenya, and the Maasai cluster in southern Kenya and northern Tanzania. There is no clear-cut demarcation between the clusters and, in some instances, they overlap.

The field data were collected using structured questionnaires, key informant interviews and focus group discussions. The informants were largely villagers, local community leaders, pastoralists and local opinion leaders. Senior security officials, public administrators, representatives of civil society and local administration staff were also interviewed. Some of the key informants were people with knowledge of areas where cattle rustling is prevalent. Telephone interviews were conducted with informants who could not be reached physically. The findings of the study are disaggregated according to the clusters, as reflected below.

Thematic issues

The study took cognisance of the two main levels of respondents – policy makers and local communities, with two categories of related questionnaires administered. Eight structured thematic questions – on politics, policy, criminality, traditional practices, prestige, poverty, conflict and arms – were common to both sets of questionnaires. The frequency of responses to questions related to these themes were aggregated. The frequency with which the theme recurred determined how it was weighted. The results are reflected in Figure 1.

Figure 1: Themes



Original map summarising the themes captured during the field research

The graph depicts how interviewees prioritised the themes. Questionnaire 1 was mainly for people at the local community level while Questionnaire 2 was for policy makers at various levels of government.

Trends

The following trends may be deduced:

- Generally, ordinary citizens (commonly referred to as wananchi in Kiswahili) are more responsive than policy makers. This is because the former are not inhibited by official positions that the latter hold.
- Nearly all the respondents considered conflict and cattle rustling to be one and the same thing. This is a clear pointer to the viciousness of the acts and how they have evolved from customary 'simple' raids to armed criminal activity conducted with illicitly acquired SALW.
- Poverty what we consider in this case to mean material deprivation - is perceived to be a major contributor to cattle rustling. For instance, in the case of Kenya, the United Nations Development Programme (UNDP) cites weaknesses in national policies relating to arid and semi-arid lands as contributing to poverty in those areas. According to the UNDP:

The arid and semi arid lands (ASALs) of Kenya make up to 89% of the country, covering 29 counties and a population of about 16 million people. For decades, these areas were marginalized, seen as unproductive, with news on cattle rustling, drought, insecurity and poverty hiding the great potential of the region.¹⁵

Criminals are easily able to organise livestock theft using armed violence and make such illicit activities appear akin to traditional practice

The research findings confirm that skewed national policies lead to the alienation of such marginalised communities and contribute heavily to poverty, leading to high rates of crime. In the case of cattle rustling, criminals are easily able to organise livestock theft using armed violence and make such illicit activities appear akin to traditional practice. This research, however, did not venture into examining these trends in detail.

Border assessments

The study identified certain specific circumstances along the border areas that were studied. The greatest area of similarity was that criminals exploit the porosity of international borders to circumvent border patrols by security agencies. Trading centres along some of the borders thrive on illicit activities, not least cattle rustling and contraband goods. Assessment of such activities along the Ethiopia-Kenya, Kenya-Tanzania, Somalia-Kenya, Uganda-Kenya and Uganda-South Sudan-Kenya borders yielded the findings below.

Figure 2: Kenya-Ethiopia border areas covered by the research



Kenya and Ethiopia share a border that extends for about 500km. Those who live in the area are characterised mainly by a pastoral lifestyle. Informants attributed cattle-rustling incidents to frequent severe and violent inter-communal disputes over scarce pasture and water resources, a problem that has long plagued this border area, which occupies the extreme part of northern Kenya and stretches from around Lake Turkana in the west to the Somali border in the east. The research established that in the past 10 years cattle rustling has become a cross-border armed crime in which small to large herds of cattle are driven to and from either side of the two countries, depending on where the demand and the prices are higher at any given time.

The most affected border towns are Harmer, Teltele and Dilo Woredas on the Ethiopian side and Ileret, Dukana and Maikona wards in Kenya's North Horr sub-county. The ethnic communities along this border include the

Borana and Somali, which are predominant, as well as Gabra (or Gabbra), and minority Rendille, Burji, Turkana, El Molo and Dassanech communities.

Communities plagued by cattle rustling face a plethora of problems, including insecurity and the loss of their livelihood, which contributes to the rising poverty rates in the area

Residents of Forole, Illeret, Dukana and Maikona in Kenya, and those in Harmer, Dilo and Teltele in Ethiopia cited the absence of national security agencies (police, military, anti-stock theft, and so on) as a major contributor to the communities' vulnerability to armed crime, including cattle rustling. This vulnerability is exacerbated by the vast, porous, border crossing points; the lack of alternative sources of livelihood; drought due to climate change and the proliferation of SALWs. Several instances were cited of prolonged drought forcing communities to cross the border in search of water and pasture, rendering them vulnerable to attacks and theft of their livestock.

Breadwinners are frequently the victims of armed raiders, leaving families bereft and angry. The consequences are long-term grievances which, in various communities, are a potential trigger for revenge. Similarly, the fact that trust is undermined among communities within the two countries and across the border as a result of constant raids and revenge attacks has contributed to the need for communities to arm themselves. Respondents also pointed out that raids are not drought induced but commercially motivated. Informants said weak coordination and collaboration among communities had created a conducive environment for well-organised networks to raid. This situation is compounded by the lack of projects aimed at mitigating vulnerability to drought.

Residents in the affected areas told researchers how what they called 'cattle rustling politics' plays out in the form of community mobilisation. The youth organise themselves into groups in support of politicians, at a fee, or with a promise to neutralise a rival community by raiding their cattle. Sometimes cattle-rustling incidents are conducted with the aim of displacing communities that are perceived to support a different candidate from the one the attackers favour. The aim is to disperse opposition voters.

One example is the clashes in 2013/14 in Moyale, which were triggered by politically instigated raids to displace

and disenfranchise members of the Gabbra community. More than 3 000 households were displaced and the political motive of changing voting patterns was achieved. The clashes were triggered by the theft of 490 head of cattle belonging to the Gabbra community on the Ethiopian side of the border.

Political success is not measured on the basis of development projects initiated but rather by the numbers of livestock raided

The reconstruction of damaged property, the resettlement of displaced people and compensation for the dead and maimed was said to have cost more than US\$1 million. One local leader remarked during a group discussion that 'political success is not measured on the basis of development projects initiated but rather by the numbers of livestock raided. This incident shows how cattle rustling can be used to trigger politically motivated ethnic clashes. It also underscores the impact of cattle rustling on economic development as the state and the communities spend money on security at the expense of development.

Many respondents identified the proliferation of illicit SALWs as a major facilitator and enabler of the current trends in cattle rustling. The low police-civilian ratio and the absence of intervention by the state has forced communities along the border areas to arm themselves for self-defence, which increases the demand for illicit arms and creates a huge, ready and lucrative market for arms and ammunition in the region.

According to young people interviewed in Harmer and Dukana, one cow can be bartered for one AK47 rifle, while one round of ammunition for the AK is worth US\$2 (about R28). The ammunition for the G3 rifle is even cheaper, at US\$1.20 (about R17). During the discussions survivors of incidents of cattle rustling described how systems or networks spread within countries and across borders provide logistics for conducting raids. These include weapons and access to markets and information. For instance, one respondent stated during a one-on-one discussion in Maikona that 'a successful cattle raid largely depends on the amount of logistics put in place, it is like any other

project and it's a costly affair to sustain due to the high risks involved.'

Discussants also noted that long stretches of border work in favour not only of cattle rustlers but also of traffickers of contraband goods. As a result, illegal crossing points have mushroomed along most of the border areas as transnational criminals seek to escape law enforcement agencies on both sides of the border. Communities, most of which span borders, tend to enter and leave both countries at will.

All respondents concurred that cattle rustling has led to the flourishing of criminals who share information seamlessly between Kenya and Ethiopia in a way that ignores the existence of borders. The use of modern channels of communication such as WhatsApp and text messages are beyond border control. This enables criminal networks to organise and perpetrate theft. According to a local area chief in the Hurri hills areas, 'stolen cattle are sold both within and across the border'. Such cattle are locally referred to as AFCO, meaning cheap. AFCO stands for the subsidised Armed Forces Canteen Organisation. This points to the fact that those who steal such cattle need to sell them quickly at a price lower than the market value.

Some rival communities, recognising the negative impact of cattle rustling, have entered into agreements. For instance, the Gabbra and Borana communities. who live on each side of the Kenya-Ethiopia border, entered into an arrangement, called the Maikona Declaration, in which they vowed to shun cattle rustling. The declaration was signed a month after an infamous raid, popularly referred to as the 'Turbi massacre'. ¹⁷ In the same vein, members of the Gabbra and Borana communities have established cross-border community engagement through initiatives and channels of communication and conflict-resolution mechanisms. Elders from both sides meet to adjudicate issues of common interest, including cattle rustling. Governments have also continued to seek ways of providing state security in the affected areas. For instance, in Kenya the government has established the national police reserve scheme aimed at combating stock theft. However, the real impact of this scheme is yet to be realised.

Field research along the Kenya-Tanzania border revealed that existing policies and measures that seek to deal with cattle rustling are inadequate. To have a sustainable impact, efforts to prevent and reduce the practice need to be fully integrated into state and community

development programmes. This calls for systematic and concerted attention and the development of appropriate and effective partnerships at all levels of government and with civil society.

Figure 3: Kenya-Tanzania border areas covered by the research



The research on the Kenya-Tanzania border was conducted in Migori County on the Kenyan side and Tarime District on the Tanzanian side. Migori County is situated in south-western Kenya, while Tarime District is situated in north-western Tanzania. The same tribes – Luo, Kisii, Kalenjin and Kuria – inhabit both sides of the border, making the region cosmopolitan. The area covers part of the Maasai cluster and borders Lake Victoria.

Unlike the climate along the Kenya-Ethiopia border, which is semi-arid, that at the Kenya-Tanzania border is ideal for the production of a variety of crops like maize, beans and cotton. In addition to subsistence crop production and fishing in Lake Victoria, livestock farming is a significant activity. Livestock farmers mainly rear traditional breeds in areas like Nyatike, Karungu, Kegonga and Muhuru on the Kenyan side, which experience harsher climatic conditions and poor soil. Multiple interviews conducted with communities and other stakeholders revealed a variety of problems.

Illegal modern firearms are used in cattle rustling in the area. This is a result of systemic failure by the governments of both countries to provide security for communities living along the common border. However, most community members interviewed acknowledge that the magnitude of cattle rustling is not as severe as it was two decades ago.

Most respondents in this area referred to the phenomenon as 'cattle theft', rather than 'cattle rustling'. The reason, they say, is that the theft of livestock is motivated by profiteering, whereas 'rustling' is considered a traditional practice (as discussed above). Whatever the terminology, one common factor is the increase in violence and the use of arms associated with the practice.

Cattle rustling is more concentrated within the fringes of each country's borders. For instance, livestock thieves were said to steal from within the Kuria community or from neighbouring Luo, Maasai and Kalenjin communities in Kenya. Tanzania's Mara region, across the border, also experiences high levels of cattle rustling, with Kurias stealing from the Maasai, and vice versa.

Tanzanian authorities informed researchers that of the country's 31 administrative regions, Kagera suffers most from cattle rustling. Located in the north-western corner of Tanzania on the western shore of Lake Victoria, the region borders Uganda, Rwanda, and Burundi and lies across Lake Victoria from Kenya. Other regions in Tanzania which suffer from a high prevalence of cattle rustling are Morogoro, Pwani and Tanga.

Most respondents in communities along both sides of the border said an elaborate network of informants shares information about suspected criminal activities with security agents. This has led to a considerable reduction in crime, particularly the trafficking of SALWs in the area. Communities systematically report to the authorities people identified as being in possession of illegal firearms. In some cases, communities seize guns by force. These practices have helped to deter cattle rustlers and those who might be inclined to engage in the practice opt for legitimate economic activities instead.

The informants pointed out that the Kenyan authorities had engaged in several efforts to mop up illegal arms along the Kenya-Tanzania border. However, the porous nature of the long border, which reaches from the Indian Ocean to Lake Victoria, corruption and inefficient governance rendered the disarmament efforts fruitless. Among the corruption and inefficient governance practices identified by the interviewees were bribery, embezzlement of public funds, compromised procurement processes, impropriety in hiring civil servants and skewed distribution of resources or services. They acknowledged the deployment in affected areas of various security forces like the regular police, the

anti-stock-theft unit (ASTU), the rapid deployment unit (RDU), and the general service unit (GSU), among other initiatives.

However, some of the respondents, particularly the youth, denied that the security situation had improved. Focus group discussions with two independent groups of young people revealed that armed crime and cattle rustling activities in places such as Kuria East hinder public service delivery. For instance, in Ntimaru centre, which is the gateway to and from neighbouring counties in the Trans-Mara region, public service vehicles operate only up to 5pm because of security concerns.

The informants pointed out that the Kenyan authorities had engaged in several efforts to mop up illegal arms along the Kenya-Tanzania border

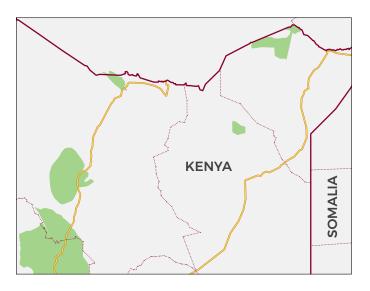
Some respondents criticised the failure of the state to investigate and prosecute offenders, citing cases where suspects were released from detention shortly after being arrested, or given very lenient sentences, ascribing this to bribery of judicial and custodial officers. According to them this failure is the reason why some communities resort to self-defence and extrajudicial executions.

The interviewees considered such interventions a way of dealing decisively with cattle rustling within the community. They identified unlawful interventions like mob justice, banishing perpetrators and the formation of vigilante groups as the most effective way of protecting their livestock. The radical nature of such illegitimate interventions stems from the perception that the government has no concrete strategy to tackle the menace. Discussants further cited cases where they believed security officials colluded in various ways with the criminals, including lending their firearms to would-be thieves or protecting those criminals who are reported to the authorities.

Most respondents favoured dialogue over revenge and violence, noting that the communities have lived together for centuries and that peace should be the bonding factor. They also expressed concern about some communities stereotyping others as 'cattle raiders', which drives a wedge among communities. They proposed continuous inter-community and clan dialogue to help address the challenges, saying that such dialogue should go hand in hand with stiffer penalties that would act as a deterrent.

Some respondents approved the Tarime Declaration, signed by local leaders in the northern Tanzania district after victims of cattle rustling systematically faced what Kjerland¹⁸ describes as intransigence from both Kenyan and Tanzanian authorities. The declaration provides a framework for dealing with cases of cattle rustling from both sides of the border, which, in the words of one local resident, will make tracing the stolen livestock 'a somewhat possible endeavour'.

Figure 4: Somalia-Kenya border areas covered by the research



The general findings indicate that cattle rustling is not very prevalent along the Kenya-Somalia border. Most criminal activity there relates to contraband goods crossing the border. However, the assessment revealed that if stricter controls and border surveillance were implemented to curtail the movement of other illicit goods communities might resort to cattle rustling as an option.

Generally, the border between the two countries is inhabited by Somalis, both Kenyan and Somalian. The community is clan-based and there are close bonds among the people. According to a group of youth interviewed, the closely-knit clan system renders it almost impossible to behave unjustly to one another, except in cases of revenge. Stealing, therefore, would

expose a clan to ridicule and shame. Some of the elderly respondents affirmed that strict Muslims would also not engage in theft, since the religion forbids it and imposes strict punishments on violators. The youth in Wajir County, Kenya, stated that cattle rustling is not common in the area because the market for cattle in Somalia is made inaccessible by the fact that Al-Shabaab, a terrorist group operating in Somalia, controls routes to major towns in that country.

Disputes arising from livestock theft among Kenyan communities are settled by means of alternative dispute resolution mechanisms

Because livestock price in Kenya are higher than those in Somalia, cattle rustlers might be tempted to steal from Somalia and sell in Kenya. However, this does not happen because the Kenyan authorities have intensified border monitoring because of terrorist threats. This has ensured that only legitimate crossing of livestock from Somalia is allowed. Indeed, today most of the livestock sold in Garissa, the main town in the region, comes from Somalia.

Before Al-Shabaab¹⁹ emerged, cross-border peace committees in both Kenya and Somalia arbitrated cases involving cross-border crime, including cattle rustling. The committee in Somalia relinquished its position following Al-Shabaab threats. Nevertheless, local authorities in Kenya work with their counterparts in Somalia on urgent security matters, including the isolated cases of cattle rustling. The residents of the towns visited expressed greater confidence in the Kenya Police Reservists (KPR) than in the regular police because they believed that they know the local terrain and can adapt better to the local context.

Consistent with the above, disputes arising from livestock theft among Kenyan communities are settled by means of alternative dispute resolution mechanisms instead of the conventional justice system. An example was given of stolen stray livestock between Wajir and Isiolo border (both in Kenya). The case was amicably resolved by community elders from Somali and Borana ethnic communities, with the Borana

agreeing to compensate the Somali for the stolen livestock. The respondents informed researchers that in April 2018 stray camels stolen from Marsabit County were recovered from Wajir County with the help of community elders.

Figure 5: Kenya-Uganda border areas covered by the research



Cattle rustling and armed conflicts have been cited as undermining development in marginalised pastoral areas of north-western Kenya and north-eastern Uganda. The Kenyan county governments of West Pokot and Turkana have set up directorates for peace building and reconciliation to address these problems. Uganda, on the other hand, has created development projects in the Karamoja region as a way of mitigating cattle rustling.

The Kenya-Uganda border areas of Karamoja, Pokot and Turkana have fallen victim to a number of deadly cattle-rustling episodes. Although both countries have recently deployed security agents along the border, the menace remains a significant security threat. The rustling, which is recurrent, is the result of a number of factors:

Scarcity of pasture and water: Dwindling pasture and water resources continue to plague cattle-keeping communities. Interviews conducted in the Turkana and Karamoja regions reveal that cattle rustling typically spikes during dry seasons and dips during wet seasons.

Reservoir of wealth and respect: Cattle are the mainstay of communities in Pokot, Karamoja, Turkana and Jie, whose members are primarily nomadic pastoralists. Ownership of huge herds of cattle gives people confidence, confers social status and is the ultimate

safety net for families, without which it is impossible to fathom life. Cattle are also widely accepted 'currency' for the payment of dowries. A great departure from the previous decades, among the Pokot and Karamoja communities in particular, is that families are beginning to embrace sedentary and agro-pastoralist lifestyles, as well as venturing into modern commerce.

Peace-building initiatives: The cross-section of respondents interviewed noted that the region has long been referred to as the 'triangle of death' due to its inextricable association with perennial conflict. But after decades of 'hard work and unwavering peace-building efforts', it is beginning to shed that tag and is now referred to as the 'triangle of hope'. The researchers were informed that the authorities and communities had put in place cattle identification systems to ensure no stolen cattle were either sold or transported. Permits for transportation of cattle are mandatory.

Infrastructure development: The researchers observed differences in various aspects of infrastructure development. For instance, on the Kenyan side of the border there was poor or non-existent investment in infrastructure. The poor state of roads and the limited access to water and telecommunications remain major impediments to combating cattle rustling and contribute to general insecurity in that remote and expansive region, with its difficult terrain and harsh climatic conditions. In contrast, infrastructure on the Ugandan side of the common border was visibly more advanced.

Governance of open spaces: Similarly, the researchers observed vast ungoverned spaces, particularly on the Kenyan side of the border. The Uganda People's Defence Forces has a greater presence along the common border than the Kenya Defence Forces, which has only one camp at Kacheliba, with limited border patrols. The general conclusion was that ungoverned spaces have the potential to provide 'ideal' grounds for intra-country and transnational organised crimes such as cattle rustling. The absence of or poor infrastructure, notably roads and telecommunication, tend to compromise effective border control severely, especially in situations of hot pursuit, where security agents need to cross borders or exchange information with their counterparts across the border.

The role of women: Field research in this area revealed that women tend to play an increasingly pivotal role in conflict resolution. Using local associations and

peacebuilding groups, they set up conflict resolution and reconciliation mechanisms that attract the buyin of their spouses. This approach, according to the respondents, is preferable to 'external' initiatives, which were dismissed as 'abstract' and 'patronising' in their packaging and delivery.

Bilateral initiatives: The governments of Kenya and Uganda have initiated commendable bilateral integrated border management strategies to curb crossborder cattle rustling as well as other activities that pose a threat to peace and security. It was found that the locals generally observe loosely-negotiated grazing arrangements. In addition to the involvement of both governments, there is also a relatively heavy involvement of non-governmental and inter-governmental actors who promote peace building, reconciliation and conflict transformation in the area. These organisations range from United Nations agencies to international humanitarian agencies, local non-governmental organisations, community-based and faith-based organisations. Several community-driven peace accords have been signed between various communities with the aim of stamping out cattle rustling in the region. These extra-legal mechanisms draw on community value systems and traditions.

The governments of Kenya and Uganda have initiated commendable bilateral integrated border management strategies to curb cross-border cattle rustling as well as other activities that pose a threat to peace and security

The Uganda-South Sudan-Kenya border is also prone to cattle rustling. The area is characterised by intermittent inter-community conflict and an international standoff over the Ilemi Triangle, a territory of about 14 000sq km, whose ownership is disputed by Ethiopia, Kenya, South Sudan and Uganda. The triangle is rich with green pastures, even during periods of prolonged drought. This is perhaps the main factor behind inter-ethnic tensions

among the Turkana of Kenya, the Nyangatom of Ethiopia and the Toposa of South Sudan. These tensions are mainly linked to scarce resources such as pasture and water, as well as to boundary issues.

Figure 6: Uganda-South Sudan-Kenya border areas covered by the research



Each of the communities that have historically shared the area - the Turkana of Kenya, the Toposa of South Sudan, the Dassanech or Merile of Ethiopia, the Nyangatom (Inyangatom) or Dongiro, who live between South Sudan and Ethiopia, and the Karamojong of Uganda - considers the Ilemi Triangle to belong exclusively to it. Local officials said the unresolved issue is exploited by various criminals, including cattle rustlers. Apart from the international dispute, this border area has other characteristics:

Limited resources: The perception that Kenya has de facto control over the disputed Ilemi Triangle has given the Turkana community overriding access to and use of the forage-rich area, though other communities still lay claim to the resource, which previously formed a common pool, a situation that has led to tensions. For instance, a local administrator in Lapur stated in an interview that in July 2018 people believed to be from the Turkana community stole cattle from Ethiopian herders who had crossed over to the Kenyan side. The Ethiopians then targeted the 'wrong village' in a fruitless effort to recover their stolen livestock.

Cross-border accomplices in crime: Like other communities in the region, those in this area span the borders. Whereas on occasion this has contributed positively to combating cross-border crime, the situation

cannot be compared to that of the Uganda-South Sudan. Interviewees referred to cases of informants located in the communities assisting cattle raiders by sharing information, thus complicating the fight against cattle rustling. According to the head of the Anti-Stock-Theft Unit in Uganda, 'the cattle rustlers have many collaborators among the communities that they raid'. He added that 'unless the collaborators are identified and dealt with, cattle rustling will continue to be a problem in and around the Karamoja region'.²⁰

Guns for free (weapon of choice): Dodoth warriors were the largest group of direct actors to be interviewed during the field research. Focus group discussions made it possible to tap into the synergy and flow of ideas generated by having many warriors together and the discussion was quite illuminating. They indicated that the guns they used for cattle rustling were mainly provided, at no charge, by government officers, as a way of 'helping' the officers, who were often 'overstretched' in maintaining security in the area.

The easy availability of arms in border areas reflects the situation within South Sudan, a country ravaged by a four-year civil war. For instance, in December 2017 alone, no fewer than 200 lives were lost, and scores of head of cattle were driven away. Within the country there were reports of two revenge attacks in which up to 100 people were killed and unknown numbers of cattle stolen. About 50 people died, 20 were wounded and nearly 60 women and children abducted during a revenge cattle raid on the Dinka in eastern South Sudan's Jonglei State by Murle youth from Boma State. In a separate attack at least 60 people were killed in the central area of Western Lakes State following battles over cattle between rival Dinka Rup and Pakam clans.²¹

Formation of communes: Due to livestock raids and insecurity, people in Karamoja live in small settlement groups called 'communes', some of which have developed into urban centres. They are far apart, with dozens of kilometres of empty space between them. Pastoral communities in the region often graze their cattle across borders. In the dry season the Ugandan military allows unarmed South Sudan and Kenyan herders to cross into Uganda.

Attempts at conflict resolution: Traditional conflict resolution mechanisms have proved inadequate to deal firmly with recent conflicts arising from access to and use of the triangle.²² Local leaders said there have been attempts by Toposa and Turkana community

leaders to inspire initiatives that would hopefully end the longstanding conflict by sharing information to help apprehend cattle rustlers. In recent peace talks led by the Turkana governor in February 2018 the two communities agreed to conduct regular dialogue through peace committees. They also agreed that the governments should lead efforts to recover and return livestock stolen along the border and set up a permanent market in Nadapal to foster trade and business between the two communities.

Pastoral communities in the region often graze their cattle across borders. In the dry season the Ugandan military allows unarmed South Sudan and Kenyan herders to cross into Uganda

Security operations: The Ugandan army carries out regular military operations to crack down on cattle rustlers in the region that borders South Sudan and Kenya. According to army spokesman Captain Albert Arinaitwe, rustlers killed in a recent operation in January 2018 were from the Jie and Dodoth communities as well as the Turkana from neighbouring Kenya, who stage incursions to steal cattle in Uganda. He said the army recovered weapons and some of the arrested rustlers were convicted and imprisoned for possession of illegal firearms.

Sub-regional efforts: In July 2018 the Inter-Governmental Authority on Development (IGAD) proposed a regional instrument, known as the IGAD Protocol on Transhumance, that it hopes will allow free movement of pastoralists and stamp out cattle rustling in the region. The protocol is a potential solution to cattle rustling and disease control among pastoral communities in the regional bloc that brings together Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. However, IGAD needs to ensure that Kenya, South Sudan and Ethiopia disarm pastoralists, as authorities in neighbouring Uganda have done, as a first crucial step towards making the protocol work.

Is cattle rustling a form of organised crime?

The above analysis indicates that cattle rustling has morphed into a form of organised armed crime, particularly because of the use of SALWs and the involvement of actors with purely economic interests. Similarly, as cited, most of the recent incidents suggest that a complex transnational organised crime web spans the borders between countries. Although in some areas the practice may appear not to be of major concern, the reality is that even the marginal cases threaten security.

The efforts of governments and non-governmental organisations, which continue to be visible on the ground, may have led to the decrease in large-scale cattle rustling over time. In some areas cattle rustling is not prevalent due to successful traditional or brokered community-based conflict resolution mechanism. However, there appear to be systematic, well-organised incidents, whose scale is not easy to quantify.

The variations in the nature and scope of the raids depend on the role of external actors and third parties who are the direct beneficiaries. Raids are, therefore, largely the result of external rather than local dynamics.

Different communities view cattle rustling differently but agree generally that it has evolved over time and that today the practice is largely driven by economic and political interests

The effectiveness of the conventional security and justice systems is minimal and it is possible that if the phenomenon is not controlled it may evolve into a commercial syndicate and get out of hand. Where state-driven disarmament programmes have worked, especially in Uganda, there are clear signs of the situation improving. Authorities have largely managed to contain cattle rustling in the country's Karamoja District and have apprehended some local council members responsible for addressing issues related to justice and security provision, who instigate and benefit from cattle rustling.²³

However, this optimism is overshadowed by fears about increasing local and cross-border raids, mainly attributed to political, security and foreign elements. These fears are well founded, because existing policies and measures relied upon to deal with these recent developments in cattle rustling remain inadequate. Despite cattle rustling depicting clear characteristics of organised crime, the practice has not been formally recognised as a criminal activity at national and regional levels. This brings into sharp focus the need for legislation at both these levels.

Different communities view cattle rustling differently but agree generally that it has evolved over time and that today the practice is largely driven by economic and political interests. There is also general consensus that the high fatality rate poses a major threat to human safety and development and needs urgent attention. Greiner observes that livestock raiding in Northern Kenya 'is now about guns, land and votes' as well as political claims over administrative boundaries, struggles for access to land and attempts to safeguard electoral bases.²⁴

Governments in the region have introduced unprecedented unilateral and bilateral measures against cattle rustling. For instance, Kenya and Ethiopia signed a peace agreement in 2013 to stop cross-border cattle rustling activities.²⁵ The previous year Uganda deployed the military along the Kenyan border to stop Pokot and Turkana cross-border raids against the Karamojong, who had been successfully disarmed by the Ugandan authorities.²⁶ However, desk research reveals that national laws in the region do not criminalise cattle rustling. In other parts of the world, for example, the United States, cattle rustling was declared illegal many years ago.²⁷

Multiple factors such as the role of politicians, the involvement of businessmen supplying meat to towns and cities as well as unemployment, especially among the youth, are some of the elements that have modified the traditional 'face' of cattle rustling. Politicians have instigated cattle rustling and conflicts in Kenya through 'funding of the raids and verbally igniting the youth to engage in conflict during political rallies'. Greiner cites the Samburu-Pokot alliance against the Turkana in Baragoi in a conflict that was politically instigated in order to disenfranchise 'enemy' community voters ahead of the 2012-2013 election period. At the height of the conflict in 2012 more than 40 police officers were killed by bandits in what came to be known as the Baragoi massacre.²⁸

Kaimba, Njehia and Guliye further explain the link between cattle rustling and organised crime as 'an emergence of commercialised cattle-rustling where wealthy businessmen, politicians, traders or local people ... finance raids among the pastoral communities'.²⁹ IRIN News establishes the growing links among cattle rustling and organised crime, whose aim is to meet a rising demand for meat, and political violence, with a resultant immense human cost: 'hundreds are killed every year and many thousands forcibly displaced'.³⁰ The article argues that political barons behind cattle rustling 'use organised attacks to drive out their political rivals and extend their business interests'.

The above characteristics point to the transnational and criminal nature of the practice and the urgent need for it to be officially recognised as a criminal offence. Cattle rustling in East Africa and the Horn of Africa poses severe threats to peace and security, both of which are vital for development, as specified in Goal 16 of the Sustainable Development Goals (SDGs). Despite the fact that it bears all the characteristics of organised criminal activity, little or no attention has been paid to its transboundary or trans-national nature.³¹

Towards operationalising the EAPCCO Protocol

A review of the existing policy frameworks (as discussed in this paper) reveals that the EAPCCO Protocol, signed by member states in the region, remains a viable and all- encompassing structure that is most adaptable to conditions in all those states involved. The authors therefore recommend a regional review of the protocol, with the aim of updating the relevant sections to make it adaptable to the current situation. For instance, issues of SDG and the Arms Trade Treaty (ATT) as the aspiration of the African Union (AU)'s 'Silencing the Guns by 2020' should be incorporated.

Further, the authors propose that experts from member states in the region cooperate to review the protocol, recommend it for ratification at state level and convert it to a more legally binding international instrument such as a treaty or a convention. This renegotiation process should be accompanied by an implementation framework of five years (reviewable) tied to indicators and goals, as indicated in Figure 7.

Figure 7: Proposed road map for implementation of the EAPCCO Cattle Rustling Protocol

2019 - Early 2020: Preparatory work

Analysis of CR as a TOC/ illicit market involving other crimes like arms trafficking. (This has been achieved through this research.)

Formulating a policy document based on this research, making recommendations for a way forward, that is, the need to review the EAPCCO Protocol.

Disseminate the policy document among EAPCCO member states and plan seminars for 2020.

Mid 2020 - 2022: Updating the Protocol

Regional seminars to sensitise EAPCCO member states to the need to review the protocol, sharing findings of this research.

Setting up of a task force of experts in which every EAPCCO member state is represented, with a mandate to review the protocol and transform it into a convention/treaty.

Harmonising or aligning the protocol with other international initiaves (SDGs, the United Nations Office on Drugs and Crime, IGAD, the East African Community, the International Conference of the Great Lakes Region)

Updating provisions of the EAPCCO Protocol to reflect changes in cattle rustling since 2000.

2022-2024: Regional Instrument

Ratification by states

Entry into force

Domestication

Implementation

Monitoring & Evaluation

Recommendations

The research has identified the need to re-examine how governments in the region respond to the age-old challenge of cattle rustling, which undermines human security and development. Most of the interventions by governments in the region have focused on disarming pastoral communities and promoting peace initiatives. Although both these measures make a positive contribution, they may not offer a sustainable solution to the problem. The following recommendations emerged from the study.

Review and ratify the EAPCCO Cattle Rustling Protocol

Since cattle rustling is a regional phenomenon, as identified in this research, efforts by individual countries may not achieve a wide enough impact. It is therefore recommended that the countries in the region revisit the Cattle Rustling Protocol with the aim of reviewing it. The aims of the review should be:

- To update it to make it comprehensively responsive to the latest dynamics in global efforts to control the illicit proliferation of SALW. These instruments include the United Nations (UN) Arms Trade Treaty and related instrument,³² the UN Convention Against Transnational Organised Crime and the protocols thereto³³ and the African Union (AU) Roadmap of 'Practical Steps to Silence the Guns in Africa by the Year 2020' (also known as the Lusaka Roadmap) and the related plan of action,³⁴ as reflected in the UN Resolution S/RES/2457(2019).³⁵
- Take note of the changing modus operandi in cattle
 rustling and link the mitigation approaches to the
 attainment of SDGs by the affected communities.
 In doing so, the governments should appreciate
 the need to consider various long-term solutions to
 the problem, including alternative livelihoods for
 communities living along the affected borders.
- Member states should agree on an implementation framework for the protocol. This should be based on the most realistic and achievable goals available to the signatory states. The framework proposed in the section above is highly recommended.

Tackle unemployment

The traditional perception of cattle keeping as a source of livelihood is no longer sustainable due to the

increasing scarcity of grazing land and water. Young people are most affected by unemployment, making them vulnerable to resorting to crime, including cattle raiding, as a source of livelihood.

Young people are most affected by unemployment, making them vulnerable to resorting to crime, including cattle raiding, as a source of livelihood

Criminalise cattle rustling

Whereas it is arguable that criminalising cattle rustling may only shift the attention of would-be perpetrators to other forms of crime, it is equally possible that it will, to some extent, deter them altogether. This measure should therefore be considered alongside other interventions. Implementation of laws could be facilitated by technological strategies like electronic branding and online registration. Governments should have control over livestock markets where state-issued livestock permits are exchanged between buyers and sellers the same way motorists exchange logbooks when a vehicle changes hands. This would facilitate taxation.

Cross-border cooperation

Countries in East Africa and the Horn should enhance the existing common objective of a regional response to the transnational nature of cattle rustling. This calls for strengthening the existing legislative framework and for increased security cooperation among the states in the region. There is a need to re-define the problem as a transnational crime, followed by enactment of a harmonised legal framework to deter perpetrators from seeking refuge in any countries in the region.

Further policy research to inform the implementation of future measures

The design and implementation of policies should be guided by informed research rather than by politics. This will ensure that programmes take into consideration the expectations and aspirations of the target communities.

Community participation in solution seeking

Affected communities should be involved in seeking a lasting solution to the problem. Homegrown (local) solutions, including locally agreed disarmament formulae, should be encouraged at all stages. Where forceful disarmament is counterproductive, more sustainable measures should be considered, particularly development projects that are acceptable to the locals.

Voices of the people

Interviewees expressed various sentiments about cattle rustling. Some are reflected below, in their 'voices', most of which are a derivative of views expressed in all the border areas covered in this research.

- 'Cattle rustling in eastern Africa is mainly driven by political, economic and socio-cultural factors.'
 Politicians were said to be involved in the trade and to defend their communities' use of illegal arms to conduct raids. In isolated cases politicians buy weapons that enable their communities to carry out cattle rustling. A case that captured the field researchers' interest was that of a prominent politician accused by locals of fuelling cattle rustling between the Nyabasi and Iregi clans of the Kuria community. His motive, it was explained, was to grant advantage to his clan (Nyabasi), who, he claimed, are victims of cattle thieves from the Iregi clan.
- 'Economic hardship drives cattle rustling.' The informants cited issues such as widespread poverty and youth unemployment as the main drivers of the menace. Socio-culturally, livestock are the preferred means of paying the bride price and are an indicator of status, particularly within the Kuria community. Cattle rustling in this context is viewed as heroism or as a means of exacting revenge. Thus, a high value is attached to livestock within pastoralist communities. Livestock are a source of food and of farm labour (oxen used for ploughing). Livestock also provide a means of paying for household need and school and statutory fees.
- 'Cattle rustling involves the youth, community elders, women and politicians.' For the youth, cattle rustling serves as a source of income and a mark of heroism (Kuria community). The youth who consider it an economic activity feel alienated from the mainstream economy. Furthermore, they are viewed as heroes by their community if they bring home many head of

- cattle. Kuria community elders have promoted cattle rustling as a tradition carried out as a generational cultural activity.
- Women play an indirect role in cattle rustling.' Prospective bridegrooms are nudged into cattle rustling by women go-betweens who help identify potential brides. Some informants observed that wives, who see cattle rustling as a viable economic activity, push their husbands to provide for their families by engaging in the practice. The husbands respond by not only providing for the family with a view to ensuring economic stability but also by offering their wives seasonal gifts of livestock.
- 'Politicians turn to cattle rustling, especially before and during the election periods,' using it to fund often-costly campaigns that rally voters to support their election bids. Cattle rustling also serves as a tool to entrench political leadership within clans and masks the orchestration of violence that triggers mass displacements and distorts voter ratios.

Conclusion

This study has identified an overarching commonality along all the international borders where criminals circumvent the law by exploiting porosity and inadequate state capacity. A systematic structure has developed on the borders of most countries in the region, leading to governance systems that tackle cattle rustling and associated criminal activities in a way that makes it difficult to distinguish the cross border crime of cattle rustling from a purely traditional practice. The convergence of these two renders cattle rustling a form of transnational organised crime.

The data collected point to the need for long-term and sustainable solutions to cattle rustling, including technological innovation, more state control of the livestock trade, inter-state cooperation in the region and alternative livelihoods. Technological innovation and state control would help to deter and better manage livestock movement. State controls would include livestock registration and the introduction of permits to ensure checks by authorities. This could also facilitate taxation, which would increase state revenue.

The introduction of livestock market controls would help strengthen traditional dispute and conflict resolution mechanisms. It would also help mainstream such mechanisms into conventional justice and security systems to foster community cooperation and make

community agreements legally binding. Inter-state cooperation in policy making and implementation of measures aimed at curbing cattle rustling and arms trafficking could be enhanced to control the illicit circulation of small arms and light weapons.

A broad approach is necessary to enhance control of the flows, possession and use of such weapons. This could be achieved by strengthening national and regional policy, legislative frameworks and security apparatus which would ensure the sustainability of measures to prevent and reduce cattle rustling. These measures should be fully integrated into regional, state and community development programmes, ensuring cross-border cooperation between traditional governance systems and local security mechanisms.

Alternative livelihoods can help achieve diversification to complement livestock keeping as the main economic activity. Alternative activities like intensive farming and zero grazing, a practice by which livestock are restricted and fed within a very limited farm area, can help tackle unemployment among the youth and offer incentives that will promote sustainable peace.

Notes

- 1 According to the Oxford Dictionary, pastoral nomadism is a strategy for producing food that emphasises breeding and the care and use of herd animals. Available at: www.oxfordreference.com/view/10.1093/acref/9780195065121.001.0001/acref-9780195065121-e-820
- 2 E Fratkin, 'East African Pastoralism in Transition: Maasai, Boran, and Rendille Cases'. *African Studies Review* 44(3), 2001. Available at: www.smith.edu/anthropology/ documents/FratkinASRr-2-.pdf
- This definition, translated from Turkana into English, was given by a Karamoja elder during the field assessment along the Kenya-Uganda border.
- 4 EAPCCO Cattle Rustling Protocol. Available at: https:// oldsite.issafrica.org/uploads/CATTLEPROTFINAUG08.PDF.
- 5 Definition adapted from E K Bunei, G McElwee and R Smith, 'From bush to butchery: cattle rustling as an entrepreneurial process in Kenya', *Society and Business Review* 11(1), 2016, pp 46-61. Available at: https://doi.org/10.1108/SBR-10-2015-0057
- **6** G J Cheserek, P Omondi and V A O Odenyo, 'Nature and Causes of Cattle Rustling Among some Pastoral Communities in Kenya', *Journal of Emerging Trends in Economics and Management Sciences* (JETEMS) 3(2), 2012, pp 173-179.
- 7 Ibid.
- 8 Bunei, E., McElwee, G. and Smith, R. 2016, "From bush to butchery: cattle rustling as an entrepreneurial process in Kenya", *Society and Business Review*, Vol. 11 No. 1, pp. 46-61.
- 9 N Alusala and D Gumba, 'Regional policy needed to deal with rise in cattle rustling', 2018. Available at: https:// enactafrica.org/enact-observer/regional-policy-needed-todeal-with-rise-in-cattle-rustling
- 10 P A Mganda, 'Sports in Cross Border Cattle Rustling Conflict Management: The Case of Tegla Loroupe Peace

- Foundation', Master's Dissertation, University of Nairobi, September 2013, pp 17-36.
- 11 M Wepundi, 'An analysis of disarmament experiences in Kenya', Nairobi: Regional Centre on Small Arms (RECSA), 2011, pp 12, 68-70.
- **12** Alusala and Gumba,' Regional policy needed to deal with rise in cattle rustling'.
- 13 Mifugo Programme. Available at: https://oldsite.issafrica.org/topics/environmental-security-and-climate-change/29-aug-2008-iss-today-protocol-on-cattle-rustling-will-make-a-difference/mifugo-programme
- 14 The Conversation, 'Decades old tensions are driving the conflict in Kenya's Laikipia region', 2 April 2017. Available at: https://theconversation.com/decades-old-tensions-are-driving-the-conflict-in-kenyas-laikipia-region-75071
- Unlocking the potential of arid and semi-arid lands of Kenya. Available at: http://www.ke.undp.org/content/ kenya/en/home/presscenter/pressreleases/2018/unlockingthe-potential-of-arid-and-semi-arid-lands-of-kenya-.html
- O G Mwangi, 'Kenya: Conflict in the "Badlands": The Turbi Massacre in Marsabit District', Review of African Political Economy 33(107), 'State, Class & Civil Society in Africa', March 2006, pp 81-91.
- 17 Al-Jazeera, 'Scores killed in Kenyan tribal massacre', 13 July 2005. Available at: www.aljazeera.com/archive/2005/07/2008410134655363607.html
- 18 K A Kjerland, 'Cattle Breed; Shillings Don't: The Belated Incorporation of the AbaKuria into Modern Kenya'. Doctoral thesis, University of Bergen, 1995, p 60.
- 19 Harakat al-Shabaab al-Mujahideen, more commonly known as Al-Shabaab, jihadist fundamentalist group based in Somalia, in particular, and operating in East African countries
- 20 'Uncooperative Communities Blamed for Continued Cattle Rustling'. Available at: https://ugandaradionetwork.com/

- story/uncooperative-communities-blamed-for-continued-cattle-rustling.
- 21 Sudan Tribune, 'Rights body condemns tribal attack in Jonglei states', 29 November 2017 Available at: www. sudantribune.com/spip.php?article64126; Sudan Tribune, 'Over 60 Killed in South Sudan Western Lakes State: Officials'. Available at:
- 22 J Melle, P Okoth, E Were and S Vundi, 'Relationship between Resource Distribution along Ilemi Borders and Solutions to the Conflicts', International Journal of Innovative Research and Development, September 2016. Available at: www.internationaljournalcorner.com/index. php/jiird ojs/article/view/136499/0
- 23 K Kingma, F Muhereza, R Murray, M Nowak and L Thapa, 'Security provision and small arms in Karamoja', Small Arms Survey, September 2012. Available at: www. smallarmssurvey.org/fileadmin/docs/C-Special-reports/ SAS-SR17-Karamoja.pdf
- 24 C Greiner, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya', *African Affairs* 112(447), 2013, pp 216-237, 232, 227.
- 25 B Barnabas, 'Turkana: Kenya, Ethiopia sign peace deal to end cattle rustling', *Daily Nation*, 26 March 2013. Available at: www.nation.co.ke/counties/turkana/1183330-1730812-e3albe/index.html
- 26 B Barnbas, 'Tension at Kenya-Uganda border over rustling', Daily Nation, 3 October 2012. Available at: www.nation. co.ke/News/-/1056/1523908/-/xtc5qbz/-/index.html
- 27 Maccleland, J. 'Cattle theft: An old crime on the rise.' Available at: www.npr.org/sections/thesalt/2015/08/25/434605993/an-old-crime-is-on-the-rise-cattle-theft.

- 28 Godfrey Oundoh, Dozens mark Baragoi massacre anniversary, *Daily Nation*, 12 November 2016. Available at: www.nation.co.ke/news/Dozens-mark-Baragoi-massacreanniversary/1056-3449566-fxhijmz/index.html
- 29 GK Kaimba, BK Njehia and AY Guliye, 'Effects of cattle rustling and household characteristics on migration decisions and herd size amongst pastoralists in Baringo District, Kenya', *Pastoralism: Research, Policy and Practice.* New York: Springer, 2011. Available at: https://doi.org/10.1186/2041-7136-1-18.
- **30** IRIN News, 'Cattle-rustling and the politics of business in Kenya', 27 March 2014. Available at: www.irinnews.org/report/99846/cattle-rustling-and-politics-business-kenya
- **31** IRIN News, 'Cattle rustling "goes commercial", 21 March 2007. Available at: www.irinnews.org/report/70837/horn-africa-cattle-rustling-goes-commercial.
- **32** The Arms Trade Treaty. Available at: www.un.org/disarmament/convarms/att/
- 33 UN Convention Against Transnational Organised Crime and the Protocols thereto. Available at: www.unodc. org/documents/middleeastandnorthafrica/organisedcrime/UNITED_NATIONS_CONVENTION_AGAINST_ TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_ PROTOCOLS_THERETO.pdf.
- **34** AU Silencing the guns plan of action on controlling illicit SALW. Available at: www.unodc.org/documents/firearms-protocol/COP9-sideevents-oct2018/Silencingthegun-sideevent/Silencing_the_gun_PoA.pdf
- **35** UN Resolution 2457, 2019. Available at: www.undocs.org/pdf?symbol=en/S/RES/2457(2019)







About the authors

Lead researcher Deo Gumba, ENACT Regional Organised Crime Observatory Coordinator for East Africa, has carried out policy research and published on a wide range of issues related to security and transnational organised crime.

Nelson Alusala has been a Senior Research Consultant at ENACT and an expert on disarmament and security sector reform at the ISS. He has carried out extensive research into security and transnational organised crime, especially arms trafficking.

Andrew Gitau Kimani is an independent researcher and scholar. A practitioner with the Government of Kenya for many years, he lectures on pastoralism, security, criminology and crime scene management at Kenyatta University and Masinde Muliro University in Kenya.

About ENACT

ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact. ENACT is implemented by the Institute for Security Studies and INTERPOL, in affiliation with the Global Initiative against Transnational Organized Crime.

Acknowledgements

ENACT is funded by the European Union (EU). This publication has been produced with the assistance of the EU.







Photograph © Adobe Stock - Can

The contents of this publication are the sole responsibility of the author and can in no way be taken to reflect the views or position of the European Union, or the ENACT partnership. Authors contribute to ENACT publications in their personal capacity. © 2019, ENACT. Copyright in the volume as a whole is vested in ENACT, its partners, the EU and the author, and no part may be reproduced in whole or in part without the express permission, in writing, of the author and the ENACT partnership.