The Intergovernmental Authority on Development's (IGAD'S) Protocol on Transhumance and the Need for an IGAD Common Policy on Disarmament of Pastoralists: Berita Mutinda Musau

# The Intergovernmental Authority on Development's (IGAD'S) Protocol on Transhumance and the Need for an IGAD Common Policy on Disarmament of Pastoralists

## By: Berita Mutinda Musau<sup>1</sup>

#### Abstract

In 2018 IGAD concluded a protocol on transhumance. The Protocol on Transhumance in the IGAD Region is aimed at enhancing free movement of pastoralists living at the border areas of the IGAD member countries in search for pastures for their livestock especially during periods of drought. This is hoped to enhance security of pastoralists and their host communities. It is consequently hoped that the protocol will prevent loss of livestock due to the perennial droughts experienced by pastoralists in the IGAD region. Many pastoralists within the IGAD region mainly those living along the borders of the member countries are in possession of illegal arms. This poses a major challenge to the implementation of the protocol. Although the member countries welcome the protocol, they are afraid of the dangers posed by illegal small arms and light weapons (SAWLs) in the hands of pastoralists. The countries have called on each other to disarm their pastoralists. Uganda, for instance, which has worked very hard to disarm its Karamojong calls on Kenya, South Sudan and Ethiopia to disarm their pastoralists for the implementation of the protocol to succeed. IGAD does not have a common disarmament policy. This paper argues that a common disarmament policy for pastoralist communities in the IGAD region is therefore urgently necessary in order to enhance the implementation of the Protocol on transhumance. The paper further offers policy recommendations to that end.

#### Introduction

Pastoralism is an essential means of livelihood in the Horn of Africa. It accounts for the livelihood of about 15-20 million people at the Horn (Mkutu,

<sup>&</sup>lt;sup>1</sup> Doctoral Fellow, School of Humanities and Social Sciences, Strathmore University & PhD Student in International Relations, United States International University-Africa, Nairobi, Kenya

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2003). Most pastoralist areas in the IGAD region span international borders. The IGAD region is comprised of the following countries in the Horn of Africa: Djibouti, Ethiopia, Eritrea, Somalia, Kenya, Uganda, Sudan and South Sudan. The pastoralists practice transhumance which contributes 6-10% to the countries' and supports more than 70 % of the pastoral livelihoods in the IGAD region making it the only region in Africa that has a self sufficient supply of meat (IGAD, 2020). Consequently, transhumance pastoralism is a major driver of the region's economy supporting large populations in terms of livelihoods and employment and thus forms an imperative ecosystem that cannot be brushed aside (Waweru, 2018).

Competition for dwindling pastures and cattle rustling coupled with extreme weather variations and conditions such as persistent droughts and climate change often lead to violent confrontations between different pastoralist groups within and across borders. This results in persistent insecurity and hinders efforts towards peace building and provision of sustainable peace (Pavanello & Scott-Villiers, 2013). Possession of illegal arms worsens the situation.

Recognizing the importance of transhumance and the indispensability of pastoralism in the region, IGAD member states and the Secretariat have carried out various measures to take care of pastoralists who often tend to be marginalized. One of the key measures was the establishment of the IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) in 2012 whose mandate is to promote, facilitate and advocate for a people centered gender responsive sustainable development in arid and semi arid areas in the IGAD region (ICPALD, 2020). Other measures include the establishment of transhumance corridors through mapping of cross-border stock routes; management of animal health through signing of MOUs between member countries on cross border animal health and the establishment of an integrated early warning system on climate change (IGAD, 2020).

In 2018, IGAD proposed a Transhumance Protocol which would be of great help in supporting the pastoralists in their livelihoods. The aim of the IGAD transhumance protocol is to facilitate a legal framework for free movement in the region in order to enhance orderly cross border mobility, migration,

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regional economic integration and development (IGAD, 2018). This article however maintains that the implementation and the success of the protocol is however dependent on proper disarmament of the pastoralist communities within IGAD region. The article thus reviews the proliferation of small arms in the IGAD region, presents and assesses the disarmament efforts that have been pursued by different states in the IGAD region. Projecting the problems that illegal firearms in the hands of pastoralists would pose to the implementation and success of the protocol on transhumance, the article then makes recommendations for a common IGAD policy for the disarmament of pastoralists in the region.

# Proliferation of Small Arms among Pastoralists in the IGAD Region

Small arms have proliferated at a very high rate among pastoralist communities in the IGAD region. Indeed, studies have indicated that cattle rustling is increasingly carried out using small arms and light weapons (SALWs) (Leff, 2009). Traditional weapons such as spears, bows and arrows are no longer being used. According to Small Arms Survey for instance, small arms are used in 96.9 percent of cattle rustling occurrences in the Kenya-Sudan border region (Bevan, 2008).

Various factors drive pastoralist communities within the IGAD region to arm themselves. Leff, (2009) identified three main reasons as to why pastoralist communities arm themselves. The first and most crucial is provision of security. In the absence of government security apparatus, many pastoralist resort to arming themselves in order to provide security for their families and their livestock. Secondly, pastoralists arm themselves so as to leverage themselves as they raid other communities in order to replenish their stocks. Thirdly, the arms have become a tradable commodity that can be traded for livestock and other commercial goods.

Small arms are however not a new phenomenon among pastoralists within the IGAD region. They have been in existence since the early twentieth century (Leff, 2009). However, inter and intra-state conflicts within IGAD states in the post-colonial period increased the circulation of small arms. Past conflicts and wars in Uganda, Ethiopia and Sudan left large amounts of small arms within

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the hands of pastoralists. The collapse of Idi Amin regime in Uganda in 1979 left a security lapse and a consequent raid of an arms depot in Moroto in the country's Karamoja region whereby the Karamojong helped themselves to large amounts of arms (Mkutu, 2007). A similar case occurred in Kapoeta in Southern Sudan in 2002 (Bevan, 2008). The current civil war in the republic of South Sudan creates a major loophole in security in the region and provides an opportunity for armament.

Porous borders in the areas inhabited by pastoralist communities enhance easy circulation of arms across the borders through cross border arms-trade routes. Mkutu (2003), identified four key small arms trade routes within the IGAD region. There are two routes from South Sudan to the Karamoja region of Uganda; one from Kapoeta and another from Nimule regions. From Karamoja, they are further taken to Kenya. The third route is from South Sudan into Kenya through Lokichoggio and the fourth is from Somalia, through Merile region of Ethiopia and Karamoja region of Uganda and further to Kenya. The figure below illustrates the routes

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Cross border Arms flows within the IGAD region Source: Mkutu, 2003

### Disarmament of Pastoralists in the IGAD Region

IGAD member states have on various occasions initiated and carried out voluntary as well as forceful disarmament programmes in order to alleviate the trail of destruction that SALW have been causing in the region (IGAD, 2007). Some of the initiatives are discussed below.

### Uganda

Uganda has had decades of disarmament particularly in the Karamoja region which is predominantly inhabited by pastoralists, most of the initial efforts being largely forceful. However, the 21<sup>st</sup> century seemed to bring a change of trend from forceful disarmament to a more peaceful one. In April 2000, the Ugandan parliament resolved that the time was ripe for the Karamoja region

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to be fully disarmed. The first phase of disarmament began in December 2001 with a voluntary disarmament phase that lasted until February 2002 (Mkutu, 2003:29). The voluntary phase involved various measures such as amnesty to those who surrendered their small arms, compensation which signaled the government's appreciation of the economic and security value that the small arms had for the pastoralists. Incentives such as an ox-plough and a bag of maize were also offered. The voluntary phase led to the recovery of approximately 10,000 small arms (KIDDP, 2007:9). This was way below the targeted 40,000 small arms (Mkutu, 2003:31). In a bid to assure security for those who disarmed and also to prevent rearmament, the Ugandan government attempted to seal the porous borders with Kenya and Sudan but this was not effective. The end of the voluntary period gave way for forceful disarmament. This was carried out by the military (Uganda Peoples Defense Forces (UPDF)) and included rounding up of people and taking them to the barracks for questioning. They would only be released once it was established that they had already surrendered their guns. A meagre 854 guns were recovered from this exercise (Sabala, 2007:36). The forceful disarmament attracted resistance from the Karamojong and subsequent clashes between Karamojong fighters and the UPDF leading to the death of 19 soldiers, 13 warriors and recovery of several weapons (Sabala, 2007:36). Another phase of disarmament was relaunched between September 2004 and February 2006. It was dubbed Karamoja Integrated Disarmament and Development Programme (KIDDP) and sought to take a human security dimension by incorporating development in disarmament operations. It was even supported by the UNDP. Nevertheless, it was marred with violence leading to gross loss of human life, livestock and destruction of property. This exercise was also interrupted by presidential elections and resumed later in March 2006 but still with high military interventions. The violence coupled with allegations of corruption among the UPDF led to the withdrawal of the UNDP from the programme.

By and large, the Ugandan government has been very active in disarming its pastoralists over the years particularly the Karamoja. However, incidences of violence and extreme brutality exercised by Ugandan security forces on the Karamoja have on many occasions undermined the disarmament process and strained the state-citizen relationships in Karamoja.

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## Kenya

Since the 1980s, Kenya has made attempts to disarm her pastoralists. Most of them were forceful and sporadic consequently recovering very few arms. Just like in Uganda, in the year 2001, the government of Kenya began making efforts to pursue pacific means of disarmament. The former president, Daniel Arap Moi gave ultimatums to pastoralists residing in West Pokot, Marakwet and Baringo to surrender their arms in exchange for amnesty (Sabala, 2007). The ultimatum was not heeded since the pastoralists feared remaining vulnerable to their neighbors within the country and the Karamoja in Uganda. This led to forceful disarmament.

In 2005, Kenya launched another disarmament operation dubbed "*Operation Dumisha Amani 1*" (*Operation maintain peace*). The communities in Northern and North Eastern Kenya were given amnesty to surrender all illegal guns. The operation combined socio-economic interventions with calls for voluntary disarmament. It was reported that the operation was relatively successful leading to recovery of a good number of fire arms, construction of three schools, sinking of boreholes for the communities, infrastructural facilities and offering medical assistance (Kimaiyo, 2009:32). This reportedly reduced cattle rustling incidences.

However, it was discovered that the pastoralist communities still maintained a good number of small arms. This led to a forceful disarmament phase known as *Operation Okota (Operation Collect)* between April 2006 and August 2009 (Kimaiyo, 2009). It was a large scale military-led operation to disarm communities in North Rift and North Eastern Kenya. It was very forceful and brutal, inviting heavy criticism from local leaders, civil society organizations and members of parliament (Sabala, 2007:38). In 2010, the government of Kenya launched *Operation Dumisha Amani II*. Since then, various disarmament operations have been carried out under the same name.

### Kenya/Uganda Joint Disarmament Operation

Kenya and Uganda share a long border which is inhabited by pastoralist communities. The communities launch sporadic cross border cattle rustling attacks on each other. Many small arms are also exchanged through this

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border. This enhances immediate rearmament after disarmament. In 2005, Kenya and Uganda planned to carry out a joint disarmament exercise. In fact, KIDDP in Uganda and Operation Dumisha Amani (ODA) in Kenya were purposed to be joint disarmament exercises. However, the two countries ended up carrying out the exercises independently hence failing to realize expected results. They disarmed the communities at different times which resulted in immediate rearmament of the disarmed communities owing to increased attacks by neighbors (Kimaiyo, 2009).

#### Ethiopia, Sudan and Somalia

Compared to Uganda and Kenya, the efforts that Ethiopia, Sudan and Somalia have undertaken to disarm their pastoralist communities are minimal. Ethiopia does not place a lot priority on the disarmament of her pastoralist communities. The Ethiopian government however went on record for extreme brutality in disarming the Nuak community in the south western region (Kopel, Gallant & Eisen, 2006). In Somalia, coercive disarmament of various militias has been carried out by external parties such as the United Nations through the United Nations Mission in Somalia (UNMIS) in early 1990s while the Transitional Federal government later disarmed more warlords and militias (Sabala, 2007:41). The civil war in Sudan left several illegal weapons in civilian hands. In 2006, the Government of Sudan (GoS) forcefully disarmed the Dinka-Bor community and some Toposa (Kimaiyo, 2009; Sabala, 2007).

#### South Sudan

South Sudan has experienced years of violent conflict before and after independence. The country is therefore highly militarized with high levels of SALWs. Considering the civil war that ravaged the country since 2013, the government lacks the infrastructural capacity for national disarmament (Gichane, 2015). It is however important to note that as part of national healing immediately after independence, the government granted amnesty to those who voluntarily surrendered their arms continuously for a period of 3-4 years (Gichane, 2015). Efforts have also been done in the country to strengthen cross border small arms control. Nevertheless, compared to IGAD countries such as Kenya and Uganda, South Sudan has performed minimally in disarming her

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pastoralists compared to Kenya and Uganda (Small Arms Survey, 2016). South Sudan is yet to establish a national focal point on SALWs.

# Legal and Institutional Framework for Disarmament of Pastoralists in the IGAD Region

There are various legal and institutional frameworks that guide IGAD member states in addressing SALW problems. Among them include: The Bamako Declaration on an African Common Position on the illicit proliferation, Circulation and Trafficking of Small Arms and Light Weapons (Bamako Declaration, December 2000) as well as the Nairobi Declaration on the Problem of the Proliferation of illicit small Arms and Light weapons in the Great Lakes Region and the Horn of Africa (Nairobi Declaration, March 2000). Both instruments were established in the year 2000 (Thusi, 2003). Another important instrument is the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa which was established in 2004 (Nairobi Protocol, 2004). Under this protocol commonly known as the Nairobi Protocol, the Regional Centre for Small Arms and Light Weapons (RECSA) was established. RECSA acts as a forum for cooperation among National Focal Points and other relevant agencies to prevent, combat, and eradicate stockpiling and illicit trafficking in small arms and light weapons in the Great Lakes Region and the Horn of Africa (Leff, 2009). At the global level, the United National Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA, (A/CONF.192/15), 2001) that was adopted by all United Nations member states is an important institution as well. At the national level, the IGAD member states have various national institutions including the National Focal Points (NFPs) for small arms and light weapons. Some examples of such focal points are the Uganda National Foal Point on Small Arms and Light weapons, established in 2002 and the Kenya National Focal Point on Small Arms and Light Weapons (KNFP) established in 2003.

### A Critical Analysis of the Problem

The IGAD region is awash with SALWs. Most of them are concentrated among pastoralist communities who inhabit the borderlands in the countries'

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peripheries. Owing to harsh climatic conditions, the pastoralists are forced to walk long distances in search of pastures and water. Sometimes they cross borders and find themselves in neighboring territories. This increases their vulnerability. Clashes over dwindling pastures lead to violent confrontations within and across borders. Cattle raids within and across the borders are also common occurrences among the pastoralists. The use of SALWs in the violent conflicts among these pastoralists leaves large trails of destruction. This is exacerbated by an emerging trend whereby criminal gangs carry out cattle rustling for commercial purposes.

Determined to reduce the number of illegal arms among the pastoralists, IGAD member countries have attempted various disarmament operations. Most of these efforts are mainly coercive. In addition, the states do not provide adequate security to the communities after disarmament. This leaves them vulnerable and prompts rearmament (HSBA, 2007). The countries have pursued disarmament independently at different times, intensities and commitment levels. While Uganda and Kenya have made considerable efforts in disarming their pastoralists, other countries such as Ethiopia, Somalia and South Sudan had minimal attempts. It is also important to acknowledge that the countries also possess different capabilities as far as addressing the menace of arms proliferation is concerned. For instance, while Uganda may have the capability to mount a large scale disarmament operation against the Karamoja, South Sudan which is a very young state that has been facing challenges of civil war since 2013, just two years after its attainment of statehood may not have the same capability.

The countries also have different priorities. For instance while Uganda securitizes the Karamoja region and therefore considers disarmament thereof as a priority, Ethiopia considers disarmament as a peripheral problem. The initial priority of Prime Minister Abiy Ahmed who on coming in power in early 2018 was keen on pacifying various ethnic communities and enhancing internal social cohesion as his grand strategy for Ethiopia's economic development, disarmament operations would undermine his efforts. Currently, Ethiopia's top security priority is to deal with the Tigray crisis which poses not only a threat to the Prime Minister's legitimacy but also to state and human

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security in Ethiopia and the entire Horn of Africa (De Waal & Boswell, 2021; International Crisis Group (ICG), 2021). For South Sudan, the process of getting out of civil war and putting the government in order takes priority over disarmament of pastoralists in the borderlands.

In order to promote pastoralism within and across their borders, IGAD member states proposed in 2018 a protocol to manage transhumance in the region. The Protocol on Transhumance in the IGAD Region/ IGAD Protocol on Transhumance is a framework that aims at enabling pastoralists to move more safely and easily across borders of other member states in search of water and pasture (IGAD, March 2020; IGAD, November 2020). By late 2018, the protocol had received approval from Kenya, Ethiopia, South Sudan and Uganda (Asiimwe, 2019, IGAD, 2018). Several meetings have been held by IGAD member countries throughout 2019 and 2020 in efforts to endorse the protocol and make plans for its adoption and implementation.

The paradox surrounding this protocol is that even as the above IGAD member states approve it, they express major reservations about its implementation. For instance in September 2019 in a meeting in Entebbe, Uganda, IGAD members were unable to reach an agreement to endorse the protocol after Somalia and Ethiopia refused to sign it due to some articles they felt did not favor them (Daily Monitor, 2019). They requested for more time to consult with their regional governments since the two countries are federal states.

From the onset, serious reservations to the protocol pointed out the impossibility of implementing the protocol owing to the problem of cattle rustling and proliferation of small arms among the pastoralists within the region. South Sudan stated that for the protocol to take effect, the resolution of cattle rustling across borders was necessary (Asiimwe, 2018). On the same note Uganda and South Sudan warned that the free movement of pastoralists may not be possible if Kenya does not disarm the Turkana (Asiimwe, 2018). The violent conflict between the Turkana and Pokot in Kapedo, Turkana county in Kenya which began in January this year (2021) validates the fears expressed regarding the threats posed by illegal arms in the hands of pastoralist communities within the IGAD region ( Cherono, 2021; Kangogo, 2021). This

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signals an inherent problem of pastoralist disarmament that has to be tackled by IGAD as a region. If the disarmament is not handled carefully, then the Protocol on Transhumance may have dire consequences among the IGAD member states, if at all it gets implemented.

In spite of the SALWs menace in the pastoralist areas within the IGAD region, IGAD as a regional organization has not come up with a common policy that can provide guidelines and direction on how disarmament should be carried out within the region. The protocol on transhumance, although it will go a long way in helping pastoralist communities, its success is highly dependent on how disarmament is going to be coordinated within the region. Although pastoralist communities live in the peripheries of most of the IGAD member states, they can still pose a challenge to the national and regional security. Besides, the human insecurity that is caused by the pastoralists in possession of arms is immense. Disarmament needs to be well coordinated in order to enhance security of the whole region. As such, a policy on common disarmament is indispensable in the IGAD region.

# Policy Recommendations for an IGAD Common Policy on Disarmament of Pastoralists.

This article proposes the establishment of an IGAD common policy for disarmament of pastoralist communities within the IGAD region and makes the following recommendations for such a policy.

#### Strengthen state-citizen relationships

As indicated above, most of the pastoralist communities in the IGAD region live in the peripheries of their countries. The presence of the state and state security apparatuses is minimal in most of the regions inhabited by pastoralists. Consequently these regions have come to be labeled as ungoverned spaces. This forces most pastoralists to find their own ways of providing for themselves services that should be provided by the state such as security, hence the need for armament. State absence coupled with forceful disarmament have deteriorated the state-citizen relationships and diminished state legitimacy. The policy should have provision for activities that restore and strengthen state-citizen relationships and enhance state legitimacy.

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#### Address disarmament from the demand as well as supply side

The policy should make provisions for dealing with the factors that enhance demand for arms. The main problem established in this paper security. IGAD should encourage her member states to ensure maximum security for pastoralist communities and also seek to address the issue of cattle rustling both for traditional and commercial purposes.

This paper has established some of the cross-border arms flow routes within the regions that are likely to be strongly impacted by IGAD's Protocol on Transhumance which has necessitated the writing of this policy paper. The policy should provide for mechanisms to establish with clarity the source of the weapons and find measures of curbing supply. This would entail measures to ensure registration and tracking of illegal weapons. As a region, IGAD could also try to establish the countries and other international actors involved in supplying weapons to the pastoralists. The policy should also provide for mechanisms to effectively monitor the porous borders in order to dismantle the arms flow and trade routes.

#### Disarmament should target individuals not communities

Disarmament operations from the governments have targeted entire communities such as the Turkana in Kenya or the Karamoja in Uganda. This has led to collective punishment and torture of communities including women and children. In the process, criminal gangs escape and continue to be at large. The IGAD common disarmament policy should enhance mechanisms for identifying the individuals wielding illegal weapons. This could entail establishing a regional intelligence force that helps in gathering crucial and strategic information for effective disarmament.

### Increased Community and Civil Society Participation

The policy should provide for active participation of the communities and civil society. Ownership of the disarmament process by the community is of utmost importance. It is the local community which can provide crucial information that can guide disarmament in the region. The local people are also conversant with the topography of the area and the new trends on arms availability. The policy should provide for measures to win the good will of the community

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such as joint community activities like sports and ceremonies which sensitize people on the importance of ridding the region of SALWs. The civil society should also be engaged to complement the governments and other regional actors.

# Engage Impartial and Independent Observers in the Disarmament Exercises.

In most of the disarmament operations, incidences of violence and brutality in the hands of security forces have been reported. The UPDF of Uganda and Kenyan security forces have been reported to have been brutal. An IGAD common disarmament policy should have provision for a team of impartial and independent observers drawn from the IGAD the different IGAD member states. This team could be engaged in advising, monitoring and providing reports on the conduct of security forces during disarmament operations. The team should however work closely with national authorities.

### Pursue Disarmament from a Human Security Perspective

So far, majority of the disarmament efforts have been pursued from a state security perspective. The main concern has been to rid civilians of arms in order for the state to retain its monopoly of violence. There has been little consideration has been on the human security perspective. Even the programmes that intended to introduce a human security aspect in disarmament such as Uganda's KIDDP and Kenya's ODA ended up being violent and brutal. Human security entails freedom from fear and from want. The UNDP's conceptualization of human security encompasses providing several aspects of individual security which include human security, food security, health security, personal security, community security, and political security (Gomez & Des Gasper, 2013). The Policy should entail provisions that call on IGAD as well as the Member States to pursue disarmament form a predominantly human security perspective taking into account all the above dimensions of human security. Also provision of education would be a major step in disarming the minds. These interventions would eventually render arms insignificant to the pastoralists and would therefore be encourage them to peacefully surrender them.

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## Conclusion

This policy paper is addressed to IGAD and is based on the urgent need for an IGAD common policy for disarmament of pastoralist communities in the IGAD region. It is a response to the proposed IGAD Transhumance Protocol and the challenges foreseen to its implementation owing to the proliferation of small arms in the region. The article has provided background information to the proliferation of SALWs among pastoralists in the IGAD region as well as disarmament efforts pursued so far. Following disparate priorities and efforts from the IGAD member states with regards to disarmament of pastoralist communities, the article identified a gap that needs to be filled by establishing a regional common policy of disarming pastoralist communities in the region. The article has also offered various recommendations for such a policy. This article concludes that based on the above recommendations, disarmament should be taken as a key prerequisite to the implementation and success of the IGAD protocol on Transhumance.

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