

**Eastern Africa Police Chiefs Cooperation
Organisation (EAPCCO)**

**Protocol on the Prevention, Combating
and Eradication of Cattle Rustling in
Eastern Africa**

August 2008

**Combating Cattle Rustling and Enhancing Human Security
in Eastern Africa**

PREAMBLE

We, the representatives of the Governments of the:

Republic of Burundi
Republic of Djibouti
State of Eritrea
Federal Democratic Republic of Ethiopia
Republic of Kenya
Republic of Rwanda
Republic of Seychelles
Republic of Somalia
Republic of Sudan
United Republic of Tanzania
Republic of Uganda

CONSIDERING the provisions of Article 5 (1) (c) of the Agreement on Mutual Assistance in the Field of Combating Crime which provides for co-operation in the area of prevention and control of cross-border crime and Article 3 (7), (8) and (9) of the EAPCCO Constitution which specifies the objectives and provides for the drafting of legal instruments which may be necessary for the carrying out of those objectives;

RECOGNISING the negative social, cultural and economic consequences of cattle rustling and its role in the destruction of livelihoods and the part it plays in exacerbating internal and cross-border violent conflict in the region;

CONSCIOUS that cattle rustling is not only a national problem but also adversely affects regional security and development, which calls for a regional approach to systematically and comprehensively address the problem;

MINDFUL that a more proactive and preventive approach is needed to deal with cattle rustling, to build a culture of peace and security and to enhance social and economic development;

ACKNOWLEDGING that the problem of cattle rustling cannot be addressed from an enforcement perspective only and that its prevention and combating requires the involvement of other stakeholders and mechanisms such as inter-governmental organisations, parliamentarians, civic, community and traditional leaders, veterinarians, civil societies and other relevant agencies;

AWARE also of the urgent need to prevent, combat and eradicate cattle rustling as a cultural way of life for some pastoral groups and the involvement of other organised criminal groups and the increasing tendency of cattle rustlers to make use of firearms;

REAFFIRMING that more effort should be given to preventing, combating and eradicating cattle rustling, transnational organised crime and other violent criminal activities;

CONVINCED that prevention, combating and eradication of cattle rustling requires national and regional co-ordination, co-operation, exchange of information and other appropriate measures;

RECOGNISING the importance of initiatives undertaken to prevent, combat and eradicate cattle rustling at the national, regional, and international levels;

HEREBY AGREE as follows:

ARTICLE 1

DEFINITIONS

In this Protocol, unless the context otherwise indicates:

- a. **"ammunition"** means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective state party;
- b. **"Anti-Stock Theft Unit"** means a law enforcement unit charged with the responsibility of combating cattle rustling in a respective member state;
- c. **"branding"** means making any official permanent mark, or permanent representation on livestock, which consists of a designated combination of country and district or tribe in conformity with domestic laws;
- d. **"Cattle"** means and includes livestock;
- e. **"Cattle Rustling"** means the 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;
- f. **"dangerous weapons"** includes firearms and any other instrument made or adapted for shooting, stabbing or cutting or any instrument which when used for offensive purposes is likely to cause serious injury or death;
- g. **"EAPCCO"** means the Eastern Africa Police Chiefs Cooperation Organisation;
- h. **"firearm"** means:
 - i. any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas;
 - ii. any other weapon or destructive device such as an explosive bomb, grenade, rocket launcher, missile, missile system or mine;

- iii. "light weapons" including the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons;
- iv. "small arms" designed for personal use including: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.
- i. **"livestock"** means domesticated animals such as horses, donkeys, mules, camels, ostriches, cattle, sheep, goats, poultry, pigs and wether;
- j. **"marking"** means making or placing a mark on any livestock by means of tattooing or micro chipping, or any other mark which the local authorities may by notice consider to be a mark;
- k. **"restitution"** means returning recovered livestock or compensation to the legal owner;
- l. **"State Party"** means a member of EAPCCO that is party to this Protocol;
- m. **"stock"** means livestock;
- n. **"Sub Regional Bureau (SRB)"** means the Interpol Sub-regional Bureau for Eastern Africa;
- o. **"NCB"** means Interpol National Central Bureau in a member state;
- p. **"NFP"** means the National Focal Point in a member state established to curb the proliferation of small arms and light weapons.

ARTICLE 2

SOVEREIGNTY

State Parties shall fulfill their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereignty, non-interference and territorial integrity of States.

ARTICLE 3

OBJECTIVES

The objectives of this Protocol are to:

- a. Prevent, combat and eradicate cattle rustling and related criminal activities in the Eastern Africa region;
- b. Systematically and comprehensively address cattle rustling in the region in order to ensure that its negative social and economic consequences are eradicated and that peoples' livelihoods are secured;
- c. Enhance regional co-operation, joint operations, capacity-building and exchange of information;
- d. Promote peace, human security and development in the region.

ARTICLE 4

INTERNATIONAL INITIATIVES

Where appropriate, State Parties undertake to sign and ratify international instruments relating to the prevention, combating and eradication of cattle rustling; the illicit manufacturing and trafficking in firearms and ammunition and other related materials; transnational organised crime; and, instruments relating to animal welfare and disease control and prevention and to implement such instruments within their jurisdictions.

ARTICLE 5

LEGISLATIVE MEASURES

- a. State Parties shall enact the necessary legislation and take other measures to make cattle rustling as defined in Article 1 of this Protocol a serious criminal offence under their national laws.
- b. State Parties shall review and/or develop legislation and regulations relating to cattle rustling and stock theft, taking into account traditional conflict resolution mechanisms and strategies and new developments and technologies now available to assist in its eradication.
- c. State Parties undertake to incorporate the following elements in their national laws as a matter of priority:
 - i. provisions promoting legal uniformity and minimum standards in respect of the branding, control, possession, import, export, registration and the movement of livestock;
 - ii. provisions ensuring the mandatory standardised branding and identification of livestock;
 - iii. provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all livestock, relocated without or in contravention of licenses, permits, or written authority;
 - iv. provisions that promote legal uniformity in the sphere of sentencing; and
 - v. provisions addressing the issue of restitution.
- d. State Parties undertake to develop appropriate immigration mechanisms and policies to facilitate actions to mitigate cross-border cattle rustling;
- e. State Parties further undertake to support alternative dispute resolution mechanisms appropriate to address the problem of cattle rustling.

ARTICLE 6

LIVESTOCK IDENTIFICATION SYSTEMS AND RECORD KEEPING

1. State Parties undertake to establish agreed systems to ensure that all livestock are permanently branded and marked with a standardized system to identify the country, district or tribe of origin;
2. Marking shall identify the area and the owner of the stock;
3. The location of such branding and marking shall be determined by member states for example, branding to indicate the country and district or tribe on

the left hind leg and the left front leg for owners' identification character marks;

4. State parties shall agree on any other form of identification;
5. A record of all identified livestock shall be maintained.

ARTICLE 7

OPERATIONAL CAPACITY

State Parties undertake to improve the capacity of police, customs, border guards, the judiciary, communities, local leaders and other relevant agencies to fulfill their roles in the implementation of this Protocol and to:

- a) co-ordinate national training programmes for police, customs, border guards, the judiciary, veterinary and other agencies involved in preventing, combating and eradicating cattle rustling;
- b) establish and improve national data-bases, communication systems and acquire equipment for monitoring and managing the movement of livestock within states and across national borders;
- c) establish inter-agency working groups, involving police, border guards, customs, foreign affairs, veterinary services and other relevant agencies to improve policy co-ordination, information sharing and analysis at the national level;
- d) undertake joint training exercises for officials, from countries within the region drawn from relevant enforcement agencies including the military where it is involved with border control, and explore the possibility for exchange programmes for such officials within the region, and with their counterparts in other regions.

ARTICLE 8

PUBLIC EDUCATION AND AWARENESS PROGRAMMES

State Parties, in collaboration with relevant civil societies, such as women and youth organisations, undertake to:

- a) develop national and regional public education and awareness programmes to enhance community involvement and support for efforts to address cattle rustling;
- b) sensitise the concerned communities through their traditional leaders on the negative socio-economic development and security consequences of cattle rustling;
- c) develop programmes aimed at encouraging respect for other people's property and livelihoods;
- d) develop programmes aimed at affording the concerned communities with additional means of livelihood;
- e) encourage and facilitate the formation of cross-border committees with a focus on preventing and addressing the consequences of cattle rustling.

ARTICLE 9
DEVELOPMENT

State Parties undertake to support, as a matter of priority, pastoral communities and other affected communities with:

- a) an increase in schooling facilities, enrolment opportunities for basic education, adult education and vocational training;
- b) the provision of water and pastural lands, improvement of infrastructure, appropriate administrative structures and community security;
- c) facilities and/or measures aimed at reducing the effects of disasters such as drought, famine, disease and environmental degradation which are likely to instigate cattle rustling.

ARTICLE 10
JOINT AND COMBINED OPERATIONS ACROSS BORDERS

State Parties undertake to conduct joint and combined operations across borders involving member states pursuant to the objectives of this Protocol.

ARTICLE 11
MUTUAL LEGAL ASSISTANCE

- a. State Parties shall co-operate with one another to provide mutual legal assistance in a concerted effort to prevent, combat and eradicate cattle rustling.
- b. Mutual legal assistance shall, inter alia, include the following:
 - i. communication of information and transfer of exhibits;
 - ii. investigation and detection of offences;
 - iii. obtaining evidence or statements;
 - iv. execution of searches and seizures;
 - v. inspection of sites or examination of objects or documents;
 - vi. request for judicial documents;
 - vii. service of judicial documents;
 - viii. communication of relevant documents and records;
 - ix. identification or tracing of suspects or proceeds of crime and
 - x. application of special investigative techniques.
- c. State Parties may further agree upon any other form of mutual legal assistance consistent with their national laws and existing agreements.
- d. Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain details of the following:
 - i. the identity of the authority making the request;
 - ii. the subject matter and nature of the investigation or prosecution to which the request relates;

- iii. the description of the assistance sought;
 - iv. the purpose for which the evidence, information or action is sought and
 - v. all relevant information available to the requesting State Party and which may be of use to the requested State Party.
- e. A State Party may seek any additional information, which it considers necessary for the execution of the request in accordance with its national laws and existing agreements.

ARTICLE 12

LAW ENFORCEMENT

State Parties shall establish appropriate mechanisms for co-operation among their law enforcement agencies to promote the effective implementation of this Protocol including the:

- a) Utilization of the available direct communication systems through the respective National Central Bureaus (NCB), the INTERPOL Sub Regional Bureau (SRB) and National Focal Points (NFP) to facilitate a free and secure flow of information among the law enforcement agencies in the region;
- b) establishment of inter-border communication systems to enhance effective law enforcement;
- c) establishment and enhancement of Anti-Stock Theft Units for preventing, combating and eradicating cattle rustling;
- d) promotion of co-operation with inter-governmental organisations, international and regional organisations and relevant local civil societies engaged in issues relating to cattle rustling.

ARTICLE 13

OTHER MEASURES

Member states may undertake any other necessary measures deemed fit towards the realization of the objectives of the Protocol.

ARTICLE 14

SETTLEMENT OF DISPUTES

Disputes arising from the interpretation or application of this Protocol, which cannot be settled amicably, shall be settled in accordance with the principles of public international law.

ARTICLE 15

AMENDMENTS

An amendment to this Protocol shall be adopted by a decision of two-thirds of the members of the State Parties.

ARTICLE 16
ATTESTATION

This Protocol shall be signed by duly authorised representatives of Member States.

ARTICLE 17
RATIFICATION

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

ARTICLE 18
ACCESSION

This Protocol shall remain open for accession by any other neighbouring State subject to approval by two-thirds of State Parties.

ARTICLE 19
DURATION AND WITHDRAWAL

- a) This Protocol shall be of unlimited duration.
- b) Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol. It shall give notice of such withdrawal to all other State Parties, to the Depository and to the Secretariats of the African Union and United Nations. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
- c) Such withdrawal shall only take effect twelve months after the receipt of the instrument of withdrawal by the Depository.
- d) The withdrawal of a State Party from this Protocol shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.
- e) The State Party which has withdrawn from this Protocol shall be open to rejoin at a later stage by making a formal application subject to the approval of two-thirds of the State Parties.

ARTICLE 20
ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of the instrument of ratification by the third Member State.

ARTICLE 21
DEPOSITORY

- a. The original text of this Protocol shall be in Arabic, English, French and Kiswahili languages, all texts being equally authentic.
- b. All instruments of ratification and accession shall be deposited with the SRB who shall transmit certified copies to all Member States.
- c. The SRB shall register this Protocol with the Secretariats of the African Union and the United Nations.

IN WITNESS WHEREOF, WE, the duly delegated representatives of Government have signed this Protocol.

Done at

this day of

in four (4) original texts in the Arabic, English, French and Kiswahili languages.

For the Government of the Republic of Burundi

For the Government of the Republic of Djibouti

For the Government of the State of Eritrea

For the Government of the Federal Democratic Republic of Ethiopia

For the Government of the Republic of Kenya

For the Government of the Republic of Rwanda

For the Government of the Republic of Seychelles

For the Government of the Republic of Somalia

For the Government of the Republic of Sudan

For the Government of the United Republic of Tanzania

For the Government of the Republic of Uganda