

# The Security Challenges of Pastoralism in Central Africa

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## *Executive Summary*

The southward seasonal migration of pastoralists with their cattle is a source of friction that has long been ignored in Central Africa. In the last few years, conflicts between pastoralists and local communities have intensified because of a combination of factors: worsening security; climate change, which drives herdsmen further south; the multiplication of migration roads, especially transnational routes; the expansion of cultivated areas and an increase in cattle herds, which have deepened the competition for natural resources. Though security challenges related to pastoralism are not equally serious in the three countries examined in this report (Chad, Central African Republic and Democratic Republic of Congo), governments should take them seriously and promote a regulation of transhumance that includes all relevant actors.

Pastoralism generates wealth and economic interdependence between farmers and cattle herders in some African countries, but it also causes tension and conflicts. Most of these result from competition for vital resources such as water or pasturelands. In Chad, the Central African Republic (CAR) and north-east Democratic Republic of Congo (DRC), the conflicts appear to be especially complex, mainly because pastoral ecosystems go beyond national borders and transhumance creates new settlement fronts.

Transnational livestock migrations, particularly by Chadian herdsmen to CAR, have led to clashes between pastoralists and the local population. Even before the start of the CAR crisis in late 2012, violence had taken an alarming turn: after Chadian pastoralists looted their villages, several thousand CAR inhabitants fled their home and sought refuge in internally displaced camps in the country's north. Weak bilateral cooperation between Chad and CAR on transhumance has contributed to an increase in violence, a change in cattle migration roads, and the emergence of new groups of pastoralists and livestock farmers with different motives and more weapons.

In Orientale Province, in DRC, the recent migration of Peul Mbororo herdsmen from several Central African countries has led to an often tense coexistence with the local population and the Congolese authorities. The latter have at times cracked down on pastoralists, at others started to accept their presence – a moratorium on expulsions was implemented in 2012. But the government has not provided an adequate and effective response to problems caused by the recent settlement of pastoralists in Orientale Province. It should consider their temporary regularisation, which would likely bring economic benefits to the province, in particular through the development of cattle farming in low-populated areas.

Some Sahel countries such as Niger or Chad have received support from donors to regulate pastoralism and have tried to mitigate conflicts. For their part, the CAR and DRC do not regulate transhumance and are unable to deal with increasing violence between communities. Moreover, other priorities top their security agenda. But while national authorities, located hundreds or thousands of kilometres away from the rural areas affected, ignore frequent violence related to pastoralism, local populations, which are the main victims, cannot afford to do so. Deep-rooted issues

can degenerate into intercommunal conflicts, and constitute a major factor in the confrontation between the Fulanis and anti-balaka militias in CAR.

The CAR and DRC should regulate the movement of pastoralists by considering some of the measures implemented in Chad. Chadian authorities, together with international partners such as the French Development Agency (AFD) and the European Union (EU), undertook to secure cattle migration roads, amend the pastoral code and reinforce the cattle farming sector. The CAR and DRC should also take steps to improve peaceful coexistence between the Fulani community and the Congolese population, including by promoting a transhumance charter between the populations of Chad and the CAR.

The Congolese government, which intends to boost the agricultural sector, could carry out these measures immediately. In the CAR, implementation depends on the current crisis ending and tension between N'Djamena and Bangui calming. But discussing transhumance under the supervision of the regional organisation in charge of pastoralism before the cattle migration starts this year could be an opportunity to normalise relations between both countries and tackle a dangerous problem.

## *Recommendations*

*To anticipate migration of pastoralists southward and to prevent violence related to pastoralism in Chad*

**To the Chadian government:**

1. Deploy staff from the livestock ministry, in close partnership with representatives of nomad livestock farmers, on transhumance roads in order to monitor their itinerary and inform in advance local authorities that pastoralists are passing through their zone.
2. Continue marking and organising transhumance roads and cattle resting areas, with the support of the French Development Agency, in order to slow down the migration southward.
3. Deploy health services along transhumance roads and next to big cattle markets during the entire migration season.

*To facilitate resource sharing between pastoralists and farmers*

**To the Chadian government:**

4. Harmonise the new pastoral and land codes by reforming the latter to address the problem of access to shared resources by pastoralists and farmers.

*To supervise Chadian cattle migration to CAR*

**To the Economic Commission for Livestock, Meat and Fisheries Resources (CEBEVIRAH) and the Chadian and CAR governments:**

5. Organise a bilateral meeting under the supervision of the CEBEVIRAH to prepare the cattle migration season as soon as possible.

**To the CEBEVIRAH, the French Development Agency, the World Bank, CAR and Chadian livestock farmers' federations and livestock ministries:**

6. Monitor livestock migration to improve knowledge on cattle movements (itinerary, size of herds, concentration areas, etc.).
7. Strengthen bilateral cooperation, following the 2012 CAR-Chad Commission, to regulate Chadian transhumance to CAR, by:
  - a) devising a charter that would provide for demarcation of migration roads in northern CAR, vaccination areas and cattle markets next to the Chadian border, local conflict management and prevention committees and supervision of transhumance on the ground;
  - b) creating a conflict management committee within CEBEVIRAH to facilitate dialogue between authorities in Chad and CAR and resolve disputes related to violations of the charter; and
  - c) providing financial and logistical means to the National Federation of Livestock Producers from CAR (FNEC) and to the Confederation of Livestock in

Chad so that they inform Chadian pastoralists about recommended itineraries and cultivated areas to avoid. Those organisations should be considered as an interface between pastoralists and CAR local authorities.

*To foster peaceful coexistence between Mbororo livestock farmers and the local population in DRC's Orientale Province*

**To the Congolese government, the International Organisation for Migration (IOM) and donors:**

8. Undertake a census and locate the Mbororo population in Orientale Province, with the support of traditional Mbororo leaders.

**To the Congolese government and the European Union:**

9. Facilitate relationships and interactions between farmers and pastoralists through the construction of roads and market infrastructure for cattle.

**To the Congolese government:**

10. Deliver long-term, renewable visas to Mbororo livestock farmers to resolve their legal situation.

**To Mbororo livestock farmers:**

11. Observe Congolese law by paying, among others, taxes on meat sales.

**To the Congolese provincial government and relevant UN agencies:**

12. Create a mission composed of the provincial government, traditional leaders, local authorities and foreign partners (eg, UN Habitat and the Food and Agriculture Organisation) in order to demarcate pasturelands located far from local farmers' lands and close to water sources.

**To local authorities, NGOs and donors:**

13. Implement a grassroots peace program for Mbororo pastoralists and local communities, create a consultation framework and gather together, in each conflict-affected territory, Mbororos and local traditional leaders, civil society and local administration representatives so as to improve mediation and mutual understanding.

**Nairobi/Brussels, 1 April 2014**

# The Security Challenges of Pastoralism in Central Africa

## I. Introduction

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Since it began in prehistoric times, pastoralism in Africa has been a story of perpetual movement by cattle and their herders, who have adapted to the region's climatic and security constraints over thousands of years.<sup>1</sup> In Central Africa, transhumance began recently, as shown by the migration history of the Fulanis, one of the region's largest communities of herders.<sup>2</sup> Leaving northern Nigeria at the end of the nineteenth century, thousands of Fulanis crossed the border and settled in Cameroon before migrating towards the Central African Republic (CAR) at the beginning of the twentieth century.<sup>3</sup> Harassed by "road bandits" (*coupeurs de route*) in north-western CAR in the 1970s, some of them went as far as south-eastern CAR and into neighbouring countries.<sup>4</sup>

In Central Africa, nomadic herders came from a mixture of peoples with very different livelihoods and pastoralist practices,<sup>5</sup> including Arabs, Fulanis, Toubous and Goranes.<sup>6</sup> In Chad, they travel hundreds of kilometres every year, usually moving southward as far as the regions of Moyen Chari, Mayo Kebbi, the Eastern and

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<sup>1</sup> Nick Brooks, "Climate change, drought and pastoralism in the Sahel", Discussion Note for the World Initiative on Sustainable Pastoralism, November 2006.

<sup>2</sup> The Fulanis are pastoralists in the Sahel-Sudanian region, mostly Muslims, who live in West Africa but also Chad, the Central African Republic (CAR), South Sudan, Sudan and, more recently, the DRC. Of nomadic origin, some Fulanis have established permanent settlements over the course of time. In Guinea they form about 40 per cent of the population, but they are in a minority in the other countries in which they live. See "Fulani", in R. V. Weekes (ed.), *Muslim Peoples: A World Ethnographic Survey* (Westport, 1984), p. 257-260.

<sup>3</sup> Crisis Group interview, researcher, Paris, 21 November 2013; Jean Boutrais, "Les savanes humides, dernier refuge pastoral: l'exemple des WoDaaBe, Mbororo de Centrafrique", *Genève-Afrique*, vol. 28, no. 1 (1990), p. 65-90 and Philip Burnham, *The Politics of Cultural Difference in Northern Cameroon* (Edinburgh, 1996).

<sup>4</sup> Crisis Group interview, Mbororo chief, Zémio, 15 December 2012.

<sup>5</sup> The Larousse dictionary defines transhumance as "the seasonal displacement of a herd to find food and the displacement of the same herd to the place it came from". For more on the history and sociology of the populations of northern Chad, see Albert le Rouvreur, *Sahéliens et Sahariens du Tchad* (Paris, 1989).

<sup>6</sup> The Toubous and Goranes are non-Arab Saharan pastoralists belonging to the Teda-Daza ethnolinguistic group, living mainly in northern Chad, eastern Niger and southern Libya. The group's two main components are the Teda or Toubou, from the Tibesti Mountains in north-western Chad, and the Dazagada or Gorane, who mainly live on the southern plains between the north of Lake Chad and the Ennedi Mountains in the north east. They speak Tedaga and Dazaga respectively, two languages close to the central Saharan group of languages. More distant, although belonging to the same linguistic family, are the Beri (Zaghawa and Bideyat), who combine nomadic pastoralism and sedentary agriculture and live in north-eastern Chad and Sudanese Darfur. See Jérôme Tubiana, *Contes Toubou du Sahara* (Paris, 2007) and Jean Chapelle, *Nomades noirs du Sahara: les Toubous* (Paris, 1983).

Western Logones, Salamat and Dar Sila.<sup>7</sup> Many Arab and Fulani Chadian pastoralists undertake seasonal migrations to the CAR every year between October and May. Other herders, considered “small” or “medium” nomads, travel shorter distances.

Although the mobility of pastoralists has led to the development of strong social and economic links between many communities, it has also caused conflicts, the history of which is passed down orally and forms part of the collective memory. For example, clashes between Arab Misseriya and Ratanine near Oum Hadjer, in the region of Batha, Chad, in 1947, killed 100 people,<sup>8</sup> and the dispute between Kouka farmers and Kréda pastoralists in the Moïto area left 80 dead in 2003.<sup>9</sup> In CAR, even before the current crisis, there have been frequent and lethal disputes between Chadian pastoralists and local communities in recent years. In March 2013, several people were killed in intercommunal clashes in the village of Koro, near Batangafo, and many homes were burned down in the commune of Nana Bakassa.<sup>10</sup>

This report examines the recurring problems of rural security related to pastoralism in the area that stretches from Chad to northern Democratic Republic of Congo (DRC). The governments of these countries ignore problems that are a major cause of concern to rural communities, who are the victims. Now that transhumance is gradually spreading southwards into Central Africa, three types of conflict are associated with pastoralism:

- ❑ conflicts caused by the internal migration of pastoralists within countries (Chad);
- ❑ conflicts caused by the intensification of transnational migrations between Chad and the CAR;
- ❑ conflicts caused by recent migration and the settlement of pastoralists in new territories, for example, the Mbororo Fulanis in north-eastern DRC.<sup>11</sup>

This report is based on research conducted in Chad, the DRC’s Uélé districts and several CAR prefectures between 2012 and early 2014.

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<sup>7</sup> See the map in Appendix A. The Toubous migrate toward Lake Chad but not as far as the southern regions of Chad. Hassan Kamil, Guillaume Duteurtre, Alain Le Masson, “La transhumance: Analyse d’une spatialité mouvante de l’élevage au Tchad”, contribution to an international conference on the organisation and management of rural resources and territories, Montpellier, February 2003. Catherine Baroin (éd.), *Gens du roc et du sable: les Toubou* (Paris, 1988).

<sup>8</sup> The Ratanines are Arabs of Zaghawa origin. See Pierre Hugot, *La transhumance des arabes Misiré et les batailles intertribales d’Oum Hadjer de 1947* (Paris, 1997) and Claude Arditi, “Conflits agriculteurs-éleveurs et enfants bouviers au Tchad méridional, essai d’analyse anthropologique”, Centre de coopération internationale en recherche agronomique pour le développement (CIRAD), April 2010.

<sup>9</sup> André Marty, Pabamé Sougnabé, Djonata Djatto, Aché Nabia, “Causes des conflits liés à la mobilité pastorale et mesure d’atténuation”, Direction de l’organisation pastorale et de la sécurisation des systèmes pastoraux au Tchad, June-September 2010.

<sup>10</sup> “Batangafo: des maisons incendiées par des éleveurs armés”, Réseau de journalistes pour les droits de l’homme en RCA, 15 March 2013.

<sup>11</sup> See footnote 106 for more on this group of pastoralists.



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## II. Transhumance and Insecurity: The Case of Chad

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For decades, governments and donors have prioritised intensive farming to the detriment of centuries-old practices, but Sahel countries have realised the importance of preserving and ensuring the security of pastoralism.<sup>12</sup> Long seen as an economic activity without a future, pastoralism is today recognised as a potential source of development.<sup>13</sup>

The country's second source of income after oil, pastoralism is one of the economy's mainstays. With around 20 million head of cattle, pastoralism represents 15 to 20 per cent of gross domestic product and contributes to the livelihoods of around 40 per cent of the population.<sup>14</sup> However, the sector faces many challenges, including insecurity. Although there have been some initiatives to deal with the problem, further work is needed to build an effective system to peacefully regulate pastoralism.

### A. *Transhumance and Conflict over Resources*

In Chad, pastoralists account for 80 per cent of cattle farming.<sup>15</sup> In recent decades, drought and desertification have exacerbated tensions by accelerating their southward journey to find pastures and disrupting the fragile balance between transhumance and agriculture.<sup>16</sup> Pastoralists now migrate earlier and sometimes reach agricultural areas in the south of the country at harvest time. This creates tensions between farmers and pastoralists, which easily degenerates into open clashes.<sup>17</sup> The relations between pastoralists are also conflict-ridden, especially during periods of drought, when the areas they use are more likely to overlap and they must share the

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<sup>12</sup> Many leaders have questioned the utility of pastoralism. Following the serious drought of 1984-1985, the president of Mali encouraged a significant number of pastoralists to establish permanent settlements and claimed that the nomadic way of life was finished. "Modern and mobile: the future of livestock production in Africa's drylands", International Institute for Environment and Development (IIED), SOS Sahel, 2010.

<sup>13</sup> Bernard Bonnet, Bertrand Guibert, "Le pastoralisme, enjeux et perspectives des politiques sectorielles: Éléments d'analyse régionale pour le Tchad, le Niger et le Mali", contribution to national conference, N'Djamena, 1-3 March 2011.

<sup>14</sup> Haroun Moussa and Mahamat Ahmat Abderamane, "Renforcer les organisations de la filière bovine au Tchad, voie d'amélioration de la viabilité économique et sociale. Enseignement de l'expérience PAFIB", contribution to regional conference, N'Djamena, 27-29 May 2013. Also see "Stratégie Nationale et plan d'actions pour la mise en œuvre de l'Initiative Grande Muraille Verte", Chadian environment and fishing resources ministry, N'Djamena, 2010.

<sup>15</sup> "Plan national de développement de l'élevage 2009-2016", livestock and animal resources ministry, N'Djamena, June 2008.

<sup>16</sup> Between 1970 and the end of the 1990s, the Sahel experienced major and almost unprecedented climatic changes, with a rainfall of 20 per cent of the normal average and a very long drought. See Nick Brooks, *op. cit.* Chad has three climatic zones: Saharan in the north, Sahelian in the centre, Sudanian in the south.

<sup>17</sup> See Claude Arditi, "Paysans Sara et éleveurs arabes dans le sud du Tchad: du conflit à la cohabitation?", Institut de recherche pour le développement (IRD), Paris, 1999; Pabamé Sougnabé, "Conflits entre agriculteurs et éleveurs dans la zone soudanienne du Tchad", contribution to an international conference on the organisation and management of rural resources and territories, Montpellier, February 2003 and Jérôme Tubiana and Victor Tanner, "Au Tchad: un second Darfour", *Outre-Terre*, no. 20, 2007.

same pastures and wells. Access to wells is often problematic and pastoralists sometimes clash to gain priority or exclusive use.<sup>18</sup>

In addition, transhumance takes place in a climate of insecurity. Pastoralists paid a heavy price for the civil wars that took place in Chad in the 1980s and in Darfur at the beginning of the 2000s: the rebels often extorted money from them and the armed forces sometimes confiscated their herds for “the war effort”.<sup>19</sup> Criminals have now replaced rebels and soldiers: pastoralists are a top target for road bandits, especially on their way to markets to sell their animals and buy provisions. Transhumance in Chad is a risky activity, as the media and pastoralists regularly point out. Some of them now carry arms to protect themselves.<sup>20</sup>

Although they compete for water and land, pastoralists and farmers interact and cooperate socially and economically. For example, pastoralists often transport the harvests produced by farmers as they migrate with their cattle (this is called *chele*). Arab camel drivers of the Salamat Sifera community in the Batha region travel southward to the Guéra region in the dry season, regularly transporting the farmers’ harvest to town, to their homes or to markets. In exchange, they receive part of the harvest transported.<sup>21</sup> Sedentary cattle farmers also often entrust their herds to pastoralists.<sup>22</sup> Violence plays out differently in the regions of Chad. Batha, in the centre, has seen recurring conflicts because it is crossed by many pastoralists.<sup>23</sup> In 2008, clashes between Oulad Awada and Nawala pastoralists near Lake Fitri for the control of wells left 28 dead.<sup>24</sup>

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<sup>18</sup> Such clashes sometimes require intervention by the security forces and the courts to rule on who has priority. André Marty, Antoine Eberschweiler and Zakinet Dangbet, *Au cœur de la transhumance, un campement chamelier au Tchad central* (Paris, 2009).

<sup>19</sup> From the rebellion that brought Hissène Habré to power in the early 1980s until his overthrow by Idriss Deby in 1990, Chad suffered a spiral of violence causing the death of about 45,000 Chadians. For more details, see Crisis Group Africa Report N°144, *Chad: A New Conflict Resolution Framework*, 24 September 2008. On the conflicts in Darfur, see Jérôme Tubiana, “Lire entre les lignes d’un conflit: fractures locales et actions internationales au cœur du Darfour”, *Afrique contemporaine*, vol. 232, no. 4 (2009), p. 88-92. Also see Crisis Group Africa Report N°211, *Sudan’s Spreading Conflict (III): The Limits of Darfur’s Peace Process*, 27 January 2014; and “The Chad-Sudan proxy war and the ‘darfurization’ of Chad: myths and reality”, Small Arms Survey, April 2008.

<sup>20</sup> In their account of a migration between September 2006 and April 2007, Marty, Eberschweiler and Dangbet narrated their violent encounters with road bandits, which sometimes ended in fatalities. *Au cœur de la transhumance*, op. cit. Near Lake Fitri, conflicts between Bilala farmers and pastoralists are more lethal than during recent decades and the use of war arms is more frequent. Zakinet Dangbet, Djimadoum Djalta, “Des transhumants entre alliances et conflits, l’exemple des Salamat Sifera et Djaatine”, contribution to regional conference, N’Djamena, 27-29 May 2013.

<sup>21</sup> In Abéché, in the middle of the twentieth century, the “number of camels collected” was used as an indicator of the size of the harvest. Serge Aubague, Patrice Grimaud, “Réflexion sur l’évolution de la mobilité des pasteurs nomades au Tchad: sédentarisation ou transhumance?”, *Nomadic People*, vol. 17, no. 1 (2013), p. 126-136. Marty, Eberschweiler and Dangbet, *Au cœur de la transhumance*, op. cit.

<sup>22</sup> Crisis Group telephone interview, researcher on pastoralism in Chad, 16 October 2013.

<sup>23</sup> Djimadoum Djalta, “Expériences de démarches et politiques de prévention des conflits liés au pastoralisme”, contribution to regional conference, N’Djamena, 27-29 May 2013.

<sup>24</sup> Zakinet Dangbet, “Des transhumants entre alliances et conflits”, op. cit.

## B. *Managing Pastoral Conflicts*

### 1. Modernising the legal framework

Historically, Central African governments have tried to manage pastoralist migrations but have had limited success. Chad, the CAR and Cameroon have introduced legislations to regulate the use of pastures and the movements of pastoralists. In Chad, the 1959 law, which is currently under revision, had a clear objective: controlling and containing these movements. It lays down that all pastoralists must have a pass, follow precise itineraries and complete the transhumance within a period defined by the authorities.<sup>25</sup> It was never really enforced, however, and in 1996, the interior minister had to remind prefects and sub-prefects of its existence. Most pastoralists disregard the law and others criticise it because its provisions cannot be easily reconciled with the need to respond to the changing climate.<sup>26</sup>

The need to modernise the Chadian pastoral code first became clear in 1999, during a national seminar in N'Djamena on conflicts between farmers and pastoralists.<sup>27</sup> After the failure of a first bill in 2002 because of criticism from pastoralists, a national seminar in 2005 decided to draft a new pastoral code.

The text, currently being reviewed by the livestock ministry, adopts a new approach. It replaces previous attempts to control transhumance with a new policy that focuses on securing and organising migration routes to slow down pastoralists. According to Article 30 of the draft bill, the government should provide health services close to the migration routes. Articles 84, 88 and 89 stipulate the primacy of community conciliation for disputes between farmers and pastoralists, which should be considered definitively resolved if a settlement is reached.<sup>28</sup>

### 2. Organising migration routes

For centuries, pastoralists in Chad have used hundreds of traditional migration routes, called "*murhal*" in Arabic. Starting in the mid-1990s, with the assistance of the French Development Agency (AFD) and in close consultation with canton and village chiefs, several routes were marked.<sup>29</sup> These initiatives were inspired by the Sultan of Ouaddaï who, in an attempt to defuse tension between pastoralists and farmers near Abéché in the early 1990s, tried to physically demarcate the routes with wooden posts, rag and paint.<sup>30</sup>

Marking routes is not sufficient in itself, however; providing wells and cattle resting areas is also necessary, particularly along the northern sections of routes, to slow down the movement of herds and give farmers more time to finish harvesting their crops.<sup>31</sup> But such initiatives can cause other problems. They can reduce conflict if the population concerned is included, but they can stir up tension if consultations are

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<sup>25</sup> Law 4 of 31 October 1959 regulating nomadism and transhumance in Chad.

<sup>26</sup> Nicoleta Avella, Frédéric Réounodji, "La législation foncière pastorale au Niger et au Tchad. Une analyse comparative", CIRAD, April 2010.

<sup>27</sup> Ibid.

<sup>28</sup> Draft bill on Chad's new pastoral code.

<sup>29</sup> Marking is done by placing poles sunk in concrete along traditional migration routes in order to avoid the herds encroaching on crops. The routes are often marked in areas prone to conflict between pastoralists and farmers.

<sup>30</sup> Crisis Group telephone interview, researcher on pastoralism in Chad, 16 October 2013.

<sup>31</sup> The draft pastoral code defines cattle resting areas as "spaces with good pasture at which animals can rest before continuing their journey". Article 4 of the draft bill for a new pastoral code in Chad.

badly organised and decisions lack legitimacy.<sup>32</sup> Consensus on the organisation of routes and the definition of rules, particularly about watering points, is essential: “a badly located well means 40 dead in one night”.<sup>33</sup> The AFD and NGOs have therefore adopted an approach based on dialogue; they mediate between pastoralists and farmers to reach consensus on the itinerary of migration routes and access to watering points.<sup>34</sup>

Marking migration routes aims to avoid the encroachment of animals on crops, which is one of the main causes of conflict, especially close to seasonal watercourses (*wadis*). Farmers strongly oppose the passage of pastoralists through flood-recession crops. However, marking brings its own set of issues. Setting an itinerary for several years is not consistent with the need to adapt to climatic uncertainties. Moreover, migration roads and the fragmentation of agricultural land lead some farmers to plant “trap crops” at the exits of migration routes or close to watering points in order to get compensation when herds destroy their crops.<sup>35</sup> Similarly, fallow crops that are normally accessible to animals for grazing are regularly encircled by cultivated fields.<sup>36</sup>

The failure of governments to act has encouraged opportunist behaviour.<sup>37</sup> Unlike the 1959 law, the draft pastoral code aims to remedy this situation by imposing fines for obstruction of migration routes. This may help to reduce the problem.

### 3. A hybrid model for dealing with pastoral conflicts

Now that the legislative framework is under review and traditional procedures are in decline, management of pastoral disputes seems flawed and fragmented among different actors. The role played by the state and its decentralised agencies remains vague, institutional justice is inappropriate and the crumbling traditional power in some regions has weakened community regulation.

#### The gradual decline of traditional conflict resolution procedures

In Chad, the traditional system provides for the prevention and resolution of pastoral disputes. The *ahliya* or *rakuba* (“traditional, customary” or “family” in Arabic) are agreements that guarantee access to natural resources and facilitate the resolution of disputes, notably in the Sahel. The *ahliya* may take several different forms, including an oath on the Quran by the parties and promise of “reciprocal leniency” in the event

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<sup>32</sup> Non-acceptance of a migration route by one of the parties concerned can have dramatic consequences. For example, in May 2012 in Mali, 30 people were found dead following a dispute over a migration route between Fulani pastoralists and Dogon farmers. “Trente Burkinabé tués dans des violences à la frontière avec le Mali”, *Le Monde*, 25 May 2012.

<sup>33</sup> Crisis Group interview, AFD expert, N’Djamena, 5 July 2013.

<sup>34</sup> In the centre-east of Chad, the Agency for Cooperation and Research in Development (ACORD) mediated between pastoralists and local communities to draw up rules, especially about migration routes. Marty, Sougnabé, Djatto, Nabia, “Causes des conflits liés à la mobilité pastorale”, *op. cit.*

<sup>35</sup> Trap crops cause many disputes between pastoralists and farmers. In 2009, in the town of Danamadji, in the region of Moyen-Chari in southern Chad, a dispute between a pastoralist and a farmer who planted crops along the migration routes ended in the death of the farmer. *Ibid.*

<sup>36</sup> Saverio Kräfli, Marie Monimart, Blamah Jallo, Jeremy Swift, Ced Hesse, “Secteur de l’hydraulique pastorale au Tchad. Evaluation et capitalisation de 20 ans d’interventions de l’AFD”, *Ex-Post*, no. 51, AFD, Paris, October 2013.

<sup>37</sup> At a mediation meeting, farmers pointed out that unlike the fields, animals can move. Pastoralists agreed that may have been true in the past but they said it now seems that fields can also move and be found along cattle routes. Crisis Group interview, former Chadian minister, Paris, 15 October 2013.

of disputes. This promotes peace between communities.<sup>38</sup> Similarly, the settlement of disputes between farmers and pastoralists involves the two parties and can, if the incident is serious, involve traditional chiefs. When fields are damaged by cattle, farmers generally receive monetary compensation.<sup>39</sup>

Other ways to resolve conflicts include the payment of “blood money” (*diya* in Arabic).<sup>40</sup> Although these traditional ways of settling disputes have been criticised since colonial times, they remain in use today.<sup>41</sup> However, decades-long alliances have been weakened by renewed pressure on resources due to the expansion of cultivated areas and an increase in the size of herds.<sup>42</sup> Another problem is that younger generations do not always acknowledge these alliances, saying they were not party to such agreements; they regularly demand compensation to resolve disputes even when this threatens customary arrangements.<sup>43</sup> Besides, according to many accounts administration and military officials tend to get increasingly involved in the arbitration of disputes, often for personal enrichment.<sup>44</sup>

#### Spontaneous civil society initiatives

In recent years, NGOs and religious organisations have set up joint mediation and conflict resolution bodies, sometimes called harmony or dialogue committees. Larger structures such as the joint commission in Abéché created in 1993 also promote conflict resolution and prevention.<sup>45</sup> The effectiveness of these initiatives depends on the legitimacy of the committee members, the degree of involvement of religious leaders and the extent to which they have roots in the community.

In some of these committees, pastoralist representatives are traders or even sedentary livestock farmers. The lack of representation of pastoralists, notably from

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<sup>38</sup> See Jérôme Tubiana, Victor Tanner, Musa Adam Abdul-Jalil, “Traditional Authorities’ Peacemaking Role in Darfur”, U.S. Institute of Peace (USIP), 2012, p. 56-57; and Zakinet Dangbet, “Des transhumants entre alliances et conflits”, op. cit. In the Sudanian zone, chiefs used to be in regular contact, allowing for tacit agreements over transhumance between pastoralists from the north of the country and southern sedentary populations. Marty, Sougnabé, Djatto, Nabia, “Causes des conflits liés à la mobilité pastorale”, op. cit.

<sup>39</sup> Marty, Eberschweiler and Dangbet, *Au cœur de la transhumance*, op. cit.

<sup>40</sup> The *diya* represents money due in compensation for a crime or accident. In traditional justice, this resolves the dispute and avoids revenge attacks. See Dangbet, “Des transhumants entre alliances et conflits”, op. cit. Also see Claude Durand, *Les anciennes coutumes pénales du Tchad, les grandes enquêtes de 1937 et 1938* (Paris, 2002).

<sup>41</sup> The *diya* was banned in 1946, but this reform was not enforced. See Dangbet, “Des transhumants entre alliances et conflits”, op. cit. The pastoralist Arab Djaatné community and the sedentary Bilala people near Lake Fitri tend not to use the *diya*. If there is an *ahliya* between communities and if a man is killed, a *khasarat* – money to cover the cost of funeral arrangements – is paid instead. See Tubiana, Tanner, Abdul-Jalil, “Traditional Authorities’ Peacemaking Role in Darfur”, op. cit.

<sup>42</sup> Marty, Sougnabé, Djatto, Nabia, “Causes des conflits liés à la mobilité pastorale”, op. cit.

<sup>43</sup> Ibid.

<sup>44</sup> Crisis Group interviews, researcher on pastoralism in Chad, N’Djamena, 3 July 2013; representative of pastoralists in Chad, N’Djamena, 5 July 2013.

<sup>45</sup> The joint commission of Abéché, led by the Sultan of Ouaddaï, helped to raise the awareness of the various actors about rules governing the sharing of resources and helped to identify migration routes in the area. This commission inspired several similar initiatives, including dispute resolution committees in Goz Beida, Am Timan, Mangalmé and Kerfi. However, some pastoralists were critical of the commission and left it. The commission needs to be revived. Crisis Group interview, Chadian livestock ministry official, N’Djamena, 6 July 2013.

the long-range migration groups, does not facilitate their buy-in.<sup>46</sup> The European Union's Project to Support the Beef/Veal Sector (PAFIB) has helped to create committees with representatives from indigenous sedentary communities and pastoralists in order to clarify rules for the use of watering points, migration routes and access to markets.<sup>47</sup> Religious leaders can also help by using their sacred vocation and moral leadership to encourage compromise. In contrast, the committees formed by the authorities rarely operate well because officials are perceived to prioritise personal enrichment over the effective resolution of conflicts.<sup>48</sup>

#### The risks and malfunctions of institutional justice

While disputes stemming from the destruction of fields are generally resolved between the parties concerned or by traditional chiefs who mediate, disputes between farmers and pastoralists tend to be referred to the justice system. However, slow judicial procedures are unlikely to resolve such "minor disputes". According to an old Chadian proverb, "the same sun that witnesses a misdemeanour should also see the punishment applied".<sup>49</sup> Yet court decisions are often delivered after the pastoralists have left. Moreover, procedural costs must often be paid by the plaintiffs, which they see as unfair. Finally, the links built up between sedentary communities and judicial institutions sometimes work against the pastoralists.<sup>50</sup>

The nature of the incident and the identity of the parties also influence the choice of institution for resolving the dispute. Although traditional mechanisms are useful to deal with disputes about the destructions of crops, more serious incidents, such as physical violence or murders, come within the jurisdiction of the criminal justice system. In case of serious incidents, the gendarmes visit the site to investigate, but corruption is rife and they often demand payment of an arbitrary fine in return for not referring the case to the prosecution service, which allows the parties to avoid drawn-out legal procedures.<sup>51</sup> Given the "risks" associated with modern justice, farmers and pastoralists often prefer to find an arrangement, for example by paying the *diya*.

### C. *Building a Coherent and Consensual Set of Regulations*

#### 1. Anticipating and channelling pastoralist migrations

The early arrival of pastoralists from the Sahel in southern Chad destroys crops and poisons relations with farmers. Efforts are needed to anticipate and manage this migration. In some places, the Chad National Nomadic Guard (GNNT) intervenes to

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<sup>46</sup> Pabamé Sougnabé, "Conflits agriculteurs-éleveurs en zone soudanienne au Tchad: une étude comparée de deux régions: Moyen Chari et Mayo-Kebi", contribution to the Garoua conference, Cameroon, May 2002.

<sup>47</sup> Crisis Group interview, ex-coordinator of PAFIB, N'Djamena, 6 July 2013. The PAFIB, funded by the European Union for the period from October 2009 to early 2013, aimed to strengthen the cattle farming sector and promote marketing. Part of the National Livestock Development Program (PNDE), it was implemented in many regions of Chad, including Bahr El Gazal, northern Batha, southern Guéra and Chari-Baguirmi. For more information, see the PAFIB website: [www.filiere-bovine-tchad.com](http://www.filiere-bovine-tchad.com).

<sup>48</sup> Crisis Group interview, representative of pastoralists in Chad, N'Djamena, 5 July 2013.

<sup>49</sup> Zakinet Dangbet, "Des transhumants entre alliances et conflits", *op. cit.*

<sup>50</sup> Crisis Group interview, researcher on pastoralism in Chad, N'Djamena, 3 July 2013.

<sup>51</sup> *Ibid.*

slow the advance of pastoralists toward the Sudanian area but it cannot contain them for long.<sup>52</sup> Several initiatives have tried to address this by organising migration routes.

Pastoralist water projects by the French Development Agency and Chadian government have had encouraging results.<sup>53</sup> A study by the International Institute for the Environment and Development (IIED) noted a major reduction in the number of disputes in places where wells had been built.<sup>54</sup> This must be accompanied by the creation of cattle resting areas along migration routes. Although routes are sometimes marked, pastoralist herders in eastern and central Chad and around Lake Fitri complain that resting areas are often covered by crops.<sup>55</sup> Finally, as the draft pastoral code provides, the government should provide health services along migration routes and near major cattle markets, which would also help to channel the transhumance.

Disputes also occur because of a lack of information and the failure to anticipate the arrival of large cattle herds. There is no real-time monitoring of transhumance and local authorities are often unable to warn, inform or educate pastoralists about the roads to take and avoid.<sup>56</sup> The 1959 law requires pastoralists to inform the authorities about their migration route but they have never done so.<sup>57</sup> Although convoy leaders (*kaydal*) are sent to decide on the route before each migration, they rarely announce it and transhumance often takes place in secrecy in order to benefit from the best pastures.<sup>58</sup>

In order to carry out real-time monitoring of the movements of pastoralists, the decentralised authorities of the livestock ministry, in close cooperation with pastoralist representatives, should devise a geographic information system about transhumance. They should learn about the movements of pastoralists by regularly visiting migration routes and alerting the relevant local authorities. Most disputes about the destruction of crops by pastoralists would not occur if they knew the areas to avoid.<sup>59</sup>

## 2. Involving pastoralist organisations in drawing up rules

Until recently in Chad, pastoralists had virtually no voice in the public debate. But organisations have been created to act as advocates for pastoralists with the authorities.<sup>60</sup> In 2002, a bill to “regulate nomadism, transhumance and cattle herding in Chad” was drafted without consulting pastoralist representatives. In response to their criticism and dissatisfaction, the government did a U-turn and finally organised a national seminar on pastoralism in 2005 during which it was decided to intro-

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<sup>52</sup> The GNNT is in charge of improving security in rural areas, ensuring pastoralists use migration routes, combating cattle theft and patrolling national parks. See the French embassy in Chad’s website, [www.ambafrance-td.org/Le-projet-Garde-Nationale-Nomade](http://www.ambafrance-td.org/Le-projet-Garde-Nationale-Nomade). Crisis Group telephone interview, researcher on pastoralism in Chad and Niger, 12 September 2013.

<sup>53</sup> “The AFD funds pastoral water projects across the entire Chadian Sahel Belt, including at Almy Bahaïm in the east (water for cattle) and Almy al-Afia in the centre (water for peace) of the country”. See the French Development Agency website, <http://bit.ly/1ka81Mc>.

<sup>54</sup> Krätli, Monimart, Jallo, Swift, Hesse, “Secteur de l’hydraulique pastorale au Tchad”, op. cit.

<sup>55</sup> Ibid.

<sup>56</sup> Crisis Group interview, Chadian livestock ministry official, N’Djamena, 6 July 2013.

<sup>57</sup> Law 4 of 31 October 1959, op. cit. The draft pastoral code, currently under discussion, provides for the repeal of this law and its replacement by the new pastoral code.

<sup>58</sup> Crisis Group interview, expert on pastoralism in Cameroon and the CAR, 8 February 2014.

<sup>59</sup> Crisis Group interview, Chadian livestock ministry official, N’Djamena, 6 July 2013.

<sup>60</sup> Crisis Group interview, member of the Confederation of Livestock Producers, N’Djamena, 5 July 2013.

duce a new pastoral code. The draft code will soon be voted by the national assembly. A wide range of stakeholders have voiced support for the consultation.

An inclusive regulation-making process is essential to promote wide dissemination and compliance. In order to give more weight and political representation to pastoralists and to give continuity to the EU's PAFIB project, which ended in February 2013, Chadian authorities must recognise and support the professional associations and regional and national federations of pastoralists in order to keep them involved in discussions about pastoralism. The authorities should use the decentralised livestock services to fund the organisation of local dialogue forums with pastoralist associations to provide them with material support so that they can improve their internal structures.

### 3. Harmonising the pastoral and land codes

The new pastoral code looks set to provide a framework for secure transhumance, but the new draft land code could compromise its effectiveness and muddy the waters. There are major contradictions between the two draft bills. Following the example of the July 1967 laws on land use and tenure systems, the new land code states that "individual and collective customary rights may be officially recognised as property rights if it can be demonstrated that there is permanent and clear ownership of the land. Evidence of ownership can take the form of buildings and/or regular productive use of the land, including cultivation methods that do not involve continuous production".<sup>61</sup>

Experts, including members of the platform for pastoralist development, are critical of these provisions. Unlike agricultural activities, cattle herding is not considered to be regular productive use of the land. There are two different ideas in conflict here: the new pastoral code aims to ensure the shared management of common resources while the land code promotes property rights over these resources to the detriment of the pastoral system.<sup>62</sup> In order to clarify things, the government must change or amend the new draft land code.

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<sup>61</sup> Draft bill for a new pastoral code in Chad.

<sup>62</sup> Crisis Group telephone interview, member of the platform of pastoralist development, 3 October 2013.



### III. Violent Transhumance between Chad and the Central African Republic

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In the throes of an unprecedented crisis, the Central African Republic (CAR) is a lawless country.<sup>63</sup> In this context, clashes between pastoralists and farmers are becoming more common.<sup>64</sup> However, the crisis has confused the situation and obscured conflicts that are much older and are connected to the migration of Chadian pastoralists into the CAR.

Before the present crisis, there was conflict between Chadian pastoralists and local communities in CAR over resources, but farmers coexisted in relative harmony with CAR Fulani herders. Many pastoralists from Chad have for a long time migrated to their southern neighbour every year during the dry season between October and May. However, the disruption of traditional routes, changes to migration itineraries, the recent tendency for some pastoralists to carry arms and the increase in the number of road bandits (*zaraqinas*)<sup>65</sup> have caused violent conflicts. Since 2008, violence has assumed alarming proportions and led to the exodus of many Central Africans, who have fled to camps for the internally displaced after their villages were burned down.<sup>66</sup> These local disputes are virtually ignored given the prevailing, general chaos in the CAR.

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<sup>63</sup> See Crisis Group Africa Report N°203, *Central African Republic: Priorities of the Transition*, 11 June 2013 and Africa Briefing N°96, *Central African Republic: Better Late than Never*, 2 December 2013.

<sup>64</sup> Many Fulani families were the victims of bloody attacks by anti-balaka militias and extortion by Seleka fighters who, on their march to Bangui, stole their cattle. After the murder of a dozen Fulanis in Boali on 2 December 2013, some Fulanis joined the Seleka and went to Bangui to seek revenge and attacked Christian and animist communities. At the moment, anti-balaka militias are attacking Fulani cattle in the areas under their control. "Carnage des musulmans peul par les FACA dans le village de Boyali sur la route de Boali", *Le Pays*, 15 January 2014 and "Les Peuhls Mbororo centrafricains réfugiés au Cameroun et au Tchad: des communautés en danger", Association for the Integration and Social Development of Central African Fulani/MBororo, memorandum to the Cameroon and Chad governments, humanitarian agencies and the international community, 12 February 2014. Crisis Group interviews, researcher on pastoralism, Bangui, 25 February 2014; municipal authority official, Bayanga, 27 February 2014.

<sup>65</sup> *Zargina* or *Zaraqina* may come from the word *Zarâg*, which means dark indigo blue cloth in Chadian Arabic. See Christian Seignobos, "La question Mbororo. Réfugiés de la RCA au Cameroun", UN High Commissioner for Refugees (UNHCR), French Cooperation and Cultural Action Service (SCAC), IRD Paris/Yaoundé, 2008. The *zaraqina* phenomenon took shape in the 1980s in the CAR and shortly afterwards in Cameroon. These groups of road cutters are heterogeneous and include former soldiers-turned-criminals, former pastoralists who have had their cattle stolen and ordinary villagers. They extort and steal from pastoralists in the bush and kidnap their children, mainly Mbororos. Guy-Florent Ankoguy Mpoko, Kedeu Passingring, Boniface Ganota, Kedekoy Tigague, "Insécurité, mobilité et migrations des éleveurs dans les savanes d'Afrique centrale", CIRAD, February 2010.

<sup>66</sup> Crisis Group interview, internally displaced people, outskirts of Batangafo, 15 December 2013. In November 2012, the number of internally displaced people near Batangafo following the pillage of their villages was estimated at 5,700. "Bangui: vers une sécurité transfrontalière entre le Tchad et la RCA", Network of Human Rights Journalists in the CAR (RJDH), 30 November 2012.

## A. Conflicts in Stateless Areas

### 1. The CAR at the crossroads of migration routes

Livestock herding, especially cattle, was introduced in the CAR by the French colonial power in the early 1920s.<sup>67</sup> Almost a century later, the UN Food and Agriculture Organisation (FAO) estimates that the CAR has more than 20 per cent of the head of cattle in the Economic and Monetary Community of Central African States (CEMAC).<sup>68</sup> The country's important pasture and water resources have encouraged cross-border migration into the CAR. The historic Fulani transhumance from the west has been augmented by the Chadian transhumance to the CAR, especially the regions of Ouham Pende and Ouham, in the north west and north centre of the country respectively. The regions of Vakaga, Bamingui-Bangoran and Haute Kotto, in the east and north east, are regularly crossed by Sudanese, South Sudanese and Chadian pastoralists.<sup>69</sup>

Pastoralist cattle herding, which began in the extreme west of the CAR in the 1920s, now covers a large area of the country, where "pastoralist herders are seen as conquerors" and "where 73.44 per cent of villages (questioned) attributed the degradation of natural resources to unregulated pastoralism".<sup>70</sup>

### 2. Spiral of violence

For decades, pastoralists from Chad migrated along unmarked but well-known routes recognised by all.<sup>71</sup> During the last twenty years, widespread insecurity in northern CAR has virtually turned these migrations into military expeditions. The decline of the state, with no effective presence of local authorities and security services, has led to the establishment of armed and criminal groups in the north.<sup>72</sup> The *zaraguinas* have prospered and trafficking has grown, especially along the borders with Chad and Cameroon.

The resurgence of tension reflects the permanent incapacity of the CAR government to ensure the minimum of security in its own territory. Road blockers include former Chadian combatants, regular bandits but also former pastoralists who have lost their herds and have a clear understanding of pastoralist habits. Finally, herds have been targeted by former armed groups such as the Popular Front for Recovery

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<sup>67</sup> In addition to livestock, the colonisers developed cash crops such as cotton, coffee and palm oil. Jean-Noël Brégeon, *Un rêve d'Afrique, administrateurs en Oubangui-Chari, la cendrillon de l'Empire* (Paris, 1999). After independence, the vet Jean Desrotour played a key role in the development of livestock breeding. Crisis Group interview, expert on pastoralism, February 2014.

<sup>68</sup> "Atlas des systèmes sociaux et institutionnels d'utilisation de l'espace est centrafricain", European Union, Bangui, November 2009. Formerly known as the Central African Economic and Monetary Union (UDEAC), founded in 1964 by the Treaty of Brazzaville, the CEMAC was created by the Treaty of N'Djamena in 1994 and is composed of six countries (Cameroon, Congo, Gabon, Equatorial Guinea, the CAR and Chad). Its main objective is the development of a common market. See [www.cemac.int](http://www.cemac.int).

<sup>69</sup> Crisis Group interview, technical assistant, Ecofaune CAR project, Bangui, 15 December 2012. For more on the geography of the livestock sector in the CAR, see Jean Boutrais and Jean-Claude Crouail, "Les projets de développement de l'élevage en Centrafrique", in *L'exercice du développement*, ORSTOM, colloques et séminaires, Dynamique des systèmes agraires (1986), p. 71-92. See Appendix A.

<sup>70</sup> "Atlas des systèmes sociaux et institutionnels", op. cit., p. 34.

<sup>71</sup> See Appendix A.

<sup>72</sup> Crisis Group Report, *Central African Republic: Priorities of the Transition*, op. cit.

(FPR) led by Chadian self-proclaimed general Baba Laddé, who operated in Ouaka, Nana-Grébizi and Ouham, where he committed many atrocities up until 2012.<sup>73</sup>

Founder of a Mbororo armed group, Baba Laddé denounced the marginalisation of Fulani Mbororo pastoralists. He claimed to defend their cause, but he also extorted money from them and stole their cattle.<sup>74</sup> In September 2012, under pressure from the CAR army, with sporadic support from the Chadian army, Baba Laddé negotiated his surrender and left for Chad.<sup>75</sup> After being appointed as adviser to the prime minister's office, he left for Niger claiming he was being threatened by the authorities. He is now reportedly back to the CAR.<sup>76</sup>

Another cause of violence is the contradiction between environmental protection and transhumance. More than 80 per cent or 87,540 sq km<sup>77</sup> of north-eastern CAR is officially covered by reserves.<sup>78</sup> Dating from colonial times, the creation of reserves has focused on the conservation of fauna but has underestimated the need to develop the extensive pasture lands of the east of the country. Pastoralists, in collusion with the local authorities, regularly enter reserves and pose a dual problem for managers of the Manovo-Gounda St Floris and Bamingui-Bangoran parks: first, the cattle may carry diseases that could infect the wild animals and, secondly, pastoralists engage in poaching.<sup>79</sup>

The EU-funded Ecofaune project, which aims to protect the wildlife ecosystems of north-eastern CAR, has had negative and unexpected results. Park rangers are authorised to kill cattle that are infringing the law in certain precise circumstances, which has sometimes led to clashes with pastoralists. However, the balance of forces is such that the slaughter of cattle remains the exception rather than the rule.<sup>80</sup> Another negative effect is that most members of the anti-poaching units formed as part of this program quickly joined the Seleka right from the start. Trained and well-armed, they were seen as choice recruits by coalition commanders.<sup>81</sup>

This generalised insecurity provoked a chain reaction: the pastoralists changed their migration routes and started to arm themselves more, notably with Kalashnikovs. It became difficult to distinguish between pastoralists and poachers. Some CAR communities now link transhumance and insecurity.<sup>82</sup> The disruption of tradi-

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<sup>73</sup> "Bakala: Deux villages attaqués par les éléments de Baba Laddé", RJDH, 21 February 2012 and "Bangui: Portrait de la rébellion Baba Laddé par RJDH-RCA", Radio France internationale (RFI), 27 August 2012.

<sup>74</sup> "Centrafrique: qui arrêtera Baba Laddé?", *Centrafrique-presse*, 20 December 2011. Crisis Group telephone interview, official dealing with administrative and legal affairs at the territorial administration and decentralisation ministry, 15 December 2013.

<sup>75</sup> "L'ex rebelle Baba Laddé de retour au Tchad avec les égards", RFI, 5 September 2012.

<sup>76</sup> "Tchad: N'Djamena accuse Baba Laddé de vouloir reprendre la lutte armée", RFI, 1 November 2013.

<sup>77</sup> "Atlas des systèmes sociaux et institutionnels", op. cit.

<sup>78</sup> Hunting, fishing and tourist expeditions are organised in the reserves. In the CAR, the reserves were also created with the objective of protecting the fauna.

<sup>79</sup> "Rapport annuel conjoint 2009", CAR/European Union cooperation, May 2010. However, it is useful to distinguish between pastoralists and professional poachers (often Sudanese) who undertake poaching expeditions in the CAR between November and May. Crisis Group interview, member of Ecofaune project, Bangui, 21 January 2014. Also see "Atlas des systèmes sociaux et institutionnels", op. cit., p. 34.

<sup>80</sup> Crisis Group interview, member of Ecofaune project, Bangui, 10 December 2012.

<sup>81</sup> Ibid.

<sup>82</sup> In a survey conducted in 2009 in four prefectures in the east, 48 villages out of 64 said they had been victims of insecurity related to transhumance. "Atlas des systèmes sociaux et institutionnels", op. cit., p. 34.

tional migration routes has led to more destruction of crops and has fuelled conflict between sedentary and pastoralist groups.

The current crisis in the CAR and intercommunal tensions, especially between Muslims and non-Muslims, could further increase the militarisation of pastoralists, who fear being targeted because of their religion. Given the dangers faced by its nationals, the Chadian army could also decide to escort pastoralists into the CAR. Finally, the anti-balakas' control over the west of the country and their firm anti-Fulani attitude could lead Chadian pastoralists to move into eastern CAR.

### 3. The changing profile of pastoralists

The profile of the pastoralists who cross from Chad to gain access to the CAR's abundant pastures has changed in recent years. Many of them, including Arab- and Foulfouldé-speaking Fulani groups such as the Uuuda'en, Ontorbe, Anagamba and Biibe Woyla, own their cattle. Many Chadian Arabs also migrate with herds but act mainly as cattle drovers and traders.<sup>83</sup> Herds are increasingly managed by waged drovers employed by wealthy urban cattle owners in N'Djamena and senior Chadian military officers.<sup>84</sup>

The size of these herds means that their owners, called "neopastoralists", have a lot of capital tied up in the activity.<sup>85</sup> Often armed and equipped with satellite phones, drovers are heavily criticised in southern Chad. They disregard traditional regulations, trample pastures used by sedentary cattle farmers, destroy crops and threaten family farmers and even village chiefs when disputes arise. Claiming military or political protection, they often force local communities to give their cattle access to large swathes of land.<sup>86</sup>

The Chadian army has been known to support cattle drovers in the CAR. According to several witnesses, soldiers crossed into northern CAR to resolve disputes between drovers and local communities.<sup>87</sup> In early 2008, the Chadian army launched several offensives along the Markounda-Maitikoulou road as well as to the north of Paoua in north-western CAR.<sup>88</sup>

For several years now, the various actors (criminals, pastoralists, anti-poaching units, villagers, etc.) have been dragged into a spiral of violence that the CAR authorities are completely powerless to deal with. Self-defence committees have emerged to fill the gap left by security forces that have hardly had a presence for several decades. For example, they fight what CAR villagers call the "Mbarara" in Batangafo, in the centre north of the CAR.<sup>89</sup> Unfortunately, some of these committees

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<sup>83</sup> Crisis Group interview, expert on pastoralism in Cameroon and the CAR, 8 February 2014.

<sup>84</sup> Crisis Group interviews, researcher on pastoralism in Chad, N'Djamena, 5 July 2013. Also see "République centrafricaine: l'armée tchadienne attaque et incendie des villages frontaliers", Human Rights Watch, 20 March 2008 and "Atlas des systèmes sociaux et institutionnels", *op. cit.*, p. 35.

<sup>85</sup> For more on these new cattle herders in Chad and their pastoralist practices, see Aubague, Gri-maud, *op. cit.*

<sup>86</sup> *Ibid.*, p. 126-136.

<sup>87</sup> Crisis Group interview, official dealing with administrative and legal affairs at the territorial administration and decentralisation ministry, Bangui, 4 December 2013. Also see Human Rights Watch, *op. cit.*

<sup>88</sup> "Cartographie des motivations derrière les conflits: la République centrafricaine", International Peace Information Service (IPIS), 17 February 2009.

<sup>89</sup> This name has no ethnic origin but is used by villagers to refer to pastoralists from Chad. Although similar to the word "Mbororo", it allowed them to distinguish between the drovers, mostly Arabs, and Fulani Mbororo pastoralists. However, the name is now widely used to describe all Chadian pas-

deviate from their purpose and steal cattle. Far from giving a proportional response, some powerful pastoralists have burned down entire villages and killed their inhabitants. For example, in 2011 and 2012, disputes between pastoralists from Chad and local communities around Batangafo caused the displacement of thousands of people. Cattle drovers burned down several villages between Bouca and Batangafo following the murder of one of their own.<sup>90</sup>

### B. *Weak Bilateral Cooperation and National Legislation*

Weak bilateral cooperation and ineffective regional organisations bear a lot of responsibility for letting transhumance become violent. Chad and the CAR have discussed the issue, but the crisis in the CAR interrupted an initial attempt to resolve it by a joint commission that met in N'Djamena in 2012.

The CAR's legislation on pastoralism is obsolete.<sup>91</sup> The 1965 law regulating pastoralism, the creation of rural livestock communes just after independence and the 1986 order creating agro-pastoral action zones all aimed to provide land for pastoralists and protect rainy season pastures (*hurum*).<sup>92</sup> There has been no adequate legal response to the massive influx of Chadian pastoralists and the change in traditional routes. Moreover, local authorities and village chiefs do not have the resources to enforce the law when faced with well-armed pastoralists. They prefer to seek other solutions, including renting land to them and pocketing the proceeds.

In view of the resurgence of violence, the Chadian and CAR governments have passed the buck for a long time. Chad criticised the CAR for not arresting, punishing and trying cattle thieves and requested the dismantling of the self-defence groups. Meanwhile, the CAR called for Chadian pastoralists to be disarmed before they crossed the border and asked for their identity to be communicated.

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toralists who come to the CAR, whether Fulanis or Arabs. Crisis Group telephone interviews, Fulani from northern CAR, 5 July 2013; former official responsible for pastoralism at the CAR prime minister's office, 7 February 2013. Batangafo is a town in the province of Ouham, in the centre north of CAR close to the southern border with Chad.

<sup>90</sup> "Centrafrique, le drame oublié", *La Croix*, 13 June 2013 and "Le HCR initie une concertation transfrontalière pour une meilleure cohabitation entre éleveurs tchadiens et agriculteurs en RCA", African Press Organisation, 18 May 2012.

<sup>91</sup> See Appendix B.

<sup>92</sup> The rural livestock communes were created just after independence in the hope of ending tension between Banda farmers and the Mbororo in north-eastern CAR. After the first communes were created around Bouar and Bocaranga, many others were created across the country, notably at Bambari, Gambo, Alindao and Yaloké. The first ones were demarcated with the help of a team of French vets led by Desrotour, who also provided veterinary care to the cattle. The communes were established to "protect the *hurum*", that is, the rainy season pastures and avoid disputes by sharing the land between pastoralists and farmers. Crisis Group interview, expert on pastoralism in Cameroon and CAR, 8 February 2014. However, these initiatives generally failed in the long term. The government demarcated land in an authoritarian manner without consulting local actors. Moreover, the fixed nature of the zones posed many problems and there were crops in pasture lands and herds in farming areas. The persistence of traditional land tenure systems also added confusion. See Boniface Ganota, Ankogui Mpoko, Passinring Kedou, Bernard Gonne, Michel Tchotsoua, Mouhaman Arabi, "Législations des migrations humaines et animales en Afrique centrale, le cas du Cameroun, de la République centrafricaine et du Tchad", CIRAD, March 2010 and Guy Florent Ankogui-Mpoko, "Gestion des espaces agropastoraux en zones de savanes centrafricaines, de l'arbitrage de l'Etat à une cogestion", contribution to Garoua conference, Cameroon, May 2002.

Both sides met in Batangafo on 17 May 2012 to try and iron out these differences.<sup>93</sup> At the end of a meeting of the joint Chad-CAR commission in N'Djamena, in October 2012, the foreign ministers signed a bilateral agreement aimed at improving control of the movements of pastoralists across their borders.<sup>94</sup> However, the agreement, signed before the outbreak of the CAR crisis, was the result of negotiations between bureaucrats who had no idea of the realities on the ground.

First, the main farmer and pastoralist representatives were unaware of the agreement. More than one year after it was signed, neither Chadian associations of pastoralists or members of the Economic Commission for Livestock, Meat and Fisheries Resources (CEBEVIRAH),<sup>95</sup> nor officials in the Chad livestock ministry, or the local authorities in the areas of the CAR crossed by pastoralists were consulted or even informed of the agreement.

Secondly, although certain provisions of the agreement seemed relevant, others were clearly problematic. For example, it restated the need for pastoralists to obtain visas from the Chad and CAR authorities when crossing the borders and an international certificate indicating their identity, the livestock owner's identity, the composition of the herd and the transhumance route.<sup>96</sup> Although CEBEVIRAH has had the authority to issue transhumance certificates for almost twenty years, it has very rarely done so.<sup>97</sup> The commission's lack of resources, the fact that most pastoralists are unaware of these requirements and the lack of enforcement have turned this measure into a pipe dream.

Moreover, the agreement aimed to introduce "sound cooperation between the technical services on the borders by organising annual meetings as and when necessary".<sup>98</sup> This provision is inapplicable given the context. Since the March 2013 coup and the formation of a government by the Seleka, the failed CAR state has collapsed and relations with Chad have deteriorated considerably.<sup>99</sup>

### C. *Reestablishing Dialogue and Regulating Cross-Border Transhumance*

Clearly, the regulation of cross-border transhumance cannot be undertaken until the crisis in the CAR is resolved, dialogue between Chad and the CAR is reestablished and a minimum level of security returns to the north. Consequently, the measures below are for implementation in the post-crisis period, with the exception of the meeting between the Chadian and CAR governments, which should take place soon in order to prepare for this year's transhumance starting in October.

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<sup>93</sup> The high commissioner for human rights and good governance at the presidency of the Central African Republic and the Chadian Consul at Bozoum attended the meeting. It resulted in the signature of the Batangafo Declaration of 17 May 2012, which provided for the dismantling of the self-defence groups on the CAR side, the disarmament of pastoralists, respect for pasture areas and the dissemination of information about the identity of pastoralist groups crossing the border.

<sup>94</sup> Bilateral agreement on Technical Cooperation between the Central African Republic and the Republic of Chad on livestock movements, N'Djamena, 30 October 2012.

<sup>95</sup> The CEBEVIRAH, a CEMAC institution created in 1987, promotes pastoralism and harmonisation of practices within the CEMAC area.

<sup>96</sup> Article 5 of the Bilateral Agreement on Technical Cooperation between the Central African Republic and the Republic of Chad, *op. cit.*

<sup>97</sup> Crisis Group interview, CEBEVIRAH official, N'Djamena, 4 July 2013.

<sup>98</sup> Article 8 of the Bilateral Agreement on Technical Cooperation between the Central African Republic and the Republic of Chad, *op. cit.*

<sup>99</sup> See Crisis Group Report, *Central African Republic: Priorities of the Transition*, *op. cit.*

The first step must be to consult stakeholders and arrange talks between them. The joint Chad-CAR commission cannot be the only forum for dialogue because it only includes representatives of the two governments. A workshop should be organised under the aegis of CEBEVIRAH (in partnership with the AFD and the World Bank) for representatives of Chadian and CAR pastoralists, local authorities, livestock and environment ministry officials and humanitarian agencies that deal with displaced people. This workshop should conduct a critical analysis of current regulations on cross-border movements and make recommendations on how to improve them.<sup>100</sup> It will also be necessary to devise and implement a plan to monitor transhumance in order to improve knowledge of livestock movements (routes, numbers, zones of concentration, etc.). Compiling this basic information is a crucial step to find adequate responses to conflicts between pastoralists and local communities.

Prior to this discussion, CEBEVIRAH should conduct a series of local consultations with civil society organisations, village chiefs and representatives of pastoralists and farmers in the CAR to find out their points of view and grievances. This information should form the basis for the discussion in the Chad-CAR workshop.

The discussion should produce a transhumance charter to be signed by all parties. It should also introduce regulations that provide for migration routes appropriate for the number of cattle, as well as structures to prevent and manage conflict and supervise transhumance on the ground. A charter would provide for the demarcation and marking of migration routes and propose planning of transhumance routes, including through the establishment of watering points, veterinary posts and cattle resting areas. The discussion would lead to a review of land use and find a better division between areas of pastoralism and protected animal-free zones.<sup>101</sup>

The charter would also provide for the construction of vaccination clinics for animals on the Chad-CAR border. This would help control diseases and facilitate a census of the stock and dissemination of information to pastoralists about rules once they cross the border into the CAR. NGOs specialised in cattle vaccination could conduct campaigns. Cattle markets should also be created along the border to increase interaction between pastoralists and the CAR authorities before and after transhumance and to inform pastoralists about the most appropriate routes to follow.<sup>102</sup>

Finally, the charter should create conflict management and prevention structures that include pastoralist representatives. Mediation of disputes is currently difficult because Chadian pastoralists are not represented and they do not recognise the representatives of the CAR livestock farmers with whom they often clash. The authorities should ensure that technical and logistical support is provided to these conflict management and prevention committees. The AFD could use its vast experience to provide advice and support to these committees and organise meetings between Chadian and CAR pastoralists at various points on the border based on experiences in West Africa.<sup>103</sup> The local committees would not need to be permanent but would

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<sup>100</sup> In West Africa, a regional discussion was held on cross-border livestock movements. See "Feuille de route pour la mise en place d'un cadre de concertation entre le Bénin, le Burkina Faso, le Mali, le Niger, le Nigeria et le Togo sur la transhumance transfrontalière", communication du Forum régional de Gogounou sur la transhumance transfrontalière, Gogounou (Benin), 14-16 April 2010.

<sup>101</sup> "Atlas des systèmes sociaux et institutionnels", op. cit., p. 34.

<sup>102</sup> Crisis Group interview, former CAR livestock minister, Bangui, 24 February 2014.

<sup>103</sup> Participants from Benin, Burkina Faso, Niger, Nigeria and Togo attended the regional forum in Gogounou (Benin). In a series of resolutions, they agreed to create an observatory to disseminate information about cross-border flows; produce a sub-regional charter on the management of migra-

be activated before and during transhumance. Finally, at the inter-state level, the CEBEVIRAH should create a conflict management committee to facilitate dialogue between the Chadian and CAR governments and deal with any disputes over violations of the charter.

The CEBEVIRAH should immediately convene a meeting between the Chadian and CAR governments to prepare for this year's transhumance. The two countries could resume dialogue by focusing on practical issues that will require attention in the near future and that could take a violent turn.

Once agreed and signed, the charter should be widely disseminated and translated into several languages so that it reaches all those concerned. The federations of pastoralists and CAR administrative authorities should, with the assistance of NGOs and local chiefs, organise public education campaigns among the main actors concerned.

The Chadian government should require large livestock owners to inform CAR authorities, including the livestock services, about the identity of the drovers they employ and their routes so that the services can prepare the way and meet them.<sup>104</sup> Although it is necessary to create synergies between the authorities, the need for efficiency requires the help of other actors, notably the federations of pastoralists, which have a clear interest in peaceful transhumance. The National Federation of CAR Livestock Producers (FNEC) could help to regulate transhumance if it is provided with additional financial and logistical resources. FNEC agents could act as scouts and educators, raising the awareness of pastoralists when they arrive in the CAR, inform them about the best routes to take and areas to avoid and act as intermediaries with the local authorities. However, FNEC's Bangui office was destroyed in 2013 and some of its staff fled to neighbouring countries.<sup>105</sup>

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tion routes; develop infrastructure along migration routes; organise public education campaigns about the regulations on transhumance; and hold local meetings between the various actors to establish a dialogue. See "Feuille de route pour la mise en place d'un cadre de concertation", op. cit. A regional workshop in Ouagadougou on transhumance in the Liptako-Gourma was organised by the Billital Maroobé Network in partnership with the Association of Sahel Pastoralists and the Swiss development cooperation agency. See the summary report "Textes régissant la transhumance dans le Liptako-Gourma", Réseau des organisations d'éleveurs et pasteurs du Sahel, Ouagadougou, 20-22 October 2011.

<sup>104</sup> A pastoralist representative in Chad said he agreed with this provision. Crisis Group interview, Mbororo traditional chief, Ango, 20 August 2013.

<sup>105</sup> Crisis Group interview, researcher on pastoralism, Bangui, 25 February 2014.



#### IV. Tensions Surrounding the Migration of Fulani Mbororos in the DRC

The migration and settlement of Fulani Mbororos in north-eastern DRC has led to acute tension between communities and local authorities. The Fulani Mbororos, also known as “bush Fulanis”, are pastoralists from the Sahel Belt. Present in a number of West African countries, Chad, the CAR, the DRC and as far as Sudan and South Sudan, there are several groups of Mbororo with a diversity of livestock.<sup>106</sup>

In the nineteenth century, led by their tribal chiefs (*ardo*), thousands of Mbororos emigrated from Hausa territory and the Jos Plateau in Nigeria to Cameroon.<sup>107</sup> In the 1920s, some of them, still looking for abundant pastures, crossed the border and settled in the CAR. Insecurity and communal tensions led many pastoralists, especially Fulani Mbororos, to leave for neighbouring countries.<sup>108</sup> 70,000 left the CAR for Cameroon, the DRC, Chad and Sudan,<sup>109</sup> while others, harassed by road bandits, left north-western CAR to settle in the south east.<sup>110</sup>

Successive waves of Mbororos moved from the CAR into the DRC’s poor and marginalised districts of Bas- and Haut-Uélé.<sup>111</sup> Fulani pastoralists had already crossed the border, marked by the River Mbomou, by the 1980s but their attempts to settle in the former Zaire were repulsed by Mobutu’s armed forces. The porosity of the borders and the deterioration of Congolese government infrastructure in Orientale Province at the start of the 2000s encouraged them to return to Congolese soil.<sup>112</sup> This migration led to a de facto coexistence with local populations that, at best, is marked by suspicion and, at worst, by violence.<sup>113</sup>

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<sup>106</sup> “Each Mbororo fraction is identified with a type of cattle: the Wodaa’be and the Jaafun with mahogany coloured steers, the Aku with immaculate white steers, the Bokolo with white hornless steers. Others, such as the Uda, raise sheep. Some have camels and most have donkeys and oxen”. Christian Seignobos, “Quel avenir pour les Mbororo?”, *Journal de l’IRD*, no. 47, November-December 2008.

<sup>107</sup> *Ibid*; Philip Burnham, *op. cit.*

<sup>108</sup> “Cameroun: de nouveaux bureaux sont ouverts pour assurer la protection et dispenser des soins aux Centrafricains mbororos”, HCR, 27 March 2007.

<sup>109</sup> “Atlas des systèmes sociaux et institutionnels”, *op. cit.*

<sup>110</sup> In the Haut-Mbomou region, there were hardly any cattle at the start of the 1980s. The first Mbororo arrived at that time and today, there are about 250,000 head of cattle in this prefecture. See Ankoguy Mpoko, Passingring, Ganota, Tigague, “Insécurité, mobilité et migrations des éleveurs”, *op. cit.*

<sup>111</sup> Orientale Province is one of the DRC’s poorest regions. According to the UN Development Programme (UNDP), in 2005, the great majority (75.5 per cent) of households were living below the poverty line and did not even have access to drinking water or electricity. Health services are weak and malnutrition and infant mortality rates are very high (infant mortality: 89 per 1000). The economy is mainly agricultural (84.2 per cent of jobs), and income is very low. “Pauvreté et conditions de vie des ménages en Province orientale”, UNDP, 1 March 2009.

<sup>112</sup> “Conjoncture sécuritaire en zone frontalière Cameroun, Tchad, République Centrafricaine”, Stockholm International Peace and Research Institute (SIPRI), 2011.

<sup>113</sup> In 2012, Mbororo pastoralists killed twenty people in Angari, in Poko, Orientale Province. “Province Orientale: les éleveurs mbororo tuent 20 personnes à Poko”, Radio Okapi, 2 July 2012. Crisis Group interview, representative of the UN Office for the Coordination of Humanitarian Affairs (OCHA), Dungu, 15 August 2013.

### A. *Tensions Between the Mbororos and Local Communities*

Classic conflict dynamics between pastoralists and farmers do not explain all the violence against the Mbororos and local communities. Other factors, including population densities and the available space, the presence of armed groups and the amount of time during which the Mbororos and sedentary communities have coexisted can have either a positive or negative influence on the state of their relations.

#### 1. A suspect community

The regular trips into the bush made by the Mbororos have led to frequent accusations that they have links with armed groups, supply them with information and food, and even help them commit atrocities. In south-eastern CAR, in the DRC and in South Sudan, public opinion believes that the Mbororos cooperate closely with the Lord's Resistance Army (LRA).<sup>114</sup> It is true that some pastoralists carry arms to protect themselves and are geographically close to LRA fighters, but they are also victims of the LRA.<sup>115</sup> Suspicion against the Mbororos is widely held: the revival of LRA activity in 2007-2008 coincided with the rapid deterioration of relations with local communities.<sup>116</sup> Conversely, today, the reduction in LRA activity and the change in the frequency and nature of its attacks in Orientale Province have been accompanied by a clear improvement in relations between the local population and the Mbororos.<sup>117</sup>

#### 2. Acute tension in Haut-Uélé

Orientale Province is 503,239 sq km in area, the size of Spain. Population density is low but variable; the arrival of very large herds in more populated areas creates bigger problems. The Mbororos and the local population fight for various reasons: access to resources, especially water; the destruction of fields by cattle; or the flight of game following the arrival of large herds. In addition to the damage caused by cattle, differences in culture, religion and livelihoods also hamper coexistence. Local communities sometimes feel they are being invaded and are apprehensive about the presence of such a large group of foreigners in their midst. "What frightens us is that there are more of them than us", said a civil society representative in Ango, Orientale Province.<sup>118</sup>

Despite this perception, at the moment, relations between Mbororo pastoralists and local communities are better in Bas-Uélé than in Haut-Uélé. In Ango, in 2013, civil society, the authorities and the pastoralists all agreed that incidents in Bas-Uélé had been relatively isolated and violence had diminished during the previous year,

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<sup>114</sup> See Crisis Group Africa Report N°157, *LRA: A Regional Strategy beyond Killing Kony*, 28 April 2010.

<sup>115</sup> Many firearms and ammunition were recovered following clashes between the army and the Mbororos. Crisis Group interview, Congolese army officer, Dungu, 14 August 2013. However, armed Mbororos are in a minority among the Fulani pastoralists present in the DRC. Crisis Group interview, MONUSCO official, Dungu, 15 August 2013. During the final quarter of 2010, LRA fighters killed eleven Mbororos in Bas-Uélé. In early 2013, in Ango territory, eight Mbororos were killed in an LRA ambush. "Les rebelles ougandais de LRA s'attaquent aux éleveurs nomades mbororo installés dans le district de bas Uélé", *Echos Grands Lacs*, 17 December 2010; "Province Orientale: des présumés combattants LRA tuent 8 éleveurs mbororo", Radio Okapi, 15 February 2013.

<sup>116</sup> Crisis Group interview, Mbororo representative in the DRC, Ango, 20 August 2013.

<sup>117</sup> Crisis Group interview, OCHA representative, Dungu, 15 August 2013.

<sup>118</sup> Crisis Group interview, civil society representative, Ango, 20 August 2013.

but tension rose in 2014 when the Mbororos were on the move.<sup>119</sup> A sign of easier co-existence, the Mbororos were given access to health services at Ango hospital and have regularly come to receive care. Inversely, in Dungu territory in Haut-Uélé, where population density is slightly higher, the LRA more active and coexistence more recent, relations between communities are tense.<sup>120</sup>

### 3. From repression to conciliation: a problem without a solution

The response to the Mbororo issue in the DRC has been exclusively based on security considerations. It has been inconsistent, alternating between repression and conciliation. In 2007, the Congolese authorities asked the African Union (AU) to use its expertise to assist in finding solutions to the insecurity linked to the presence of Fulani pastoralists on their territory. On 25 October, the AU Council for Peace and Security asked the organisation's commission to send an information-gathering mission to the DRC, CAR and South Sudan to study the Mbororo question and make recommendations.<sup>121</sup>

Although the mission submitted a report to the commission in April 2008, its recommendations remained a dead letter. The AU mission recommended governments devise projects for the integration of Mbororo pastoralists but the Congolese authorities decided to forcibly repatriate them. This decision, announced by President Joseph Kabila at a Higher Defence Council meeting in December 2010 in Kinshasa, responded to the demands of the governing party and the majority of Orientale Province's population.<sup>122</sup> The military expulsion of the Mbororos was a counter-productive strategy that only exacerbated tensions. Fighting broke out between the Mbororos and the army, resulting in deaths on both sides, without resolving what the Congolese press generally refers to as "the Mbororo phenomenon".<sup>123</sup>

The expulsion of the Mbororos was accompanied by many human rights violations, which NGOs, the UN Stabilisation Mission in the DRC (MONUSCO) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) widely condemned.<sup>124</sup> However, in 2012, after strong encouragement from the UN,<sup>125</sup> the Congolese authorities changed direction and opted for conciliation. Richard Muyej Mangez, interior minister, visited Ango in August 2012 and announced the suspension of repatriation operations but asked the Mbororos to remain in the area in which they were currently living. The moratorium was accompanied by highly symbolic measures: Mohamed Tchad, Mbororo leader in Orientale Province, was released from prison

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<sup>119</sup> According to OCHA, from March to June 2013, three incidents were attributed to the Mbororos but there was no loss of life. "Listing des incidents dans les Haut et Bas Uélé 2013", OCHA, July 2013. Crisis Group interview, religious authority, Kinshasa, 14 March 2014.

<sup>120</sup> "La société civile dénonce l'arrivée des Mbororos à Kpaila et Duru", Radio Okapi, 29 December 2013.

<sup>121</sup> "Mission d'information sur les migrations des pasteurs nomades mbororo, dépêchée en République Démocratique du Congo, au Soudan, en République Centrafricaine et au Cameroun", Report of the 97th meeting of the Council for Peace and Security, African Union, 25 October 2007.

<sup>122</sup> "Communiqué de presse du Conseil supérieur de la Défense", RDCongoMonde, 20 December 2010. The manifesto of the DRC's governing party proposed "repatriating the Mbororo". Manifesto of the People's Party for Reconstruction and Democracy, Kinshasa, 21 August 2011.

<sup>123</sup> "Bas-Uele: accrochages à Bili, 1 militaire FARDC et 15 Mbororo tués", Radio Okapi, 17 September 2011.

<sup>124</sup> Crisis Group interviews, humanitarian actor, Dungu, 13 August 2013; MONUSCO official, Dungu, 14 August 2013; representative of Mbororo pastoralists, Ango, 20 August 2013.

<sup>125</sup> Crisis Group interview, MONUSCO official, Dungu, 14 August 2013.

and several soldiers accused of committing atrocities and extortion against pastoralists were punished and recalled to Kisangani.<sup>126</sup>

Since then, despite the interior minister's instructions, the Mbororos, who had congregated in Ango territory after fleeing from the army and Dungu territory, began to move eastward into Orientale Province and some of them settled in the Garamba Park.<sup>127</sup> Concerned about these movements, the authorities asked the Mbororos to make permanent settlements.<sup>128</sup>

### B. *Three Measures to Promote Peaceful Coexistence*

The moratorium unquestionably defused a very acute conflict but did not provide a solution to the problematic coexistence of the Mbororos and the Congolese population. Moreover, during the national consultations in Kinshasa in 2013, the Orientale Province delegation raised the thorny issue of the Mbororo's presence in Uélé, while the pastoralists demanded land for their cattle.<sup>129</sup> Some initiatives to ease tension could be implemented quickly: a census of the pastoralists and their cattle, a review of land use to avoid competition for resources and the development of the livestock sector so as to increase economic interdependence between communities. The latter two initiatives could be delegated to the Orientale Province governorate.

#### 1. Conducting a census of the Mbororos

Delaying resolution of the Mbororo question would be to risk further conflict. However, no serious policy can be implemented without reliable information, especially the Mbororo's names, locations and motivations. While maintaining the moratorium on expulsions, the government should conduct a census of Mbororo pastoralists and their cattle. So far, attempts at conducting a census have had mixed results.<sup>130</sup> To successfully meet this challenge, the International Organisation for Migration (IOM) offered the Congolese interior ministry its expertise. Mbororos widely accept the need for a census, but it requires the Congolese government's agreement and external funding.<sup>131</sup> The operation could be carried out with the help of the *ardo*, most of whom are already known, as well as local chiefs. It could be included in the census of the Congolese population that is currently under discussion.<sup>132</sup>

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<sup>126</sup> Crisis Group interviews, Congolese army colonel, Dungu, 14 August 2013; representative of Mbororo pastoralists, Ango, 20 August 2013.

<sup>127</sup> "Province Orientale: les Mbororo demandent une terre pour s'établir à Dungu", Radio Okapi, 11 February 2014.

<sup>128</sup> Crisis Group interviews, civil society actor, Dungu, 13 August 2013; MONUSCO official, Dungu, 14 August 2013; territory administrator, Ango, 21 August 2013.

<sup>129</sup> "Province Orientale: les Mbororo demandent une terre", op. cit.

<sup>130</sup> A census of the Mbororos conducted on the initiative of the Orientale Province governor in 2008 counted 6,000 Mbororo pastoralists. However, according to some NGOs working in the area, the results of the census are approximate and do not reflect the real situation. Crisis Group telephone interview, humanitarian actor, 29 September 2013.

<sup>131</sup> Crisis Group interview, Mbororo representative in the DRC, Ango, 20 August 2013.

<sup>132</sup> "Le projet du 2<sup>ème</sup> recensement général de la population expliqué aux ambassadeurs", Agence congolaise de presse, 10 January 2014.

## 2. Regularising the residence of the Mbororos

At the moment, part of the local population is still reluctant to see the Mbororos establish permanent settlements on Congolese territory. However, the Mbororos interviewed said they are resolved to stay in the DRC at any price.<sup>133</sup> As their status is illegal, the government should regularise their residence. A pragmatic approach is necessary: the massive expulsions caused a lot of human suffering and resolved nothing, so the government's migration authority should issue long-stay renewable residence visas. The Mbororos interviewed said they are willing to comply with the law, for example by paying taxes on meat sales.<sup>134</sup>

The government must explain all its decisions regarding the Mbororos to the public and, with the support of humanitarian organisations, organise awareness raising initiatives to promote good intercommunal relations. In Ango, the local authorities have already conducted public education campaigns with positive results. Advice and support are now needed and these initiatives should be extended to other locations. For that to happen, donors must fund a public education program implemented by NGOs that specialise in conflict prevention. In conflict-affected territories, the government should create a framework for mediation and dialogue that includes the traditional chiefs of the Mbororos and local communities, civil society representatives and local authorities. Each representative will be asked to disseminate information to their community, with the support of the authorities and the local staff of the NGOs involved.

## 3. Developing the livestock sector in Orientale Province

The population is worried about the movements of the Mbororos, who gain access to land by bribing traditional chiefs and have large herds that often trample fields. In Haut- and Bas-Uélé, where there is a lot of available space with low population density, it is possible to organise coherent land use without competition for resources and demarcate areas of pasture.<sup>135</sup> Once the census is completed, the local authorities, with the support of the provincial government, traditional chiefs and external partners (such as UN Habitat and the FAO), should demarcate areas of pasture far from crops and near watering points. Agriculture and farming activities must be separated, but there should not be an administrative territorial divide such as what was done in the CAR in the past.<sup>136</sup>

However, demarcating areas of pasture will not suffice. The construction of infrastructure, such as roads and cattle markets, is essential if the local population is going to gain economic benefits from the Mbororo's presence. Several villages located near cattle markets, including Banda, benefited from cheaper meat and residents were able to build closer relations with the Mbororos, which facilitated coexist-

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<sup>133</sup> Crisis Group interview, Mbororo representative in the DRC, Ango, 20 August 2013.

<sup>134</sup> Ibid.

<sup>135</sup> Reserving pastures, without creating rural livestock communes as in the CAR, is a practice that dates back to colonial times. For example, in northern Cameroon, the canton of Lomta was created for the Mbororos. Philip Burnham, *op. cit.*, p. 31.

<sup>136</sup> Gautier Denis et al, "Agriculteurs et éleveurs des savanes d'Afrique centrale: de la coexistence à l'intégration territoriale", *L'Espace géographique*, 2005/3 tome 34, p. 223-236.

ence.<sup>137</sup> Unfortunately, this market was closed by a Congolese army officer who took control of part of the trade with the Mbororos for his own personal profit.<sup>138</sup>

The European Union, which funded the construction of cattle market infrastructure in Chad through its PAFIB project, could replicate this positive experience in Orientale Province, with the agreement of the provincial authorities. It would generate economic interdependence between foreign pastoralists (who need salt, cattle vaccines, manufactured products) and the local population (who needs meat). This would fit in with the DRC government's plan to revive agriculture, promote the shared management of land and stimulate the local economy.

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<sup>137</sup> Crisis Group interview, territory administrator, Ango, 21 August 2013; Mbororo representative in the DRC, Ango, 20 August 2013.

<sup>138</sup> Crisis Group interview, religious authority, Kinshasa, 14 March 2014.

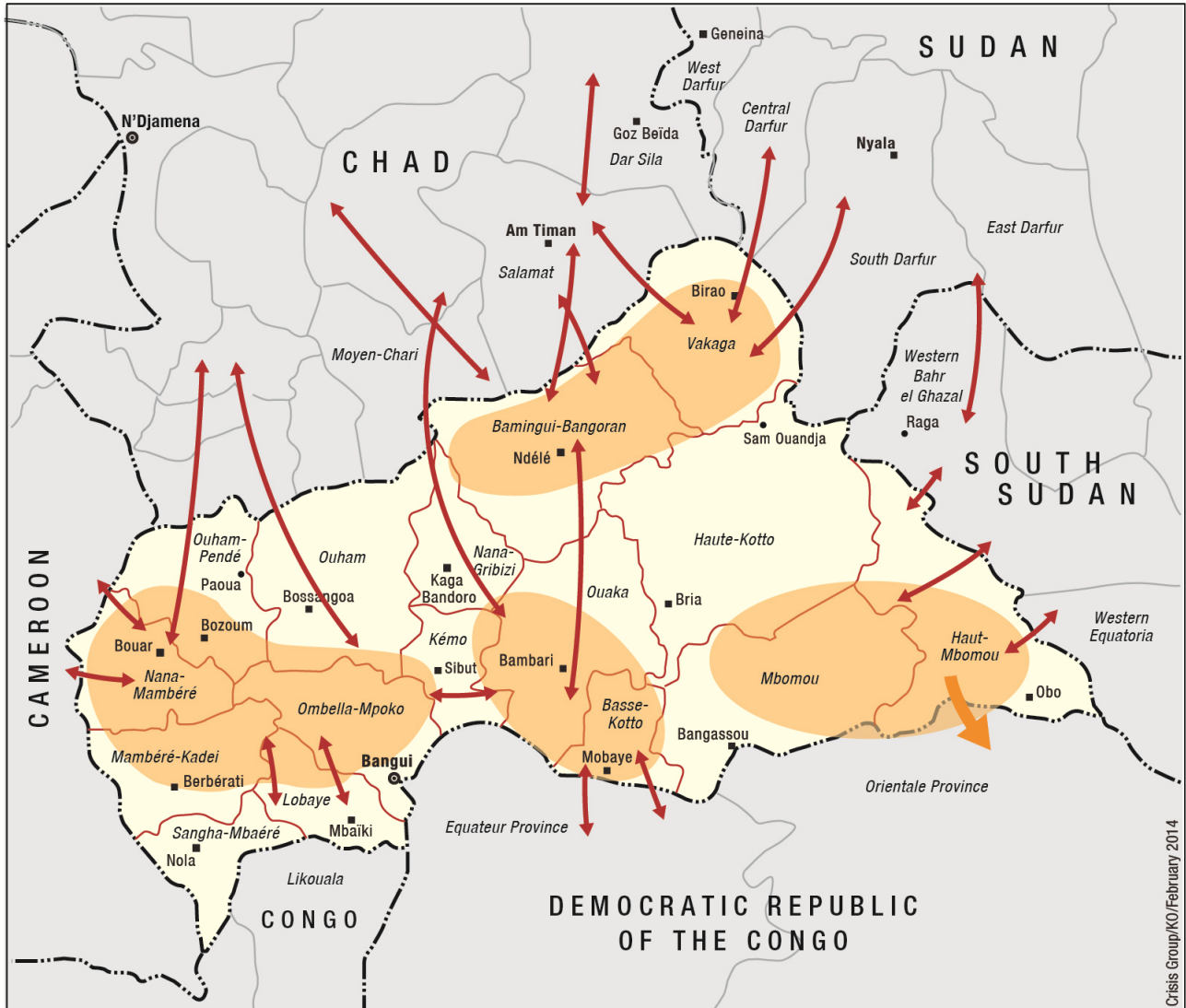
## **V. Conclusion**

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






Livestock movements from Chad into Central Africa have reorganised land use at the regional level and opened up a new settlement front. As with many other changes to the rural world, this has brought conflict in its wake. Unfortunately, disputes caused by Chadian transhumance to the CAR and the migration of the Mbororos to north-eastern DRC occur deep in rural areas, far from the capitals, and are therefore invisible conflicts despite the increasing number of victims. In order to allow transhumance to take place peacefully, and take full advantage of this economic activity, it is indispensable to strengthen the regulation of pastoralism in Chad and to put this question on the agenda of the DRC and CAR governments.

**Nairobi/Brussels, 1 April 2014**

Appendix A: Transhumance map



Crisis Group/KO/February 2014

- |   |                                   |   |                    |  |                   |
|---|-----------------------------------|---|--------------------|--|-------------------|
|  | Destination of pastoralists       |  | Capital city       |  | Province          |
|  | Cattle migration roads            |  | Provincial capital |  | National border   |
|  | New settlements of Mbororo in DRC |  | Other city         |  | Provincial border |



## Appendix B: Regulation of Pastoralism and the Livestock Sector in the Central African Republic

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### 1. Laws

**Law 62/348** of 14 December 1962 creating and demarcating rural livestock communes from Niem-Yellowa to Bouar; Kouï to Bocaranga; and Gaudrot to Baboua.

**Law 64/48** of 2 December 1964 creating a Chamber of Agriculture, Livestock, Water, Forests and Hunting.

**Law 65/61** of 3 June 1965 regulating the livestock sector in the Central African Republic.

**Law 64/32 and 64/33** of 20 November 1964 creating and organising local authorities and administrative districts in the CAR. Section III of Law 64/32 concerns the establishment of rural livestock communes, the appointment of mayors and the management of municipal councils.

**Law 65/85** of 23 December 1965 creating and demarcating the rural livestock commune between Ouro-Djafoun and Bambari.

**Law 94/008** of 20 October 1994 amending the provisions of Order 86/057 creating and organising agropastoral action zones in the CAR.

**Law 94/009** of 28 October 1994 creating the Interprofessionnal Fund for Livestock Development (FIDE).

**Law 01/009** of 16 July 2001 creating the National Order of Central African Veterinarians (OVECA) and the framework for exercising the veterinary profession.

**Law 07/015** of 19 June 2007 creating the Agriculture and Pastoral Development Fund (FDAP).

### 2. Orders

**Order 83/064** amending Law 64/48 of 2 December 1964 creating a Chamber of Agriculture, Livestock, Water, Forests and Hunting.

**Order 66/55** of 30 August 1966 creating and demarcating a rural livestock commune from Ewou to Alindao.

**Order 75/014** of 15 February 1975 creating the State Company for the Management of Abattoirs (SEGA).

**Order 81/033** of 20 July 1981 creating and demarcating the rural livestock commune from Pombolo to Gambo.

**Order 82/025** of 30 June 1982 creating the Yaloké Commune rural livestock commune in the prefecture of Ombella-Mpoko.

**Order 86/045** of 4 August 1986 conferring the status of public institution on the National Federation of Central African Livestock Farmers (FNEC).

**Order 86/057** of 15 September 1986 creating and organising Agropastoral Action Zones (ZAGROPs) in the CAR.

**Order 88/005** of 5 January 1988 creating local authorities and administrative districts.

**Order 88/006** of 12 February 1988 concerning the organisation of local authorities and administrative districts.

### 3. Decrees

**Decree 75/079** of 15 February 1975 regulating the professions of cattle traders and butchers, and regulating cattle and meat markets, the slaughter of livestock for food and the transport of animals.

**Decree 82/568** of 30 December 1982 approving the statutes of the Chamber of Agriculture, Water Resources, Forests, Hunting, Fishing and Tourism.

**Decree 86/260** of 15 September 1986 creating and demarcating two ZAGROPs in the rural livestock commune of Ombella-Mpoko (Djobé, Yérémo).

**Decree 89/153** of 18 July 1989 creating the National Livestock Development Agency (ANDE).

**Decree 91/063** of 8 March 1991 creating and demarcating a ZAGROP in Kembé sub-prefecture.

**Decree 95/020** of 25 January 1995 approving the statutes of FIDE.

**Decree 95/152** of 31 May 1995 amending the statutes of ANDE.

**Decree 95/152** of 31 May 1995 amending Decree 89/153 of 18 July 1989 and creating the Assistant General Directorate in ANDE.

**Decree 05/009** of 13 January 2005 on the organisation and operation of the Ministry of Agriculture and Livestock and defining the minister's powers.

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## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 26 locations: Abuja, Baghdad/Suleimaniya, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Cairo, Dakar, Gaza, Islamabad, Istanbul, Jerusalem, Johannesburg, Kabul, London, Mexico City, Moscow, Nairobi, New York, Seoul, Tbilisi, Toronto, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Mexico and Venezuela.

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**April 2014**

## Appendix D: Reports and Briefings on Africa since 2011

### Central Africa

*Burundi: From Electoral Boycott to Political Impasse*, Africa Report N°169, 7 February 2011 (also available in French).

*Chad's North West: The Next High-risk Area?*, Africa Briefing N°78, 17 February 2011 (only available in French).

*Congo: The Electoral Dilemma*, Africa Report N°175, 5 May 2011 (also available in French).

*Congo: The Electoral Process Seen from the East*, Africa Briefing N°80, 5 September 2011 (also available in French).

*Africa without Qaddafi: The Case of Chad*, Africa Report N°180, 21 October 2011 (also available in French).

*Implementing Peace and Security Architecture (I): Central Africa*, Africa Report N°181, 7 November 2011 (also available in French).

*The Lord's Resistance Army: End Game?*, Africa Report N°182, 17 November 2011.

*Burundi: A Deepening Corruption Crisis*, Africa Report N°185, 21 March 2012 (also available in French).

*Black Gold in the Congo: Threat to Stability or Development Opportunity?*, Africa Report N°188, 11 July 2012 (also available in French).

*Eastern Congo: Why Stabilisation Failed*, Africa Briefing N°91, 4 October 2012 (also available in French).

*Burundi: Bye-bye Arusha?* Africa Report N°192, 25 October 2012 (only available in French).

*The Gulf of Guinea: The New Danger Zone*, Africa Report N°195, 12 December 2012 (also available in French).

*Eastern Congo: The ADF-Nalu's Lost Rebellion*, Africa Briefing N°93, 19 December 2012 (also available in French).

*Central African Republic: Priorities of the Transition*, Africa Report N°203, 11 June 2013 (also available in French).

*Understanding Conflict in Eastern Congo (I): The Ruzizi Plain*, Africa Report N°206, 23 July 2013 (also available in French).

*Central African Republic: Better Late than Never*, Africa Briefing N°96, 2 December 2013 (also available in French).

*Fields of Bitterness (I): Land Reform in Burundi*, Africa Report N°213, 12 February 2014 (only available in French).

*Fields of Bitterness (II): Restitution and Reconciliation in Burundi*, Africa Report N°214, 17 February 2014 (only available in French).

*The Security Challenges of Pastoralism in Central Africa*, Africa Report N°215, 1 April 2014 (only available in French).

*Curbing Violence in Nigeria (II): The Boko Haram Insurgency*, Africa Report N°216, 3 April 2014.

### Horn of Africa

*Somalia: The Transitional Government on Life Support*, Africa Report N°170, 21 February 2011.

*Politics and Transition in the New South Sudan*, Africa Briefing N°172, 4 April 2011.

*Divisions in Sudan's Ruling Party and the Threat to the Country's Stability*, Africa Report N°174, 4 May 2011.

*South Sudan: Compounding Instability in Unity State*, Africa Report N°179, 17 October 2011 (also available in Chinese).

*Kenya: Impact of the ICC Proceedings*, Africa Briefing N°84, 9 January 2012.

*Kenyan Somali Islamist Radicalisation*, Africa Briefing N°85, 25 January 2012.

*The Kenyan Military Intervention in Somalia*, Africa Report N°184, 15 February 2012.

*Somalia: An Opportunity that Should Not Be Missed*, Africa Briefing N°87, 22 February 2012.

*China's New Courtship in South Sudan*, Africa Report N°186, 4 April 2012 (also available in Chinese).

*Uganda: No Resolution to Growing Tensions*, Africa Report N°187, 5 April 2012.

*Ethiopia After Meles*, Africa Briefing N°89, 22 August 2012.

*Assessing Turkey's Role in Somalia*, Africa Briefing N°92, 8 October 2012.

*Sudan: Major Reform or More War*, Africa Report N°194, 29 November 2012 (also available in Arabic).

*Kenya's 2013 Elections*, Africa Report N°197, 17 January 2013.

*Sudan's Spreading Conflict (I): War in South Kordofan*, Africa Report N°198, 14 February 2013.

*Eritrea: Scenarios for Future Transition*, Africa Report N°200, 28 March 2013.

*Kenya After the Elections*, Africa Briefing N°94, 15 May 2013.

*Sudan's Spreading Conflict (II): War in Blue Nile*, Africa Report N°204, 18 June 2013.

*Ethiopia: Prospects for Peace in Ogaden*, Africa Report N°207, 6 August 2013.

*Sudan: Preserving Peace in the East*, Africa Report N°209, 26 November 2013.

*Somalia: Puntland's Punted Polls*, Africa Briefing N°97, 19 December 2013.

*Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*, Africa Report N°211, 27 January 2014.

*South Sudan: A Civil War by Any Other Name*, Africa Report N°217, 10 April 2014.

**Southern Africa**

*Zimbabwe: The Road to Reform or Another Dead End*, Africa Report N°173, 27 April 2011.

*Resistance and Denial: Zimbabwe's Stalled Reform Agenda*, Africa Briefing N°82, 16 November 2011.

*Zimbabwe's Sanctions Standoff*, Africa Briefing N°86, 6 February 2012 (also available in Chinese).

*Implementing Peace and Security Architecture (II): Southern Africa*, Africa Report N°191, 15 October 2012.

*Zimbabwe: Election Scenarios*, Africa Report N°202, 6 May 2013.

*Zimbabwe's Elections: Mugabe's Last Stand*, Africa Briefing N°95, 29 July 2013.

**West Africa**

*Nigeria's Elections: Reversing the Degeneration?*, Africa Briefing N°79, 24 February 2011.

*Côte d'Ivoire: Is War the Only Option?*, Africa Report N°171, 3 March 2011 (also available in French).

*A Critical Period for Ensuring Stability in Côte d'Ivoire*, Africa Report N°176, 1 August 2011 (also available in French).

*Liberia: How Sustainable Is the Recovery?*, Africa Report N°177, 19 August 2011.

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*Côte d'Ivoire: Continuing the Recovery*, Africa Briefing N°83, 16 December 2011 (also available in French).

*Beyond Compromises: Reform Prospects in Guinea-Bissau*, Africa Report N°183, 23 January 2012 (only available in French and Portuguese).

*Liberia: Time for Much-Delayed Reconciliation and Reform*, Africa Briefing N°88, 12 June 2012.

*Mali: Avoiding Escalation*, Africa Report N°189, 18 July 2012 (also available in French).

*Beyond Turf Wars: Managing the Post-Coup Transition in Guinea-Bissau*, Africa Report N°190, 17 August 2012 (also available in French).

*Mali: The Need for Determined and Coordinated International Action*, Africa Briefing N°90, 24 September 2012 (also available in French).

*Côte d'Ivoire: Defusing Tensions*, Africa Report N°193, 26 November 2012 (also available in French).

*Curbing Violence in Nigeria (I): The Jos Crisis*, Africa Report N°196, 17 December 2012.

*Guinea: A Way Out of the Election Quagmire*, Africa Report N°199, 18 February 2013 (only available in French).

*Mali: Security, Dialogue and Meaningful Reform*, Africa Report N°201, 11 April 2013 (also available in French).

*Burkina Faso: With or Without Compaoré, Times of Uncertainty*, Africa Report N°205, 22 July 2013 (also available in French).

*Niger: Another Weak Link in the Sahel?*, Africa Report N°208, 19 September 2013 (also available in French).

*Mali: Reform or Relapse*, Africa Report N°210, 10 January 2014 (also available in French).

*Côte d'Ivoire's Great West: Key to Reconciliation*, Africa Report N°212, 28 January 2014 (also available in French).

*Guinea Bissau: Elections, But Then What?*, Africa Briefing N°98, 8 April 2014 (only available in French).

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