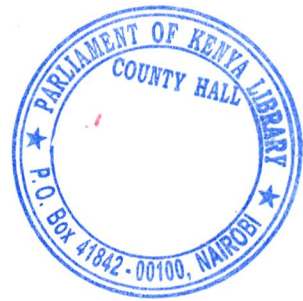


Paper laid by
the Chairperson,
Committee on
Administration
and National
Security
11/8/10

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2010

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY ON ITS FACT FINDING VISIT TO SAMBURU
EAST AND ISIOLO NORTH DISTRICTS; 21ST – 23RD SEPTEMBER,
2009

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

JULY, 2010

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PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the New Standing Orders of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committee to;

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- (c) study and review all legislation referred to it;*
- (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary. and as may be referred to them by the House or a Minister; and*
- (f) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Mr. Speaker, Sir,

The Committee resolved to visit Samburu East and Isiolo North Districts to establish why these areas have been engaged in endless inter-clan warfare and banditry. The visit was necessitated by frequent reports of killings and attacks resulting from rampant cattle rustling and banditry in the areas. The conflicts were occasioned by the competition for scarce resources such as water and grazing land, as well as political intrigues.

The Committee also had a stakeholders meeting with officials from the Kenya Tourism Federation who expressed concern over threats to tourism in Samburu and Isiolo. There were fears that bandits had invaded the National Parks and were attacking tourists frequently, a trend which if not checked could lead to closing of the hotel business in the area.

The Committee set out for Samburu and Isiolo on 21st September, 2009 and was able to conclude its business in three days. During the visit, the Committee held meetings with

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(ii)

all the stakeholders in the areas such as the District Security teams, the local leaders, the Provincial Administration, peace committees and conservancy committees. During these meetings, it was clear that people wished to live harmoniously. It was also evident that the Government had not done enough to end years of conflict. There was a general unanimous feeling that a comprehensive disarmament process needed to be started in a bid to end the armed conflicts.

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) National Youth Service, and;
- vi) Natural disasters

The Committee deals with the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Ministry of Provincial Administration & Internal Security
- (iii) Office of the Prime Minister
- (iv) Ministry of State for Public Service
- (v) The Public Service Commission
- (vi) Ministry of State for Immigration & Registration of Persons

Mr. Speaker,

The following are the Members of the Committee:

- The Hon. Fred Kapondi Chesebe, MP **(Chairman)**
The Hon. Peter Kiilu, MP **(Vice Chairman)**
The Hon. Cyprian Omollo, MP
The Hon. John Ngata Kariuki, MP
The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Mohammed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila ole Lankas, MP
* The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterix * has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations of this Committee report).*

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(iii)

Mr. Speaker, Sir,

The following are the Members of the Committee who undertook the fact finding tour to Samburu and Isiolo:

The Hon. Fred Kapondi Chesebe, MP **(Chairman)**
The Hon. Peter Kiilu, MP **(Vice Chairman)**
The Hon. Maison Leshoomo, MP
The Hon. John Ngata Kariuki, MP
The Hon. Raphael Letimalo, MP
The Hon. Mohammed Hussein Ali, MP

Mr. Speaker,

The Committee takes this opportunity to thank the National Assembly for the logistical support which enabled it to conduct this tour successfully. The Committee is also grateful to the Ministry of State for Provincial Administration and Internal Security for facilitating the various meetings with the Ministry's personnel on the ground as well as the District Security Intelligence Committees of the two districts.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 181 (3), it is my pleasant duty to lay on the Table of the House the Report of the Committee on Administration and National Security on its visit to Samburu and Isiolo, for deliberation and adoption.

Signed.....



Date.....

22.7.2010

Chairman, Departmental Committee on Administration and National Security

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(iv)

1.0 Meeting with the District Security Intelligence Committee (DSIC), D.O.'s Office, Archers Post

During a meeting with the District Security Intelligence Committee (DSIC), the Committee was informed that:

The security team faced numerous challenges in the execution of their duties. The problems compounded the attempt to fight insecurity in the area. The challenges included;

- (i) Inadequate security personnel – for instance, the area Officer Commanding Police Station (OCPD) covered three divisions.
- (ii) Vast distances to cover
- (iii) Scattered population
- (iv) Lack of patrol vehicles
- (v) Harsh terrain
- (vi) Rampant banditry
- (vii) Frequent robberies
- (viii) Increased cattle rustling due to diminishing stock brought about by the prevailing drought
- (ix) Compromised peace committees
- (x) Political differences by local politicians
- (xi) Inadequate resources/scarcity of water and pasture land.

The Committee was informed that cattle rustling is caused by;

- (i) Cultural practices which encourages heroism/moranism
- (ii) Territorial expansion
- (iii) Scarcity of pasture and water
- (iv) Attempts to recover stolen herds
- (v) Desire to replenish diminishing stock
- (vi) High levels of poverty
- (vii) Low literacy levels
- (viii) Commercialization of cattle rustling.

The Committee heard that:

- o Herders had invaded the Samburu National Park where there was availability of water and grass for their cattle.
- o Armed herders within the Parks had attacked tourists on several occasions.
- o Allegations were made that game rangers' scouts in the conservancies were collaborating with the raiders and that conservancy vehicles and communication equipment were being used to aid the rustlers and criminal gangs.

- Hotel owners were in direct conflict with the herders who had driven their livestock right into the watering points where their camps are situated.
- The conservancies are vital to the conservation of the ecosystem and wildlife in the parks and were also good for the development of the area.
- Conservancies are a major source of income and benefit to the community.
- The conservancies are manned by Kenya Police Reservists (KPR) who are usually armed and are charged with the duty of pursuing stolen cattle.
- There have been allegations that Kenya Police Reservists have turned into cattle raiders.
- Authority to Incur Expenditure for the allocation to arid districts/bandit prone regions should be increased in order to deal with incidents of insecurity adequately.
- Lack of adequate funds has contributed to increased banditry where criminals have engaged in activities the latest being an attack on a mission vehicle where Kshs. 30,000 was stolen and also other items including documents. Some of the items had been recovered from suspects.
- Since the District Security Intelligence Committee has inadequate vehicles, operations are usually curtailed and largely unsuccessful.
- Archer's post one of the oldest police posts in Kenya needs to be upgraded to a fully fledged police station. The main road once opened will increase activities along the highway hence the need to upgrade Archer's post to be able to deal adequately with the many cases of criminal nature that may arise along the highway.
- The security personnel at Archer's post ought to be doubled from the current 15 to 30. The Government should first construct houses for security personnel.
- The issue of raids by Kenya Police Reservists should be confirmed by the expended cartridges from the crime scenes. Kenya Police Reservists uses mark 3 and 4 guns whose cartridges are easily identifiable.
- Kenya Police Reservists should also account for ammunitions used and also make a report for any spend bullets.
- The District Security Intelligence Committee is not involved in vetting of Kenya Police Reservists during recruitment hence poor management of the unit. There exists suspicion between Kenya Police Reservists and police. The latter suspect that Kenya Police Reservists are actually engaging in criminal activities such as cattle raids. But no Kenya Police Reservist has been arrested or found carrying out any illegal activities.
- Attacks to tourists could be politically motivated. The reason behind the attacks could be to drive away tourists, close down the parks/camps and eventually move in herders to the pastures and watering points within the parks. The envisaged elevation of Isiolo town into a resort city would also be derailed.

The Committee Members;

- Recommended that tourist vehicles should have security escorts but were informed that tourists had turned down this offer.
- Stressed on the need to disarm the herders indiscriminately in order to make the region safe.
- Noted that political differences were to blame for the protracted insecurity in the region.
- Expressed concern that the District Peace Committees (DPCs) had become ineffective over the years and were serving vested interests and were seeking financial gains.
- Recommended that old District Peace Committees should be disbanded and new ones formed.
- Noted that raids had affected the general development of the region.
- Recognized the vital role of the conservancies in generating funds for the communities living around the parks.
- Noted that rustling, which has been a historical and cultural phenomenon, had metamorphosed into a commercial entity hence criminalizing the whole aspect of rustling.
- Implored the Government to initiate projects that would reduce the rampant incidents of banditry. Such projects should aim at provision of water, building of schools and introduction of irrigation schemes so as to change the communities' way of life.
- Wanted to know whether the provincial Administration had taken a united front in the fight against banditry in the region.
- Wished to understand why no arrests had been made so far on suspected criminals.
- Noted the grave need for politicians and local leaders to come together to address the issue of insecurity.
- Was informed of the presence of 121 members of the Kenya Police Reservists in Samburu East.
- Recommends that indiscriminate disarmament should be carried out on all communities irrespective of their political affiliation.
- Noted with concern that the Officer Commanding Division was also in charge of three other divisions and could therefore not discharge his services adequately.
- Was concerned that the Government was lax in resolving insecurity in Samburu and Isiolo.
- Noted that unless there was adequate security personnel to beef up security, the problem/conflicts will continue.
- Raised concern over lack of vehicles (patrol) to respond to emergencies such as attacks on tourists.
- Heard that Kenya Police Reservists are supposed to complement the police in keeping law and order but were now being used in the hotels and conservancies to offer security instead of accompanying cattle herds or pursuing cattle rustlers.

- Was informed that there were alliances between the Samburu, Turkana and Rendille on one side and the Borana, Somali and Oromo on the other.
- Heard that Kenya Police Reservists have adequate guns and ammunition. The mark 4 guns they have are not very effective.
- Were informed that lack of administrative personnel had caused a lot of disharmony. Fifteen positions for chiefs and assistant chiefs have been vacant for over three years. This has made the community feel neglected and marginalized as there was no grass-root authority to disseminate Government information.
- Noted that impartial armament of one community where 300 guns were given out to the Boranas made the other communities to arm themselves. Illegal guns were therefore acquired by the Samburu to protect themselves and their properties.
- Stressed the need for the Government to protect its borders from external attacks by communities in the neighbouring countries. The disarmament should be done simultaneously by all the countries which have historically been involved in cattle rustling and banditry.
- The Authority to incur Expenditure on allocation to all the banditry prone districts should be increased to enable the District Security Intelligence Committee to deal with insecurity effectively. Most of the districts do not have enough patrol cars.

2.0 Public baraza with *manyatta* elders and local leaders at Lalesoro near Archers Post

During a meeting with the *manyatta* elders, the Committee received testimonies from the following speakers;

1st Speaker

He said that the *manyatta* was raided by Government security agents in 2008 and 1,170 herds of cattle driven off.

2nd Speaker

He informed the Committee that;

- The *manyatta* was again raided by security agencies in February 2009 and 4,115 cattle taken away. This was not only callous of the Government but the act was detrimental in that it enhanced poverty. It was a failure of the Provincial Administration and security agencies to protect citizens and their property.
- He was shocked on how the Government could use force against its very own people.
- Parliament needs to act on Committee report so as to address the problems and issues of insecurity in the region.
- The Government ought to compensate the people for the loss of lives, property and cattle during the operation.

- The people should be given the opportunity to determine the price of their cattle when the compensation exercise commences.
- The Peace committee which started its work in May 2008 has held over 15 meetings to preach peace.
- The blanket labeling of Samburus as perennial cattle rustlers and bandits is not right. Instead, remedial measures should be sought to stop this community from the historical practices of rustling which is retrogressive in itself.
- The Government should be responsible for the welfare of all the people and should not be seen to be taking sides with certain communities.
- There are many factors that fuel rustling and banditry. These include but not restricted to unemployment of the youth, hunger and lack of alternative sources of livelihood.

3rd Speaker

During his oral submission, he informed the Committee that;

- When the *manyatta* was raided, the local morans tracked the stolen cattle. Surprisingly no security personnel came to the rescue of the people.
- The locals know where the cattle had been taken. The security intelligence has all the information but due to complicity by influential persons in the Government, they cannot act.
- Over 3,000 cattle had been stolen and there was no direct involvement by security to attempt to recover the cattle.
- When cattle are stolen in other regions like Meru and Borana, there is swift reaction by the Government to try to track and recover them.
- Operation to take away cattle was preceded by interdiction of chiefs in the area. Hence there was a leadership vacuum and the raid was conducted with ease.
- The raid was followed by allegations that the chiefs had failed to curb banditry and rustling and were involved in the thefts.
- The administration alleged that chiefs had failed to stop the thefts.
- Military and Police helicopters were used in the raids/operation.
- The community acknowledges that there are bad characters, rustlers/bandits among them but the whole community should not be condemned for the actions of a few people. There was slow response by the Provincial Administration after cows are stolen.
- The District Commissioner did not even visit the people where there were casualties. He did not even bother to send condolences to the people affected.
- The entry into the National Parks (Samburu) was occasioned by severe drought.
- Cattle are the only source of livelihood and it was devastating to watch the herds diminish in huge numbers.
- The community appreciates the conservation efforts of wildlife and there has always been a peaceful coexistence between the two.

- National Parks are a source of livelihood for the community and people understand this fully.

4th Speaker

He told the Committee that;

- The Samburus were neglected and harassed by the Government.
- Raids are carried out and no security is brought in for tracking stolen cows.
- The Ewaso Nyiro River has been used for irrigation up stream hence little water trickles downstream. The river has dried downstream causing herds to die in large numbers due to lack of water. The Government should abolish irrigation schemes along the river.
- The Government should desist from attempts to abolish conservancies. They are another source of income for the community.
- The Provincial Administration does not respond to emergencies of the Samburu when their cattle are stolen. The District Commissioner does not even visit the *manyattas* where raids have been carried out. The District Commissioner should be transferred.
- The Government should distribute relief food to Samburu to address the famine issue
- The five conservancies need to be boosted for them to collect more revenue. The scouts and Kenya Police Reservists all reap from the proceeds of the conservancies.
- Community policing should be encouraged and be capacitated to be able to deal with rampant cattle rustling and banditry. The community can follow own cows if Government is slow to respond.
- The Government is to blame for the perennial problems in Samburu.

5th Speaker

She said that the Government is biased against the Samburu community. The Government watches as people are attacked, children killed and cattle stolen. The women folk of Samburu are very bitter. The Government was involved in capturing of Samburu livestock. The Borana community was getting fair treatment from the Government.

6th Speaker

He informed the Committee that Boranas and Merus do not engage in cattle rustling amongst themselves but they target samburu cattle. He said that the operation that captured 4,115 cows involved 40 police lorries and three helicopters. These operations by the Government are increasing poverty instead of alleviating it.

7th Speaker

During his submission, he said that the Government is the cause of all the problems afflicting the Samburu community. It was paradoxical how the peace meetings were always followed by raids. Boranas were treated favourably by the government. He said that the Samburu should

stop encroachment into the Parks as destruction of this is depleting their livelihood and that the income flow from tourism continues uninterrupted. The Samburu should not attack neighbours to steal cows especially the Meru.

8th Speaker

He told the Committee that;

- The Government should compensate the samburu for the stolen herds.
- The Government is biased and favours the Boranas more than the other communities.
- Boranas are armed - up to 700 guns have been distributed to the Boranas.
- The Government wants to do away with the conservancies. Conservancies should be given more vehicles and communication equipment.
- Lack of vehicles in Archer's post, Sere Olipi and Wamba to assist in security operations during raids has made it impossible to recover stolen stock.
- The community has resorted to using private vehicles to pursue bandits.
- The Government had earlier abolished use of conservancy vehicles hence curtailing attempts to effectively carry out operations.

9th Speaker

He said that Peace Committees did not seem to bear fruits. The Oromo Liberation Front (OLF) is used by Boranas to intimidate the Samburus.

3.0 Meeting with the Conservancy umbrella group at the Bomen Hotel, Isiolo

During a meeting with the Conservancy stakeholders' representatives, the Committee heard that;

- Cattle had been driven into the parks. 10,000 herds of cattle were reported to be grazing inside Shaba National Park.
- Shaba National Park Management has cordial relationship with the community (ie) The Turkana who live around the park.
- The rangers in the Park, who are all Boranas have had very frosty relations with the herders.
- Samburus are not employed in the Park yet they are the majority community neighbouring the park.
- It is claimed that the herders were the ones engaged in the poaching inside the park.
- The conservancy is divided into two:-
 - Buffer zone – grazing area for cattle
 - Core conservancy – has hotels and lodges
- Conservancies have assisted the communities living around them a lot.

- Rangers are in direct conflict with security agencies as they tend to take law into their hands.
- Park rangers were alleged to be beating young herders and women found inside the parks.
- The Isiolo County Council is not active in peace resolution efforts between the communities.
- The councillors are involved in employment of council rangers and interfere with employment process.
- The Samburus are not keen on seeing the destruction of Shaba.
- Livestock/herds are only found in areas around the springs at Buffalo and Shaba due to availability of water and grass.
- Existing conservancies are: Kalama, Bisan Biliko, Ngare West, Milako, Sere-Olipi, Namunyak, West Gate and Meibai.

4.0 Meeting with the District Security Intelligence Committee, D.C.'s office, Isiolo District

During a meeting with the District Security Intelligence Committee, the Members heard that:-

- Cattle rustling is caused by tribal animosity, competition for grazing land, political bickering and highway banditry.
- Isiolo district is cosmopolitan and is made up of Boranas, Merus, Samburus, Turkanas and Rendilles.
- Turkanas are encroaching towards the town.
- There is a vicious cycle of cattle rustling.
- Banditry along the highway has increased. Areas that are badly affected are Isiolo, Modagashe and Garbatulla.
- Anti- stock theft units have been deployed to the trouble spots.
- Banditry has been rampant around Archers post where traders taking cattle to the market are attacked and robbed.
- There are many small arms in the hands of the locals.
- The way forward is to engage all communities in discussions over peace initiatives.
- Conflicts have been fuelled by drought.
- Tribunal animosity amongst the communities is age old.
- Highway theft/banditry is exacerbated by hunger.
- Other tribes plan to revenge for their stolen cows.
- Political game plans by politicians have also increased tribal conflicts. The 2012 politics have contributed animosity between communities.
- The politicians ought to be at the forefront preaching peace.

- Unemployment of the youth has made many hungry and idle young men to turn into banditry.
- Influx of illegal guns has compounded the problem in that it is now difficult to distinguish the illegal guns from the licit arms/licensed guns.
- All illegal guns should be traced, impounded, branded using international standards and then destroy them.

The Committee sought to know;

- Why 300 guns were selectively issued to one Community (Borana) through a Presidential decree.
- Whether the Provincial Administration had acted upon claims by locals that they had traced some of their stolen cattle to a market in Meru.
- Whether the allegations that the Provincial Administration had taken sides with some politicians from the area are true and whether the claim that they were favouring certain communities had been investigated.
- What the Provincial Administration was doing to recover and/or compensate those who had lost their herds; and whether the principle of losing whole herds if stolen cows were found among the herds would be followed.
- Why the Government had allowed grazing of herds within the Shaba Game Reserve while this was not allowed in Samburu Game Reserve.

The Committee was informed that:

- Partisan politics have fuelled the conflicts.
- Peace committees are also funded by Non-Governmental Organizations hence they get directions from these Non-Governmental Organizations. The peace committees are therefore perpetuating the Non-Governmental Organizations' agenda and dividing the people along tribal/clan lines.
- Non-Governmental Organizations such as *Ms Kenya* and *Save the World* have compounded the attempts for peace by infiltrating and influencing peace committees unnecessarily.
- Internal Security Ministry has abdicated duty to offer security to citizens.
- 300 guns distributed to Kenya Police Reservists belonging to Boranas should be retrieved.
- The peace committees should all be disbanded and new ones put in place. Old committees are fraught with impunity and political interference.
- The presence of herders/morans in the parks has led to taking advantage of this to engage in criminal activities.
- Children and women were being used to herd cattle in the parks as the morans watched from a distance.

- Turkana are earmarked for relocating to Isiolo to increase numbers for 2012 politics.
- The Merus are not involved but cows are stolen by Samburus and Boranas. Merus are involved in business as they purchase the stolen cows.
- Turkana ought to be the beneficiaries of conservancies because they live around them.
- The District Intelligence Committee had been informed that there was a deliberate effort to destroy Shaba National Park due to imbalances in employment and funding so that it could be taken over by the favoured Borana Community.
- The Tourist Police Unit does not have an intelligence unit to assist in tracking down criminals inside Shaba. When crime happens in Samburu Game Reserve, the reaction by security agencies is swift.
- Since Shaba does not employ people from Samburu and Turkana, its destruction is of no consequence hence herding by the two communities is rampant here.
- Conservancies benefit from hotel payment and funds from donors and county councils.
- There is no hard evidence that there were 300 Oromo Liberation Front (OLF) militia that had infiltrated Samburu & Isiolo districts.
- Non-Governmental Organizations and Local Community Based Organizations were funding peace committees and fanning conflicts.
- Allegations are rife that businessmen are funding cattle rustlers to steal cows which the former buy and have them slaughtered for commercial gains.
- The value for stolen cows was usually exaggerated by the former owners in case compensation was forthcoming.
- The cows are sold one by one in the markets so as to attract minimum suspicion.
- The cattle owners have identified some of the stolen cows. It was the onus of the security agencies to identify these cows and arrest the persons holding the herds.
- The principle of forfeiting whole herds if some of the stolen cows were found in these herds should be encouraged. This would act as a deterrent to would be rustlers.

5.0 Meeting with Isiolo District Leaders at the Arid and Semi-Arid Lands Hall, Isiolo

The meeting was attended by about 200 leaders from communities in Isiolo East District as well as businessmen from Isiolo Town. There was a false start to the meeting due to the charged crowd that was split along tribal/ethnic lines. The Committee received oral and written submissions from the followings persons;

1st Speaker

During his submission, he informed the Committee that:

- He worked as a United Nations Consultant.
- People in the regions of Isiolo and Samburu feel marginalized and neglected by the Government.

- The Government has given guns to some communities ostensibly to defend themselves against hostile neighbours but this has backfired because it has fuelled armed conflicts instead of reducing animosity.
- There are no established parameters for a fair criminal justice system. Police stations are as far apart as 500 kms.
- The Government does not appear as a neutral arbiter.
- The Government should engage in a serious disarmament exercise. Guns should only be in the arms of the security agencies.
- Politics should be divorced from security issues since the politicians were engaging in partisan politics which were fuelling tribal conflicts.
- Military camps ought to be established to deal with the perennial banditry problem that has persisted in Isiolo and Samburu for a long time.

2nd Speaker

He informed the Committee that:

- Tribal conflicts escalated after the 2007 elections.
- The Government has watched from the periphery as people get slaughtered.
- 2,786 cows, 6,850 goats and 627 camels have been lost to criminals. 75 people have lost their lives in these skirmishes.
- The perpetrators of the crimes are well known yet no action is taken to arrest them.
- It is estimated that Kshs. 100 million has been lost by the National Parks due to insecurity in the region.
- Security agencies are colluding with criminals hence crimes go on unreported.
- The Minister of State for Provincial Administration and Internal Security has taken sides with some communities. This is pinned to the 2012 elections where the Minister is seeking votes from these communities.
- Communication has been hampered by the damaged road in Merti whereby criminals cannot be pursued beyond this point.

3rd Speaker

He told the Committee Members that he was a representative of the Isiolo indigenous community. The politicians and prominent in the area personalities were to blame for bad governance.

(The crowd became unruly and shouted him down hence he could not be heard further. It emerged that the speaker, a former police officer, was of Samburu origin hence the Borana Community and the Isiolo leaders did not want to hear him heap blame on their leaders. The Committee requested him to make his presentation in the form of a written memorandum).

4th Speaker

He informed the Members that the Government was fuelling conflicts between the various communities in Isiolo and Samburu. A Government Minister is involved in the interplay of politics of the region, as his eyes are set on the 2012 elections.

5th Speaker

During her submission, she informed the Committee that her cows were stolen. The Samburu Community was responsible for the rampant cattle rustling affecting the region. Security agencies have never succeeded in returning stolen animals. She said that disarmament should be encouraged since it is difficult to distinguish between the illegal and licit arms which are in the hands of the home-guards/police reservists.

6th Speaker

He told the Committee that:

- The Government should be exonerated from allegations of fuelling insecurity. The Communities are to blame for the state of insecurity in the region. The Somali community had been allowed to settle in the region.
- The Turkanas always return stolen cattle but the Borana do not reciprocate when they steal from the former. There was a plot to completely marginalize the community.
- Criminals from other communities were not being arrested, he said.
- Guns were not distributed equitably amongst the warring communities.
- Boranas have more guns to protect themselves than the other communities.
- Firearms are being used for criminal activities and the Government should carry out a disarmament exercise.

7th Speaker

He told the Committee that peace meetings were not yielding any tangible results. Politicians and security personnel had not done enough to stop the mayhem associated with cattle rustling.

8th Speaker

The Committee was informed that:

- National Parks which generate revenue from tourism to the council and the community around are under threat from the bandits and the herders who have driven their livestock into the parks.
- Invasion of these Parks is designed to lock out tourists and damage the industry.
- There is a calculated move to block Isiolo from the envisioned plan of turning it into a Resort City in the near future and shift these plans to another town.
- Unregistered conservancies are collecting revenue illegally. This is in direct conflict with the County Council of Isiolo.

- Conservancies are working in cahoots with Non-Governmental Organizations and Community Based Organizations to destabilize the peace of the area.
- Isiolo has suddenly become a hub for land acquisition because of the proposed resort city plans.
- The plan is to scuttle the communities that did not support a senior politician in 2007 so that the other communities can join forces to win 2012 elections.
- Cattle rustling is no longer the issue nowadays but the conflict is pinned on the 2012 politics.
- The conservancies should be abolished.
- The Provincial Administration should also be overhauled
- The Government should take responsibility of providing security to its citizens without favour of any community.

9th Speaker

He informed the Members that:

- Ian Grave of British descent was to blame for causing a lot of trouble for the community in Isiolo. He owns expansive ranches and has been fencing off Game land for private use.
- The British army has set up a training camp and a range field for drills. British guns and ammunition have found their way into the hands of the Samburus and are being used to fight the Boranas.

10th Speaker

The Members were informed that:

- He was happy with the Government on its efforts to keep the peace.
- No community should be victimized on grounds that it is practicing banditry.
- Historical aspects, outdated beliefs, are causes of conflicts.
- At no single time has peace been an agenda for all meetings convened by leaders in the last six months.

11th Speaker

The Committee heard that:

- Samburu community was determined to destroying the national parks.
- The report by the select committee on cattle rustling, which visited the region, should be implemented.
- The Government had abdicated its duty of providing security to its people.
- The 300 guns given to the Boranas were meant to protect them from attacks by other hostile communities.
- The peace committee's in Isiolo have failed to deliver.

12th Speaker

He appealed to the Committee to come up with a balanced and objective report to present to Parliament for adoption. He said that the government should deal with issues of land policy to ensure fair distribution of land to minimize land problems.

13th Speaker

The Committee was informed that:

- Politicians should be held responsible for the problems bedeviling the communities.
- The 2012 politics should not be played at the behest of people's lives.
- The Government is complacent and does not take the security threat in the region as serious.
- The people of Samburu and Isiolo feel marginalized by the Central Government.
- The Committee should come up with an objective report guided by findings on the ground.

14th Speaker

He informed the Committee that:

- The problems affecting the communities in Samburu and Isiolo are historical, economic, social and political.
- Conflicts arise from land issues, boundaries, limited resources, cultural practices and unemployment.
- No one amongst the leaders has spoken about education of the youth as a way of getting rid of illiteracy. Education is bound to change the thinking of the local people and make their children focus on alternatives to life other than herding cattle.
- The proceeds from the National Parks are not benefitting the locals.
- All pastoralists should come together and engage in talks on how to end the perennial problems of inter-clan warfare and cattle rustling.

15th Speaker

The Committee heard that:

- There was a lot of misrepresentation of facts on Isiolo such as a report appearing in the internet to the effect that the town was harbouring Al Shabaab militants. These stories were unfounded and were geared to denying Isiolo the prospective resort city status.
- Security forces do not react quickly to emergencies involving banditry and have not arrested any criminals so far.
- The Provincial Administration in Isiolo is toothless and operates under the whims of influential people in the Government.

5.0 Meeting with the Minister of State for Provincial Administration and Internal Security

The Chair informed the Minister that the Committee had visited Samburu East and Isiolo North between 21-23 September, 2009. Security issues arose out of this visit which necessitated the Committee to call a meeting with the Minister to seek clarification on matters that were not clear.

During his presentation, the Minister informed the Committee that;

- o Inter-clan warfare in pastoralist areas has been felt since pre-colonial times.
- o Cattle rustling is prevalent in North Rift and Upper Eastern areas.
- o The main communities that are engaged in this activity are the Samburus, Turkanas, Pokots, Boranas, Somalis and Merus to a lesser extent.

Cattle rustling and communal conflicts are caused by;

- i) Proliferation of small arms and light weapons
- ii) Cultural and traditional practices
- iii) Poor infrastructure
- iv) Desire to recover and revenge over stolen stock
- v) Lack of alternative ways of livelihood
- vi) Poverty and unemployment
- vii) Porous borders with the neighbouring countries
- viii) Inadequate personnel and patrol vehicles
- ix) High levels of illiteracy
- x) Prolonged droughts hence competition over few resources
- xi) Hostile communities from neighbouring countries
- xii) Territorial expansion

2009 saw an escalation of violence in these areas due to prolonged drought, competition for pasture and water and increased acquisition of Small Arms and Light Weapons. In July 2009, 26,800 cattle were stolen and 88 people killed. There were other reported incidents where many people were killed and thousands of cattle stolen.

Government response to the insecurity in pastoralist areas

In order to address the issues of insecurity in these areas, the Committee heard that;

- o The Ministry of Provincial Administration and Internal Security convened a number of meetings with MPs from the affected areas.
- o A workshop for security officers was also organized in Nairobi from 1-2 October, 2009.

- A meeting was also held with MPs from the region in Naivasha from 18-20 November, 2009 which endorsed the process of disarmament of the communities by the security personnel.
- A security operation involving 2479 personnel was carried out in Upper Eastern and North Rift.
- The number of officers deployed on the ground in these areas has been increased.
- New administrative units and police posts were created.
- Security personnel received more communication/tracking equipment.
- The Ministry has embarked on a rapid response principle in case of attacks.
- Community policing and presence of peace committees has been enhanced.
- Peace building initiatives and conflict management is encouraged.

Achievements

The Committee heard that;

- Pastoralists who had invaded Shaba and Buffalo National parks were removed. Tourism business has thus improved.
- 2,160 illegal firearms and 18,520 rounds of ammunition were netted.
- 3,372 cattle, 4,388 camels and 12 donkeys were recovered.
- 96 suspected rustlers/bandits have been arrested.

Way forward

The Committee was informed that in order to stop the mayhem in these regions and open them up for socio-economic development, the Ministry was to start '*Operation Dumisha Amani II*' which will;

- i) Engage in deployment of adequate, specialized and well equipped personnel.
- ii) Encourage voluntary surrender of guns and ammunition.
- iii) Involve mandatory cattle branding by communities.
- iv) Increase internal and cross border peace building and conflict management initiatives.
- v) Introduce other socio-economic activities into the conflict areas so as to ease inter-dependence on cattle keeping as the only livelihood.
- vi) Result to range management and livestock economy improvement.
- vii) Enforce compulsory education.
- viii) Review and restructure Kenya Police Reservists (KPR).
- ix) Develop Consistent and adequate funding of '*Operation Dumisha Amani II*' for sustainability.
- x) Enhance communication and publicity strategy.
- xi) Lead to clustering of conflict zones for ease of coordination and management.
- xii) Enhance political consultations and collaboration.
- xiii) Intensify campaigns and public sensitization against cattle rustling.

The Minister has also held meetings with Uganda and Ethiopia counterparts in order to find long lasting solutions to cattle rustling. Kshs. 185.22 million has been earmarked to start off 'Operation Dumisha Amani II' at the beginning of every quarter of the year.

Issues raised by the Committee

The Members sought to know:

- o What efforts the Government was making to ensure that the disarmed communities do not rearm again as soon as the operation is over.
- o Since 2000 personnel were deployed to the area, are there tangible results of this deployment.
- o Why deploy security personnel yet there was a moratorium for surrender of arms.
- o Why the Government had taken so long to stamp out cattle rustling and banditry in these areas while people continued to lose their lives and property.
- o Whether the Government was aware that as the people returned the unserviceable guns, they bought good ones to replace the netted arms.
- o On 'Operation Dumisha Amani II', what measures shall be put in place to ensure that those who have returned arms are not harassed during the operation.
- o Since not all leaders are advocating for peace, what plans are under way to bring all the stakeholders on board.
- o What concrete measures does the Government want to pursue since it appears that disarmament is not the ultimate solution to end cattle rustling and banditry.
- o What measures are intended to ensure no arms are acquired from across the bordering countries?
- o Why the Government is unable to deploy the police and the military along the porous borders to stop proliferation of small arms and light weapons.
- o Why the Government was impartial in arming one community (Borana) at the expense of the other (Samburu) hence fuelling insecurity in the region.
- o What measures is the Government taking to educate the large numbers of illiterate youth.
- o Whether the Government had plans to organize/send a high level operation team probably headed by the Police Commissioner himself, to the conflict prone areas.
- o If there were plans to increase the budget to bolster security at the border control points.
- o Whether the 96 arrests made have been conclusively prosecuted and if these arrests have yielded any positive results to help in curbing rustling and banditry.
- o Whether there are any plans to equip the security personnel at the border points and other conflict prone zones with sophisticated weapons more superior to the G3 and AK 47 used by the gangs/militia.

- Why sponsors of banditry and cattle rustling who are influential and well known have not been arrested.

In response, the Minister, Police Commissioner and the Administration Police Commandant informed the committee that;

- Due to the civil strife in most of the countries bordering Kenya, it has been very challenging to control proliferation of small arms and light weapons through the porous borders.
- The daily influx of refugees has made border points conduits for illegal arms.
- The security units in the conflict prone areas require sophisticated weapons but this is a very expensive venture which the Government is yet to look into.
- Although it was faced with massive challenges, '*Operation Dumisha Amani I*' was relatively successful.
- '*Operation Dumisha Amani II*' should be positively seen as another attempt of achieving peace.
- The army, the police and the GSU are being used to patrol border points in conjunction with Immigration officers.
- Plans are underway to have equipment to screen all aliens entering the country. The Committee should request the Finance Ministry to up the budget to enable Provincial Administration to buy equipment and deploy more security agents to trouble spots.
- '*Operation Dumisha Amani II*' will have a human face and it shall be conducted peacefully. No one shall be harassed or tortured to produce arms.
- '*Kazi Kwa Vijana*' (KKV) strategy was being used to get the many idle and unemployed youth out of retrogressive practices.
- Education had been made compulsory to all school going children. The Ministry wishes to ensure that compulsory free primary education is observed.
- Appointment of KPR shall be based on strict vetting and merit in future.
- Provincial Administration plays a vital role in the peace negotiations and will continue to discharge this duty from the front. The security agencies shall be on the ground during '*Operation Dumisha Amani II*'.
- The neighbouring countries are being engaged in talks to disarm their communities simultaneously during '*Operation Dumisha Amani II*' in Conflict prone zones.
- 2,400 patrol cars and funds for servicing these vehicles are required but the yearly 2009/2010 annual allocation cannot cater for this need. The Police are using UHF and VHF communication gadgets but these are not enough.
- 3 suspected sponsors of rustling and illegal arms trade have been netted in Isiolo and are yet to be charged. Any available information on other players is valuable to the police.

- Success of '*Operation Dumisha Amani I*' is commendable but preservation of security lies squarely in the hands of the people themselves. The people have to change their way of life and live in an environment that promotes peaceful coexistence.
- A special police unit is being trained to deal with the cattle rustling phenomenon but acquisition of special equipment remains very elusive. Also plans are under way to provide officers in the risk areas with protective gear to make them gain confidence as they deal with conflicts.
- The phenomenon of cattle rustling and banditry ought to be approached from a different perspective apart from the usual disarmament. A multi-pronged approach by all the stakeholders might halt this activity. The strategy should be aimed at overhauling the socio-economic activities of the affected communities so as to change their way of life.
- Funding of '*Operation Dumisha Amani II*' is vital to ensure it is successful and sustainable for it to achieve good results.
- The Police Commissioner undertook to lead a high level operation team to Samburu and Isiolo himself to put a strong case that the Government was serious and committed to ending the conflicts in these zones once and for all.

6.0 Committee's observations and findings

The Committee made the followings observations and conclusions:

- (i) That cattle rustling is no longer the sole cause of conflicts in Samburu and Isiolo. Other overriding factors such as political intrigues, highway banditry, land acquisition, marginalization, business rivalry etc were all fuelling conflicts in these areas. The prospects of elevating Isiolo town to a Resort City by 2030 had compounded the Samburu – Isiolo conflicts such that the indigenous people are being pushed away from their original habitations to pave way for new land prospectus.
- (ii) Some communities were being favoured by the Government. The Boranas, for instance were issued with guns by the Government ostensibly to protect themselves from perceived aggressors. This action prompted the Samburus and Turkanas to arm themselves with illegal guns so as to counter any attacks from the Boranas and Somalis. This has led to proliferation of small arms among the communities living in the region.
- (iii) The use of Government resources such as military and police helicopters and lorries to conduct an operation in Samburu was tantamount to use of excessive force against the community living there. The operation was not conducted in a civil manner but over 4,000 cattle were rounded up in a swoop that left the villagers shocked and deprived.

- (iv) The security teams lacked adequate funding and logistical support such as vehicles and communication equipment to patrol the vast areas where banditry was rampant. The districts were grossly understaffed in terms of security personnel thus it was difficult to control cattle rusting and highway banditry effectively. The security operation teams deployed to oversee restoration of calm lacked the authoritative and inspirational leadership of their seniors on the ground.
- (v) The tourism industry was under serious threat as bandits were now attacking tourists as they moved around the national parks and game reserves. Some camps and lodges had actually recorded zero occupation in the course of 2009.
- (vi) There was apparent animosity and open hostility between the Samburu and their Turkana and Rendille allies and Borana accomplices of Somali and Oromo communities. There were accusations and counter accusations and in depth suspicions between the two communities and their alliances.
- (vii) The desolate *manyatta* in the Lalesoro area near Archers Post which the Committee visited was a clear testimony of the inhumane manner of the operation mounted by the Government where about 4,000 herds of cattle were confiscated. There is reasonable evidence that livestock was confiscated from the *manyatta* thus depriving the people their sole livelihood and exposing them to great suffering.
- (viii) The conservancies around the parks were a great source of income to the communities living around them as well as the local authority. The revenue generated from these conservancies were ploughed back into the community and helped in areas of development such as improving the rural roads, environmental and wildlife conservation, etc.
- (ix) The recruitment of the Kenya Police Reservists was done haphazardly and without merit, without a proper vetting process and was generally mismanaged. This skewed process heightened hostilities between the Communities who alleged that the Kenya Police Reservists were now engaged in cattle raids instead of preserving security.
- (x) The Communities of Isiolo were not happy with the political leadership. Majority were in concurrence that the problems afflicting them were exacerbated by the political class. There was a general feeling that politics was contributing to all the problems affecting the region and leaders have not done much to bring peace in this volatile region.

- (xi) Most of the conflict prone zones lack basic communication networks and mobile telephony hence increasing insecurity incidents due to the inability of the local wananchi to relay information to the security agents after attack. The distances between administrative units are vast making it almost impossible to report crime promptly. Response by security personnel is also hampered by lack of/limited communication network and vastness of distances.

7.0 RECOMMENDATIONS

Out of the observations and findings arising from the visit to Samburu and Isiolo, the Committee makes the following recommendations:

- 1. Cattle rustling is a vice that cannot be stopped by way of disarmament and the Government needs to undertake a multi-pronged approach/strategy where all the stakeholders, local leaders, politicians and businessmen are prevailed upon to embrace a sustained long term peace negotiation process so as to wipe out the inherent practices that contribute to cattle rustling. All the political leaders in the region must be seen on the ground working together to bring lasting peace and solutions to the conflicts in the area.**
- 2. The 300 arms issued by the Government to Kenya Police Reservists from Borana and other communities should be immediately withdrawn since the exercise pitted these communities against the Samburu and Turkana hence fuelling criminal activities and tribal animosity. The KPR should be disarmed and a proper manner of recruitment, vetting and management be put in place to streamline the unit.**
- 3. The Government should, as a short term measure, carry out a complete disarmament exercise to rid all communities in these areas of illegal arms and ammunition. This exercise should be carried out in a humane manner and in collaboration with the local leaders.**
- 4. The Government should engage the other neighbouring countries of Uganda, Southern Sudan and Ethiopia so that a similar disarmament exercise is undertaken simultaneously in the areas bordering Kenya so that there are no attacks come from across the borders. The Government should take control of the border points to stop proliferation of small arms across the boundaries.**

5. The sponsors of the unending conflicts in Samburu and Isiolo be investigated and those who are found to be funding these warlike activities should be brought to book. It is understood that powerful politicians are sponsoring cattle rustling and arming some communities against the others.
 6. A sustained campaign to expand formal education to these communities should be undertaken to ensure that young men being recruited into moranism/heroism/cattle rustling activities abandon these practices and embrace education.
 7. The Government should build boreholes and dams to act as watering points in the vast grazing lands to minimize herders taking their cattle into the parks in search of grass and water.
 8. The Communities should gradually be introduced to farming through irrigation methods, alongside pastoralist activities. This will ensure that the Communities do not depend on cattle rearing alone and that other sources of livelihood are available in case of emergencies such as the recent drought.
 9. The Government ought to increase budgetary allocation in future to enable the Ministry to properly equip the security teams in the marginalized areas to effectively fight banditry in these areas. More patrol vehicles should be given out to these areas. Communication equipment and tracking devices should be increased to help in fighting banditry and cattle rustling. Also the roads should be improved to increase communication and quick response by security personnel.
 10. The ad hoc Parliamentary Committee on cattle rustling which undertook an elaborate and comprehensive study visit to cattle rustling areas to establish causes and possible solutions to cattle rustling among Kenyan pastoralists, should move fast and conclude its report so that the findings of the Committee can be implemented.
 11. The District Peace Committees should be forthwith disbanded and new teams be put in place. These Committees have outlived their period and have thus turned into avenues of corruption, partisanship and political wings operating with impunity.
 12. The Government should deploy more security personnel to National Parks and Game Reserves so as to weed out bandits and protect tourists from possible
-

attacks. Security should also be beefed up along the several community borders to avoid frequent cross-border attacks. The Police Commissioner ought to lead a high level security operation to the region to underscore the seriousness of the matter of insecurity in the region.

13. The Government ought to compensate the Samburu community for the 4,115 cattle netted at Lalesoro *manyatta* during the Government sponsored swoop carried out in 2009.

14. Archers Post should be up graded to a fully-fledged Police Station. Archers is one of the oldest Police posts in the country yet the zone is very prone to banditry and cattle rustling making it difficult for the few security agents available to deal effectively with the crime.

15. The Government should fill the vacant positions of Chiefs and Assistant Chiefs in Samburu so as to enhance and bring administrative services closer to the people.

16. The Ministry of Tourism should make a deliberate effort to carry out civil education in these conflict zones to educate people over the benefits of tourism and hence the need to preserve the sector. The people should be encouraged to own the parks. The Government should reciprocate by initiating development projects such as schools to motivate the local community to embrace park preservation.

17. The Government should, in conjunction with mobile telephony service providers, open up the remote areas which are crime prone, to enhance information flow from wananchi to security agents in case of attacks.

#####END#####

MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON WEDNESDAY 17TH FEBRUARY, 2010 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Fred Kapondi Chesebe, MP – **(Chairman)**
The Hon. Peter Kiilu, MP
The Hon. Cyprian Omollo, MP
The Hon. Danson Mungatana, MP
The Hon. Maison Leshoomo, MP
The Hon. Mohammed Hussein Ali, MP

ABSENT WITH APOLOGIES

The Hon. Polliyins Ochieng', MP
The Hon. Raphael Letimalo, MP
The Hon. John Ngata Kariuki, MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - **KENYA NATIONAL ASSEMBLY**

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Ahmed Kadhi - Third Clerk Assistant

IN ATTENDANCE – MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION AND NATIONAL SECURITY

The Hon. (Prof.) George Saitoti, EGH, MP - Minister of State for Provincial Administration
Mr. Mathew Iteere, OGW, CBS - Police Commissioner
Mr. Kinuthia Mbugua, OGW, CBS - Administrative Police Commandant
Mr. Victor Okioma - Secretary Provincial Administration
Mr. M.M Kusimba - Director, Internal Division, NSIS
Mr. Wilberforce Kilonzo - PA to the Minister
Mr. Gitahi Kanyeki - AP Headquarters

PRELIMINARY

The meeting was called to order at ten o'clock and prayers were said. The Chairman welcomed the Minister and his team to the meeting and the Chair informed the Minister that the Committee had visited Samburu East and Isiolo North districts between 21 and 23 September, 2009. Security issues arose out of this visit which necessitated the Committee to call a meeting with the Minister to seek clarification on matters that were not clear.

MIN. NO. 59/2010: PRESENTATION BY THE MINISTER OF STATE FOR PROVINCIAL ADMINISTRATION AND NATIONAL SECURITY

During his presentation, the Minister informed the Committee that;
... Inter-clan warfare in pastoralist areas has been felt since pre-colonial times.

- Cattle rustling is prevalent in North Rift and Upper Eastern areas.
- The main communities that are engaged in this activity are the Samburus, Turkanas, Pokots, Boranas, Somalis and Merus to a lesser extend.

Cattle rustling and communal conflicts are caused by;

- i) Proliferation of small arms and light weapons
- ii) Cultural and traditional practices
- iii) Poor infrastructure
- iv) Desire to recover and revenge over stolen stock
- v) Lack of alternative ways of livelihood
- vi) Poverty and unemployment
- vii) Porous borders with the neighbouring countries
- viii) Inadequate personnel and patrol vehicles
- ix) High levels of illiteracy
- x) Prolonged droughts hence competition over few resources
- xi) Hostile communities from neighbouring countries
- xii) Territorial expansion.

2009 saw an escalation of violence in these areas due to prolonged drought, competition for pasture and water and increased acquisition of small arms and light weapons. In July 2009, 26,800 cattle were stolen and 88 people killed. There were other reported incidents where many people were killed and thousands of cattle stolen.

Government response to the Insecurity in pastoralist areas

In order to address the issues of insecurity in these areas, the Committee heard that:

- The Ministry of Provincial Administration and Internal Security convened a number of meetings with MPs from the affected areas.
- A workshop for security officers was also organized in Nairobi between 1-2 October, 2009.
- A meeting was also held with MPs from the region in Naivasha between 18-20 November, 2009 which endorsed the process of disarmament of the communities by the security personnel.
- A security operation involving 2479 personnel was carried out in Upper Eastern and North Rift.
- The number of officers deployed on the ground in these areas has been increased.
- New administrative units and police posts were created.
- Security personnel received more communication/tracking equipment.
- Embarked on a rapid response principle in case of attacks.
- Community policing and presence of peace committees enhanced.
- Peace building initiatives and conflict management encouraged.

Achievements

The Committee heard that;

- Pastoralists who had invaded Shaba and Buffalo National parks were removed. Tourism business has thus improved.
- 2,160 illegal firearms and 18,520 rounds of ammunition were netted.

- o 3,372 cattle, 4,388 camels and 12 donkeys were recovered.
- o 96 suspected rustlers/bandits have been arrested.

Way forward

The Committee was informed that in order to stop the mayhem in these regions and open them up for socio-economic development, the Ministry was to start '*Operation Dumisha Amani II*' which will;

- i) Engage in deployment of adequate, specialized and well equipped personnel.
- ii) Encourage voluntary surrender of guns and ammunition.
- iii) Involve mandatory cattle branding by communities.
- iv) Increase internal and cross border peace building and conflict management initiatives.
- v) Introduce other socio-economic activities into the conflict areas so as to ease inter-dependence on cattle keeping as the only livelihood.
- vi) Result to range management and livestock economy improvement.
- vii) Enforce compulsory education.
- viii) Review and restructure Kenya Police Reservists (KPR).
- ix) Develop Consistent and adequate funding of '*Operation Dumisha Amani II*' for sustainability.
- x) Enhance communication and publicity strategy.
- xi) Lead to clustering of conflict zones for ease of coordination and management.
- xii) Enhance political consultations and collaboration.
- xiii) Intensify campaigns and public sensitization against cattle rustling.

The Minister has also held meetings with Uganda and Ethiopia counterparts in order to find long lasting solutions to cattle rustling. Kshs. 185.22 million has been earmarked to start off ODA II at the beginning of every quarter of the year.

MIN. NO. 60/2010: ISSUES RAISED BY THE COMMITTEE

The Members sought to know:

- o What efforts the Government was making to ensure that the disarmed communities do not rearm again as soon as the operation is over.
- o Since 2000 personnel were deployed to the area, are there tangible results of this deployment.
- o Why deploy security personnel yet there was a moratorium for surrender of arms.
- o Why the Government had taken so long to stamp out cattle rustling and banditry in these areas while people continued to lose their lives and property.
- o Whether the Government was aware that as the people returned the unserviceable guns, they bought good ones to replace the netted arms.
- o On ODA II, what measures shall be put in place to ensure that those who have returned arms are not harassed during the operation.
- o Since not all leaders are advocating for peace, what plans are under way to bring all the stakeholders on board.

- What concrete measures does the Government want to pursue since it appears that disarmament is not the ultimate solution to end cattle rustling and banditry.
- What measures are intended to ensure no arms are acquired from across the bordering countries?
- Why the Government is unable to deploy the police and the military along the porous borders to stop proliferation of SALWs.
- Why the Government was impartial in arming one community (Borana) at the expense of the other (Samburu) hence fuelling insecurity in the region.
- What measures is the Government taking to educate the large numbers of illiterate youth.
- Whether the Government had plans to lead a high level delegation probably headed by the Police Commissioner himself, to the conflict prone areas.
- If there were plans to increase the budget to bolster security at the border control points.
- Whether the 96 arrests made have been conclusively prosecuted and if these arrests have yielded any positive results to help in curbing rustling and banditry.
- Whether there any plans to equip the security personnel at the border points and other conflict prone zones with sophisticated weapons more superior to the G3 and AK 47 used by the gangs/militia.
- Why sponsors of banditry and cattle rustling who are influential and well known have not been arrested.

In response, the Minister, Police Commissioner and the Administration Police Commandant informed the committee that;

- Due to the civil strife in most of the countries bordering Kenya, it has been very challenging to control proliferation of SALWs through the porous borders.
- The daily influx of refugees has made border points conduits for illegal arms.
- The security units in the conflict prone areas require sophisticated weapons but this is a very expensive venture which the Government is yet to look into.
- Although it was faced with massive challenges, '*Operation Dumisha Amani I*' was relatively successful.
- '*Operation Dumisha Amani II*' should be given a chance.
- The army, the police and the GSU are being used to patrol border points in conjunction with Immigration officers.
- Plans are underway to have equipment to screen all aliens entering the country. The Committee should request the Finance Ministry to up the budget to enable Provincial Administration to buy equipment and deploy more security agents to trouble spots.
- '*Operation Dumisha Amani II*' will have a human face and it shall be conducted peacefully. No one shall be harassed or tortured to produce arms.
- '*Kazi Kwa Vijana*' (KKV) strategy was being used to get the many idle and unemployed youth out of retrogressive practices.
- Education had been made compulsory to all school going children. The Ministry wishes to ensure that compulsory free primary education is observed.
- Appointment of KPR shall be based on strict vetting and merit in future.

MINUTES OF THE 20TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY 18TH FEBRUARY, 2010 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Polliyns Ochieng', MP
The Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGIES

The Hon. Maison Leshoomo, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. John Ngata Kariuki, MP
The Hon. Nkoidila Ole Lankas, MP

ABSENT

The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP

IN ATTENDANCE

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Ahmad Kadhi - Third Clerk Assistant

KENYA NATIONAL ASSEMBLY

PRELIMINARY

The meeting kicked off after prayers at ten o'clock.

MIN. NO. 62/2010: CONSIDERATION OF THE SAMBURU/ISIOLO DRAFT REPORT

Copies of the report were distributed to the Members. The Committee:-

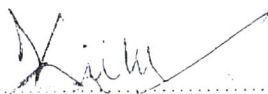
1. Noted that a majority of six members was required during the adoption of the report.
2. Resolved to look through the draft report, make their input and meet the following day for further deliberations and adoption.
3. Requested the secretariat to incorporate the presentation by the Minister of State for Provincial Administration in the next copy of the draft report.

MIN. NO. 63/2010: ADJOURNMENT

There being no other business the meeting was adjourned at thirty minutes after 11 o'clock. The date for the next meeting would be Friday February 19, 2010 at 10 am.

Signed:

Chairman



Date

22.7.2010

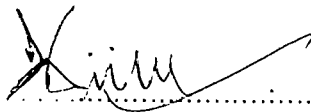
- o Provincial Administration plays a vital role in the peace negotiations and will continue to discharge this duty from the front. The security agencies shall be on the ground during 'Operation Dumisha Amani II'.
- o The neighbouring countries are being engaged in talks to disarm their communities simultaneously during 'Operation Dumisha Amani II' in Conflict prone zones.
- o 2,400 patrol cars and funds for servicing these vehicles are required but the yearly 2009/2010 annual allocation cannot cater for this need. The Police are using UHF and VHF communication gadgets but these are not enough.
- o 3 suspected sponsors of rustling and illegal arms trade have been netted in Isiolo and are yet to be charged. Any available information on other players is valuable to the police.
- o Success of 'Operation Dumisha Amani I' is commendable but preservation of security lies squarely in the hands of the people themselves. The people have to change their way of life and live in an environment that promotes peaceful coexistence.
- o A special police unit is being trained to deal with the cattle rustling phenomenon but acquisition of special equipment remains very elusive. Also plans are under way to provide officers in the risk areas with protective gear to make them gain confidence as they deal with conflicts.
- o The phenomenon of cattle rustling and banditry ought to be approached from a different perspective apart from the usual disarmament. A multi-pronged approach by all the stakeholders might halt this activity. The strategy should be aimed at overhauling the socio-economic activities of the affected communities so as to change their way of life.
- o Funding of 'Operation Dumisha Amani II' is vital to ensure it is successful and sustainable for it to achieve good results.

MIN. NO. 61/2010: ADJOURNMENT

There being no other business the meeting was adjourned at one o'clock. The date for the next meeting would be Thursday February 18, 2010 at 10 am.

Signed:

Chairman



Date

22.7.2010

MINUTES OF THE 21ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY 19TH FEBRUARY, 2010 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Raphael Letimalo, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGIES

The Hon. Polliyns Ochieng', MP
The Hon. Maison Leshoomo, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. John Ngata Kariuki, MP

ABSENT

The Hon. Danson Mungatana, MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - **KENYA NATIONAL ASSEMBLY**
Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Ahmed Kadhi - Third Clerk Assistant

PRELIMINARY

The meeting started at ten o'clock after prayers.

MIN. NO. 64/2010: CONSIDERATION OF THE SAMBURU/ISIOLO DRAFT REPORT

The Committee deliberated on the draft report and made the following amendments;
That three more causes of cattle rustling be included in the draft report on pg 1 viz-

- i) High levels of poverty and;
- ii) Low literacy levels
- iii) Attempts to recover/replenish stolen stock

Corrigendum:-

- i) Pg 2 line 2 replace 'lack' with 'inadequate'.
- ii) Pg 2 8th line – indicate that DSIC is not involved in the vetting of KPR hence the unit is poorly managed and haphazardly run.
- iii) Pg 3 line 11 – Mention that KPR work is complement Police in maintaining law and order.
- iv) Pg 4 sub-title – indicated meeting was held at Lalesoro near Archer's Post.

- v) Pg 5 line 8 – Apart from police choppers, military helicopters and vehicles were also used.

On Committee's observations and findings:

Add that:-

- i) Some allegations by witnesses were wild and could not be substantiated hence could not be relied upon.
- ii) Borana community were against conservancies since they did not benefit from proceeds made from them.
- iii) Recruitment of KPR was haphazard and mismanaged hence fuelling hostilities.
- iv) There was apparent discrimination in the allocation and distribution of resources by the Government.
- v) The security agents lacked enough logistical support due to inadequate funding.
- vi) Indigenous people are being pushed out of their ancestral lands by new land prospectus.

On recommendations:

Add:-

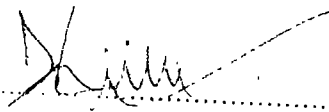
- i) Rustling cannot be stopped by disarmament alone but through a multi-pronged strategy involving all the stakeholders with all the leaders preaching peace.
- ii) 'Operation Dumisha Amani II' should be done in a humane way without any harassment of the communities
- iii) All vacant administrative posts of chiefs and their assistants in Samburu should be filled.
- iv) Archer's Post ought to be elevated into a fully fledged police station.
- v) The existing KPR should be disarmed and a new team be recruited, vetted and properly managed.
- vi) Cross-border security ought to be beefed up.
- vii) A special fund should be introduced to spur economic activities in these remote areas.
- viii) The Government ought to compensate the Samburu community for the 4,115 cattle confiscated in Lalesoro area near Archers post.

MIN. NO. 65/2010: ADJOURNMENT

There being no other business the meeting was adjourned at thirty minutes after 11 O'clock.
The date for the next meeting would be Monday February 22, 2010 at 2.30 pm.

Signed:

Chairman.....



Date.....

22.2.2010

MINUTES OF THE 22ND SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY 22ND FEBRUARY, 2010 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 PM

PRESENT

The Hon. Peter Kiilu, MP – (Ag. Chairman)
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Pollyins Ochieng', MP

ABSENT WITH APOLOGIES

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. John Ngata Kariuki, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. Raphael Letimalo, MP

IN ATTENDANCE - **KENYA NATIONAL ASSEMBLY**

Mr. Daniel Mutunga - Second Clerk Assistant

PRELIMINARY

The meeting started with prayers at thirty minutes after two o'clock in the afternoon.

MIN. NO. 66/2010: CONSIDERATION/ADOPTION OF THE SAMBURU/ISIOLO DRAFT REPORT

The Members deliberated on the draft report and made the following further amendments:
Corrigendum:-

- i) Under issues raised by the Committee on pg 17, it should be corrected that the Committee sought to know whether the Government intended to send a high level operation led by the Police Commissioner himself to the conflict prone areas.
- ii) Under response, it should be mentioned that the Police Commissioner undertook to ensure that he would lead his own team on the ground in the subsequent operations.

On Committee's observations and findings:
Add that:-

Most areas lacked basic communication networks and mobile telephony making it difficult for 'wananchi' to inform security agents of raids as well the inability of the police to respond promptly to emergencies. Distances between administrative centres are also wide apart.

On recommendations it should be added that:

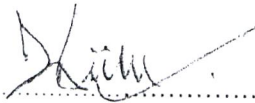
The Government should, in conjunction with mobile telephony service providers, open up the remote areas which are crime prone, to enhance information flow from 'wananchi' to security agents in case of attacks.

MIN. NO. 67/2010: ADJOURNMENT

There being no other business the meeting was adjourned at fifteen minutes after 11 0'clock. The date for the next meeting was set for Thursday February 25th 2010.

Signed:

Chairman.....



Date.....

22.7.2010

**MINUTES OF THE 23RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY 25TH
FEBRUARY, 2010 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE,
PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Danson Mungatana, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Cyprian Omollo, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGIES

The Hon. Polliyns Ochieng', MP
The Hon. John Ngata Kariuki, MP

IN ATTENDANCE

Mr. Daniel Mutunga - **KENYA NATIONAL ASSEMBLY**
- Second Clerk Assistant

PRELIMINARY

The meeting started with prayers at ten o'clock.

**MIN. NO. 68/2010: CONSIDERATION/ADOPTION OF THE SAMBURU/ISIOLO
DRAFT REPORT**

The Committee deliberated on the draft report and made the following further amendments:
Corrigendum:-

- i) Under preface on pg (iii) paragraph one, second last sentence should be redrafted to read as follows:
According to oral and written submissions the Government was not doing enough to end years of conflict in Samburu and Isiolo.
- ii) Under causes of cattle rustling, it should be indicated that heroism encourages young people to join moranism which fuels cattle raids.
- iii) Also, it should be mentioned that cattle rustling has been commercialized hence more raids are being carried out to steal cattle for sale.
- iv) Under issues raised by the Committee on pg 17, it should be corrected that the Committee sought to know whether the Government intended to send a high level operation led by the Police Commissioner himself to the conflict prone areas.
- v) Under response, it should be mentioned that the Police Commissioner undertook to ensure that he would lead his own team on the ground in the subsequent operations.

On Committee's observations and findings:

Add that:-

- i) The rate of illiteracy was quite high. Most young people did not attend school. Instead they engaged in traditional practices some of which encouraged heroism through cattle raids.
- ii) The local community did not understand fully the essence of preserving wildlife in the game reserves and national parks which were directly competing with their livestock for scarce water and pasture. It had not fully dawned on them that tourism was of major benefits to their livelihoods.

On recommendations:

Add:-

- i) The Government should engage the other neighbouring countries of Uganda, Southern Sudan and Ethiopia so that a similar disarmament exercise is undertaken simultaneously in the areas bordering Kenya so that there are no attacks come from across the borders. The Government should take control of the border points to stop proliferation of small arms across the boundaries.
- ii) A sustained campaign to expand formal education to these communities should be undertaken to ensure that young men being recruited into moranism/heroism/cattle rustling activities abandon these practices and embrace education.
- iii) The Government should deploy more security personnel to National Parks and Game Reserves so as to weed out bandits and protect tourists from possible attacks. The Police Commissioner ought to lead a high level security operation to the region to underscore the seriousness of the matter of insecurity in the region.
- iv) The Ministry of Tourism should make a deliberate effort to carry out civil education in these conflict zones to educate people over the benefits of tourism and hence the need to preserve the sector. The people should be encouraged to own the parks. The Government should reciprocate by initiating development projects such as schools to motivate the local community to embrace park preservation.
- v) The Government should, in conjunction with mobile telephony service providers, open up the remote areas which are crime prone, to enhance information flow from 'wananchi' to security agents in case of attacks.

MIN. NO. 69/2010: ADOPTION OF THE REPORT

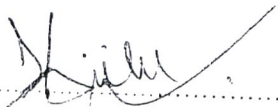
After the corrigendum and amendments, the Committee Members present adopted the draft Isiolo/Samburu report.

MIN. NO. 70/2010: ADJOURNMENT

There being no other business the meeting was adjourned at fifteen minutes after 11 0'clock. The date for the next meeting shall be communicated to Members in due course.

Signed:

Chairman



Date

22.7.2010