

① COs
Recommended for
approval for tabling



② Hon. Speaker
You may approve.
29/11/22

29/11/2022
REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT | FIRST SESSION
PAPERS LAID

DATE	3d/11/2022	THE SENATE
TABLED BY	Chairperson	
COMMITTEE	
CLERK AT THE TABLE	MR. D. GHANIA	

~~Approved~~
29/11/22
Hon. Speaker

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND
FOREIGN RELATIONS

REPORT ON A STATEMENT SOUGHT BY SEN. ENOCH WAMBUA, MP,
ON THE HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

.....

PARLIAMENT
OF KENYA
LIBRARY

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

November, 2022

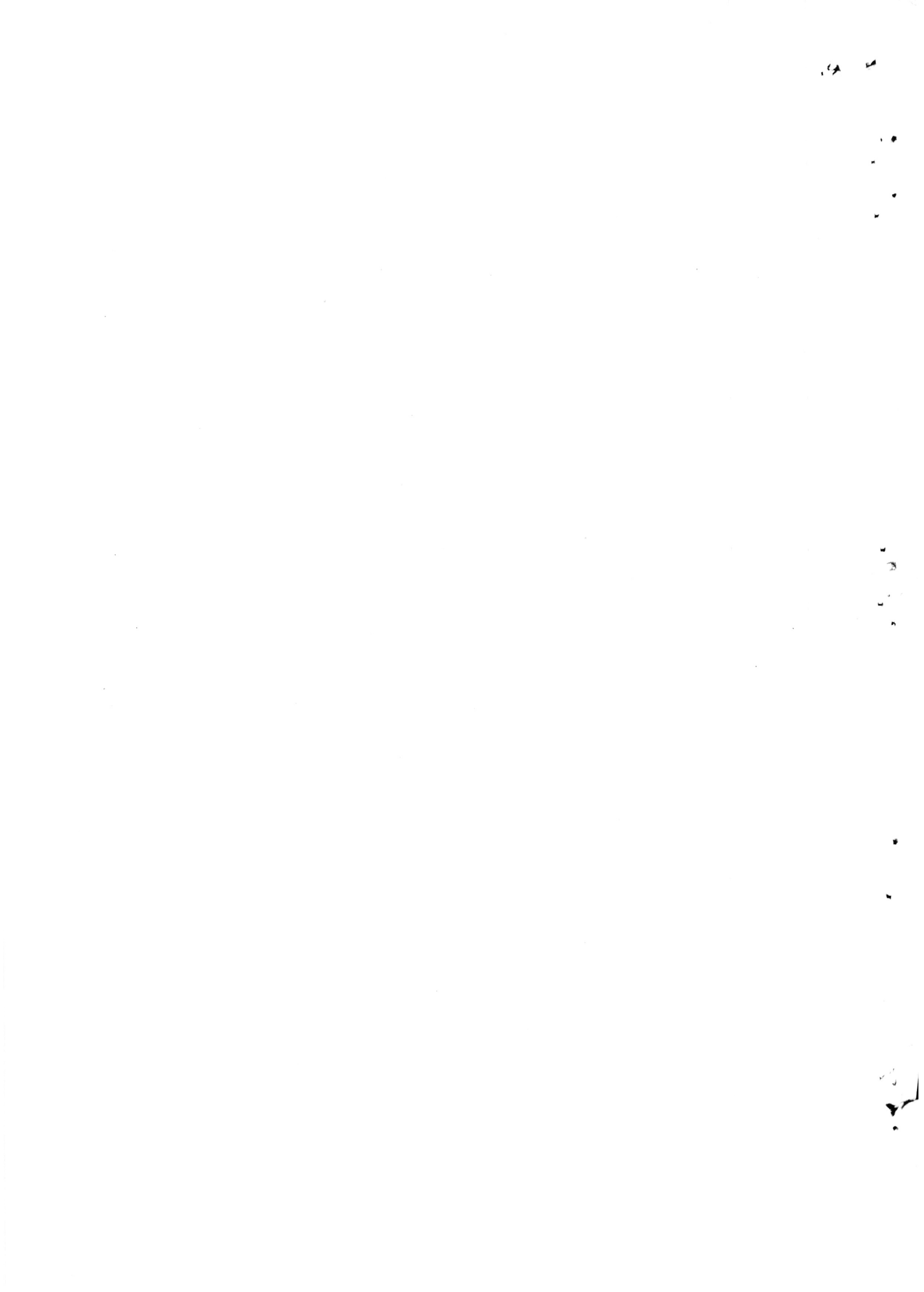


TABLE OF CONTENTS

LIST OF ABBREVIATIONS/ACRONYMS	ii
PRELIMINARIES	iii
ESTABLISHMENT AND MANDATE OF THE COMMITTEE	iii
MEMBERSHIP OF THE COMMITTEE	iv
CHAIRPERSON'S FOREWORD	v
CHAPTER ONE	1
INTRODUCTION	1
1.1 <i>Request for Statement on the heightened insecurity in Mutha Ward, Kitui County</i>	1
1.2 <i>Background</i>	2
CHAPTER TWO	3
ENGAGEMENT WITH STAKEHOLDERS	3
2.1 Consideration of the Request for Statement	3
2.1.1 Visit to Mutha Ward, Kitui County	3
2.1.2 Response from the Cabinet Secretary, Ministry of Interior and National Administration	4
CHAPTER THREE	6
ANALYSIS OF THE RESPONSES BY THE STAKEHOLDERS	6
a. <i>The perennial drought as a cause of conflict</i>	6
b. <i>Disputed Kitui South Game Reserve culine</i>	6
c. <i>Unsigned MOU for the Management of the Game Reserve</i>	6
d. <i>Few Police Posts in the area and limited resources</i>	7
e. <i>Allegations of misconduct by Police officers</i>	7
CHAPTER FOUR	8
COMMITTEE OBSERVATIONS AND RECOMMENDATIONS	8
4.1 <i>Committee Observations</i>	8
4.2 <i>Committee Recommendations</i>	9
LIST OF APPENDICES	10



LIST OF ABBREVIATIONS/ACRONYMS

BPU	Border Patrol Unit
CS	Cabinet Secretary
IPOA	Independent Policing and Oversight Authority
KWS	Kenya Wildlife Service
MOU	Memorandum of Understanding
NCIC	National Cohesion and Integration Commission
NDMA	National Drought Management Authority
NPS	National Police Service
OCS	Officer Commanding Police Station

PRELIMINARIES

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on National Security, Defence and Foreign Relations is established pursuant to standing order 228(1) of the Senate Standing Orders. The functions of Standing Committees, as set out at Standing Order 228(3), are to –

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations 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) consider the Budget Policy Statement in line with Committee's mandate;
- (f) report on all appointments where the Constitution or any law requires the Senate to approve;
- (g) make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
- (h) consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
- (i) examine any statements raised by Senators on a matter within its mandate;
and
- (j) follow-up and report on the status of implementation of resolution within their mandate.

The specific mandate of the Committee is set out in the Fourth Schedule to the Standing Orders, which is *'to consider all matters related to national security, foreign relations,*

disaster reduction and preparedness, home affairs, defence, immigration and international relations'.

MEMBERSHIP OF THE COMMITTEE

The Committee is comprised of –

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Njeri Nyamu, MP - Vice-Chairperson
3. Sen. Sen. Fatuma Adan Dullo, CBS, MP
4. Sen. Abdul Mohammed Haji, MP
5. Sen. Julius Murgor Recha, MP
6. Sen. Joseph Githuku Kamau, MP
7. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
8. Sen. Lenku Ole Kanar Seki, MP
9. Sen. Sen. George Mungai Mbugua, MP

CHAIRPERSON'S FOREWORD

At the sitting of the Senate held on Tuesday, 18th October, 2022, Sen. Enoch Wambua, MP requested for a Statement from the Standing Committee on National Security, Defence and Foreign Relations on heightened insecurity in Mutha Ward, Kitui County. This followed reports of conflict between camel herders and farmers in Kitui County as a result of the ongoing drought situation in the country.

Pursuant to its mandate under the Senate Standing Orders, the Standing Committee on National Security, Defence and Foreign Relations commenced an inquiry into the matter, with a view to establishing the circumstances around the heightened insecurity in the area.

In undertaking the inquiry, the Committee requested for a response from the Ministry of Interior and National Administration and undertook a fact-finding inquiry in Mutha ward, Kitui County on Wednesday, 26th October, 2022. During the visit, the Committee met with the County Commissioner, security personnel, leadership and the community. The Committee also visited the settlements within the Kitui South Game Reserve where the herders and their flocks resided. An overview of these engagements is found at Chapters two and three of this Report.

Through these engagements, the Committee was able to gain insight on the cause of the conflict, interrogate the challenges facing the security personnel in the area, consider allegations of misconduct by police officers, and deliberate on possible way forward for a conclusive end to the recurring conflict.

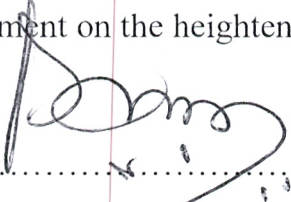
The Committee has now concluded on its inquiry into the matter, following which it has made observations and recommendations as set out at Chapter Four of this Report. The Committee decries the continued aggression and loss of lives in Kitui County and observes that the conflict in Mutha Ward, Kitui County is as a result of the perennial drought experienced in most parts of the country.

The Committee observes that the disputed outline for the Kitui South Game Reserve has led to an influx of both herders and farmers into the Reserve. The influx of herders into the area has also been unchecked owing to the lack of management of the Reserve, often resulting in herders veering into farm lands resulting in the ongoing conflict in the area.

The Committee takes cognizance of the fact that a Statement is not normally responded to by way of a report. However, the preparation of a report was necessitated by the fact that this subject matter is of great public interest, due to its impact on the co-existence of communities in the area and the likely escalation of the conflict.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in undertaking consideration of this issue. The Committee further wishes to thank the Office of the Cabinet Secretary, Ministry of Interior and national Administration who presented written submissions to the Committee and also the County Security Team in Kitui County for providing information on the Statement.

It is now my pleasant duty, pursuant to Standing Order 223, to present the Report of the Standing Committee on National Security, Defence and Foreign Relations on the request for a Statement on the heightened insecurity in Mutha Ward, Kitui County.

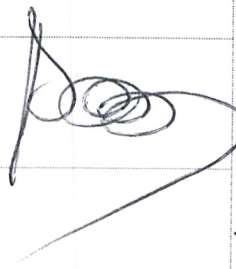
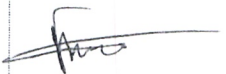

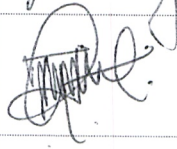
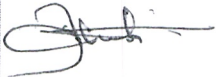
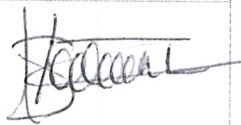
Signed.....

Date.....23.11.22

SEN. WILLIAM CHEPTUMO, CBS, MP
CHAIRPERSON
STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND
FOREIGN RELATIONS

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON A REQUEST FOR STATEMENT ON THE HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

We, the undersigned Members of the Standing Committee on National Security, Defence and Foreign Relations, do hereby append our signatures to adopt this Report-

NO.	NAME	DESIGNATION	SIGN
1.	Sen. William Cheptumo Kipkiror, CBS, MP	-Chairperson	
2.	Sen. Karen Njeri Nyamu, MP	-Vice-Chairperson	
3.	Sen. Sen. Fatuma Adan Dullo, CBS, MP	-Member	
4.	Sen. Abdul Mohammed Haji, MP	-Member	
5.	Sen. Julius Murgor Recha, MP	-Member	
6.	Sen. Joseph Githuku Kamau, MP	-Member	
7.	Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP	-Member	
8.	Sen. Lenku Ole Kanar Seki, MP	-Member	
9.	Sen. George Mungai Mbugua, MP	-Member	

CHAPTER ONE

INTRODUCTION

1.1 Request for Statement on the heightened insecurity in Mutha Ward, Kitui County

1. At the Sitting of the Senate held on Tuesday, 18th October, 2022, the Senator for Kitui County, Sen. Enoch Wambua, MP requested for a statement from the Standing Committee on National Security, Defence and Foreign Relations on the heightened insecurity in Mutha Ward, Kitui County.
2. In the Statement, the Senator sought the following information-
 - a) the measures put in place by the National Government to respond to the current insecurity affecting residents of Mutha Ward in Kitui South Constituency, perpetuated by gun-wielding bandits who have invaded parts of the Ward leaving in their wake death and destruction;
 - b) the underlying reasons for the attack in Mutha Ward, Kitui South Constituency;
 - c) reasons for the delay in response to the matter noting that on Friday, 14th October, 2022, bandits armed with crude weapons invaded Mutha Ward, Kitui South Constituency and hacked a man to death;
 - d) interventions to resolve the matter noting that a similar attack by camel herders on 18th September, 2022 at Masungwa Area of Tseikuru Ward, Mwingi North Constituency resulted in the hospitalization of Musyimi Ndana and Muthui Kamuti at Mwingi Level 4 Hospital; and
 - e) whether additional police posts have been established in the affected areas, or whether the Rapid Deployment Unit (RDU) or National Police Reservists (NPR) have been deployed to complement security apparatus in the area.
3. In contributing to the request for Statement, Senators noted with concern the severe drought and famine affecting most parts of the country; and the adverse effect of the same on not just the people but livestock as well.
4. A copy of the request for Statement is attached as *Annex 2*, while an extract of the Hansard for the Senate sitting held on Tuesday, 18th October, 2022 is attached as *Annex 3*.

1.2 Background

5. Insecurity concerns have re-emerged across the country between livestock herders and locals of various counties. This is as result of herders' invasion in the farms of the locals, forcefully and illegally grazing their livestock there due to the ongoing drought in the country.
6. In the case of Kitui County, retaliation by the locals has caused conflicts between the two communities resulting in injuries and death of both the locals and livestock.
7. A recent incident was reported in Mutha Ward, Kitui County on 14th October, 2022 involving the brutal killing of a resident (Mr. Mutuku) by alleged camel herders who invaded the family homestead, captured and dragged him from his home and later butchered to death.
8. A similar incident occurred where a Class 6 pupil was allegedly killed by herders, raising alarm on the state of insecurity in the region.
9. Locals and the county administration on 18th October, 2022 drove the camel herds away from the invaded farms. The County Commissioner has since then dispatched Patrol Units with the aim of revamping security within the region as they seek for a permanent resolution of the matter.

CHAPTER TWO

ENGAGEMENT WITH STAKEHOLDERS

2.1 Consideration of the Request for Statement

10. Upon receipt of the Statement, the Standing Committee on National Security, Defence and Foreign Relations proceeded to consider the Statement and, *vide* a letter dated 21st October, 2022, *Annex 4*, invited the Cabinet Secretary, Ministry of Interior and National Administration to submit a written response to the Statement sought by Sen. Enoch Wambua, MP on or before Friday, 4th November, 2022.
11. At its 2nd Sitting held on 25th October, 2022, at which Sen. Enoch Wambua, MP was present, the Committee considered the Statement and resolved to undertake a visit to Mutha Ward, Kitui County, on Wednesday, 26th October, 2022.

2.1.1 Visit to Mutha Ward, Kitui County

12. The Committee visited Mutha Ward, Kitui County, on Wednesday, 26th October, 2022 to conduct a fact-finding inquiry into the issues raised in the Statement and the state of affairs in the area. The Committee held meetings with the County Government Administration, security personnel and the affected communities.
13. The Committee also visited the settlements within the Kitui South Game Reserve.
14. The following emerged during the meetings-
 - a) that the state of insecurity in Mutha Ward, Kitui County was as a result of the ongoing drought situation, which led to herders from neighbouring counties herding their flocks into Kitui County and occasionally, farm lands belonging to the Kitui residents;
 - b) that the hotspot areas of the conflict included Musenge to the North of Mutha Town; Kalalani/Enyali and Dauaannan to the East along River Dhuwa and Kaliakatune/Mechwi/Ngaani to the South of Mutha town;
 - c) that as at the date of the visit, calm had largely been restored in Mutha Ward;
 - d) that between August and October, 2022, two (2) persons had been killed, three (3) persons injured, three (3) camels killed and two (2) camels injured;
 - e) that the security agencies had pushed back the camel herders past Dhuwa River;
 - f) that the security personnel faced the following challenges in the implementation of their mandate-
 - i. the area covered by the police posts is vast;
 - ii. there were challenges on capacity of security personnel;

- iii. there were shortages of vehicles for patrols in the area, only one vehicle was available. Musenge and Imumba Camp did not have any vehicles available; and
- iv. fuel rations for the police post were low i.e. 450 litres per month.
- g) that a police vehicle had been allegedly stoned by area residents on claims that it was being used to ferry food to herders in the settlements. Further allegations were made of collusion between the herders and the security personnel to obstruct justice;
- h) that an area OCS had been transferred as a result of allegations of use of police vehicles to transport food to herders in the settlements;
- i) that shops belonging to people of Somali descent in Mutha Ward had been forced shut by the area residents;
- j) that the coordinates for the cutline between the Kitui South Game Reserve, which is under the County's management, and the farm lands was unclear leading to straying of both herders and farmers into the Reserve;
- k) that there was a pending unsigned Memorandum of Understanding (MOU) between the County Government of Kitui and the Kenya Wildlife Service (KWS) for the management of the Kitui South Game Reserve;
- l) that in the alternative, a private conservatoire could be considered for the management of the Kitui South Game Reserve;
- m) that investigations into the circumstances surrounding the murder of one Mutuku, a resident of Mutha ward by the herders was unnecessarily prolonged; and
- n) that area residents did not possess title deeds and requested to be facilitated with the same.

2.1.2 Response from the Cabinet Secretary, Ministry of Interior and National Administration

15. The Cabinet Secretary, Ministry of Interior and National Administration responded vide a letter dated 2nd November, 2022, *Annex 5*, in which he submitted that –
- a) The Kitui South Game Reserve has been attracting herders from the North Eastern region since early 1970s in search of pasture and water for their animals.
 - b) Over the years, the herders and local community have enjoyed peaceful co-existence, however, in the recent past, there have been allegations that the herders are a major conduit of firearms into Kitui County, and possibly the rest of the country.
 - c) From 18th August, 2022 to date, two murders through use of sharp objects, and one serious assault/attempted murder through a gunshot, have been reported in the area.

- d) That the following measures had been put in place by the National Government to respond to the insecurity in the area-
 - i) The residents have been urged not to take the law into their own hands, and have been advised to report any incidence to the relevant authority and form Peace Committees from both communities to enhance peaceful co-existence;
 - ii) The Eastern and North Eastern Regional Security and Intelligence Committees have met with elders from the two communities and urged them to enhance peaceful co-existence;
 - iii) The County Security Team is coordinating the push of camels beyond the Game Reserve outline;
 - iv) The team is also working closely with the County Government of Kitui to ensure proper management of the Game Reserve to ensure that they are secured from criminals;
 - v) Currently, there are two Police outposts adjacent to the outline i.e. Musenge and Imumba Patrol Bases. Additional Police Posts; Musenge and Imumba in Mutomo Sub-County (Mutha area), Katangini in Mwingi East and Mandongoi Patrol Base in Kyuso Sub-County are in the process of being opened;
 - vi) There are National Police Reservists (NPRs) in Kyuso and Mwingi East Sub-Counties;
 - vii) Rapid Deployment Unit (RDU) and Border Patrol Unit (BPU) have also been complementing security apparatus in the area from time to time.
- 16. The Cabinet Secretary attributed the insecurity in the area to the following factors-
 - i. The conflict is perennially linked to dry seasons and geographically affects members of the Kamba Community who occupy areas where Kitui County borders Tana-River County;
 - ii. Herders usually target Kitui South and Mwingi Game Reserves which are under the control of the County Government of Kitui but are not manned hence making it difficult to control herders in the park;
 - iii. There lacks a clear demarcation between the two Game Reserves and private land since there is no fencing in place. This makes it easy for camels to stray into private parcels of land and any attempt by locals to push them away leads to conflict.

CHAPTER THREE

ANALYSIS OF THE RESPONSES BY THE STAKEHOLDERS

a. The perennial drought as a cause of conflict

44. The ongoing severe drought and famine situation has affected most parts of the country with an adverse effect on people and livestock. Among the affected counties by the ongoing drought has been Kitui County.
45. The state of insecurity in Mutha Ward, Kitui County has been as a result of the ongoing drought situation, which led to herders from neighbouring counties herding their flocks into Kitui County and occasionally, farm lands belonging to the Kitui residents.
46. Historically, the Akamba and Somali communities have largely co-existed peacefully, however, conflict between the camel herders and the farmers in Kitui dates as far back as the early 1970s during the dry seasons.
48. The ongoing conflict in Kitui County has, however, quickly escalated from herders vs. farmers' conflict to a tribal conflict between the Akamba community and the Somali community. Members of the Somali community running businesses in Mutha Ward have been forced to close their businesses.

b. Disputed Kitui South Game Reserve cutline

49. Notably, the coordinates for the cutline between the Kitui South Game Reserve, which is under the County's management, and the farm lands were unclear leading to straying of both herders and farmers into the Reserve.
50. During the meetings with the security personnel, it also emerged that despite being under the County's management, the Game Reserve was unmanned and unregulated. Furthermore, the Reserve remained unfenced, therefore no clear demarcation existed to ward of possible invasion by both herders and farmers.

c. Unsigned MOU for the Management of the Game Reserve

51. Additionally, it emerged that there existed a pending unsigned Memorandum of Understanding (MOU) between the County Government of Kitui and the Kenya Wildlife Service for the management of the Reserve.

d. Few Police Posts in the area and limited resources

52. There are only two Police outposts in the area i.e. Musenge and Imumba Patrol Bases, whereas the area is extremely vast.
53. In addition, only one Police vehicle is available for patrol in the area, making effective patrols a challenge.
54. It also emerged that monthly fuel rations for the Police outposts was only four hundred and fifty (450) litres which posed a further challenge for effective patrols in the area.

e. Allegations of misconduct by Police officers

55. It was reported that a police vehicle had been allegedly stoned by area residents on claims that it was being used to ferry food to herders in the settlements. Further allegations were made of collusion between the herders and the security personnel to obstruct justice;
56. It was further reported that an area OCS had been transferred as a result of allegations of use of police vehicles to transport food to herders in the settlements.

CHAPTER FOUR

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Committee Observations

57. The Committee observes that the conflict in Mutha Ward, Kitui County is as a result of the perennial drought experienced in most parts of the country;
58. The Committee observes that the disputed outline for the Kitui South Game Reserve has led to an influx of both herders and farmers into the Reserve. The influx of herders into the area has also been unchecked owing to the lack of management of the Reserve, often resulting in herders veering into farm lands resulting in the ongoing conflict in the area;
59. The Committee notes that the pending Memorandum of Understanding (MOU) between the County Government of Kitui and the Kenya Wildlife Service on the management of the Kitui South Game Reserve was crucial in the management of the Reserve and the ensuing influx of herders and farmers into the reserve. Further, fencing off of the Reserve and proper management of the same would likely contribute to the prevention of an influx of herders from the neighbouring counties and reduction of conflict in the area.
60. Additionally, the Committee observed that the area covered by Musenge and Imumba Police Posts was vast. The Police posts were also handicapped by the fact that only one vehicle was available for patrols in the vast area, and that furthermore, fuel rations of four hundred and fifty (450) litres of fuel per month were insufficient for the carrying out of efficient and effective patrols in the area;
61. Regarding the alleged misconduct of police officers serving in the area, the Committee observed that there was need for further investigations into the same and necessary action taken against the said officers;
62. The Committee further observed that that the conflict had quickly escalated from herders vs. farmers' conflict to a tribal conflict between the Akamba community and the Somali community who have co-existed peacefully over the years with the Somali community predominantly running businesses in Kitui County. It was noted that members of the Somali community running businesses in Mutha Ward had been forced to close their businesses;
63. The Committee noted the need for review of existing laws on herding for proper regulations of the same to avert conflict;
64. The Committee decries the continued aggression and loss of lives in Kitui County.

4.2 Committee Recommendations

65. The Committee makes the following recommendations –

- i) That the Ministry of Interior and National Administration moves swiftly to secure Kitui South Constituency as well as Kitui East Constituency and Mwingi North Constituency facing similar insecurity as a result of the influx of camel herders in farm lands;
- ii) That the Ministry of Interior and National Administration in conjunction with the National Police Service fast-tracks the establishment of additional police posts in Mutomo Sub-County;
- iii) That the Independent Policing and Oversight Authority (IPOA) investigates allegations of misconduct by police officers and that necessary action be taken against those found culpable;
- iv) That the County Government of Kitui prioritizes and fast-tracks the clear demarcation of the Kitui South Game Reserve;
- v) That the County Government of Kitui prioritizes and fast-tracks the completion of the Memorandum of Understanding (MOU) between the County Government of Kitui and the Kenya Wildlife Service on the management of the Kitui South Game Reserve; and urgently considers fencing off of the Reserve and proper management of the same;
- vi) That Parliament considers legislative amendments to existing laws to ensure that they address modern challenges associated with herding in the country;
- vii) That the Ministry of East African Community, the ASALs and Regional Development in conjunction with the Ministry of Labour and Social Protection and the Ministry of Agriculture and Livestock Development come up with a joint concerted plan for a lasting solution to the drought situation in the country;
- viii) That the National Cohesion and Integration Commission takes necessary steps to promote cohesion between the Akamba and Somali communities in the area; and
- ix) That the Senate notes the contents of and adopts this Report.

LIST OF APPENDICES

- Appendix 1** - Minutes of the Committee Sittings in Consideration of the Statement sought by Sen. Enoch Wambua, MP on the heightened insecurity in Mutha Ward, Kitui County.
- Appendix 2** - A copy of the Statement sought by Sen. Enoch Wambua, MP on 18th October, 2022
- Appendix 3** - Extract of the Hansard for the Senate sitting held on Tuesday, 18th October, 2022.
- Appendix 4** - Copy of letter Ref. No. SEN/DGA/NSDFR/CORR/B/2022/02 dated 21st October, 2022 and addressed to the Cabinet Secretary, Ministry of Interior and National Administration.
- Appendix 5** - Copy of Response to the Statement dated 2nd November, 2022 from the Cabinet Secretary, Ministry of Interior and National Administration.

ANNEX 1



13TH PARLIAMENT | 1ST SESSION

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 26TH OCTOBER, 2022 AT 10.30 A.M. AT AIC CHURCH MUTHA WARD, KITUI COUNTY

PRESENT

1. Sen. William Cheptumo Kipkiror, CBS, MP -Chairperson
2. Sen. Karen Njeri Nyamu, MP -Vice-Chairperson
3. Sen. Abdul Mohammed Haji, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. Fatuma Adan Dullo, CBS, MP
2. Sen. Julius Murgor Recha, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
4. Sen. Lenku Ole Kanar Seki, MP

IN ATTENDANCE

1. Sen. Enoch Wambua, MP

SENATE

- Senator, Kitui County

IN ATTENDANCE

1. Hon. Erastus Musyoka
Leader
2. Hon. Dominic Mwamisi
3. Hon. Daniel Kimanzi
4. Hon. Malinga Munya

COUNTY ASSEMBLY OF KITUI

- MCA, Malalani Ward/ Deputy Majority
- MCA, Mutha Ward
- MCA, Tseikuru Ward
- MCA, Teka Ward

IN ATTENDANCE

1. Mr. Erastus Mbui
2. Mr. Ileri Nyumero
3. Mr. Ibrahim Hassan

COUNTY SECURITY PERSONNEL

- County Commissioner
- Deputy County Commissioner
- Prison Commander

- | | |
|----------------------------|---|
| 4. Ms. Leah Kithei | - County Police Commander |
| 5. Mr. Lemenken Sintei | - Assistant County Commander |
| 6. Mr. Peter Nthiga | - Sub-County Police Commander |
| 7. Mr. Stanley Kyungu | - County Intelligence Coordinator |
| 8. Mr. Aggrey Okoth | - County Criminal Investigations Officer |
| 9. Mr. Johnstone Cheruiyot | - Sub-County Criminal Investigations |
| 10. Ms. Hadija Shariff | - Critical Infrastructure Protection Unit |
| 11. Mr. Collins Adek | - National Intelligence Service |
| 12. Mr. Ronald Metito | - Critical Infrastructure Protection Unit |
| 13. Mr. Alex Mutunga | - Sergeant, KWS |
| 14. Mr. John Muasya | - Base Commander |
| 15. Mr. Meshach Katithi | - Chief |
| 16. Mr. Isaac Kilinga | - Assistant Chief |
| 17. Mr. Thomas Ndolu | - Father-in-law to murder victim (Mutuku) |

IN ATTENDANCE

1. Ms. Carol Kirorei
2. Mr. Khatib Omar
3. Mr. Gilbert Juma
4. Mr. Ibrahim Oruko
5. Mr. Patrick Murindo
6. Mr. William Zanton

SECRETARIAT

- Clerk Assistant II
- Clerk Assistant III
- Legal counsel
- Media Relations Officer
- Serjeant-At-Arms
- Audio Officer

MIN. NO.SEN/NSDFR/16/2022

PRELIMINARIES

The meeting was called to order at 10.38 a.m. followed by a word of prayer by the Chairperson. This was followed by a self-introduction session of Members, staff and attendees.

MIN. NO.SEN/NSDFR/17/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was unanimously adopted as follows –

1. Prayer
2. Adoption of the Agenda
3. Meeting with the County leadership and County Security Personnel on the Statement on heightened insecurity in Mutha Ward, Kitui County sought by Sen. Enoch Wambua, MP
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MEETING WITH THE COUNTY
LEADERSHIP AND SECURITY
PERSONNEL ON THE STATEMENT ON
HEIGHTENED INSECURITY IN MUTHA
WARD, KITUI COUNTY

At the invitation of the Chairperson, the leaders and security personnel briefed the Committee on the heightened insecurity in Mutha Ward, Kitui County. The following emerged-

1. that the insecurity in Mutha Ward, Kitui County was as a result of the ongoing drought situation, which led to herders from neighbouring counties herding their flocks into Kitui County and occasionally, farm lands belonging to the Kitui residents;
2. that the conflict hotspot areas included Musenge to the North of Mutha Town; Kalalani/Enyali and Dauaannan to the East along River Dhuwa and Kaliakatune/Mechwi/Ngaani to the South of Mutha town;
3. that calm had largely been restored in Mutha Ward;
4. that between August and October, 2022, two (2) persons had been killed, three (3) persons injured, three (3) camels killed and two (2) camels injured;
5. that the security agencies had pushed back the camel herders past Thua River. As at Tuesday, 25th October, 2022, there were no camels at the settlements;
6. that the security personnel faced the following challenges in the implementation of their mandate-
 - a) the area covered by the police posts is vast;
 - b) there were challenges on capacity of security personnel;
 - c) there were shortages of vehicles for patrols in the area, only one vehicle was available. Musenge and Imumba Camp did not have any vehicles available; and
 - d) fuel rations for the police post were low i.e. 450 litres per month.
7. that a police vehicle had been allegedly stoned by area residents on claims that it was being used to ferry food to herders in the settlements. Further allegations were made of collusion between the herders and the security personnel to obstruct justice;
8. that an area OCS had been transferred as a result of the allegations of use of police vehicles to transport food to herders in the settlements;
9. that shops belonging to people of Somali descent in Mutha Ward had been forced shut by the area residents;
10. that the coordinates for the cutline between the Kitui South Game Reserve, which is under the County's management, and the farm lands were unclear leading to straying of both herders and farmers into the Reserve;
11. that there was a pending unsigned MOU between the County Government of Kitui and the Kenya Wildlife Service for the management of the Kitui South Game Reserve;

12. that alternatively, a private conservatoire be considered for the management of the Kitui South Game Reserve;
13. that investigations into the circumstances surrounding the murder of one Mutuku, a resident of Mutha ward by the herders was unnecessarily prolonged; and
14. that area residents did not possess title deeds and requested to be facilitated with the same.

Following deliberations, the Committee resolved as follows-

1. that the county security personnel quickly move to secure Kitui East and Mwingi North Constituencies which were facing similar insecurity;
2. that additional vehicles and fuel rations be recommended for the Police posts in Musenge and Imumba Camp to aid in patrol of the affected areas;
3. that the proposed MOU between the County Government of Kitui and the Kenya Wildlife Service on the management of the Kitui South Game Reserve be followed up. Further, that fencing of the Reserve be proposed to prevent an influx of herders and farmers into the area;
4. that investigations into allegations of misconduct by police officers in the area be carried out by the Independent Policing and Oversight Authority (IPOA);
5. that the Directorate of Criminal Investigations (DCI) fast tracks investigations into the circumstances surrounding the murder of Mutuku, a resident of Mutha Ward, by the camel herders;
6. that the Committee considers the drafting of a legislative proposal to regulate herding of animals; and
7. that further interventions and dialogue between the Akamba and Somali communities be considered for cohesion.

MIN. NO.SEN/NSDFR/19/2022 DATE OF NEXT MEETING & ADJOURNMENT

There being no other business Chairperson adjourned the meeting at 2.00 p.m. The next meeting would be held on Wednesday, 26th October, 2022 at 3.00 p.m.

SIGNED:


DATE:
25-11-22



13TH PARLIAMENT | 1ST SESSION

MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 23RD NOVEMBER, 2022 AT 12.00 P.M. IN GROUND FLOOR BOARD ROOM, COUNTY HALL.

PRESENT

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson (*Chairing*)
2. Sen. Fatuma Adan Dullo, CBS, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
4. Sen. Lenku Ole Kanar Seki, MP
5. Sen. Julius Murgor Recha, MP
6. Sen. Joseph Githuku Kamau, MP

ABSENT WITH APOLOGY

1. Sen. Karen Nyamu, MP - Vice-Chairperson
2. Sen. Abdul Haji, MP
3. Sen. George Mungai Mbugua, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant II
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Gilbert Juma - Legal Counsel II
4. Ms. Janice Lekuton - Research Officer III
5. Ms. Millicent Ratemo - Audio Officer
6. Mr. Emmanuel Barasa - Media Relations Officer

MIN. NO.SEN/NSDFR/35/2022

PRELIMINARIES

The meeting was called to order at 12.24 p.m. followed by a word of prayer by the Chairperson.

MIN. NO.SEN/NSDFR/36/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Lenku Ole Kanar Seki, MP and seconded by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the Previous Sitting
 - *Minutes of the 2nd Sitting held on 25th October, 2022;*
 - *Minutes of the 3rd and 4th Sitting held on 26th October, 2022;*
 - *Minutes of the 5th Sitting held on 15th November, 2022; and*
 - *Minutes of the 6th Sitting held on 16th November, 2022.*
4. Matters arising from Minutes of the Previous Sitings
5. Consideration and adoption of the Report on the Statement sought by Sen. Enoch Wambua, MP on heightened insecurity in Mutha Ward, Kitui County (*Committee Paper No. 6*)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

MIN.NO.SEN/NSDFR/37/2022

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

1. The Minutes of the 2nd Sitting held on Tuesday, 25th October, 2022 were confirmed as a true record of the proceedings after being proposed by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP and seconded by Sen. Lenku Ole Kanar Seki, MP;
2. The Minutes of the 5th Sitting held on Tuesday, 15th November, 2022 were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Dullo, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP; and
3. The Minutes of the 6th Sitting held on Wednesday, 16th November, 2022 were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Dullo, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP;

MIN. NO.SEN/NSDFR/38/2022

MATTERS ARISING FROM MINUTES OF THE PREVIOUS MEETING

There were no matters arising from the previous Minutes.

MIN. NO.SEN/NSDFR/38/2022

CONSIDERATION AND ADOPTION OF THE REPORT ON THE STATEMENT SOUGHT BY SEN.ENOCH WAMBUA MP, ON THE HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

The Committee considered the Report on the Statement sought by Sen. Enoch Wambua, MP on the heightened insecurity in Mutha Ward, Kitui County. The Committee adopted the Report having been proposed by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.

Members further considered the Legal Brief on Herding Law in Kenya and resolved to invite the Kenya Wildlife Service to a meeting discuss the following-

1. the status of a Memorandum of Understanding between the Kenya Wildlife Service and the County Government of Kitui on the management of the Kitui South Game Reserve;
2. Corporate Social Responsibility initiatives undertaken by the Kenya Wildlife Service; and
3. the status of development of guidelines with respect to accessing national parks for purposes of grazing and watering of livestock in times of drought and other natural disasters pursuant to section 102(4) of the Wildlife Conservation and Management Act, 2013.

The Committee further resolved as follows-

1. that further research be undertaken on herding laws in Kenya to inform amendments to existing law by the Committee;
2. that the secretariat carries out research on Isiolo-Modogasho Declaration and a draft Bill previously sponsored by Hon. Naisula Lesuuda, MP on mitigation of conflict in pastoralist areas;
3. that the Committee undertakes a benchmarking visit to Botswana, Zimbabwe and/or Australia to explore best practices in the balance between local communities and authorities managing reserves;
4. that the Independent Policing and Oversight Authority (IPOA) and the National Cohesion and Integration Commission (NCIC) be invited to a meeting of the Committee to follow-up on resolutions made with respect to the Statement sought by Sen. Enoch Wambua, MP on the heightened insecurity in Mutha Ward, Kitui County; and
5. that a legislative proposal be considered for the oversight of Kenya Wildlife Service officers by an independent body.

MIN. NO.SEN/NSDFR/39/2022

ANY OTHER BUSINES

1. Courtesy call on the Cabinet Secretary, Ministry of Interior and National Administration

Members were reminded of the scheduled courtesy call on the Cabinet Secretary, Ministry of Interior and National Administration scheduled for Thursday, 24th November, 2022 at 7.00 a.m. at the Office of the Cabinet Secretary, 6th Floor, Harambee House. Members were urged to attend.

MIN. NO.SEN/NSDFR/40/2022

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The meeting was adjourned at 1.50 p.m. The next meeting would be held on Thursday,
24th November, 2022 at 7.00 a.m.

SIGNED: 

DATE: ~~24~~ 25-11-22



13TH PARLIAMENT | 1ST SESSION

MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 26TH OCTOBER, 2022 AT 3.00 P.M. IN MUTHA TOWN, KITUI COUNTY

PRESENT

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Njeri Nyamu, MP - Vice-Chairperson
3. Sen. Abdul Mohammed Haji, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. Fatuma Adan Dullo, CBS, MP
2. Sen. Julius Murgor Recha, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
4. Sen. Lenku Ole Kanar Seki, MP

IN ATTENDANCE

1. Sen. Enoch Wambua, MP

SENATE

- Senator, Kitui County

IN ATTENDANCE

1. Hon. Erastus Musyoka
Leader
2. Hon. Dominic Mwamisi
3. Hon. Daniel Kimanzi
4. Hon. Malinga Munya

COUNTY ASSEMBLY OF KITUI

- MCA, Malalani Ward/ Deputy Majority
- MCA, Mutha Ward
- MCA, Tseikuru Ward
- MCA, Teka Ward

IN ATTENDANCE

1. Mr. Erastus Mbui
2. Mr. Ileri Nyumero
3. Ms. Leah Kithei

COUNTY SECURITY PERSONNEL

- County Commissioner
- Deputy County Commissioner
- County Police Commander

IN ATTENDANCE

- 1. Ms. Carol Kirorei
- 2. Mr. Khatib Omar
- 3. Mr. Gilbert Juma
- 4. Mr. Ibrahim Oruko
- 5. Mr. Patrick Murindo
- 6. Mr. William Zanton

SECRETARIAT

- Clerk Assistant II
- Clerk Assistant III
- Legal counsel
- Media Relations Officer
- Serjeant-At-Arms
- Audio Officer

MIN. NO.SEN/NSDFR/20/2022

PRAYER

The meeting was called to order at 3.05 p.m. followed by a word of prayer by the Chairperson. This was followed by a self-introductory session of Members present.

MIN. NO.SEN/NSDFR/21/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was unanimously adopted as follows –

- 1. Prayer
- 2. Adoption of the Agenda
- 3. Meeting with the community on the Statement on heightened insecurity in Mutha Ward, Kitui County sought by Sen. Enoch Wambua, MP
- 4. Any Other Business
- 5. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/22/2022

MEETING WITH THE COMMUNITY ON THE STATEMENT ON HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

The Committee met with the community and assured them of the commitment of the Committee to ensure a return to normalcy in the area and follow-up on resolutions made with the county security personnel with regard to insecurity in the area.

MIN. NO.SEN/NSDFR/23/2022

DATE OF NEXT MEETING & ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 6.00 p.m. The next meeting would be held on notice.

SIGNED:

DATE: 25/11/22



13TH PARLIAMENT | 1ST SESSION

MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 25TH OCTOBER, 2022 AT 10.00 A.M. IN MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS

PRESENT

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Njeri Nyamu, MP - Vice-Chairperson
3. Sen. Abdul Mohammed Haji, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
6. Sen. Lenku Ole Kanar Seki, MP
7. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. Fatuma Adan Dullo, CBS, MP
2. Sen. Julius Murgor Recha, MP

IN ATTENDANCE

1. Sen. Enoch Wambua, MP - Friend of the Committee

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant II
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Jeremy Chabari - Legal Counsel I
4. Mr. Gilbert Juma - Legal Counsel II
5. Mr. Patrick Murindo - Serjeant-At-Arms

MIN. NO.SEN/NSDFR/10/2022

PRELIMINARIES

The meeting was called to order at 10.15 a.m. followed by a word of prayer by the Chairperson. This was followed by introductions of the Members and the Secretariat.

MIN. NO.SEN/NSDFR/11/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP as follows –

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the Previous Meeting
4. Matters arising from Minutes of the Previous Meeting
5. Consideration of the Statement on heightened insecurity in Mutha Ward, Kitui County sought by Sen. Enoch Wambua, MP (*Committee Paper No. 2*)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/12/2022

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

The Minutes of the First Sitting held on Wednesday, 19th October, 2022 were confirmed as a true record of the proceedings after being proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. Abdul Mohammed Haji, MP.

MIN. NO.SEN/NSDFR/13/2022

MATTERS ARISING FROM MINUTES OF THE PREVIOUS MEETING

Under Min No. SEN/NSDFR/7/2022 Remarks by the Chairperson and the Vice-Chairperson

Members noted the importance of identifying and building rapport with key actors and stakeholders under the mandate of the Committee. It was agreed that courtesy calls on the Cabinet Secretaries, the Inspector General and the Director, Directorate of Criminal Investigations be arranged in good time.

MIN. NO.SEN/NSDFR/14/2022

CONSIDERATION OF THE STATEMENT ON HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

The Committee considered Committee Paper No. 2 (*Statement on heightened insecurity in Mutha Ward, Kitui County sought by Sen. Enoch Wambua, MP*).

Sen. Enoch Wambua, MP briefed the Committee as follows-

1. that the conflict between the camel herders and the farmers in Kitui dated back to 1967 during the dry seasons;
2. that the conflict had quickly escalated from herders vs. farmers' conflict to a tribal conflict between the Akamba community and the Somali community who have co-

existed peacefully over the years with the Somali community predominantly running businesses in Kitui County;

3. that members of the Somali community running businesses in Mutha ward have been forced to close their businesses and police officers had also been accused of collusion with the herders;
4. that a peasant farmer and a student were butchered in unclear circumstances, among other murders earlier reported in Mutha Ward, prompting the current state of insecurity in the area; and
5. that there was an urgent need for the Committee to take the lead on the Statement and demand action from the Government.

The Committee resolved to undertake a visit to Mutha Ward, Kitui County on 26th October, 2022 to conduct a fact-finding inquiry on the Statement and to apprise itself on the state of affairs in the area.

The Committee further resolved to engage the National Drought Management Authority for a lasting solution to the drought situation in the country and the National Cohesion and Integration Commission on steps taken to promote cohesiveness of the affected communities.

MIN. NO.SEN/NSDFR/15/2022

DATE OF NEXT MEETING &
ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 11.30 a.m. The next meeting would be held on Wednesday, 26th October 2022.

SIGNED:

DATE: 25/11/22

ANNEX 2

Rt. Hon. Speaker
You may approve
18/10/22



HDD - (NITFD)
- CH
Deal
21/10/22

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (FIRST SESSION)

THE SENATE

REQUEST FOR STATEMENT ~~ON STATEMENT~~ ON HEIGHTENED
INSECURITY IN MUTHA WARD-KITUI COUNTY

Mr. Speaker, Sir,

I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the heightened insecurity situation in Mutha Ward Kitui County.

In the Statement, the Committee should -

1. Apprise the Senate on the measures the National Government has put in place to respond to the current insecurity situation affecting the residents of Mutha Ward in Kitui South Constituency of Kitui County, perpetuated by gun-wielding bandits who have invaded parts of the ward, leaving in their wake death and destruction;
2. Undertake a visit to the County to ascertain the level of response by the security apparatus at both County and National Government which has been wanting and investigate the underlying reasons for the attacks;
3. State the reasons for the delay in response to the matter noting that on Friday 14th October, 2022, bandits armed with crude weapons invaded Mutha ward of Kitui South and hacked to death a man named Mutuku;
4. Provide targeted interventions to resolve the matter noting that this was the second attack by bandits in the space of one month as another similar attack happened on 18th September 2022, at Masungwa area of Tseikuru ward in Mwingi North- Kitui County in which two men namely, Musyimi Ndana and Muthui Kamuti were hacked with machetes by camel herders who invaded their farms and are hospitalized at Mwingi Level 4 Hospital; and
5. Clarify whether the Ministry of Interior and Coordination of National Government has established additional police posts in the affected areas, or deployed Rapid Deployment Unit (RDU) and National Police Reservists (NPR) to complement security apparatus to ensure that Mutha Ward, parts of

Approved
(Signature)

Ngomeni Ward (Kasiluni, Mandongoi and Inyanzac), parts of Nguni Ward (Sosoma area), Parts of Tseikuru ward (Masungwa) and parts of Endau/Malalani Ward to ensure sustainability of efforts to secure the residents and enforce lasting peace.

SEN. ENOCH KIIO WAMBUA, MP
SENATOR FOR KITUI COUNTY

Date: 18th October, 2022

ANNEX 3

HEIGHTENED INSECURITY IN MUTHA WARD-KITUI COUNTY

Sen. Wambua: Thank you, Madam Temporary Speaker, for indulging me and giving me an opportunity to seek this Statement on matters security.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the heightened insecurity situation in Mutha Ward, Kitui County.

In the Statement, the Committee should –

(1) Apprise the Senate on the measures the national Government has put in place to respond to the current insecurity situation affecting the residents of Mutha Ward in Kitui South Constituency of Kitui County, perpetuated by gun-wielding bandits who have invaded parts of the ward, leaving in their wake death and destruction.

(2) Undertake a visit to the County to ascertain the level of response by the security apparatus at both county and national Government, which has been wanting and investigate the underlying reasons for the attacks.

(3) State the reasons for the delay in response to the matter noting that on Friday 14th October, 2022, bandits armed with crude weapons invaded Mutha ward of Kitui South and hacked to death a man named Mutuku.

(4) Provide targeted interventions to resolve the matter noting that this was the second attack by bandits in the space of one month as another similar attack happened on 18th September 2022, at Masungwa Area of Tseikuru Ward in Mwingi North-Kitui County in which two men namely, Musyimi Ndana and Muthui Kamuti were attacked with machetes by camel herders who invaded their farms and are hospitalized at Mwingi Level 4 Hospital.

(5) Clarify whether the Ministry of Interior and Coordination of National Government has established additional police posts in the affected areas, or deployed Rapid Deployment Unit (RDU) and National Police Reservists (NPR) to complement security apparatus to ensure that Mutha Ward, parts of Ngomeni Ward in areas of Kasiluni, Mandongoi and Inyanzae, parts of Nguni Ward especially Sosome Area. Parts of Tseikuru Ward, in the area around Masyungwa and parts of Endau/Malalani Ward are ensured of sustainable efforts to secure the residents and enforce lasting peace.

Madam Temporary Speaker, allow me one minute to comment on the Statement. As I speak, residents of Mutha Ward are running away from their wards. They have been invaded and are being attacked by bandits who are masquerading as camel farmers.

Camels in Kitui have become an enemy of the people. Every time a resident of Kitui sees a camel, they see death. The minute you try to drive away a camel from your farm, you are attacked by the herders and killed.

I hope that the Committee on National Security, Defence and Foreign Relations will take this matter seriously, to ensure lasting solution to this menace.

Yesterday, when the Cabinet nominee for Defence was being vetted, he went on record and stated that he had 250 camels grazing in parts of Kitui. This is a matter that must come to an end.

Sen. Abass: On a point of information.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wambua, do you want to be informed?

Sen. Wambua: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): I will allow only two comments on that Statement, then we move to the rest of the Statement^s on the Order Paper.

Sen. Abass, proceed.

Sen. Abass: Thank you, Madam Temporary Speaker, for giving me this opportunity.

As much as we appreciate the Statement by the hon. Senator from Kitui, I would like to inform the House of the terrible drought and famine. Those camels belong to Kenyans. Therefore, we would appreciate if they are taken care of by our brothers and sisters in Kitui.

This is a resource for all Kenyans. If we discover oil in Wajir County, we will not discriminate whether one comes from Kitui or Wajir.

Equally, those animals have the right to graze in those places. With due consideration, I request the Senator of Kitui, Sen. Wambua, to be lenient and consider the situation.

Today, those animals are faced with death, the owners stressed with famine and they need to keep the animals alive. Therefore, we will appreciate the people of Kitui County and Ukambani at large.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kinyua, Proceed.

Sen. Kinyua: Asante sana, Bi. Spika wa Muda kwa kunipa fursa hii. Mambo ya usalama na ufugaji yamekuwa yakiandamana. Ni vizuri ijulikane wazi kuwa kazi kuu ya Serikali ni kulinda maisha na mali ya wananchi.

Jambo ambalo limekuwa likitendeka katika Kaunti ya Laikipia ni kuwa wafugaji wanalisha wanyama wao kwenye mashamba ya watu, na kusema kuwa wanawalisha nyasi sio mchanga. Mchanga ni yako lakini mimea ni ya wanyama.

Ni vizuri ijulikane kuwa mashamba yana wenyewe. Hakuna mtu anayesema kuwa mfugaji hafai kuwa na mifugo yake. Anafaa kufuga mifugo inayoweza kutoshelezwa na shamba lake. Mkulima pia ana haki yake, kwa sababu anategemea mimea ile. Wewe unayetegemea mifugo, iweke mahali inapotoshea. Tunafaa kuheshimiana. Mkulima na mimea, na mfugaji na mifugo yake,

Kenya ni yetu sote tunafaa kuishi kama kitu kimoja. Mimea haipandwi kwa shamba la mfugaji. Naunga mkono Taarifa iliyoletwa na Sen. Wambua, ya kwamba wale ngamia wachungwe katika mashamba yao. Wafugaji wapewe haki yao kikatiba na kisheria kwa kuwa wanaishi katika nchi hii yetu.

The Temporary Speaker (Sen. Veronica Maina): Senators, this being an important matter, I hereby commit it to the Standing Committee---

(Loud Consultations)

The Temporary Speaker (Sen. Veronica Maina): I had made a ruling that two people would contribute to that Statement. We have very many Statements today, unless we do not want to receive some of them.

(An hon. Senator spoke off record)

Okay, that is noted. I will give you a chance, but you have to wait until I have finished what I am reading out. We are committing this matter to the Standing Committee on National Security, Defence and Foreign Relations to issue a Statement on the Insecurity Situation in Mutha Ward, Kitui County.

The Senate Minority Leader (Sen. Madzayo): On a point of Order, Madam, Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Okay, Proceed Senate Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Bi Spika wa Muda, katika Mjadala unaoletwa katika hili Bunge, singependa kukueleza utakavyofanya. Najua kazi unafanya kisawasawa lakini haki na utendaji kazi lazima uende pamoja. Upande huu una haki ya kuchangia.

Nashangaa kuwa unaelekeza pande moja waongee na upande huu huapewi nafasi. Sitaki kukosoa uamuzi uliofanya, lakini kwa wakati mwingine tukipata fursa kama hiyo ingekuwa bora utoe nafasi upande huu ili usikize maoni yao sawasawa. Isiwe kuegemea upande mmoja na kuwacha mwingine.

Sen. Cherarkey: On a point of order, Madam Temporary Speaker. The Senate Minority Leader should be fair since he is a lawyer. I noted that during the last contribution on the Petition, you gave two Senators a chance from the Minority side. Saying that there is discrimination in terms of people who can speak on a Motion, Statement or a Bill, is a bit unfair.

For Heaven's sake, it is your maiden presiding over the House. Let us be fair at least. However, you are doing extremely well. Furthermore, for purposes of record, the Statement came from the Minority side. They should be gracious enough when it comes to it and we are supporting them.

(Loud consultations)

The Temporary Speaker (Sen. Veronica Maina): I will exercise my discretion. I assure both sides of the House that the Speaker is allowing everybody to contribute to the Motion. The Statement came from the Minority side, but to give further assurance, I will give one more person a chance to comment on it. Let us have one.

*(The Temporary Speaker (Sen. Veronica Maina)
consulted with the Clerk-at-the-Table)*

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

I am advised that because we have committed it already, we should move on. I stand guided. You are all assured of the Speaker's neutrality in allowing everyone to contribute.

We shall go to the next Statement. I also want to comment on Sen. Cherarkey's note. I did not give them two; I gave them a little more than what was given to the Majority side. Stand assured that you are in safe hands.

Proceed, Sen. Abdul Haji.

CONCERN OVER THE PLAN BY SAFARICOM
PLC TO BLOCK SIM CARDS

Sen. Abdul Haji: Thank you, Madam Temporary Speaker. I rise, pursuant to Standing Order 52 (1), to make a Statement on a matter of inter-county importance and general topical concern, namely, concerns over the plan by Safaricom PLC, to block SIM Cards that would not have been Re-registered by Saturday, 15th October, 2022.

There are millions of Kenyans in need of humanitarian aid, especially in the Northern counties and other Arid and Semi-Arid Lands (ASALs) areas of Kenya, where the populace is faced by the debilitating effects of severe drought.

It is appreciated that many Non-Governmental Organizations (NGOs) have stepped in to offer the much-needed support during this time. These humanitarian organizations reached at least 598,100 people in the ASAL region, with life-saving and life-sustaining assistance between October, 2021 and May 2022, including 534,000 in 2022 alone.

This support, aimed at mitigating the effects of the drought, includes water trucking, provision of human and animal feeds to protect livelihoods, health services and, most importantly, cash transfers to thousands of beneficiaries across the more than 20 drought-stricken counties. Needless to say, these cash transfers run into billions of Kenya Shillings.

I am not in contention of the fact that SIM cards must be registered to prevent crime, fraud and other such malpractices. I am also aware that the need to re-register the SIM cards is a compliance requirement in accordance with the Kenya Information and Communication Act.

However, Safaricom needs to take cognizance of the special circumstances of most of the people in the ASAL areas. All these cash transfer beneficiaries, mostly pastoralists, receive this support through Mpesa. They live far from places where they can promptly update their registration details. Further, not only is the network hard to access in these areas, but it is also quite erratic.

Madam Temporary Speaker, illiteracy is another confounding problem. It is my opinion that disconnecting these beneficiaries in the midst of humanitarian crisis brought about by the drought situation amounts to a violation of their rights. I, therefore, appeal to the Senate to prevail upon Safaricom and other telecommunication service providers to defer the deadline.

They could also consider having mobile registration centres for pastoralists especially in the Arid and Semi-Arid Land (ASAL) areas, in order to ensure compliance.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

ANNEX 4

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke



The Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
NAIROBI, Kenya

**PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE**

Ref. SEN/DGA/NSDFR/CORR/B/2022/02

24th October, 2022

Dr. Fred Matiang'i, EGH,
Cabinet Secretary,
Ministry of Interior &
Coordination of National Government,
Harambee House,
P.O. Box 30510-00100,
NAIROBI.

Dear Sir,

**RE: REQUEST FOR RESPONSE TO A STATEMENT ON HEIGHTENED
INSECURITY IN MUTHA WARD, KITUI COUNTY**

The Senate Standing Committee on National Security, Defence and Foreign Relations is established under standing order 228(1) of the Senate Standing Orders and is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.

Standing order 53(1) of the Senate Standing Orders provides that a Senator may request for a Statement from a Committee relating to any matter under the mandate of the Committee that is of county-wide, inter-county, national, regional or international concern.

Pursuant to this provision, at the sitting of the Senate held on Tuesday, 18th October, 2022, Sen. Enoch Wambua, MP requested for a Statement from the Chairperson of the Committee on National Security, Defence and Foreign Relations on heightened insecurity in Mutha Ward, Kitui County.

In the Statement, the Senator sought the following information-

1. the measures put in place by the National Government to respond to the current insecurity affecting residents of Mutha Ward in Kitui South Constituency, perpetuated by gun-wielding bandits who have invaded parts of the Ward leaving in their wake death and destruction;

2. the underlying reasons for the attack in Mutha Ward, Kitui South Constituency;
3. reasons for the delay in response to the matter noting that on Friday, 14th October, 2022, bandits armed with crude weapons invaded Mutha Ward, Kitui South Constituency and hacked a man to death;
4. interventions to resolve the matter noting that a similar attack by camel herders on 18th September, 2022 at Masungwa Area of Tseikuru Ward, Mwingi North Constituency resulted in the hospitalization of Musyimi Ndana and Muthui Kamuti at Mwingi Level 4 Hospital; and
5. whether additional police posts have been established in the affected areas, or whether the Rapid Deployment Unit (RDU) or National Police Reservists (NPR) have been deployed to complement security apparatus in the area.

The purpose of this letter is to request you to submit a written response to the Statement, on or before **Friday, 4th November, 2022**. The response may be sent by email, to clerk.senate@parliament.go.ke and copied to senatensdfr@gmail.com.

Attached is a copy of the Request for Statement and an extract of the Hansard for the Plenary Session of the Senate held on Tuesday, 18th October, 2022, for your information.

Ms. Carol Kirorei (carol.namunyak@parliament.go.ke, 0717488917) is the Clerk to the Committee and is responsible for facilitating this matter.

Yours faithfully,

For: 
J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Encls.

Copy to: **Sen. Enoch Wambua,**
Senator, Kitui County,
Parliament Buildings,
NAIROBI.

ANNEX 5

DGAC

Kindly deal

STATEMENT ON HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

EP
08/11/22

Honourable Chair, at the sitting of the Senate held on 18th October, 2022, Sen. Enoch Wambua requested for a statement regarding the heightened insecurity in Mutha Ward, Kitui County. The Honourable Member particularly sought to be informed;

- i. The measures put in place by the National Government to respond to the current insecurity affecting residents of Mutha Ward in Kitui South Constituency, perpetuated by gun-wielding bandits who have invaded parts of the Ward leaving in their wake death and destruction;
- ii. The underlying reasons for the attack in Mutha Ward, Kitui South Constituency;
- iii. Reasons for the delay in response to the matter noting that on Friday, 14th October, 2022, bandits armed with crude weapons invaded Mutha Ward, Kitui South Constituency and hacked a man to death;
- iv. Interventions to resolve the matter noting that a similar attack by camel herders on 18th September, 2022 at Masungwa Area of Tseikuru Ward, Mwingi North Constituency resulted in the hospitalization of Musyimi Ndana and Muthui Kamuti at Mwingi Level 4 Hospital; and
- v. Whether additional police posts have been established in the affected areas, or whether the Rapid Deployment Unit (RDU) or National Police Reservists (NPRs) have been deployed to complement security apparatus in the area.

I wish to state as follows;

Honourable Chair, Mutha Ward is in Mutomo Sub County, Kitui South Constituency. The Ward borders Tana River to the East although there is a Game Reserve in between whose outline is disputed by locals.

The Game Reserve has been attracting herders from North Eastern region, since early 1970s, when they started moving down through Tana River to Kitui

THE SENATE
RECEIVED
08 NOV 2022
DEPUTY CLERK

THE SENATE
RECEIVED
08 NOV 2022
DIRECTOR COMMITTEE SERVICES
(DGAC)

08 NOV 2022

HDD-Governor
Kindly note
deal
08/11/22
cc- NSDF
C/AC/NS

County, via Bangalle- Kaniki- Enyali route to Mutha area, in search of pasture and water for the animals.

Over the years, the herders and the local community have been enjoying peaceful co-existence. However, in the recent past, there have been allegations that the herders are a major conduit of firearms into Kitui County, and possibly the rest of the Country. From 18th August 2022 to date, two murders, through use of sharp objects, and one serious assault/attempted murder, through a gunshot; have been reported in the area. Of Interest to locals is a fact that some of the participants in the Garissa University terror attack, who had escaped from Kamiti Prison on 14th November 2021, were re-arrested in their area on 18th November 2021.

Honourable Chair, the following measures have been put in place by National Government to respond to the current insecurity in the area;

- i. The residents have been urged not to take law into their own hands. They are being advised to report any incidence to the relevant authority and form Peace Committees from both communities to enhance peaceful co-existence.
- ii. The Eastern and North Eastern Regional Security and Intelligence Committees have met with elders from the two communities and urged them to enhance peaceful coexistence.
- iii. The County Security team is coordinating the push of camels to beyond the Game Reserve cutline.
- iv. The team is also working closely with the County Government of Kitui to ensure proper management of the Game Reserves to ensure that they are secured from criminals.
- v. Currently, there are two Police outposts adjacent to the cutline i.e Musenge and Imumba Patrol Bases. Additional Police Posts; Musenge and Imumba in Mutomo Sub County (Mutha area), Katangini in Mwingi East and Mandongoi Patrol Base in Kyuso Sub County are in the process of being opened.

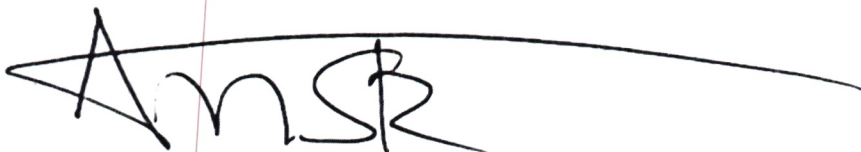
- vi. There are National Police Reservists (NPRs) in both Kyuso and Mwingi East Sub Counties.
- vii. Rapid Deployment Unit (RDU) and Border Patrol Unit (BPU) have also been complementing Security apparatus in the area from time to time.

Honourable Chair, the following factors have contributed to the insecurity in the area;

- i. The conflict is perennially linked to dry seasons and geographically affects members of the Kamba Community who occupy areas where Kitui County borders Tana-River County.
- ii. Herders usually target Kitui South and Mwingi Game Reserves. The two reserves are under the control of Kitui County Government but not manned hence it's difficult to control herders in the parks.
- iii. There lacks clear demarcation between the two Game Reserves and private land since there is no fencing in place. This makes it easy for camels to stray into private parcels and any attempt by locals to push them away leads to conflict.

In conclusion **Honourable Chair**, calm has been restored in the area and efforts to normalize relations between the two communities are ongoing.

Thank you, **Honourable Chair**.



KITHURE KINDIKI

CABINET SECRETARY

MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

2nd NOVEMBER, 2022

