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ELEVENTH PARLIAMENT – FOURTH SESSION

REPORT OF THE JOINT COMMITTEE ON NATIONAL  
COHESION AND EQUAL OPPORTUNITY ON THE FACT  
FINDING VISIT TO SAMBURU, BARINGO, WEST-POKOT  
AND TURKANA COUNTIES

Clerk's Chambers

Parliament Buildings

Nairobi.

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## CHAIRS FOREWARD

Mr. Speaker Sir,

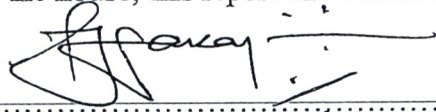
The Joint parliamentary Committee on National Cohesion and Equal Opportunity set out pursuant to its mandate in the standing order 214 to investigate, inquire into and report on the matters relating to inter community cohesion in the counties of Turkana, Baringo, Samburu and West Pokot. This undertaking was after reported incidences of insecurity, and continued conflicts that resulted in dysfunctional intercommunity co-existence.

These visits acquainted the Committee in understanding the causal factors and the emerging dynamics of cattle-rustling and related conflicts. The Committee was able to come up with the proposed interventions by the communities affected by these skirmishes in order to address the issues that threaten harmonious coexistence and intercommunity cohesion in a comprehensive manner. The report therefore proposes a raft of proposals that will ensure a harmonious existence of communities in the counties of Baringo, Samburu and Turkana and West Pokot.

The Committee extends its appreciation to the offices of the Speakers and the Clerks of the Parliament for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to undertake various activities culminating in the production of this report. Further appreciation goes to the area members of Parliament and the offices of the County Commissioners for facilitating the visits.

On behalf of the members of the Joint Committee on National Cohesion and Equal Opportunity and pursuant to the provisions of Standing Orders of both houses of Parliament, I now have the honour to present to the house, this report and commend it to the House for debate and adoption.

SIGNED



DATE

HON. JOHNSON SAKAJA, (MP)

CHAIRPERSON, JOINT COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

## EXECUTIVE SUMMARY

This report emanates from the fact-finding visits by the Joint Committee on National Cohesion and Equal opportunity to Samburu, Baringo, Turkana and West-Pokot Counties carried on 12<sup>th</sup> June and 20<sup>th</sup> to 23<sup>rd</sup> June, 2015 respectively.

The objective of these visits was to acquaint the Committee with the situation on the ground, to understand the causal factors and the emerging dynamics of cattle-rustling and related conflicts. The Committee was also interested in understanding the proposed interventions by the communities affected by these skirmishes in order to address the issues that threaten harmonious coexistence and intercommunity cohesion in a comprehensive manner.

The Committee held a meeting on 9<sup>th</sup> July, 2015 with the Cabinet Secretary, Ministry of Interior and Coordination of National Government and the Chairman of the National Cohesion and Integration Commission (NCIC), to inquire and examine the activities undertaken by the two institutions to mediate with warring communities and to promote peace and cohesion in these counties.

The Committee further held a consultative forum in Safari Park with various Government Agencies to probe on action taken to curb the pastoralist conflict and cases of hate speech. The Government Agencies in attendance during the workshop are: Ministry of Interior and National Coordination; the Director of Public Prosecution; the Police Service; National Intelligence Service; Criminal Investigation Department; National Cohesion and Integration Commission; Ministry of Agriculture, Livestock and Fisheries; Kenya Revenue Authority; Ministry of Information, Communication and Technology; Communications Authority of Kenya; Media Council of Kenya; Independent Electoral and Boundaries Commission; and Office of the Registrar of Political Parties. The committee concluded with recommendations as outlined in this report.

## **ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Joint Committee on National Cohesion and Equal Opportunity is established under the Standing Orders of the two (2) Houses of Parliament in order to, among others:

- a. monitor and promote measures relating to policy and program initiatives in pursuit of ~~peace and national cohesion;~~
- b. investigate, inquire into and report on all matters relating to inter community cohesion;
- c. monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- d. investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph(c); and examine the activities and administration of all Ministries, departments and statutory bodies in so far as they relate to the rights and welfare of the groups referred to under paragraph (c).
- e. make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
- f. examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

## **MEMBERS OF THE COMMITTEE**

The Joint Committee comprises of the following Members:

1. Hon.Sakaja, Johnson, M.P. (**Chairperson**)
2. Sen. Hargura Godana (Vice Chairperson)
3. Sen. Abdirahman Hassan
4. Sen. Christopher M. Obure
5. Sen. Karue Muriuki
6. Sen. Moses Kajwang'
7. Hon James Gordon Rege, MP

8. Hon. Mohamed Elmi, MP
9. Hon. Maison Leshoomo, MP
10. Sen. Peter Mositet
11. Sen. Emma G. Mbura
12. Sen. Mike Mbuvi Sonko
13. Hon. Kimani Ngunjiri, MP
14. Sen. Stephen Sang
15. Hon. Roba Duba, MP
16. Sen. Ali Bulle
17. Hon. Francis Mwangangi, MP
18. Hon. Moses Injendi, MP
19. Sen. Beatrice Elachi
20. Sen. Isaac Melly
21. Hon. Zipporah Jesang, MP
22. Hon. Grace Kipchoim, MP
23. Sen. Agnes Zani
24. Hon. Mohamed Diriye, MP
25. Sen. Henry Tiole Ndiema
26. Hon. Rose Museo Mumo, MP
27. Sen. Godliver Omondi
28. Hon. George OmondiMallan, M.P
29. Hon. Peris Tobiko, M.P.
30. Hon. Elijah Memusi, M.P.

## **COMMITTEE SECRETARIAT**

<b>Principal Clerk Assistant (Senate)</b>	-	<b>Ms. Anita Thurania</b>
<b>Senior Clerk Assistant (NA)</b>	-	Mr. Oscar Namulanda Wesonga
<b>Clerk Assistant (Senate)</b>	-	Mr. John Wanyoike
<b>Clerk Assistant (Senate)</b>	-	Mr. Ibrahim Leruk
<b>Clerk Assistant (NA)</b>	-	Mr. Douglas Katho
<b>Clerk Assistant (NA)</b>	-	Ms. Hellen Kina
<b>Legal Counsel (NA)</b>	-	Ms. Doreen Nkatha
<b>Research &amp; Policy Analyst</b>	-	Ms. Fiona Musili

## LIST OF RECOMMENDATIONS

The Committee therefore **recommends that**;

- i. The Government should come up with an elaborate, comprehensive and intensive **disarmament program** to remove all illegal small arms and light weapons in the neighbouring communities which should however be coupled with adequate state security to prevent raids in future.
- ii. Efforts must be initiated by both the National Government and the County Government to **curb further proliferation of small arms and light weapons** from the neighbouring countries.
- iii. The Government must make its presence felt in ASAL areas to counter the excesses of the marauding rustlers and restore security and people's confidence in the region.
- iv. The Government through the Ministry of Interior and National Coordination, the Director of Criminal Investigations Department (CID), the Director of the National Intelligence Services (NIS) and all other investigatory agencies **SHOULD investigate cattle-rustling syndicates** under the provisions of the organized Crimes Act and prosecute those found culpable.
- v. The Government should criminalize cattle rustling and establish an effective legal intervention, through repealing and updating the current legal framework on cattle-rustling to reflect the seriousness of the act of livestock theft as a criminal act punishable under the laws of the land in tandem with the regional and international legal provisions. Consequently, suspects should be charged with more grave offence of robbery with violence, which carries a more punitive sentence.
- vi. The Government should come up with pro-active and corrective policy measures to address the socio-economic marginalization in the ASAL areas. These should include education programmes that are targeted at providing these communities with alternative sources of livelihood to substitute their livestock income. These schools should be strategically located and provided with skilled teachers who can bring students to the same level as their counterparts in other regions.
- vii. Establishment of boarding schools where children of warring communities can learn to study and live together irrespective of their cultural differences.

- viii. Recruitment of additional National Police Reservists and intensification of security meetings.
- ix. Establishment and demarcation of clear boundaries as well as setting up of agreed ground rules for effective sharing of pasture, water and other resources.
- x. The government should tap on the available resources like water by introducing irrigation ~~schemes to encourage farming and enable pastoralists to diversify their activities into~~ other economic activities so as to divert attention from rustling.
- xi. There is need to change cultural values that place importance to large herds of cattle and replace them with alternative sources of livelihood.
- xii. Use of GPS - digital monitoring of herders to track their movements. Animals should also be branded for ease of identification and accounting in case they are stolen.
- xiii. The government should investigate the role played by its officials operating in the Northern part of Kenya. Some officials are suspected to be bias and sympathetic to specific communities, thus taking sides while others are seen as being individually culpable for these crimes.
- xiv. NCIC requires more resources to ensure that they can maintain peace programmes while there is need to fund constituency peace committees to ensure that they are working.

# **1 INTRODUCTION**

## **1.1 Background of the Events**

The neighboring counties of the North-rift have been experiencing cattle rustling and related violence and skirmishes for quite some time now. The most recent of these skirmishes affected Baringo County, Samburu County, Turkana County and West-Pokot County. Livelihoods are frequently disrupted and the few existing welfare facilities are destroyed, leaving children with no access to education and health services. There is frequent loss of life and property, and displacement of people, rendering them landless and without access to livelihoods.

They face high level of starvation, epidemics, as well as increased disproportionate effect on children and women, with associated impaired development and psychosocial trauma, inadequacy of protection, relief and peace. This has posed great threat to cohesion among these counties.

Following these attacks, the Joint Committee on National Cohesion and Equal Opportunity launched investigations into their root causes with a view to coming up with plausible solutions to avert further conflicts. The Committee held several meetings with various leaders from the affected counties to discuss the issues challenging cohesion in their respective counties and chart the way forward towards cohesion and integration.

## **1.2 Committee findings**

During Committee meetings with the local leaders including Members of Parliament, the County Governments, the provincial administrators, the MCAs, religious leaders and during the public hearings, the Committee was informed that:

- 1) The practice of cattle rustling remains a major cause of insecurity and conflict amongst the pastoral communities in Kenya because livestock is a fundamental form of pastoral capital. Livestock functions as a means of production, storage, transport and transfer of food and wealth among Pastoralists in Arid and Semi-Arid (ASAL) Counties;

- 2) Most of these Counties face marginalization mostly influenced by Geographic, Social, Ethnic, Economic and Political factors leading to exclusion and lack of meaningful participation in decision-making processes.

It has also led to inequitable distribution of resources. This is a more direct cause of conflict in cases where arms are viewed as a valid means to become 'noticed';

- ~~3) There has been several disarmament programs in the area which have not deterred the~~  
~~communities from raiding one another and the raids have become frequent and utilizes~~  
~~sophisticated and modern weapons; probably because disarmament has not been~~  
~~comprehensive and has been done selectively, leaving certain communities vulnerable to~~  
~~attacks;~~
- 4) Communal punishment by the security forces makes the targeted community resort to revenge attacks and eventually to a vicious cycle of tribal conflicts and violence;
- 5) Boundary disputes cause conflicts and disputes particularly because land borders are notoriously hard to authenticate. Communities therefore seem intent on re-establishing what they perceive to be traditional community borders, marking their access to valuable pasture and water resources;
- 6) High levels of youth unemployment is another threat to cohesion in that youth represent a cheap and accessible pool of recruits for all forms of conflicts including cattle rustling. Cattle rustlers are said to recruit youth into such groups therefore providing them with an opportunity for social mobility, increased sense of power and self-esteem.

## 2 BARINGO COUNTY

Baringo County is one of the hottest and dry counties in Arid and Semi-Arid Lands (ASAL) with the rainfall highly variable, with an annual mean of 635mm. Water shortages are a permanent problem, especially in the dry low lying areas of the district and the rainfall is irregular. It is also characterized by bare ground and loose sandy loam soil. The Pokot, Tugen and Ilchamus (Njemps) are the communities whose major occupation is livestock keeping and they inhabit Baringo County.

The County has been experiencing cattle rustling related violence and skirmishes in areas of Baringo East, Baringo North and Baringo South Sub-counties. The affected areas include: Bartabwa, Nginyang', Kapturo, Barwessa, Chemoi and Loruk.

This kind of insecurity is partly associated with the County's geographical location that places it between; Turkana and Samburu counties to the North, West Pokot and Elgeyo-Marakwet counties to the West and Laikipia County to the East. These counties are mainly pastoralists and inter-community rivalry is fueled mainly by the pursuit of pasture and water for their animals. Indeed, the residents' pastoralist lifestyle is a major contributing factor, with competition for dry season grazing areas a clear catalyst to the conflicts in the County.

Historically, there has been conflict between the Turkana and the Pokot dating back to as early as 1914 with notable attacks taking place in 1968 and 1976. Initially the conflict involved the use of bows and arrows but over time, communities have been acquiring small arms, light weapons and other sophisticated weapons to protect their territories.

In the recent years, the Insurgent Pokots are said to practice cattle rustling by invading the Tugen and Ilchamus communities. On the other hand, people from neighbouring counties especially Turkana, Samburu and Laikipia Counties attack Pokots.

Initially the Pokots raided cattle seasonally and mainly for cultural reasons such as use of the raided cattle for bride price payments and prestige.

The Ilchamus community which has not been known to engage in cattle rustling has However, been accused of raiding the Pokots at Makutani marking a beginning of a conflict with the Pokots. Since then, The Ilchamus territories have been occasionally occupied and encroached on by the Pokots especially during dry seasons while in search of pasture and water making them victims of territorial occupation.

## 2.1 Recent Conflicts and Conflict Interventions in Baringo

Competition over scarce grazing fields, water resources, pasture and other natural resources has escalated animosity in Baringo County, often resulting in armed conflicts, which are predatory in nature and much more destructive.

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Following a spate of attacks in 2014, the Joint Committee on National Cohesion and Equal Opportunity invited the Baringo County leaders for a meeting on July 10, 2014 to discuss the security issues in the county and chart the way forward towards cohesion and integration.

## 2.2 What the leadership said about the attacks

- i. The recent raids characteristic by criminal activities had led to loss of life and property, vandalism of institutions and destruction of crops;
- ii. These attacks involve only small groups of perpetrators, who steal, kill, maim and destroy making these raids individual decisions and are no longer communal affairs;
- iii. Sophisticated weapons and heavy artillery have been introduced in the recent raids;
- iv. Those involved in the recent events of cattle rustling do not steal for dowry or any other cultural purpose but are probably doing it for commercial gains;
- v. Since the attacks, there has been lack of effective reconciliation mechanisms, which has left the communities bitter with one another, hence provoking retaliatory attacks.

## 2.3 What are the possible causes of Cattle Rustling in Baringo

- i. Easy availability and infiltration of illegal small arms and light weapons;
- ii. Conflicts over resources and scramble for dwindling natural resources such as land, pastures and water;
- iii. Unresolved land boundaries;
- iv. Inflammatory and inciting political utterances;
- v. Cattle raids as rite of passage - Cultural practices and rites of passage for example, Moranism and blessing of the raiders by "Laibons."
- vi. Availability of ready markets for the stolen livestock;
- vii. Poor physical infrastructure; Lack of road and communication networks coupled with harsh terrain make the areas completely inaccessible;

- viii. Inadequate security personnel and lack of facilitation;
- ix. Porous international borders – Especially favouring the traditional ‘enemies’ namely Pokot and the Turkana who neighbor and even have relatives across border in Uganda and Ethiopia respectively.

## **2.4 Suggested Solutions**

Following various meetings, the county leaders made several suggestions including:

- i. Enforcement of free and compulsory education;
- ii. Establishment of boarding schools where children of warring communities can learn to study and live together irrespective of their cultural differences;
- iii. Recruitment of additional National Police Reservists and intensification of security meetings;
- iv. Establishment and demarcation of clear boundaries as well as setting up of agreed ground rules for effective sharing of pasture, water and other resources;
- v. Improvement of infrastructure and especially road networks;
- vi. Strengthening of legal institutions and use of traditional dispute resolution mechanisms;
- vii. Both the National and County Assemblies to pass legislation that will criminalize cattle rustling;
- viii. Use of GPS - digital monitoring of herders to track their movements. Animals should also be branded for ease of identification and accounting in case they are stolen;
- ix. Expand and strengthen missionary work within the region.

## **2.5 What the County government has done**

- i. The Baringo County government organized peace forums and caravan that traversed areas of Kapturo, Kagir, Mukutani, Arabal, Kiserian, Nginyang and Loruk;
- ii. A task force on peace building was also constituted;
- iii. Clear resolutions to address cattle rustling menace had been set;
- iv. Road network and infrastructure is being improved;
- v. Purchase of food for the people in the affected areas;
- vi. Initiation of programs to improve pasture and water for animals;
- vii. Allocation of funds for purchase of armored security vehicles

## 2.6 Committee visit to Baringo County

The Joint Committee on National Cohesion and Equal Opportunity undertook a fact-finding visit to Baringo County on Monday June 22, 2015, to understand the causal factors of cattle-rustling and related conflicts. The Committee toured Nginyang' in Tiaty Constituency; Loruk in Baringo North and Sandai in Baringo South Constituency.

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### 2.6.1 Nginyang Market

In **Nginyang Market** of Tiaty Constituency, the Committee held meetings with the local leaders including the Member of Parliament, MCAs, religious leaders and also members of public. The committee was informed that Tiaty Constituency also known as East Pokot Sub-County is one of the six constituencies in Baringo County and covers 43% of the total landmass of the County.

The Sub-County is arid and lacks permanent sources of water. The only water body is Lake Baringo on the extreme South and Kerio River, which marks the boundary with Elgeyo Marakwet County to the West.

The total population of Tiaty is 133, 130, according to 2009 population census with a poverty level of 72%. The area has poor infrastructure, inadequate security provision institutions and high unemployment rate.

The Committee was further informed that:

1. The number of conflicts between communities tends to increase drastically during times of drought. This is because the effects of drought and famine leads to the death of hundreds of stock, and for this reason, the pastoralists engage in rustling to restock and compensate for their lost cattle;
2. During the movements of livestock in search for pasture and water, criminals also take advantage to steal from neighbouring communities' further heightening conflicts and animosity. This happened recently in Nadome and Arabal leading to loss of life, property and destruction of public institutions;
3. Conflicts have been accelerated by easy access to firearms, which are traded across adjacent borders of neighbouring war-torn countries. These small arms and light weapons has led to the formation of heavily armed and militarized groups and criminal gangs who engage in cattle-rustling for purely commercial reasons;

4. There were concerns that majority of the youth are unemployed probably because of low literacy levels and lack of skills needed in the job market. These groups of youth provided much needed resources to criminal gangs who engage in cattle-rustling;
5. The area lacks general infrastructure; schools have been closed, a number of schools and hospitals have been destroyed, few remaining hospitals lack medicine and other social amenities are non-existence;
6. The local leaders claimed that there are insufficient Police stations and Police post in the County despite the vast area and relatively high population;
7. The Government's initiative to recruit and arm the National (Kenya) Police Reservists (NPRs) and home guards as complementary security providers has been marred with allegations of corruption and favoritism along tribal lines.
8. It was reported that areas of Turkana, Samburu, West-Pokot, Baringo South and Baringo North have KPRs while Tiaty Constituency has none;
9. There are weak accountability procedures within the KPR and there are reports that some of them either use their official guns to conduct criminal activities like livestock theft or loan out the said guns to criminals;
10. There is significant confusion over land ownership where different groups claim certain parcels of land as their customary pasture. There are no individual land titles in most of these areas and land is held in trust for the benefit of the communities;
11. Many people feel politically marginalized in the sense that all the top electoral positions in the County are occupied by the members of once community while the county has three major communities; the Ilchamus, Pokot and Tugen.

The Committee was further informed that these conflicts have led to closure of several markets bringing the economy of the Constituency to a halt. There is hardly any movement of people or goods in the area. Several people have also been displaced along the border points and forced to move to the mountains.

The Committee was informed that to **address** the conflicts afflicting the region. Several interventions need to be put in place.

1. The Government **SHOULD** carry out a comprehensive exercise to remove all the illegal weapons and small arms in the neighbouring communities;

2. The Government should provide adequate security in the neighbouring counties in the ASAL areas to provide an alternative to armed warriors;
3. There is need for the government to initiate irrigation scheme and sink boreholes to provide water for the communities to get alternative sources of livelihood;
4. The government should create employment opportunities for majority of the unemployed youth in the region that are engaging in cattle rustling and related violence. The Government should consider enlisting majority of these youth in the National Youth Service (NYS);
5. Parliament should make laws and legislations that declare cattle rustling a capital offence punishable by stiffer penalties;
6. The government should urgently make arrangements to resettle all people who were displaced by the violence, provide adequate security for those people who have already gone back to their homes and also enhance general security in the entire County;
7. The Government should also provide humanitarian aid to enable people cope with effects of violence. In addition, the Government should identify, quantify and compensate all those who lost property during the violent conflicts;
8. The Government should consider re-opening the closed schools in the county and employ more teachers because the teachers who were employed have since sought transfers from the County;
9. The Government should consider creating more administrative units in the County, for instance more divisions, locations and sub-locations to bring the government services closer to people;
10. All the leaders in the warring counties should resolve to work together in order to preach peace among the locals, foster security, cohesion, coexistence and restore calm to enable residents resume their daily economic activities;
11. The peace caravan should be sustained for a longer period in order to sustain the current peace efforts;
12. The Government and relevant organs of the government should expeditiously address the boundary conflicts between Tiaty (East Pokot) and Baringo North District.

### 2.6.2 Loruk, SaimoSoi Ward, Baringo North

The Committee visited Loruk sub location of Baringo North Constituency where a meeting was held with local leaders.

The Committee was informed that the warring communities in this place are the Tugen, who are the local residents, and their neighbours the Pokot, majority of whom are from Tiaty Constituency.

The residents said that violent conflicts began in 1977 due to invasion of the Pokot who were running away from the Turkana. When they were accommodated as refugees they decided to reside permanently in Loruk.

The committee was further informed that locations and sub-locations were created for Pokots in "Tugen" land. They have been living together up to 2002 when Pokots attacked their hosts, the Tugen, to steal livestock from them. This led to loss of lives and destruction of property. The Tugen claimed to have lost life, livestock and property in the hands of the Pokots while they have never attacked them.

The Committee was informed that the main causes of conflict in this area include:-

1. **Boundary Conflicts**, the Pokots are said to have crossed into Baringo North, which is predominantly Tugen, and created administrative offices, established schools, water dams and polling stations;
2. **Resources**, the Pokots are also accused of grabbing a dispensary in Loruk which was built with the resources provided through the late Hon. Henry Cheboiwo who was a member of Parliament representing Baringo North. They changed the administration of the facility from Karbartonjo to Chemolingot;
3. Compensation of the land that was given by the community to the Geothermal Development Company (GDC) at Chesiran in Loruk is said to have been demanded by the Pokot residents while the land is in Baringo North (Tugen);
4. The Pokot also attempted to grab the Tugen Cultural Site and Shrine at Chesiran in Loruk which has led to the current ongoing insecurity in Loruk;
5. Pokots have been accused of having benefited from the Proliferation of small arms, light weapons and medium weapons from neighboring countries which are often used to violently attack their neighbours such as Turkana, Marakwet, Ilchamus and Samburu;

6. There is also politically motivated conflicts where politicians are said to incite conflicts for the purpose of removing supporters of opposing politicians and political parties and building on own political supporter base and thereby gaining political control;
7. Administrators and especially provincial administration has been said to facilitate the violent conflicts by abstaining from intervening to stop such violence.

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The Committee was informed that to address the challenges facing the communities in Saimo Soi and neighbouring wards of Baringo North, there is need to do the following:-

1. The government should carry out an extensive, intensive and comprehensive disarmament of all the people wielding illegal firearms in the region;
2. The government should create additional police stations and posts in main centers and near other public institutions to enhance and sustain security;
3. The Government should assist the local communities to brand their livestock especially along the borders in a unique way such that each community knows their type of branding. This should include micro-chipping to monitor livestock movements and for easy tracking;
4. The Government should resettle and compensate all the victims of cattle rustling, those whose property was destroyed and those who lost some family members during the attacks;
5. The internally Displaced Persons (IDPs) who are mainly women and children and currently residing in the forested mountains of Baringo North, should be provided with humanitarian aid; food, shelter and be provided with medical care before their homes are reconstructed;
6. The Government in conjunction with the local administration should expeditiously re-open closed schools, initiate school feeding program and provide adequate security to ensure that learning resumes without any further interruptions;
7. The government should expedite the land adjudication, demarcation and issuance of title deeds in this area;
8. The government and the relevant authorities should address the administrative boundaries between Baringo North and Tiaty Constituencies;
9. The management of Loruk Dispensary should be restored in Baringo North;
10. The Government and relevant institutions should address the Compensation of the parcel of land annexed to GDC at Chesiran in Loruk;

11. The Tugen Cultural site should be respected and preserved from further destruction by the warring communities;
12. The government should create more administrative units for instance divisions, locations and sub-locations to bring the government services close to people and to enable coordination of security responses;
13. The Government should transfer all the security heads in the region for failure to address the insecurity in the region and their lack of initiative and resolve to respond to cattle rustling;
14. The Chairman of the National Assembly Committee on National Security should step aside to allow for investigations into the insecurity in Baringo and neighbouring counties in ASAL.

### **2.6.3 Sandai Location, Marigat Division, Baringo South**

The Committee also visited Sandai location of Baringo South Constituency where a meeting was held with local leaders led by Hon. Grace Kipchoim, MP Baringo South at Sandai Primary School.

The Committee was informed that Sandai hosts various groups of IDPs who have been displaced by conflicts from areas of Rugus, Mukutani, Kiserian and Arabal locations. Some of the people have been displaced since 2005 and have been on the move with their children. The Ilchamus community said that they feel most vulnerable because they are the minority in the County and do not have arms, either as KPR or illegal weapons.

The Committee was informed that the scarcity of water and concentration of people and livestock in the available water points often leads to conflict between the different communities. The committee was further informed that competition for land by different land uses like pastoralism and sedentary agriculture is placing a lot of pressure on the existing resources.

To address various challenges facing people in Baringo South, the residents proposed the following:

1. The government should carry out disarmament of all groups holding illegal weapons and arms because “without guns, people cannot perpetuate gun violence”;

2. The displaced persons should be resettled and their houses should be re-constructed to enable them restart their lives again;
3. The government should urgently re-open schools, provide food and security and establish boarding primary and secondary schools in the region to enable the school going children resettle and start their education;
4. ~~The Ministry of Education should enhance the bursary allocation in the area and classify Baringo as a special area to cater for fees for students from the families affected by the cattle-rustling;~~
5. The government should create a special fund for opening up the infrastructure and maintaining roads in the area to ease and facilitate movements of people, goods and security agencies;
6. The government should consider establishing the National Youth Service (NYS) camps in the region to cater for the unemployed and unskilled youth in the region. They will assist in development and maintenance of basic infrastructure to divert their attention from livestock and cattle-rustling;
7. The government should establish and strengthen the administrative units in the region ensuring more presence of government services;
8. The government should expeditiously address the boundary issues arising in the region to ease the tensions that exists amongst communities;
9. The government should strengthen the existing security agencies in the region by providing them with more resources and logistical support;
10. The government should consider sinking boreholes and providing water to ease competition for pasture and water resources in the region that is currently leading to violent conflicts;
11. Cattle rustling should be declared a capital offence attracting more punitive sentences similar to robbery with violence and terrorism.

#### **2.6.4 Meeting with Members of Parliament from Baringo County**

The Committee also held a meeting with the Members of Parliament from Baringo County on 28<sup>th</sup> July, 2015 to deliberate further and hear the efforts that the political class was employing to restore order in these areas.

**a. Hon. Asman Kamama, M.P. Tiaty Constituency**

The Member of National Assembly representing Tiaty Constituency informed the Committee that there have been three incidences of cattle rustling and conflicts since the peace process initiated after the Boma Declaration began. He told the Committee that some of the livestock stolen have since been returned in line with the declaration.

The Committee was also informed that several warriors, who were engaging in livestock theft and are spread across the ethnic divide, have since reformed and are now leading the peace process.

The Committee was further informed that there seems to be a dysfunctional police service on the ground. The member said that parallel command system may be frustrating recovery of stolen livestock.

The Member called for full implementation of the Boma Declaration and especially the clauses on recovery of stolen livestock and compensation of the victims of cattle rustling.

He further told the Committee that he would recommend the administrative headquarters to be placed in central places away from borderlines, which are very contentious. He called upon the National Government, the National Land Commission (NLC) and other relevant institutions to expeditiously address the boundary conflicts in the region.

**b. Hon. Grace Kipchoim, Baringo South**

The Member representing Baringo South in the National Assembly informed the Committee that there is relative peace in Baringo South Constituency following arrests of some known criminals in the area. However, the Kenya Police Reservists and relatives of some administrators have been accused of colluding with criminals to harass innocent members of the public and perpetrate criminal activities.

The Committee was informed that about 600 youth had been employed through the National Youth Service (NYS) Youth Empowerment Program. These youth are engaged in opening up of the Silale, Nadome and Kapedo areas and especially the border points between Tiaty and Baringo South to ease movements of people and goods.

However, the Member informed the Committee that herdsmen who have migrated with their livestock from Tiaty Constituency had attacked the youth working in Mukutani. The Committee was further informed that despite Tiaty Constituency occupying about 43% of the total land area

in Baringo County, the herdsmen have decided to move in to Mukutani scaring away villagers. As a result of this, 4 locations have been deserted and people have moved to other areas for fear of attacks.

### 3 TURKANA COUNTY

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Turkana County is situated in the Northwestern part of Kenya and falls within the former Rift Valley Province of Kenya. The county is bordered by Uganda on the West, South Sudan and Ethiopia on the north and northeast and Lake Turkana in the east. Turkana borders West Pokot, Samburu and Baringo Counties. The dominant community in Turkana is the Turkana people.

In the recent past Turkana County has suffered conflicts involving pastoralist groups. Frequent spells of drought have forced the pastoralists to migrate constantly in search of water and pasture across the County, sometimes even across the national borders, thus often leading to wars and conflicts over the scarce resources. Most of the conflicts are inter-ethnic arising from persistent droughts, food scarcity and changes in lifestyles.

The County lacks basic services like education, health facilities, limited infrastructure, lack of market, trading opportunities and limited socio-economic activities further contributing toward the increasing human insecurity.

In Turkana, the conflicts are a result of several intertwined and intricate factors. Wealth, livestock and easy access to illicit arms are some of the leading causes for the cattle raids. Earlier pastoralist conflicts were organized, sporadic and communal ventures, which were guided by a designated set of rules, which limited destruction of life and property and were resolved through the community elders. However, the nature of these raids and cattle rustling has changed due to the presence of firearms and in being increasingly compounded with violent robberies, killings, lawlessness and banditry.

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The recent discovery of oil in Turkana County is also leading to the increased polarization among the ethnic communities and intensifying violent struggles over access to water and grazing resources.

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### **3.1 Kaputir Ward, Turkana South**

The Committee visited Kaputir Ward, in Turkana South where they met the local leaders led by the area Member of National Assembly, the MCAs, the County Security Team, Religious leaders and peace crusaders.

The Committee was informed that the most affected villages were Lokwar and Nakuse, which had lost over 400 homesteads displacing equal number of families. Their houses were completely burnt down by the attackers who also torched and destroyed schools. As a result of the attacks, over 800 school going children do not have access to any education or learning facility.

The Committee was further informed that conflicts in this region involves pastoralist who are forced by frequent spells of drought to migrate in search of water and pasture across the district, sometimes even across the national borders, leading to wars and conflicts over the scarce resources.

The Committee was told that marginalization has led to lack of basic services like education health facilities, limited infrastructure, lack of market, trading opportunities and limited socio-economic activities further contributing toward the increasing insecurity and conflicts. Competition for resources further aggravates the conflict leading to frequent clashes for food, cattle and fish, mostly around the Lake Turkana region.

The Committee was further informed that violent conflicts have had very many negative and severe effects. People have lost, lost property and a large number has been displaced. Violent conflicts have also increased hatred between the communities, in addition to disrupting of socioeconomic activities and livelihoods, increasing economic hardship, high level of starvation and a leading to an increasing dependency on relief food and materials. Displaced people are so traumatized and disenfranchised, making them unable to contribute in any socio-economic activity.

To address these challenges, the committee was informed that: -

1. The Government SHOULD carry out disarmament to wipe out illegal arms and weapons from the neighbouring communities. The government should consider exchanging the illegal firearms held by the communities with livestock to encourage disarmament and offer compensation to those who own these weapons;
2. The already established Peace Committees, composing both the political leaders and the local ~~peace crusaders should be adequately resourced and sustained to maintain peace and build on~~ the established capacities;
3. The government should establish and provide basic infrastructure in the area, especially the road network to improve access and communication between different areas;
4. The government should establish schools, support the re-opening of the existing ones through renovation, provision of food and posting teachers to the affected ones;
5. The government should compensate and resettle all the people who were affected by the recent violent clashes by assisting them re-build their homes;
6. The government should provide humanitarian aid to the affected people through provision of food, medicine and agricultural inputs and services to enable the communities re-build their sources of livelihood;
7. The government should consider establishing health-care institutions and facilities in the areas where people are settled to alleviate suffering brought about by lack of medical care;
8. The government should establish more administrative units in the region to bring the government services closer to the people;
9. The government should set up industries in the region to utilize the existing natural resources and provide employment to hundreds of youth who are currently unemployed and engaged in banditry;
10. The government should establish conservancies along the common border of the Pokot and Turkana;
11. The Ministry of Agriculture and the National Irrigation Board should clear and prepare land for agricultural activities along the common borders.

## **4 WEST-POKOT COUNTY**

The West Pokot County is situated in the North-West of Kenya, with the headquarters at Kapenguria. The West Pokot region is relatively rugged mainly consisting of dry plains, rugged escarpments and hills with altitude ranging between 900m to 3000m. The high altitude areas are suitable for crop agriculture and livestock production whereas medium altitude (1500-2100m) areas are best suited for pasture. Major sources of economic activity in West-Pokot County are Livestock, limited crop agriculture, minerals, wildlife, solar and wind energy and medicinal plants. Mining and Tourism are also sources of the economic wealth. The dominant tribe of the County is Pokot.

Majority of Pokots is depended on livestock and this is the source of major conflict and altercation between communities. The clashes happen mainly over the control of natural resources like pasture and water, which are very scarce.

The border area with Turkana is one of the most conflict prone regions. Disputes and differences are compounded mostly by minimal routine interaction and communication between the two communities. For instance, In 2012, when oil deposit were discovered in Turkana region close to the boundary, fresh controversy erupted as the Pokots laid their claims on the newly discovered oil wells.

### **4.1 Turkwell, West Pokot**

The Committee visited Turkwell along the West Pokot and Turkana Counties Boundary. The Committee was informed that conflicts along this corridor are characterized by cattle raiding and counter raiding, increased illegal possession of Small Arms and Light Weapons, loss of livestock and livelihoods, loss of lives, increased insecurity that has muzzled investments in the region and high school drop outs and/or poor school enrolments that provide a pool of teenagers deeply inculcated into the culture of ethnic hostility and violence.

The Committee was informed that the Turkana and Pokot communities and by extension, the Samburu community traditionally fight over access and control of natural resources including water points and grazing lands as well as the contested Turkwell Gorge power plant over allegations of one community benefiting more than the other.

The other major issue is the boundaries between the Pokot and Turkana communities, which still continue to heighten tensions between the two communities leading to violence at the slightest provocation.

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The Committee was further informed that:

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1. Some of the pastoral groups also engage in rustling as a way of increasing their wealth or as conduits for unscrupulous businessmen out to make a quick kill from the miseries and hardships of the pastoralist;
2. Constant competition between two communities to control valuable resources like KENGEN power generation plant in Turkwell and the oil rich areas of Ngamia causes conflicts;
3. There have also been allegations of political interference with respect to recruitment of KPRs, as the politicians are said to ensure that their clan members and/or community members outnumber those of their rivals in the recruitment exercise.
4. Non State Actors, NGOs and Civil society carry with them their own biases and prejudices. They are said to provide resources, which are sometimes manipulated and provide additional resources to warring groups.

To address these challenges and alleviate violent conflicts in future, the residents made several recommendations to the Committee.

These are:-

1. The Government should carry out a comprehensive disarmament exercise to remove all the illegal guns from the neighboring communities;
2. The Government should support the local initiatives by the political and local leaders to diffuse tension and continue stressing peaceful co-existence especially among communities sharing common borders.
3. ~~The government should offer resources and monetary support to increase peace building efforts on the borders and should consider arresting and punishing the perpetrators of conflict in the traditional way, of imposing heavy fines;~~

4. The local administration should always work on the information provided by the community that will lead to the arrest and incarceration of the culprits, from either side;
5. The Non-State actors and especially oil prospecting companies like the Tullow Oil Company should support members of both communities access education and other social amenities;
6. The Government needs to urgently review the conditions for the recruitment and deployment of the Kenya Police Reservists (KPRs) with a view to providing uniformity across the region. These Reservists should be adequately armed and facilitated to enable them speedily mobilize and respond to any security threats;
7. Cattle rustling should be declared a capital offence through relevant legislation that provide for more punitive measures;
8. The government should encourage diversification of economic activities and provide the unemployed, unskilled youth with opportunities to work in order to divert their attention and energies from cattle rustling;
9. The government should encourage cultural exchanges between and amongst various communities living in this region as a driver to peaceful co-existence.

## **5 SAMBURU COUNTY**

Samburu County covers an area of 21,022.27 sq km with a population of about 224,000 people. The County shares its borders with four other counties, Marsabit to the North and Northeast, Isiolo to the East, Turkana to the West and Northwest, and Laikipia and Baringo to the Southwest. Samburu County is home to 223,947 people, according to the 2009 National Census. Their main economic activity is nomadic pastoralism and majority relies on sheep, goats, cattle and camels as their source of livelihood.

Livestock are an essential feature of the Samburu culture, especially because milk and meat is an important part of their heritage. These animals are mainly sold to the Kenya Meat Commission (KMC) as well as traders from Nairobi and other neighboring towns especially during droughts. Bee keeping is also a major economic activity.

Maralal town is the headquarters of Samburu County. It is a cultural rich Cultural Centre and the last frontier town for tourists looking to explore northern Kenya. The town is also a thriving trade Centre with men trading their livestock and women selling baskets and jewelry. Maralal is quickly becoming a popular international attraction thanks to the Maralal Camel Derby - an

annual camel race event held every mid-year near the town, this event attracts many locals and international camel racing enthusiasts.

Another major town in Samburu County is Baragoi. This is a small market town located about 155km north of Maralal. The town serves as a major livestock market in Samburu. Cattle, goats, sheep, donkeys and camels are usually traded in Baragoi, with buyers coming from as far as Nairobi. However, this Center is the conflict zone in Samburu County since the two main protagonists in the region, the Samburu and Turkana, inhabit it. Cattle rustling, unequal political representation, competition for scarce resource and tribal differences trigger the major conflict.

### **5.1 Samburu Community Submissions in Baragoi Catholic Hall in Baragoi Sub-County**

The Committee was informed that, the conflict issues in Samburu dates back from colonial times who consequently divided the Turkana, the Pokot, the Samburu and many others.

The divisions created by the Europeans, the past and subsequent regimes of government's have perpetuated the same culture of divide through the security agencies. The Government has all the machinery to curb the menace of cattle rustling and conflicts but little has been done in prioritizing the Government needs. The Samburu elders further stated that the leaders have no moral standing or authority to sit on the throne if the conflicts continue in Samburu County. This history and the culture of Turkana, Samburu and Pokot has escalated the recent disputes between the three communities in the region and its environs.

The animosity between the Turkana and Samburu has increase to a level where Samburu are asking for the mass eviction of Turkana to go back to Turkana County in return to peaceful coexistence. It has been reported that this is more to cattle rustling since people are killing one another without being charge for the heinous crimes.

The Committee was informed that, the government should find a way to centralize the Turkanas in Turkana County, since they are determined with their expansionist theory to displace others. The Turkana are many jostling for positions in the Samburu County notwithstanding the proportion of their population.

The Committee was informed that the Turkana's have militia with deadly firearms. This militia has a political ignition. The Samburu's are blaming the government agencies for tolerating this militia. One of the areas adversely mentioned as the location where this banditry is undertaken with impunity.

The Ministry of Interior and of National Coordination has recently merged several locations of which have resulted in creating a larger field for conflicts.

The Committee was informed that the bandits have already gained control of the gun and the next move will be to operationalize its activity as fully fledged army which if left uncontrolled will be dangerous for the Government of Kenya.

The Parliamentary Committee was also informed that the communities have placed their own mechanism of curfew since it is dangerous to walk past six due to attacks from bandits.

The Committee was informed that Turkana community in Samburu County have encroached on the Samburu land, they have taken up leadership positions and that they are not satisfied with what the Samburu community have offered them. That the Turkanas are all over in Isiolo, Laikipia and many other places in this country and the major cause of conflicts within this locality where they give unpleasant neighborliness.

The Committee was also informed that even after the Samburu County distributed the CDF allocation in order of priority, the Turkanas are not satisfied. The Turkanas have gone up to the point of demanding equal share of the opportunities in the County including police recruitment and county jobs.

## **5.2 Recommendations by the Samburu Community**

The Committee was informed that to address the conflicts afflicting the region. Several interventions need to be put in place. These are:

- a. Dialogue amongst the communities in the County.
- b. Humanitarian Assistance
- c. Investigate the community militia being propagated by the Turkana Professional Association
- d. The government to make use of existing structures to strengthen the security system in the area such as the GSU camp in Nashola.
- e. The government to have a mechanism of controlling the market of camels and goats to ascertain the buyers and the sellers.
- f. The government to compensate the KPR adequately.
- g. The government should be able to make firm decision and act decisively in terms of disarmament.
- h. The government to come up with a mechanism to mop up excess firearms.

- i. The government to bring back the anti-stock theft unit to deal with the cattle rustlers.
- j. The Security agencies in the area of the Samburu County to be overhauled.
- k. NCIC should track on hate messages propagated in the social media

### **5.3 Turkana Community Submissions in the Office of the Sub-County Commissioner Baragoi Sub-County**

The Turkana Community informed the Committee that they would like the resolutions to be arrived at in this meeting to be binding to all the parties and that the exercise of listening to the communities in the four counties of the North should not be an exercise in futility. The members of the community further submitted:

- i. That, the Turkana applauds the national government as a very helpful party in the process of bringing harmony between them and the Samburu Community. The Community further stated that they have only been secluded to one ward in the whole county yet their populations are much larger proportionally.
- ii. That, the conflict with Samburu dates back to several years, cattle rustling has been rampant being undertaken by both communities but it had not gone to the magnitude of evictions as witness recently.
- iii. That, the rapid population growth of Turkana has threatened the existence of communities neighboring the Turkana politically, economically and socially.
- iv. That, unevenly distribution of firearms to the Samburu's and Turkanan's has been noted with concern by their Community. They reported that, Turkanas KPR are given the old slow to cock 303 Rifles whereas the Samburus KPR was issued with a fast G3 guns.
- v. That, the media is also to blame by being bias in their reporting and propagating lies to the men of this community in the Kenya.
- vi. That, they feel let down by every section of the government by allowing leaders to sit and strategies how Turkana would be eliminated than arresting and prosecuting them.

### **5.4 Recommendations by the Turkana Community**

The Committee was informed that to address the conflicts afflicting the region. Several interventions need to be put in place. These are:

- 1. Peace initiatives and dialogue to be enhance between the two communities in the County.
- 2. Disarmament of all communities in the County.
- 3. KPR disarmament in Samburu County.

4. Turkana to be issued with ID cards as any other person in the County.
5. Thorough vetting of all the Turkana's should be stopped and fair and equal distribution of opportunities.
6. Nominations of political posts need to be carried out as an affirmative action both at the National level and County level.
7. The Government should form a commission of inquiry into the Baragoi conflict.
8. The Center of Kawap, which Turkana inhabited previously to be opened immediately.
9. Bursary opportunities should be distributed equally.
10. The schools in Turkana populated areas to be reopened such as Kawap, Sharda, Bukoi, Turgen,
11. The county government should practice equity by sharing the positions in the Samburu County Government in satisfactory way.
12. The National Security function should be strengthened further in the National Government to curb with the bandits and cattle rustlers.
13. Government should also enforce the County Government Act that provides for the 30% of the employment opportunities for marginalized or Communities not originally from the County.

#### **5.5 Security Committee Submission in Maralal Safari Lodge in Samburu County.**

The County Security Committee met with the Joint Parliamentary Committee on National Cohesion and Equal Opportunity and informed the Committee:

- i. That, the elders of both the committees should come up with homemade solutions of how the two communities can live alongside each other;
- ii. That, the National Cohesion and Integration Commission be facilitated to oversee the process of conflict resolution to its conclusions and implementation therein;
- iii. That, despite of the disputes within this regions being complicated it was necessary for the Government to prioritize since the feud will extend and make the Country more ungovernable;
- iv. That, disarmament should be done simultaneously in all the four counties to catch on those who migrate to evade being caught by the Kenya Forces;

- v. That there is need formulate laws with harsh penalties for the culprits to curb further banditry and to deter petty offenders;
- vi. That, ethnic animosity is caused by cultural practices before but it has mutated to expansionist theory and fuelled more by leaders;
- vii. That, the security agencies while responding to the tribal conflicts and animosity in a ~~more reactionary they are challenged by the remoteness of the areas, road transport,~~  
ration of police and poor communication network, leading to a situation that makes the reaction time too long to avert anything. Hence the need to improve on the road infrastructure and communication network;
- viii. The security committee informed the Joint parliamentary committee that the leaders of these communities must be honest to each since community can listen to them more than any other person;
- ix. That, the National Government should, adequately increase the number of the police officers to ensure that a wider population is reached;
- x. The National Government on the other hand should deal with illegal arms once and for all in a strategic manner;
- xi. That, there should be a periodic submissions by the warring communities jointly to make submission before the Joint Parliamentary committee on National Cohesion and Equal Opportunity so as to monitor progress in conflict resolution;
- xii. The Security Chiefs informed the committee that, the members of the community have much information than what the leaders sometimes may not be aware of and the elected leaders know the dynamics of such conflicts and can be instrumental in the peace process;
- xiii. That, notwithstanding the instrumental role the political leaders can play, the Religious leaders should not be ignored in the process of trying to bring peace to the county;
- xiv. The committee was informed that one of the reasons there is tension in the county is because the opportunities are not shared equitably in the county. The leaders need to deliberate on measures to be put in place to address these challenges;
- ~~xv. That, the use of firearms with impunity is due to tribal animosity but catalyst by the elected leaders seeking re-election in a show of solidarity with perpetrators of these heinous crime.~~

- xvi. That, the County Government have been endowed with resources but the usage of such resources skewedness in distribution has also added to the conflicts causes within these regions.

### **5.6 Challenges in addressing security concerns in Samburu**

The committee was informed that some of the challenges experienced by the security officers in addressing conflicts include:

- a. Unwillingness by the community to be witnesses before a law court for fear to betray their own. Locals prefer solving their problems internally.
- b. The communities are nomadic in nature and the witnesses are not easily traced due to poor infrastructure.
- c. Politicians also silence the Turkana by showing biasness in open thus bringing more animosity and division.
- d. The terrain of the Suguta Valley acts as a hide out of the Turkana and the Samburu cattle rustlers.

### **5.7 Recommendations by the Security Committee to the Joint Committee on National Cohesion**

The security officers made the following submission during their meeting with the Committee:

- i. That, Officers who are below the age of 40years who are still active in service to be deployed in the conflict zones
- ii. That, the Government should consider investing heavily in radio equipment, armoured vehicles and gunship choppers.
- iii. That, Officers who have survived the past horror attacks should be moved to other areas because of the post trauma disorders.
- iv. That, the Government should focus more to areas such as South Horr, CHagga, Kambi Moto, Kawap, where conflicts is reported frequently.
- v. That, the operations should be carried out on a neutral ground and the correct the concerns raised by the Turkanas who are barely 25% of the population and complain that operations are normally placed in Turkana areas.
- vi. That, the Government should also consider creating buffer zones especially in neutral areas between the Samburu and Turkana such as Nachola, and Kambi Nyoka.

- vii. That, the political leaders to change their attitude and attempt to distribute resources unequitably.
- viii. That, the police officers who have worked long in some areas should be swapped whereas the Government should also come with a proper and strategic of ways of motivating the police and dealing with corruption once and for all.
- ~~ix. That, the government should also approach the Private Public Partnership initiatives to fund communications and equipment by organizations as such as Safaricom, airtel, etc.~~
- x. That, the community should also review the formulations of group ranch to be a vibrant movements
- xi. That, officers need motivation, equipped with necessary skills and equipment so as to ensure they develop a free working relationship with their seniors in the operations areas.

### **5.8 Public Baraza by both Turkana and Samburu Communities In Maralal Town Centre**

During the Maralal Town Public Baraza the Committee heard the following:

- i. The Committee was informed that the county government is sidelining the Turkana, on the other hand the leaders are also diving the residents by practicing deceit and tribalism in open;
- ii. The Turkana informed the Committee that they need their own to be appointed an assistant Chief or for that matter a chief so as to ensure smooth operations in governing the area. They cited that many killing that happen because of the revenge attacks;
- iii. The Committee was informed that the Turkana in Samburu have no land of their own and that they live as squatters;
- iv. The Committee further was informed that the group ranches are not working for them; and
- v. The CDF distribution only favors the Samburu community where the MP hails from.

### **5.9 Recommendations by the Public during the Public Baraza at Maralal Town**

~~The Committee was informed of the following recommendation from the Communities Representatives:~~

- \* i. The Turkana to be given what is due to them in the allocations of CDF, Bursary, and County Government budget for development.

- ii. The government should vet all the inhabitants of Samburu County fairly and not discriminating against ones tribe.
- iii. The elders of both the communities should stand up and restore peace.
- iv. That there is need for civic education in enlightening the Communities that killing and discriminations will never bring peace.
- v. That, the communities should be able to develop values within themselves.
- vi. That, there is need to involve women and youth in peace resolution as they are mostly affected when conflict arises.
- vii. That, boundaries should be reviewed to bring peace between the warring communities.
- viii. That, the elders to talk to the youth who still have the energy to direct their energy toward issues that bring development in the county.

### **5.10 Meeting with Members of Parliament from Samburu County**

The Committee also held a meeting with the Members of Parliament from Samburu and Baringo County on 28th July 2015 to deliberate further and hear the efforts that the political class was employing to restore order in their respective areas.

#### **a. Submission by Hon. Alois Lentoimaga, M.P. Samburu North**

The Honourable Member of National Assembly representing Samburu North Constituency, Honourable Alois Lentoimaga informed the Committee that normalcy has been restored in the area since the meeting that was facilitated by the NCIC in Nanyuki between the Samburu and Turkana of Baragoi on June 20 and 21, 2015. After the meeting leaders from Turkana and Samburu from Baragoi signed a Peace Agreement after three days of mediation.

The Member for Samburu North reiterated the assertion by NCIC that, elites and professionals from Samburu and Turkana counties have been fanning conflict in Baragoi through social media. He informed the Committee that the Nanyuki Peace Agreement had been used to resolve a recent case where 96 goats were stolen from a slaughterhouse in Baragoi. He however added that the goats were stolen by youth who were unhappy with some of the provision of the agreement and especially clause four that requires all animals previously stolen from about March 2015 to be returned back to their owners.

The Member informed the Committee that the Nanyuki Peace Agreement was made in line with the Boma Declaration that was made earlier on in January by all the leaders of the Pastoral communities.

He however added that despite the two Peace Accords (The Boma Declaration and the Nanyuki Peace Agreement), some livestock that were allegedly stolen from Samburu herdsmen are constantly seen grazing along the Maralal Road. He added that this is a constant cause of tension between the Turkana and Samburu.

The Member further informed the Committee that following the resolution in Nanyuki Peace Agreement that a multi-ethnic Committee be formed to preach peace at the grassroots, a committee of 14 people, 7 from Samburu Community and 7 from Turkana Community was formed. He however, said that the Committee has not been formally launched and does not have resources to facilitate its operations.

The Member informed the Committee that a lasting solution could be guaranteed if the firearms stolen in November 2012 following the death of about 40 police officers and reservists in Suguta Valley are recovered.

**b. Hon. Maison Leshomoo, County Women Rep. Samburu County**

The Samburu County Women Representative, Hon. Maison Leshomoo informed the Committee that the memorandum presented by the Turkana Community during the Nanyuki meeting contained misleading information. The members told the Committee that contrary to the memorandum, every resident in Samburu County is registered and issued with the National Identity Cards if and when they make such application. The member added that no community has been barred from contesting for a political position and that electoral Wards represented by members of Turkana Community were merged just like any other electoral Wards following the promulgation of the Constitution in 2010.

The member informed the Committee that everyone is treated as a resident of Samburu County irrespective of their ethnic backgrounds. The Member added that the animosity between the Turkana and Samburu is historical but had changed from cultural cattle rustling to a criminal venture with both economic and political undertones.

The Member further informed the Committee that members from the Turkana Community living in Samburu County feel more comfortable engaging the Political representatives from Turkana

County instead of the local elected leaders in Samburu. She said that this has further dented the peace process because there is a feeling that the leadership in Turkana County provides backing to Turkana residents in Samburu.

The Member of Parliament informed the Committee that the residents have lost confidence with the local police leadership. She narrated how efforts to recover stolen livestock were frustrated by the police officers that demanded for a court order to pursue "known rustlers". She told the Committee that police officers seemed to have received two sets of instructions locally and nationally.

### **5.11 Committee Observations**

Following the presentation by Members of Parliament, the Committee made the following observations.

1. There is political and economic marginalization of the numerically non-dominant groups and communities in Samburu County. These groups include the Turkana who are about 15% of the total population in the county. They have been pushed to the periphery in both elective and nominative positions by the majority Samburu Community;
2. The political leadership does not have confidence in the security apparatus in the region. Members of Parliament accused the police of fear to venture into the areas to recover stolen livestock especially in Baragoi and Suguta while they continue drawing allowances and receiving bribes to protect "meat merchants"; and
3. There seems to be no good will to enforce the law and there seems to be parallel command systems leading to dysfunctional police service.

## **6 SUBMISSION FROM THE CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT.**

The Committee held a meeting with the Cabinet Secretary, Ministry of Interior and Coordination of National Government on 9<sup>th</sup> July 2015.

The Cabinet Secretary informed the Committee that on 7<sup>th</sup> January 2015 he met all the elected leaders the North-Rift Counties at the Boma Hotel in Nairobi, to discuss the strategies to tackle, Cattle rustling and Proliferation of Small and Light Weapons (SALWs) in the region. These leaders included the Senators, the Governors and the Members of the National Assembly. In attendance at the meeting were Senator Yusuf Haji and Hon. Francis X. O Kaparo, Chairman,

NCIC who were observers in the meeting. The meeting came up with resolutions, the Boma Declaration.

### **6.1 The Nanyuki Declaration**

This declaration was a ceasefire between the communities of Turkana and Samburu residing in the County of Samburu. The content of the ceasefire is as outlined in the annexures of this report.

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### **6.2 Report from the Cabinet Secretary, Ministry of Interior and Coordination of National Government**

The Cabinet Secretary informed the Committee that he had visited Baringo, West-Pokot and Laikipia Counties and identified security challenges in these areas.

The Cabinet Secretary observed that the Kenya Police Service (KPS) budget is no longer controlled from the Ministry of interior and National Coordination and that would make their responses much faster. He however, noted that the political elite as earlier agreed did not communicate the resolutions of the Boma Declaration on the ground.

The Cabinet Secretary informed the Committee that three machines to be used during the registration of firearms had been procured and were already held by the Kenya National Focus Point (KNFP) on Small Arms and Light Weapons. He said that every gun in Kenya will be registered including those held by the Kenya Defence Forces (KDF) and the Police.

The Cabinet Secretary further informed the Committee that the Government has pledged to employ about one thousand (1000) youth from each of the affected counties and create a SACCO for them to address the challenges of unemployment.

#### **6.2.1 Baringo County**

The Cabinet Secretary informed the committee that the main security challenges in Baringo County include:

- i. Boundary disputes between the Pokot and Turkana communities of East Pokot and Turkana East Sub Counties respectively;
  - ii. Cattle-rustling;
  - iii. Resource based conflict over water and pastures;
  - iv. Proliferation of small arms and light weapons; and
- 
-

- v. The prospect of mineral resources such as diatomite along the border of East Pokot and Baringo North.

The Committee was informed that these persistent conflicts have resulted to;

1. Loss of lives;
2. Destruction of private property and social amenities such as schools, health centres and markets; and
3. Displacement of people.

The Cabinet Secretary further informed the Committee that areas of Mukutani, Arabal and Salabani within Marigat Sub County have experienced relative calm in the recent past. This is due to the heavy presence of security personnel where about one hundred and fifty (150) police officers drawn from RDU, GSU and AP, were deployed in the area to flush out the Pokots who had invaded the area. The invasion by Pokots had led to closure of about twenty-one (21) schools that were also vandalized. Some of the schools have however been re-opened while others are awaiting Government assistance to have them repaired before re-opening.

The Committee was informed that the raiders had now shifted towards Baringo North Sub County where attacks have been witnessed along the border of East –Pokot and Baringo North Sub-Counties. The most affected areas include were Ngorora, Kipkata, Sibilo, Loruk, Kagir and Yatya.

The Cabinet Secretary added that the recent killing of Wilson Chebungei, a retired assistant chief (Tugen) and the burning of shops belonging to Pokots in Loruk in a revenge attack by Tugens had rekindled the animosity between the two communities. The Pokots were now threatening to attack the Tugens, a situation that could result into counter attacks.

The Committee was informed that, efforts had been made nationally and within the county to try and find a lasting solution to the insecurity. Some of the initiatives put forth include EMINING declaration, Boma Hotel declaration and Karen meeting resolutions of 14<sup>th</sup> May, 2015, besides public Barazas and security operation.

### **6.2.2 Kapedo Centre**

The Cabinet Secretary singled out Kapedo and informed the Committee that Kapedo centre was first established in 1964 by Marjaana Pohjapelto and Ann Kupianen missionaries of Finnish Free Foreign Mission (FFFM) who initiated health, education and spiritual development institutions in the area. The centre was located within the boundary of the then Baringo and Turkana districts.

The missionaries preferred the area since it has a steady source of clean water. During the administration of Kapedo under the missionaries, the two communities peacefully co-existed whereby they both accessed the social amenities developed by the missionaries.

In the year 1991, the missionaries handed over all the facilities at Kapedo to the Kenyan Government under the administration of both Baringo and Turkana districts.

~~After the handing over of Kapedo, both the Pokot and Turkana communities started claiming full ownership and control of the centre thus resulting into frequent attacks/raids and murders, since then to date as they were scrambling for the developed social amenities and the availability of water and pasture in the area. Each of the two communities has remained adamant that they were and are the rightful owners of Kapedo since they had both occupied the centre.~~

The Committee was further informed that the conflict between the Pokots and Turkanas at Kapedo have persisted largely due to but not limited to the following reasons;

1. Tough and hard positions taken by both communities including their leaders over the ownership of the disputed area;
2. Territory expansionist tendencies by the Pokots especially in areas where water and pasture are available for their livestock as compared to their inhospitable, hot and dry territory;
3. Revenge tendencies of the two communities whenever an attack is launched to either side;
4. Delay in proper demarcation and adjudication of boundaries;
5. Recent discovery of natural resources (diatomite, geothermal power and oil deposits in Silale and Kapedo) has attracted political and economic interests of both counties;
6. Harsh climatic condition which results into restocking of livestock after drought; and
7. Illegal possession of firearms which makes them confident in carrying out the attacks and audacity to attack security personnel.

### **6.2.3 Makutani and Kagir Areas**

The Cabinet Secretary informed the Committee that the Pokois invaded Makutani area by carrying out raids/attacks, vandalizing schools and other social amenities and torching houses ~~belonging to the fleeing members of the Ilchamus and Tugen communities in a move to ensure that they never come back. These atrocities by the Pokots are meant to ensure that they expand their territory and acquire more land to graze and water their animals.~~

He further reported that a security operation was however carried out from March 2015 and the Pokots moved out of Arabal and Mukutani areas. A Police post has also been established at Kagir area.

The Cabinet Secretary informed the Committee that the Pokots have managed to create a centre known as *Makutano* in Tangulbei Location, Tangulbei Division within East Pokot Sub County neighbouring Makutani Division in Marigat Sub County, thus pushing the Tugens inside. The Pokots have opposed the deployment of Assistant County Commissioner to Makutani Division and have always threatened to harm any other senior officer posted to the Division. Due to these threats, the Assistant County Commissioner operates from Marigat town. No other senior Government Officer is working in the division.

The Cabinet Secretary further informed the Committee that theft of camels in Turkana East on 25<sup>th</sup> June, 2015 by Pokot raiders and the attack at Nawamur Nakaalei village in Katilia Location in Turkana also by raiders from Tiaty who made away with about two thousand (2000) goats has rekindled the conflict between the two communities. Turkanas are likely to carry out revenge attacks against the Pokots, thus aggravating the already volatile situation.

#### **6.2.4 Loruk**

The Cabinet Secretary reported that The killing of Wilson Chebungei – retired Assistant Chief in Loruk on 31<sup>st</sup> May, 2015 by family members of the late Peter Todokin Kokoon who was allegedly killed by Tugens has also rekindled conflicts between the Tugen and Pokots. The subsequent burning of houses belonging to the Kokoon family in Loruk by the Tugen worsened the situation. Police immediately commenced investigation into the murder and a case file, which is pending arrest of known accused, has been forwarded to Director of Public Prosecution for further direction. Their efforts have however been hampered by lack of witnesses since no one is willing to come up and record statements with the Police to enable the arrest of the suspects.

#### **6.2.5 Conflict between Ilchamus and Tugen communities**

The Cabinet Secretary informed the Committee that the two communities were in the past living harmoniously until April, 2015 when warriors from the two communities jointly raided the Pokots in East Pokot where they stole some livestock but the Tugens tricked the Ilchamus and led them into an ambush and took all the animals. This made the Ilchamus bitter and started planning to revenge against the Tugens.

The climax of this conflict was on 25th June 2015 when armed Ilchamus raiders attacked Tugens in Sandai location where one Tugen namely John Ketew was killed and Cheresia Tirok injured.

#### **6.2.6 Reasons for persistent raids and banditry in Baringo County**

The Cabinet Secretary informed the Committee that the persistent raids and Banditry in Baringo County were as a result of:

1. A cultural requirement of paying dowry with high number of animals encourages raids;
2. Unscrupulous traders providing ready market for stolen animals;
3. Lack of diversity in economic activities;
4. Illiteracy especially among the youths;
5. Harsh climatic condition which results into restocking of livestock after drought;
6. Illegal possession of firearms which makes them confident in carrying out the attacks and audacity to attack even the security personnel;
7. Boundary conflicts;
8. Revenge tendencies of the communities involved; and
9. The desire to expand their territory.

#### **6.2.7 West-Pokot County**

The Cabinet Secretary informed the Committee that the conflict between the Turkana and Pokot communities has been there for almost five decades. The main issue has been:

1. Cattle rustling;
2. Conflict over pasture, land and watering points;
3. Boundary disputes between the two counties; and
4. The use of resources e.g. Turkwel Power Station.

The Cabinet Secretary informed the Committee that the situation has been worsened by the availability of thousands of illegal firearms in both counties and the local leaders who have also been fueling the conflicts.

The Cabinet Secretary further informed the Committee that, in the last 3 months there has been a concerted effort by all the political leaders from both Counties who held peace Caravans in these areas to restore peace between the two communities. Further to that, the local community members have mobilized themselves into village peace teams and have held over forty (40) peace forums. The National Administration Officers and Local Communities spearhead this.

### 6.2.8 Samburu County

The Cabinet Secretary informed the Committee that Samburu's who form about 65% of the total population mainly inhabits Samburu County. The Turkana's, who are about 25%, the Pokots and Kikuyus who are about 4% each and members of other communities which form about 2% of the total population in the County.

The Cabinet Secretary informed the Committee that the main causes of conflicts in the County include:

1. Historical animosity between the pastoralist communities living in the county;
2. Competition for pastures and water;
3. Marginalization of the Turkana community by the Samburu County Government. (The Turkana tribesmen feel that the Samburu County Government has not considered them in terms of employment, awards of tenders and bursary disbursement. This has bred hatred between the two communities).
4. Traditional restocking by the communities after a dry spell that affects their livestock which leads to the upsurge of raids when the rain season begins;
5. Amassing of livestock as a sign of wealth to command respect;
6. Cultural activities like Moranism where raiding successfully from another community is hailed mostly by young ladies during traditional ceremonies (*dances, circumcisions and age sets*); and
7. Battle for political and administrative representation especially in Samburu North where the Turkanas are said to be amassing numbers to capture more seats in the sub county.

The Cabinet Secretary further reported that the Security apparatus face numerous challenges hampering their efforts to address conflicts in the County. These include:

1. Poor infrastructure in the county that includes rugged terrain, hostile conditions and lack of security roads which limits patrols and pursuit of stolen animals;
2. Heavily armed pastoralists' community with sophisticated weapons. They are always ready to face each other and even the security officers;
3. Lack of political good will to end the conflicts. The politicians castigates fighting in open forums but are secretly believed to be inciting their people to war;

4. Disloyal public servants who are native of the region. They put interest of their community first at the expense of National security;
5. Inadequate equipment and machinery i.e. motor vehicle to allow for fast response to security situations; and
6. Inadequate facilitation in terms of fuels that limits security operations.

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#### **6.2.9 Turkana County**

The Cabinet Secretary informed the Committee that the latest major incident in Turkana County was reported on 4<sup>th</sup> May 2015 where suspected Turkana raiders invaded a Manyatta at Nadome location in Turkana East Sub County. The raiders killed about 50 persons besides stealing hundreds of animals. Consequently, a leaders meeting chaired by His Excellency the Deputy President was held which recommended that the local leaders sensitize the community members on peaceful co-existence.

### **6.3 Strategies to deal with insecurity in Baringo, Samburu, West Pokot and Turkana counties**

The Cabinet Secretary informed the Committee that a solution to the current security challenges experienced in these counties requires a multifaceted approach. This will call for full commitments of the local leaders, County Governments; Faith Based Organization and the relevant National Governments Ministries, Departments and Agencies.

The cabinet Secretary further added that The following are some of the proposed strategies:

1. Intensified campaigns and sensitizations programmes by National and County Governments to promote education and shun retrogressive cultural practices which include Moranism;
2. Security operation should be sustained to apprehend the bandits and arraign them in court;
3. Simultaneous disarmament exercise;
4. Arresting and arraigning in court leaders inciting locals against their neighbours;
5. Holding regular peace meetings between the concerned communities led by both elders and local leaders;
6. Develop social infrastructures such as schools, health centres and markets;
7. Encourage the communities to practice modern animal husbandry;
8. Opening up of access roads in remote parts of the Counties to ease patrol and pursuit of criminals;

9. Deployment of more security personnel;
10. Increase funding to security organs to cater for vehicles repair and maintenance as well as personnel welfare;
11. Need for frequent air and ground patrol by security personnel;
12. Equip the security agencies in those areas with modern equipment such as;
  - a. Armoured Personnel Carriers/vehicles equipped with modern surveillance equipment;
  - b. Unmanned Aerial Surveillance equipment (UAVs)/such as drones and Balloons for intelligence gathering in remote areas;
  - c. A secure communication system to relay information between ground forces and control centre;
  - d. An aircraft for surveillance and quick response installed with infrared capability to assist in identifying targets at night.
13. Providing adequate security to the communities to prevent them from internal and external threats;
14. Scaling up peace building and conflict prevention mechanisms;
15. Promoting tolerance and cultural diversity through sporting, cultural exchanges visits among communities; and
16. Establishing joint projects to encourage resource sharing.

## **7 Report from the Chairman National Cohesion and Integration Commission (NCIC)**

The Chairman NCIC informed the Committee that the Commission had intervened in eleven (11) inter and intra county conflicts. The Chairman singled out a meeting held between the Turkana and Baringo County communities in Eldoret. He said that this meeting was held due to an urgent need to address peace action on the conflicts between the communities living on the borders of Baringo and Turkana Counties. He further informed the Committee about the meeting between the Nandi and Kabras in Nandi County; the Turkana East and the Tiaty (East Pokot); and the recent meeting between the Samburu and Turkana of Baragoi in Nanyuki.

The Chairman informed the Committee that the underlying cause of conflicts in most of these counties is **cattle rustling** which is compounded by:

1. small arms proliferation;

2. poverty;
3. ethnic grievances;
4. political incitements;
5. Competition for resources, e.g. LAPSET in Isiolo; and
6. Unemployment.

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The Chairman informed the Committee that these conflicts would be addressed through legitimate institutions and governance to provide citizen security, justice, and job opportunities. He said there is need to restore confidence and transform security apparatus in these regions. He urged the Government to promote outreach to community leaders to identify priorities and deliver inclusive development programs.

The Chairman further added that the peace agreements and declarations made by different communities need to be backed by law and that the law should be applied fairly and equally. He called on the government to expeditiously address the Political, social and economic marginalization in these areas to avert future conflicts.

The Chairman observed that there is a serious and strong commercial aspect to cattle rustling. He informed the Committee that this would explain why the provincial administrators and security personnel were complacent in ASAL areas.

The Chairman informed the Committee that Kenya has a crisis of ethnic inequality in the County Public Service which is skewed towards the dominant groups in the county. He therefore asked the Joint Committee on National Cohesion to come up with strategies that would handle this challenge. This would include a legislation to provide for inter-county transfers.

### **7.1 Committee Observations**

During the twin presentations the Committee members observed the following:

1. The inaction and reluctant by the police and other security apparatus to pursue criminal gangs in North-rift would be the main reason why some sections of the community are opposed to disarmament;
2. Members were concerned that the Government has not indicated how the issue of unemployment will be adequately addressed;
3. There is need for the traditional systems and institutions to be activated to work hand in hand with the security agencies;

4. The Government needs to identify common causes of conflicts and prescribe common remedies;
5. There is a need for all stakeholders to encourage voluntary return of guns by creating incentives to those with illegal arms. However, the Government also needs to provide security agencies with the capability to stop cattle raids and armed criminality;
6. Members wanted to understand clearly what the policy on registration of firearms entails; what role is played by the two levels of the government during the registration;
7. There is no sufficient information on the ground about registration of firearms and especially the exact details of what is required;

## **8 SUBMISSION BY VARIOUS GOVERNMENT AGENCIES DURING THE WORKSHOP HELD IN SAFARI PARK ON 12TH MARCH, 2016**

### **8.1 SUBMISSION BY THE NATIONAL POLICE SERVICE COMMISSION REGARDING CONFLICT ASSESMENT ASSESSMENT AND IMPACT IN WEST POKOT, BARINGO, SAMBURU AND TURKANA**

The Deputy Inspector General made the following submissions:

That Northern Kenya experiences both inter and intra conflicts including cross-order.

That numerous studies indicate that most of the conflicts in northern Kenya are triggered by scarcity of natural resources and, fueled by culture and tradition.

That in the in the same breadth, numerous peace initiatives are on-going to address the conflicts

That this region has the highest concentration of peace actors compared to other regions countrywide

That their findings are based on assessments conducted by a number of actors between 2014 and 2015.

That some of these partners whom are members of the National Steering Committee on Peace building and Conflict Management, namely:

- a. National Steering Committee on Peace building and Conflict Management
- b. Finn Church Aid
- c. Coffey International

- d. Danish Demining Group
- e. Actors in Peace and Conflict
- f. Individuals (e.g arms brokers)
- g. Groups
- h. Elders
- i. Youth

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j. Politicians

k. Institutions

That the causes and drivers of conflict that are mainly resource-based conflicts perceived to be resulting from the following among others:

- i. Poverty and deprivation
- ii. Access, management and control of water points, land, pasture, fisheries
- iii. Boundary delimitations
- iv. Political power relations,
- v. Clannism
- vi. Negative Ethnicity and ethnic rivalry
- vii. Livestock theft and rustling
- viii. Banditry activities.
- ix. Proliferation of small arms and light weapons
- x. Some cultural practices such as Female Genital Mutilation (FGM)
- xi. Unreliable rainfall that leads to depletion of natural resources,
- xii. Climate change.
- xiii. Alliance formation between various ethnic communities
- xiv. Conflicts over extractives especially as the host communities demand a bigger share of opportunities for employment, access to contracts and tenders among others.
- xv. Desire by host communities to benefit from the investments in the Counties in terms of corporate social responsibility (CSR). For e.g. tensions and sometimes protests between host communities versus refugee community. This is related to resource-sharing, environmental degradation especially as those contracted to provide fuel, wood, sand and other resources deplete the environment. This is coupled by

insufficient attention by agencies catering for refugees to ensure spillover of some of the benefits to the host community.

- xvi. Political incitements by some leaders in the region occasionally fuels conflicts.
- xvii. Impunity

That, impacts of conflicts in the four Counties have been immense.

- i. At the outset, the conflicts have resulted in death of thousands of people
- ii. Several casualties, injuries
- iii. Displacement of populations,
- iv. Breakdown in the social fabric and breakup of families.
- v. fairly traumatized segment of the population.
- vi. Instances of capital flight and loss of investments especially as investors are scared from investing or even required to pull out.
- vii. Loss of livelihoods
- viii. Ecological degradation as livestock are concentrated in certain areas for fear of raids
- ix. Impact of Conflict
  - x. Vandalism and destruction of strategic installations e.g. Kerio Valley Development Authority (KVDA) shifting its major operations from Turkwel to Eldoret
  - xi. Closure of schools, hospitals, dispensaries, market centres, and other public facilities.
  - xii. Banditry and rustling activities in some parts of the region has resulted in fear, limitation of transport, and interruption in trading activities among others.
  - xiii. A number of studies have documented the losses in economic terms. Overall, it can be said that the cumulative impact of the conflicts in this region has been immense and devastating.
- xiv. That violent conflicts trends in the *northern Kenya has significantly reduced according to the National Conflict Early Warning Systems.*

The following Peace Initiatives were outlined by the national Police Service Commission:-

- i. Peace building and Conflict Management initiatives in the Karamoja Cluster have been taken a notch higher since early 2015 when the CS Ministry of Interior and Coordination

of National Government held a meeting with leaders from Pastoral areas on 5<sup>th</sup> January 2015. This led to the famous Boma Resolutions.

- ii. Since then, there has been sustained engagement with the political leadership, religious leaders, elders, women, youth, reformed warriors, professionals and the entire community in these Counties.
- ~~iii. For almost one year now, there is relative peace, recovery and return of raided/stolen livestock in these counties.~~
- iv. The same has been noted in the robust engagement between the County Governments of Turkana and West Pokot.
- v. There has also been increased and structured engagement between the County Governments of Turkana and West Pokot with neighbouring communities and Governments in Ethiopia, South Sudan and Uganda. Civil society actors have also been very supportive of these initiatives.
- vi. Regular engagements among the County Governments have also been institutionalized.
- vii. Peace Initiatives & Recommendations combined
- viii. Community dialogue and facilitation of implementation of peace agreements
- ix. Support for bilateral peace and security initiatives, e.g Joint Border Commissioners/ Administrators meetings for Kenya/Uganda; and Kenya/Ethiopia. The National Government is committed to ensure that County Governments are part of these initiatives.
- x. Establishment and Strengthening of peace structures through reconstitution and training of peace committees
- xi. Implementation of National Policy on Peace-building and Conflict Management/ Sessional Paper No.5 of 2014.
- xii. Establishment of Early warning and response hubs at the County level. The objective is to capture early warning information and trigger rapid response by both state and non-state actors at the local level.
- xiii. Deepening partnerships in the integration of the Gender agenda in peace and security programmes among others. We launched the National Action Plan for the implementation of the United Nations Security Council Resolution 1325 and Related Resolutions on 8<sup>th</sup> March 2016.

- xiv. Increased deployment and facilitation of Law Enforcement officers to enhance community safety and security at all levels. Training of law enforcement agencies, local administrators and other peace and security stakeholders on Conflict Prevention, Management and Resolution (CPMR). In particular, there is active engagement with the County Governments in this regard.
- xv. Continuous Mapping out conflicts and peace actors in the country and establishment of a data-base of actors in order to provide for a coordinated approach to Conflict Prevention, Management and Resolution (CPMR).
- xvi. Working with communities in mopping-up illicit Small Arms and Light Weapons (SALW).
- xvii. Marking of small arms and light weapons with the support of RECSA
- xviii. Training and equipping of National Police Reserves
- xix. Registration of civilian owned firearms is being conducted for ease of tracing them.
- xx. Application of the Rule of Law
- xxi. ADR Mechanisms
- xxii. Social media management
- xxiii. Implementation of Universal Primary Education
- xxiv. Peace Dividend projects for youth, women and reformed warriors with GoK/UNDP Support (about KSh12Million for 350 groups)
- xxv. Development projects by National and County Governments as a way of opening up the region
- xxvi. There is an Anti-Cattle Rustling Programme housed in my Ministry. This programme is facilitated by the Kaporion Community Peace net in partnership with the Ministry of Interior. The programme is in its formative stages and will be implemented in 21 ASAL Counties with focus on supporting resettlement of IDPs, economic recovery, peace and reconciliation.
- xxvii. Galvanise Kenyans through numerous Peace Forums: National, County, Sub-County,etc
- xxviii. Enhanced funding

The National Police Service Commission concluded that the significant trends in reduction of violent conflict, is largely attributed to the peace processes, which has yielded tremendous fruits. That there is relative calm and peace in this region.

That there are many actors supporting the peace process, whose initiatives need to be well coordinated and sustained.

~~It is impressive to note and appreciate that County Governments have proactively got engaged in this peace process.~~

## **8.2 SUBMISSION BY THE MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES WITH REGARDS TO THE ASPECTS OF CATTLE RUSTLING WITH THROUGH THE DIRECTORATE OF VETERINARY SERVICES.**

### KENYA LIVESTOCK POPULATION (GoK, 2009)

Species in Million

- i. Cattle 18
- ii. Sheep & Goats 45
- iii. Camels 3
- iv. Donkeys 2
- v. Pigs 0.34
- vi. Chickens 32

### LIVESTOCK CONTRIBUTION TO ECONOMY

- i. 12% to National GDP
- ii. 40% to Agricultural GDP
- iii. Supports food security, household income and employment creation
- iv. 95% of employment in the ASALs

### CATTLE RUSTLING

- i. Cattle rustling - stealing, organising, attempting, abetting the stealing of livestock usually accompanied by dangerous weapons and/or violence
- ii. Constraints livestock sub sector
- iii. Loss of investment and wealth
- iv. Loss of life and maiming

- v. Limiting husbandry options by influencing pastoralists' decision on migration and range utilization.
- vi. Introduction, spread and establishment of Trans-boundary Animal Diseases (e.g. PPR in 2006 from Oropoi; FMD)

## DVS INTERVENTIONS

### A) POLICIES ON LIVESTOCK TRADING

- i. Healthy livestock
- ii. No objection permit & livestock movement permit
- iii. Identifiable livestock
- iv. Appropriate livestock marketing infrastructure
- v. Ante and post mortem inspection
- vi. Animal welfare • Disease reporting
- vii. Quarantine imposing and lifting

### B) GOVERNING MOVEMENT OF LIVESTOCK - LAWS

- i. International movement of livestock and products - International Health Certificate and Export Permit”, (OIE/WTO/SPS Framework).
- ii. Animal Diseases Act Cap 364 [Subsidiary] revised 2012: PART III –
- iii. 16. Issuers of movement permits appointed by the Director of Veterinary Services
- iv. 17. No movement within restricted area without permit – Destination official veterinarian issues “ No Objection Permit” – Source official veterinarian issues “Movement Permit” – Livestock traders must be licensed – “6.00 am to 6.00 pm”

### C) ANIMAL MOVEMENT DOCUMENTS

- i. Movement permit
- ii. No objection for movement of livestock

### D) CATTLE BRANDING ACT, CAP 357

- i. Hot iron branding confers animals a group identifier either to an administrative jurisdiction (County, Sub-County), farm or herd.
- ii. Based on allocation of gazetted dominant brand marks that entrenched in Cattle Branding Act.

- iii. DVS issues brand certificates to individual livestock owners to fabricate and use their unique marks that are retained in the register of brands.

#### LINKAGES : FARM -TO- FORK

##### A) SENSITIZATION AND AWARENESS CREATION ON THE MENACE

- i. Producers
- ii. Traders / investors
- iii. Transporters
- iv. Markets [live animal, products, by-products]
- v. Consumers
- vi. Livestock marketing associations
- vii. Law enforcement agencies
- viii. Regulators

##### B) ANIMAL IDENTIFICATION

- i. Mechanical methods (Tagging, Branding (hot and freeze irons), Tattooing/ Painting)
- ii. Electronic methods (Ear tags, Rumen Boluses, Injectable Transponders)
- iii. Biometric methods (Nose prints, DNA Profiling, Iris scanning, Retinal scanning)

#### CODED EAR TAGS CATTLE TURKANA COUNTY

- i. In 2015, Ministry in collaboration with Kenya Livestock Marketing Council with support from USDA undertook a pilot study on LITS using pre-printed ear tags in Turkana County.
- ii. 10,000 animals identified - evaluation of study ongoing.

#### TRACEABILITY SYSTEM

- i. Domestic food safety and quality assurance, export market access
- ii. Provide security, proof of ownership, deterrence against theft and rustling

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#### CHALLENGES

##### A) BRANDING & DOWNGRADING LEATHER

- i. Leather industry economic contribution of Ksh7.5 billion annually against a potential of Ksh 120 billion.
- ii. Enormous potential from skins of emerging livestock (game, crocodiles, ostrich, fish, rabbits)
- iii. Ministry has issued guidelines on veterinary services to minimize loss of value of hides from branding.

#### B) FIELD TRIALS OF TRACKING TECHNOLOGY

- i. Inadequate operator's tracking experience
- ii. Infrastructure required
- iii. Lack of web based database

#### DVS PROPOSALS TO ARREST THE MENACE BASED ON CURRENT DYNAMICS OF CATTLE RUSTLING

- i. Immediate Policy and Legal Framework Review to make it mandatory for all livestock moved to be appropriately identified
- ii. Branding by counties using registered brand marks and double ear-tags (RFID tags and standard tags).
- iii. Stakeholders consultation on livestock tracking to curb cattle rustling and related insecurity - Ministry of Interior and Coordination of national Government; representatives of County Governments, target communities, private sector players and GSM Mobile communication service providers.
- iv. Tracking technology field simulation on livestock under extensive pastoral Livestock production system
- v. Design, develop and manage a web based livestock database – livestock owners, traders, ear tag numbers, etc.

#### COMPARATIVE COSTS OF LISTS TECHNOLOGIES

Method and Unit Cost in USD

- Hot iron branding 1.00
- RFID bolus 3.00

- Ear tags 2.00
- Microchips 1.50
- Wireless rumen
- Bolus 4 - 7

### **8.3 SUBMISSION BY THE KENYA REVENUE AUTHORITY**

#### KRA ROLE IN LIVESTOCK TRADING

##### MANDATE OF KENYA REVENUE AUTHORITY

- Revenue collection - Assessment and collections of Domestic Taxes and Import Duty
- Facilitation of Trade
- Safeguarding of National Interest and Security
- Collections of Statistics on International Trade

##### ROLE OF KENYA REVENUE AUTHORITY IN THE CONTROL OF EXPORTS

- Controlling of Imports and Exports
- Collaboration with other Government Ministries in execution of its mandate
- Sharing and Exchange of information with other Government Agencies to curb illicit trade. etc

#### STATISTICS ON EXPORTS OF LIVE CATTLE AND THEIR PRODUCTS

##### **A) Exports Summary of Live Cattle by Country of Destination**

DESTINATION	SHORT HS	PRODUCT DESCRIPTION	QUANTITY (Unit)	FOB VALUE	EXPORT DUTY	TOTAL TAX
MAURITIUS	0102	--Other cattle	6,311	172,775,000		
TANZANIA		Live bovine animals.---Other				
	0102	live bovine animals	9,020	467,120		

	0102	--Other cattle	489	20,772,3	43		
	0102	--pure bred breeding cattle	1,832	75,983,2	47		
			11,341	97,222,7	10		
UGANDA	0102	-- Pure-bred breeding animals	30	271,110			
	0102	--pure bred breeding cattle	1,154	14,854,6	99		
	0104	Live sheep and goats. --- Pure-bred breeding animals	1,054	190,328			
			2,238	15,316,1	37		
		<b>Grand Total</b>	<b>19,890</b>	<b>285,313,</b>	<b>847</b>		

**B) Exports Summary of Live Cattle by Year by Country of Destination**

YEAR	DESTINATION	SHORT HS	PRODUCT DESCRIPTION	QUANTITY (Unit)	FOB VALUE	EXPORT DUTY	TOTA L TAX
2013	MAURITIUS	0102	--Other cattle	1,700	42,500,000		
	TANZANIA	0102	--Other cattle	140	6,300,000		
	UGANDA	0102	--pure bred breeding cattle	382	6,943,638		
2014	MAURITIUS	0102	--Other cattle	1,611	40,275,000		
	TANZANIA	0102	--Other cattle	50	2,250,000		
		0102	--pure bred breeding cattle	55	4,205,000		

		0102	-- Pure-bred breeding animals	30	271,110		
	UGANDA	0102	--pure bred breeding cattle	678	4,131,062		
			Live sheep and goats. --- Pure-				
		0104	bred breeding animals	1,002	86,328		
2015	MAURITIUS	0102	--Other cattle	3,000	90,000,000		
	TANZANIA	0102	Live bovine animals.---Other live bovine animals	9,020	467,120		
		0102	--Other cattle	299	12,222,343		
		0102	--pure bred breeding cattle	1,777	71,778,247		
	UGANDA	0102	--pure bred breeding cattle	94	3,780,000		
		0104	Live sheep and goats. --- Pure- bred breeding animals	52	104,000		
			<b>Grand Total</b>	<b>19,890</b>	<b>285,313,847</b>		

C) Exports Summary of Cattle Products by Year

	QUANTITY	FOB	EXPORT	
YEAR	(Kg)	VALUE	DUTY	TOTAL TAX
2013	6,284,181	1,448,485,090	35,351,637	35,351,637

2014	6,930,927	1,978,187,845	-	-
2015	6,335,503	2,171,261,548	-	-
<b>Total</b>	<b>19,550,611</b>	<b>5,597,934,482</b>	<b>35,351,637</b>	<b>35,351,637</b>

D) Exports Summary of Cattle Products by Year

YEAR	HS Heading	PRODUCT DESCRIPTION	QUANTITY (Kg)	FOB VALUE	EXPORT DUTY	TOTAL TAX
2013	0201	Meat of bovine animals, fresh or chilled	212,226	109,693,372		
	0202	Meat of bovine animals, frozen.	1,666,272	535,315,582		
	0204	Meat of sheep or goats, fresh, chilled or frozen.	1,590,229	670,724,703		
	4101	Raw hides and skins of bovine	2,815,452	132,750,821	35,351,637	35,351,637
	4102	Raw skins of sheep or lambs	2	612		
		<b>Sub-Total</b>		<b>6,284,181</b>	<b>1,448,485,090</b>	<b>35,351,637</b>
2014	0201	Meat of bovine animals, fresh or chilled	164,723	71,575,112		
	0202	Meat of bovine animals, frozen.	1,848,069	694,153,809		
	0204	Meat of sheep or goats, fresh, chilled	2,377,241	1,088,239,161		

		or frozen.				
	4101	Raw hides and skins of bovine	2,540,844	124,210,363		
	4102	Raw skins of sheep or lambs	50	9,400		
		<b>Sub-Total</b>	<b>6,930,927</b>	<b>1,978,187,845</b>	<b>0</b>	<b>0</b>
2015	0201	Meat of bovine animals, fresh or chilled	215,210	116,346,519		
	0202	Meat of bovine animals, frozen.	1,179,747	485,265,566		
	0204	Meat of sheep or goats, fresh, chilled or frozen.	2,717,092	1,448,484,772		
	4101	Raw hides and skins of bovine	2,223,435	121,163,606		
	4102	Raw skins of sheep or lambs	19	1,085		
		<b>Sub-Total</b>	<b>6,335,503</b>	<b>2,171,261,548</b>	<b>0</b>	<b>0</b>
		<b>Grand Total</b>	<b>19,550,611</b>	<b>5,597,934,482</b>		

E) Top 10 Exports Summary of Cattle Products from 2013 to 2015 by Destination

	DESTINATION	QUANTITY (Kg)	FOB VALUE	EXPO RT DUT Y	TOTAL TAX
1	UNITED ARAB EMIRATES	2,290,089	1,172,211,746		
2	OMAN	2,450,984	1,120,906,502		
3	TANZANIA	2,265,504	740,029,860		

4	SOMALIA	1,725,193	648,400,032		
5	SAUDI ARABIA	683,646	388,485,508		
6	SUDAN	848,560	381,764,908		
7	CHINA	7,246,829	363,129,552	34,511,637	34,511,637
8	SOUTH SUDAN	717,887	323,472,172		
9	DEMOCRATIC REP OF CONGO	692,005	306,223,309		
10	QATAR	72,309	39,929,025		
	<b>Top 10 Total</b>	<b>18,993,006</b>	<b>5,484,552,613</b>	<b>34,511,637</b>	<b>34,511,637</b>
	<b>Others Total</b>	<b>557,605</b>	<b>113,381,869</b>	<b>840,000</b>	<b>840,000</b>
	<b>Grand Total</b>	<b>19,550,611</b>	<b>5,597,934,482</b>	<b>35,351,637</b>	<b>35,351,637</b>

F) Top Exports by Cattle Products by Destination in each HS Heading

DESTINATION	SHORT CODE	SHORT DESCRIPTION	QUANTITY (Kg)	FOB VALUE	EXPORT DUTY	TOTAL TAX
TANZANIA	0201	Meat of bovine animals, fresh or chilled	198,490	101,806,217		
TANZANIA	0202	Meat of bovine animals, frozen.	1,976,451	575,724,604		
UNITED ARAB EMIRATES	0204	Meat of sheep or goats, fresh, chilled or frozen.	2,289,713	1,172,044,712		
CHINA	4101	Raw hides and skins of bovine	7,246,829	363,129,552	34,511,637	34,511,637

UNITED STATES OF AMERICA	4102	Raw skins of sheep or lambs	50	9,400		
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## 8.4 SUBMISSION BY THE NATIONAL COHESION AND INTEGRATION COMMISSION

### STATE OF INTER-COMMUNITY COHESION AMONG PASTORAL COMMUNITIES

#### INTRODUCTION

- i. Deaths: Between 2010-2014, violence claimed 3060 lives (Kenya Human Rights & Equality Commission, 2014). This number is 3X more than during PEV)
- ii. Relatively stable but fluid
- iii. Characterized by terror attacks, armed violence, inter-community and inter-clan conflicts, as well as political motivated violence and border tensions
- iv. Majority of pastoral counties are considered hotspot (NCIC Mapping, 2015) – 19 counties are hotspots
- v. Epicenters of Violence and Terrorism – Runs from Mandera to West Pokot
- vi. Cattle rustling a major cancer – an organized crime

#### DYNAMICS, TRENDS AND IMPACTS

- i. Proliferation of SALWs - sophisticated guns remains instruments of executing violence
- ii. Existence of latent or active community and clan militias
- iii. Silent victims of violence – lack of support for compensation, punishment and community rebuilding – thousands of destroyed and damaged lives of Orphans and widows of pastoral violence
- iv. Increasing tensions and violence – pre-election violence and displacements before voter registration?
- v. Ruptured inter-communal ties and social fabric
- vi. Deepened mistrusts

#### STRUCTURAL DRIVERS & TRIGGERS

- A) Social-political Factors:

- i. Negative ethnicity including ethnic/clannism: clan superiority, political exclusion/domination.
- ii. Political incitement and exclusionary sentiments often by leaders – trigger ethnic/clan emotions
- iii. Cattle rustling is an organized crime – presence of resilient spoilers and conflict entrepreneurs and arms dealers
- iv. Natural resource-based conflicts – water and grazing lands
- v. Boundary conflict between counties-Politicized.
- vi. Historical injustices: marginalization and human right abuses – situations of hopelessness breeds fear & violence
- vii. Negative use of social media spheres – among professionals

B) Economic Factors

- i. Class and Regional Inequalities – inhibits social cohesion in Kenya. Nairobi's HDI (0.773) similar to high HDI countries i.e. Seychelles (0.773) and Mexico (0.770). Central region (0.637) similar to medium HDI countries like Egypt (0.644) and Botswana (0.633) while parts of the Northern region registers (0.417), similar to Afghanistan
- ii. Unequal distribution of resources (national and county level): competition over jobs, contracts e.t.c
- iii. Feelings of exclusions in county-level recruitments or economic rewards - only 17/47 counties complied with the CG and NCI Act on ethnic balance.
- iv. High poverty level exacerbated by frequent drought and famine – extreme vulnerability – fragile social fabric
- v. High unemployment & high school drop-outs and illiteracy rates of pastoral youth – professional cattle rustlers
- vi. Social tensions and conflicts around extractive industries sites and large scale developments (Turkana, West Pokot, Baringo, Isiolo, Marsabit, Garissa, Wajir, Meru, Kwale, Taita Taveta, Mwingi, Lamu etc)
- vii. Extractive industry issues e.g. oil and minerals – strategic positioning in anticipated compensation for land i.e. Kapedo, mineral deposits in Baringo?

- viii. Mega Projects such as LAPPSET – communities have limited awareness i.e. Isiolo/Meru conflicts.

## INTERVENTIONS AND ACHIEVEMENTS

A) Resolved, mitigated and transformed violent inter-ethnic conflict through mediation, ~~facilitated dialogue & reconciliation:~~

- i. Held over 20 leaders' meetings in hotspot counties
- ii. Realized cessation of hostilities in Isiolo, Samburu, Laikipia, Marsabit and North Rift Counties (Baringo, Turkana and West Pokot )
- iii. The Commission brokered and witnessed ceasefire and peace agreements (7) and is closely monitoring its full implementations of the issues raised.
- iv. Peace agreements facilitated return of stolen animals and sharing of grazing lands and water points in arid and semi arid areas.
- v. In Isiolo County, members of Samburu Community have returned over 300 shoats stolen from the Maasai community of the neighbouring Laikipia County.
- vi. There has been exchange of stolen livestock between Turkana and Pokot ethnic groups from Turkana and West Pokot County.
- vii. Joint meetings of Samburu and Turkana morans
- viii. Community members willingly shared actionable intelligence with security officers leading to arrest of criminals and cattle rustlers.
- ix. County Government has established infrastructures of peace. This is great for sustainability of initiatives.

B) Increased use of traditional conflict resolution mechanism to resolve communal issues:

As a result there is increased recognition and appreciation of use Alternative Dispute Resolution Mechanism among communities including using Council of Elders

C) Increased capacity for peace building and approaches to reconciliation in the sector.

Through partnerships, the Commission has trained more than 400 key personnel from state and non-state actors including media in conflict transformation and reconciliation.

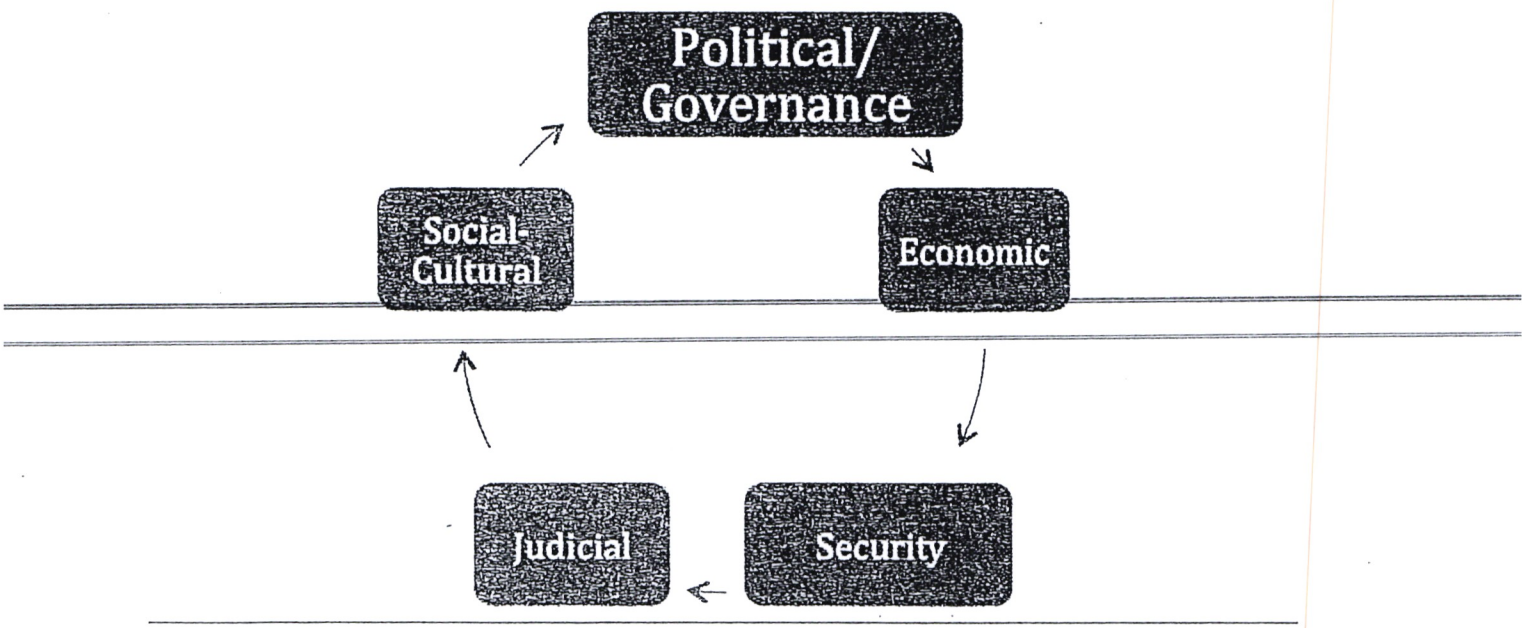
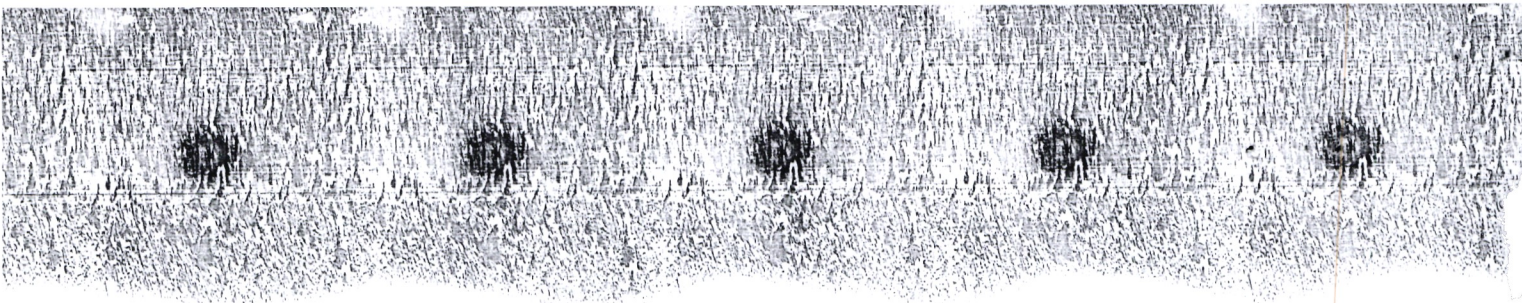
## CHALLENGES AND LESSONS LEARNT

- i. Peace and reconciliation processes are not an event but rather continuous processes requiring constant engagement with stakeholders. The need for adequate resources.
- ii. Difficulty in implementing social contracts and peace agreements between and amongst communities – spoilers to be decisively dealt with
- iii. The fluidity and dynamic nature of conflicts
- iv. Political will – especially political leaders
- v. Funding and technical capacity issues
- vi. Multiple level interventions and coordinated engagements

## RECOMMENDATIONS

- i. Continuous conflict mapping of hotspots counties
- ii. Collaboratively deal with hate speech & incitements
- iii. Inclusive dialogue between communities and their leadership
- iv. Strengthen mechanism of early warning and response
- v. Monitoring the implementation of community ceasefire and peace agreements – collaboratively deal with spoilers & arms dealers
- vi. Enhanced border controls and security & comprehensive disarmament
- vii. Establish an inclusive peace building and cohesion infrastructure at national and county levels
- viii. Sensitization and awareness on extractive industries impact on community social cohesion – hasten Extractives Bill.
- ix. Targeted support for at-risk youth – Reformed warriors for NYS?
- x. Support for IDPs among pastoral groups and victims of violence
- xi. Robust poverty alleviation and adult education programmes
- xii. Increased funding, collaboration, coordination and cooperation of key actors at both national and county level

## COMPLEX SOCIAL COHESION WEB



## 9 OBSERVATIONS

During Committee meetings with the local leaders including Members of Parliament, MCAs, religious leaders and also the public hearings, the Committee was informed that:

1. The practice of cattle rustling remains a major cause of insecurity and conflict amongst the pastoral communities in Kenya. This is because livestock is a fundamental form of pastoral capital; besides functioning as a means of production, storage, transport and transfer of food and wealth among the Pastoral communities in ASAL Counties;
2. Most of these Counties are marginalized, underdeveloped and lack essential facilities like Road network, Water, Health Services and Schools. They also suffer frequent security lapses;
3. This marginalization is mostly influenced by Geographic, Social, Ethnic, Economic and Political factors has led to exclusion and lack of meaningful participation in decision-making processes leading to inequitable distribution of resources. This is a more direct cause of conflict in cases where arms are viewed as a valid means to become 'noticed'. For instance, the case in Laikipia where the minority tribes of the Samburu, Turkana and Pokot use guns to 'promote their numbers';
4. There has been several disarmament programs in the area which have not deterred the communities from raiding one another and the raids have become frequent from 2003 and utilized sophisticated and modern weapons; probably because disarmament has not been comprehensive and has been done selectively, leaving certain communities vulnerable to attacks;
5. Communal punishment by the security forces makes the targeted community resort to revenge attacks and eventually to a vicious cycle of tribal conflicts and violence;
6. High levels of youth unemployment is a main threat to cohesion in that youth represent a cheap and accessible pool of recruits for all forms of conflicts including cattle rustling. Cattle rustlers are said to recruit youth into such groups therefore providing them with an opportunity for social mobility, increased sense of power and self-esteem;
7. Boundary disputes cause conflicts and disputes particularly because land borders are notoriously hard to authenticate. Communities therefore seem intent on re-establishing what they perceive to be traditional community borders, marking their access to valuable pasture and water resources.

## 10 RECOMMENDATIONS

The Committee therefore **recommends**:

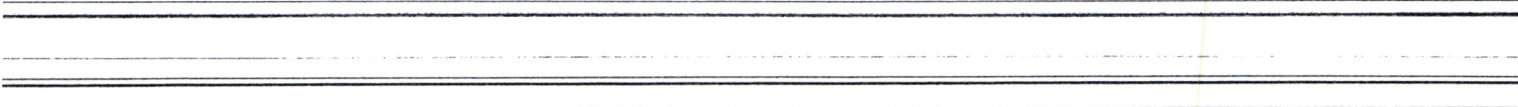
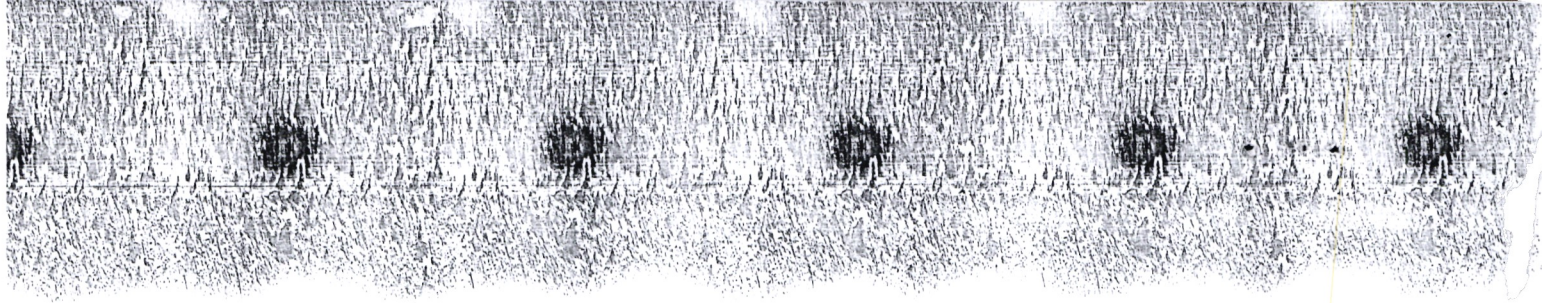
1. The Government should come up with an elaborate, comprehensive and intensive **disarmament program** to remove all illegal small arms and light weapons in the ~~neighbouring communities which should however be coupled with adequate state security to~~ prevent raids in future;
2. Efforts must be initiated by both the National Government and the County Government to **curb further proliferation of small arms and light weapons** from the neighbouring countries;
3. The Government must make its presence felt in ASAL areas to counter the excesses of the marauding rustlers and restore security and people's confidence in the region;
4. The Government through the Ministry of Interior and National Coordination, the Director of Criminal Investigations Department (CID), the Director of the National Intelligence Services (NIS) and all other investigatory agencies **SHOULD investigate cattle-rustling syndicates** under the provisions of the organized Crimes Act and prosecute those found culpable;
5. Enhanced inter-governmental agencies exchange of information to curb the illicit trade;
6. The Government should criminalize cattle rustling and establish an effective legal intervention, through repealing and updating the current legal framework on cattle-rustling to reflect the seriousness of the act of livestock theft as a criminal act punishable under the laws of the land in tandem with the regional and international legal provisions. Consequently, suspects should be charged with more grave offence of robbery with violence, which carries a more punitive sentence;
7. The Government should come up with pro-active and corrective policy measures to address the socio-economic marginalization in the ASAL areas. These should include education programmes that are targeted at providing these communities with alternative sources of livelihood to substitute their livestock income. These schools should be strategically located and provided with skilled teachers who can bring students to the same level as their counterparts in other regions;

8. The government through the Ministry of Education should implement school feeding programs which would be useful in ensuring proper student nutrition and the retention in school;
9. The government should provide robust veterinary services to the pastoral communities. This will ensure the health of their livestock, reduce their mortality rate and plough in more returns arising from opportunity costs;
10. The government should tap on the available resources like water by introducing irrigation schemes to encourage farming and enable pastoralists to diversify their activities into other economic activities so as to divert attention from rustling;
11. There is need to change cultural values that place importance to large herds of cattle and replace them with alternative sources of livelihood.
12. Establishment and demarcation of clear boundaries as well as setting up of agreed ground rules for effective sharing of pasture, water and other resources.
13. The government should tap on the available resources like water by introducing irrigation schemes to encourage farming and enable pastoralists to diversify their activities into other economic activities so as to divert attention from rustling.
14. There is need to change cultural values that place importance to large herds of cattle and replace them with alternative sources of livelihood.
15. Use of GPS - digital monitoring of herders to track their movements. Animals should also be branded for ease of identification and accounting in case they are stolen.

## **11 ANNEXERS**

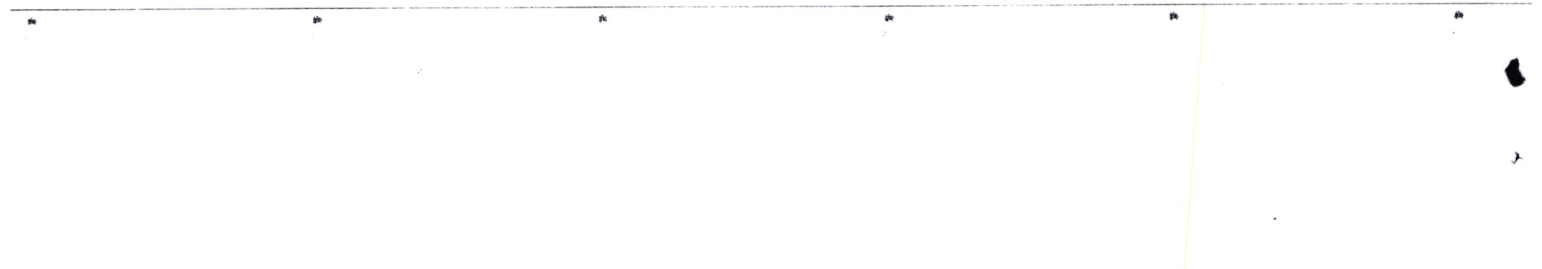
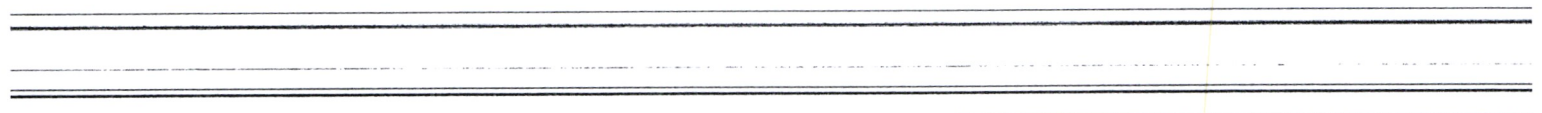
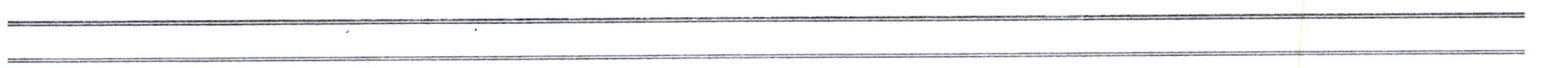
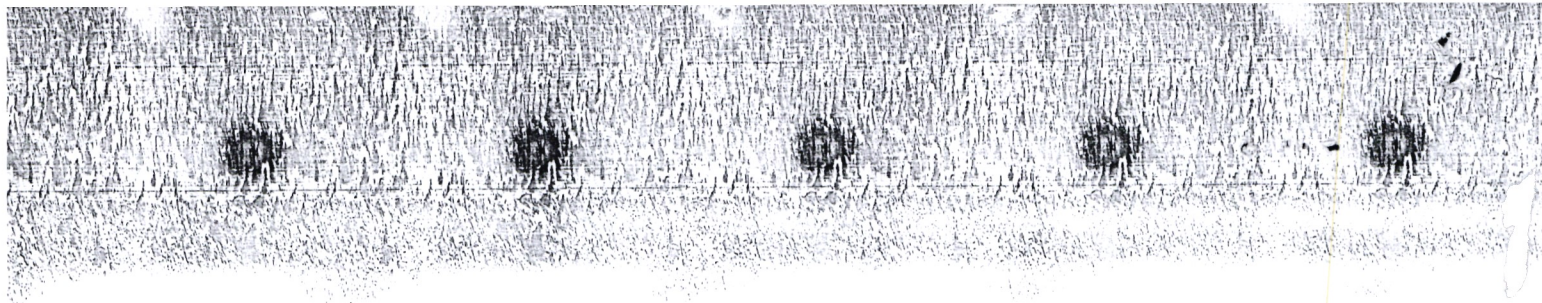
### **11.1 Nanyuki Declaration**

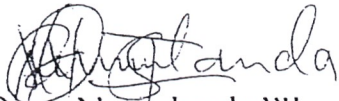
### **11.2 Committee adoption minutes**



7





Oscar Namulanda W. – Senior Clerk Assistant  
For: CLERK OF THE NATIONAL ASSEMBLY

