



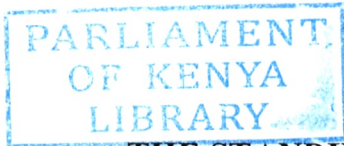
*Ms. Angela / Ms. Jacqueline  
pls arrange for tabling  
tomorrow, 29th July  
J. J. J. J. J.  
28/7/15*

*COS  
Endorsed for Tabling  
23/07/15*

PARLIAMENT

THE SENATE

ELEVENTH PARLIAMENT



THE STANDING COMMITTEE ON  
NATIONAL SECURITY & FOREIGN RELATIONS

**REPORT ON THE ASSESSMENT OF SECURITY SITUATION IN MANDERA,  
LAIKIPIA COUNTY & KAPEDO (BORDER TOWN OF TURKANA &  
BARINGO COUNTIES)**

**CONDUCTED BETWEEN 19<sup>TH</sup> JANUARY AND 5<sup>TH</sup> FEBRUARY 2015**

*Approved  
[Signature]*

Clerk's Chambers,  
The Senate,  
Parliament Buildings,  
**NAIROBI**

*SSN  
28/7/15*

*Hon. Speaker  
You may approve  
for tabling.  
[Signature]  
23/07/15*

JULY, 2015

## Table of Contents

ABBREVIATIONS .....	iv
PREFACE.....	v
EXECUTIVE SUMMARY.....	vi
ACKNOWLEDGEMENT.....	ix
CHAPTER ONE: INTRODUCTION.....	1
CHAPTER TWO: VISIT TO MANDERA COUNTY.....	3
2.1 SITE VISITS.....	3
2.1.1 Bus Attack at Arabia.....	3
2.1.2 Quarry Attack At Koromei.....	3
2.1.3 Customs Offices.....	4
2.1.4 Kenya Ethiopia Boarder Point – River Dawa.....	4
2.2 MEETINGS AND SUBMISSIONS.....	4
2.2.1 Meeting with Mandera County Security Intelligence Committee (CSIC).....	4
2.2.2 Meeting with the Governor Mandera County – H.E. Hon. Ali Ibrahim Roba.....	7
2.2.3 Meeting with the County Assembly Security Committee – Mandera.....	9
2.2.4 Meeting with the Quarry Owners.....	10
2.2.5 Meeting with Community Leaders.....	12
2.2.6 Meeting with the Non - Local Community.....	12
2.2.7 Meeting with the County Government Director of Enforcement Service.....	13
2.2.8 Meeting with Cabinet Secretary Defence & Ag. Inspector General of Police.....	13
2.3 OBSERVATIONS & RECOMMENDATIONS.....	17
2.3.1 OBSERVATIONS.....	17
2.3.2 RECOMMENDATIONS.....	18
CHAPTER THREE: VISIT TO KAPEDO.....	21
3.1 MEETINGS AND SUBMISSIONS.....	21
3.1.1 Meeting with leaders and elders from Turkana County.....	21
3.1.2 Recommendations from the leaders and elders from Turkana County.....	23
3.1.3 Meeting with leaders and elders from Baringo County.....	23
3.1.4 Recommendations from the elders and leaders from Baringo County.....	25
3.1.5 Meeting with the Baringo County Security Intelligence Committee.....	26
3.1.6 Meeting with the Turkana County Security Intelligence Committee.....	28

3.2 OBSERVATIONS AND RECOMMENDATIONS FROM THE VISIT.....	29
3.2.1 OBSERVATIONS.....	29
3.2.2 RECOMMENDATIONS.....	30
<b>CHAPTER FOUR: VISIT TO LAIKIPIA.....</b>	<b>32</b>
4.1 VISIT TO POLICE POSTS IN LAIKIPIA COUNTY.....	32
4.1.1 Mahua Police Post.....	33
4.1.2 Kamwenje Police Post.....	34
4.1.3 Kabati Police Post.....	35
4.1.4 Survey Police Post.....	36
4.1.5 Three Point AP Post.....	36
4.1.6 Karunga Police Post (Patrol Base).....	37
4.1.7 Ill Polei Police Post (Barrier).....	37
4.2 MEETINGS AND SUBMISSIONS.....	37
4.2.1 Meeting with the Laikipia County Security Intelligence Committee.....	37
4.2.2 Meeting with the Samburu County Security Intelligence Committee.....	39
4.2.3 PUBLIC BARAZA AT DOLDOL – LAIKIPIA NORTH SUB-COUNTY.....	41
4.3 OBSERVATIONS AND RECOMMENDATIONS.....	45
4.3.1 OBSERVATIONS.....	45
4.3.2 RECOMMENDATIONS.....	47
<b>CHAPTER FIVE: GENERAL RECOMMENDATIONS.....</b>	<b>49</b>
5.1 Legislative Interventions.....	49
5.2 Policy Interventions.....	50
<b>CHAPTER SIX: CONCLUSION.....</b>	<b>52</b>

## ABBREVIATIONS

AP	Administration Police
APC	Armored Personnel Carrier
CDF	Constituency Development Fund
CIC	County Intelligence Commander
CSIC	County Security and Intelligence Committee
GSU	General Service Unit
ID	Identification Documents
IEBC	Independent Electoral and Boundaries Commission
IED	Improvised Explosive Device
KDF	Kenya Defence Forces
KM	Kilometre
KPR	Kenya Police Reservists
MCA	Member of County Assembly
NPR	National Police Reserves
OB	Occurrence Book
OCPD	Officer Commanding Police Division
PC	Police Constable
RBPU	Rural Border Patrol Unit
SALW's	Small Arms and Light Weapons
SEN	Senator
TSC	Teacher's Service Commission

## **PREFACE**

**Mr. Speaker Sir,**

1. The Senate Standing Committee on National Security and Foreign Relations was constituted on Thursday, 25<sup>th</sup> April, 2013 during the First Session of the Eleventh (11<sup>th</sup>) Parliament pursuant to the provisions of Senate Standing Order No. 208.
2. The Committee is mandated, under the Second Schedule of the Standing Orders to consider all matters related to regional integration, national security and foreign relations, international relations, agreements, treaties and conventions.
3. Further, pursuant to Standing Order No. 235 (1), the Committee is mandated to receive reports or consult with committees or members of the East African Legislative Assembly or the Pan-African Parliament on any matter relating to the work of the East African Legislative Assembly or the Pan African Parliament respectively.
4. In executing its mandate, the Committee oversees the following Ministries:-
  - a) Ministry of Interior and Coordination of National Government,
  - b) Ministry of Defence and
  - c) Ministry of Foreign Affairs and International Trade
5. The Committee is comprised of the following Senators:-
  - a) Sen. Mohamed Yusuf Haji - Chairperson
  - b) Sen. Dullo Fatuma Adan - Vice Chairperon
  - c) Sen. Kembi Gitura - Member
  - d) Sen. Moses MasikaWetang'ula - Member
  - e) Sen. G. G. Kariuki - Member
  - f) Sen. James Orenge - Member
  - g) Sen. Elizabeth Ongoro Masha - Member
  - h) Sen. (Eng.)HarguraGodana - Member
  - i) Sen. Mike Mbuvi Sonko - Member

## EXECUTIVE SUMMARY

**Mr. Speaker Sir**, following a spate of incidents of insecurity in the country and pursuant to the Senate Standing Order No. 48, the Senate on 2<sup>nd</sup> December, 2014, approved a motion that was moved by Sen. Billow Kerrow which mandated the Standing Committees on National Security and Foreign Relations and Legal Affairs and Human Rights to-

- (a) Investigate the circumstances under which the Mandera bus attack and Kapedo massacre occurred;
- (b) Establish whether there were failures in institutional command or operational structure that led to the attacks; and
- (b) Determine who is culpable for the increased incidents of terror and major attacks in the country and report to the Senate within ninety days.

Further to this motion, and in consideration of the rise of ethnic tension heightened by the forceful grazing and stock theft in Laikipia County, the committee, at its sixty fourth meeting resolved to visit the county of Laikipia with the aim of assessing the security situation.

**Mr. Speaker Sir**, in this regard, the Committee on National Security and Foreign Relations visited Mandera on 19<sup>th</sup> and 20<sup>th</sup> January 2015, Kapedo on 3<sup>rd</sup> February 2015 and Laikipia on 4<sup>th</sup> February, 2015 to get a firsthand account of the security situation.

Mr. Speaker Sir, on 19<sup>th</sup> and 20<sup>th</sup> January, 2015, the Committee visited the scenes of crime in Arabiya and Koromei (Mandera County) where 28 non-muslim bus passengers were shot dead and 36 non-muslims were killed at a quarry in cold blood respectively by suspected Al Shabaab militia from the neighbouring Somalia. The Committee also visited the customs office (border point between Kenya and Somalia) and also the border point between Kenya and Ethiopia (River Dawa).

The Committee held meetings with various stakeholders in the County including elected leaders, County Security Intelligence Committee, H.E the Governor, County Assembly Security Committee, local residents, non-locals, quarry owners and the civil society..

The Committees made a raft of observations during the said visit and came up with recommendations to address the security challenges faced by the County.

### Observations

- a) The Kenya - Somalia Boarder is 900 Kilometres and has three official entry points at Mandera, Liboi and El wak which is vast and an open allowing people to enter and exit at will;

- b) The Somalia side has occupied the No Man's Land adjacent to the border and there is almost a merger between the towns of Bulahawa and Mandera making it easy for the terrorists and the extremists to filter quite easily across the border and
- c) Overlapping roles, tensions and mistrust abound between various security players in counties, including county governments, National Government Administration Office (NGAO) – previous Provincial Administration and the police, have created security breaches in some occurrences.

### **Recommendations**

- a) The National Government should as a matter of urgency re-survey and re-establish the international boundary between Kenya and Somalia along Bulahawa-Mandera border to ward off massive encroachment and merging of the towns. The National Government in collaboration with the County Government of Mandera to fast track the erection of the physical border (fence) between Mandera and Somalia and
- b) Enhancement of the inter-agency security patrols along the porous border areas supported by frequent aerial patrols and Police patrols along the Mandera-Lafey Road on the Kenya Somalia border especially from Mandera town to Fino.

The major security challenges in the County of Mandera are;- terrorism, porous border, radicalization of youth, inter-clan conflicts and proliferation of both illegal arms and persons.

**Mr. Speaker Sir**, on 3<sup>rd</sup> February 2015, the Committee visited Kapedo (border town between Turkana and Baringo Counties) to investigate the killings of nineteen police officers and three civilians who were brutally executed at Kasarani area along the Kapedo-Lokori road in Turkana East Constituency.

The Committee held meetings with various stakeholders including elected leaders from Turkana and Baringo Counties.

### **Observations**

The Committee observed that the main source of conflict in Kapedo is:-

- a) The Turkana-Pokot boundary is a source of constant and endless conflict for the two Counties. The boundary stretches from Kapedo (Turkana/Baringo East Boundary) through Lochakula, Kainuk all the way to Lokiriana (Turkana/West Pokot/Uganda boundary) and
- b) There was a lot of hostility, suspicion and trepidation between the people of Turkana and Baringo Counties to the extent that they could not share the same venue/facilities while meeting with the Committee and
- c) The presence of natural resources such as Geothermal and Oil within Kapedo seems to be a source of conflict in the region.

## **Recommendations**

- a) Parliament to fast track the setting up of an independent Commission as provided under Article 188 of the Constitution to consider all the county boundaries and address cases where correction of a boundary in one area may trigger another boundary dispute elsewhere; and
- b) There is need for political and administrative interventions to resolve the matter of overlaps in the system and structure of administration in Kapedo.

**Mr. Speaker Sir**, on 4<sup>th</sup> and 5<sup>th</sup> February, 2015, the Committee was in Laikipia County and visited the following border police posts and settlements; -Mahua, Kamwenje, Kabati, Survey, Three Point, Karunga and Ill Polei.

The Committee held a meeting with the Laikipia County Security Intelligence Committee in Nanyuki town and concluded the tour by a public baraza at Doldol in Laikipia North sub-county.

## **Observations**

During the said visit, the committee observed that:

- a) The borders between Laikipia and Baringo; Laikipia and Isiolo; and Laikipia and Samburu are totally ungovernable due to constant armed raids and forceful invasion and grazing by persons from the neighbouring counties of Baringo, Samburu and Isiolo who are heavily armed,
- b) All the police posts that the Committee visited were built by CDF 15 years ago at the most strategic places where there were challenges with the security in the County. The government has traditionally not deployed adequate officers to man those posts and hence most of those stations are underutilized and not fully operational; and
- c) All the police posts are inadequately facilitated to deal with the forceful grazing and stock theft experienced in the area. This is manifested in terms of understaffing of police officers, lack of patrol vehicles, police equipment such as radio communication devices, poor /no housing for security officers, proliferation of illegal firearms among the intruding community and a rough terrain that was inaccessible to the security agencies.

## **Recommendations**

Based on these findings, the committee recommends as follows: Increased county border patrols, deployment of more police officers to the area, recruitment of National Police Reserves, immediate disarmament, settlement of boundary disputes, adequate resourcing to the police officers (i.e. equipment, housing), political goodwill, community policing, and strengthening of intelligence gathering system in the area.

**Mr. Speaker Sir,** Kenya, like other countries around the world, faces a myriad of security challenges that not only threaten the citizens with physical danger but also cause mental anguish, displacement and widespread destruction of property. This state of insecurity is manifested in various ways including terrorism, cattle rustling, violent crimes, radicalization and violent extremism, information or cyber space attacks, food and environmental insecurity amongst others.

**Mr. Speaker Sir,** the Committee consulted far and wide in developing this report and at some point engaged an expert pursuant to the provision of Standing Order No.207. This report therefore attempts to ascertain the actual causes and drivers of these conflicts with radical recommendations that inform the thinking of the local communities on possible logical and measured steps that may have to be undertaken by the National Government to sort out the insecurity menace in Mandera, Kapedo, Laikipia and the country as a whole. The Committee further and wide consulted with security experts in the course of preparing its report

### **ACKNOWLEDGEMENT**

The Committee takes this opportunity to thank the offices of the Speaker and the Clerk of the Senate for facilitating the said visits to Mandera, Kapedo and Laikipia. The Committee is also grateful to the Cabinet Secretary and Principal Secretary Ministry of Interior and Coordination of National Government, County Governments of Mandera, Baringo, Laikipia and Turkana and specifically the Governors, Senators, the County Commissioners and the security team for facilitating the Committee in terms of information, provision of security and other logistical arrangement to ensure that the visits were conducted successfully. The Committee is also gratified by the residents of Mandera, Kapedo and Laikipia County for their desire and determination to provide information on their challenges and recommendations with regard to the security situation in the region.

**Mr. Speaker Sir,**

It is my pleasant and duty, pursuant to Standing Order 203, to table the Report of the Standing Committee on National Security & Foreign Relations on the fact finding mission to Mandera County, Kapedo and Laikipia County for consideration and adoption by this honourable House.

Signed.......... Date. 23/7/15.....

**SEN. MOHAMED YUSUF HAJI**

**CHAIRPERSON  
STANDING COMMITTEE ON NATIONAL SECURITY & FOREIGN  
RELATIONS**

## **CHAPTER ONE: INTRODUCTION**

The Senate on 2<sup>nd</sup> December, 2014, approved a motion that was moved by Sen. Billow Kerrow pursuant to the Senate Standing Order No. 48 and mandated the Standing Committee on National Security and Foreign Relations and Legal Affairs and Human Rights to undertake a joint investigation on the rampant insecurity in the Country generally but then narrow down to the explosive regions of Mandera County and the Kapedo triangle.

This report has been done pursuant to a motion tabled in the house of the Senate and adopted for actualization as per the below Hansard quote.

### **MOTION**

#### ***MEASURES TO COUNTER TERRORIST ACTIVITIES,***

#### ***OVERHAUL AND STREAMLINE FRAMEWORK AND OPERATIONS OF NATIONAL SECURITY***

That, noting that there have been numerous incidents of terrorist attacks across the country in the last three years, including the most recent at Arabiya Town on Saturday, 22<sup>nd</sup> November, 2014, in Mandera County which have resulted in the loss of hundreds of innocent lives, injuries and massive destruction of property contrary to the principles and objectives set out in Article 238 and 239 of the constitution; aware that Pursuant to Article 239 (1) of the constitution, the national security organs are the Kenya Defence Forces, the National Intelligence Service and the National Police Service whose primary object is to promote and guarantee national security; recognizing that most of the attacks could have been averted with proper co-ordination between and among the security organs; concerned that the multiple attacks are signs of leadership, institutional and structural flaws within the organs hampering their capacity to effectively deal with threats and cases of terrorism and other criminal activities; the Senate calls upon H.E the President to institute legislative and other measures to counter terrorist activities and overhaul and streamline the framework and operations of national security organs in the country including initiating where necessary, the process of removal of the respective head of an organ and further that the Standing Committees on National Security and Foreign Relations and Legal Affairs and Human Rights to-

- a) Investigate the circumstances under which the Mandera bus attack and Kapedo massacre occurred,
- b) Establish whether there were failures in institutional command or operational structure that led to the attacks; and

- c) Determine who is culpable for the increased incidents of terror and major attacks in the country and report to the Senate within ninety days.

Further to this, and in consideration of the rise of ethnic tension heightened by the forceful grazing and stock theft in Laikipia County, the committee, at its sixty fourth meeting resolved to include the visit to LaikipiaCounty with the aim of assessing the security situation.

## **CHAPTER TWO: VISIT TO MANDERA COUNTY**

The Standing Committee on National Security & Foreign Relations visited Mandera County on 19<sup>th</sup> and 20<sup>th</sup> January, 2015 to carry out investigations into the brutal killings of innocent persons and the insecurity that has adversely affected the County.

Mandera County is situated in the North Eastern part of Kenya. It borders Ethiopia to the North and Somalia to the East and covers an area of 25,991 square km. According to the 2009 census report, the county has an estimated population of 1,025,756 which demographically translates to 54.6 % male and 45.4% female. The county is ranked the 10<sup>th</sup> largest in terms of population out of the 47 counties in Kenya. It has six sub-counties which are: Mandera East, Lafey, Mandera North, Mandera South, Mandera West and Banisa.

The infrastructure is poor, with only parts of Manderatown served with facilities like electricity, piped water and telephones.

Mandera has suffered clan-based conflict dating back to the start of the colonial Kenyan state. Conflict in Mandera is chronic and has a tendency of taking a cross-border dimension. Numerous cross-border raids and alliances, especially along the Mandera-Gedo Border complicate the conflict even further.

### **2.1 SITE VISITS**

#### **2.1.1 Bus Attack at Arabia**

On 19<sup>th</sup> January, 2015, the Committee, led by the Deputy County Commissioner Mandera, Mr. Elvis Korir visited the site where twenty eight (28) bus passengers (9 women and 19 men) were shot dead by suspected Al Shabaab militia on 22<sup>nd</sup> November 2014. The Committee observed that there was evidence of the attack at the scene with tyre marks indicating that the bus had been stuck in the mud. Shoes were also strewn all over the scene and what appeared to be dried blood was also visible. Empty bullet cartridges could also be spotted at the scene.

The Deputy County Commissioner pointed out to the Committee that the Somali border was a mere 8km from the site of the attack and that the access road to the scene of crime was used by trucks harvesting hardcore and other materials for the construction of the Mandera – Arabia Road. He informed the Committee that they collected empty bullet cartridges from the scene of crime.

#### **2.1.2 Quarry Attack At Koromei**

The Committee thereafter visited the quarry in Koromei where thirty six (36) male quarry workers were killed on 2<sup>nd</sup> December, 2014. The Committee observed that the quarry workers indeed resided at the quarry site and lived in makeshift tents. There was evidence of the attack at the scene with shoes and clothes strewn all over the site as well as what appeared to be dried blood. There were cigarette butts, radio/torch batteries and medicine

belonging to the deceased quarry workers. There was also a makeshift cooking area. The Committee met the owners of the quarry at the scene.

The Deputy County Commissioner pointed out that the incident happened on 2<sup>nd</sup> December, 2014 at around 1am when around 28 armed men suspected to be Al Shabaab militia attacked the quarry and shot dead 32 people and slit 4 people at the throat while 3 workers managed to escape.

### **2.1.3 Customs Offices**

The Committee visited the Mandera Somali-Kenya Control border point and observed the close proximity of Mandera town to the Somali border. The Committee observed that the customs offices were closed due to the issue of insecurity. The Committee further observed that the Somalia side had occupied the No Man's Land adjacent to the border (Kenya – Somali) and there is almost a merger between the town of Bulahawa and Mandera making it easy for the terrorists and the extremists to filter quite easily across the border. The Committee was informed that children from the Somalia attend private schools on the Kenyan side. The Committee observed that the Kenya-Somali border is porous which makes Mandera County vulnerable to terror attacks.

### **2.1.4 Kenya Ethiopia Boarder Point – River Dawa**

The Committee visited the Kenyan-Ethiopia border that is apparently demarcated by River Dawa. The Committee noted that there were makeshift ferries that allowed the residents on either side of the border to cross the river. The Committee was informed that there is ongoing trade between the locals and Ethiopians through the river and that no incidence of insecurity had been reported on the Ethiopian side.

## **2.2 MEETINGS AND SUBMISSIONS**

### **2.2.1 Meeting with Mandera County Security Intelligence Committee (CSIC)**

The Committee held a meeting with the County Security Intelligence Committee (CSIC) team of Mandera County. The meeting was attended by the Deputy County Commissioner, the Officer Commanding Police Division (OCPD), County Administration Police Commandant, County General Service Unit Commandant, County Kenya Defence Forces (KDF) Commandant and County National Intelligence Service Officer (NIS).

The Deputy County Commissioner welcomed the Committee on behalf of the County Commissioner Mr. Alex Ole Nkoyo who he reported as being indisposed. The Deputy County commissioner informed the Committee that the major security challenge in the county is terrorism, radicalization of youths, inter-clan tension, proliferation and trade of small arms and light weapons. (SALW's)

The Committee was briefed on the Bus and Quarry attack as highlighted hereunder;

## **Mandera Bus Attack**

### **That:-**

- a) On Saturday, 22<sup>nd</sup> November 2014, a bus owned by Makkah Company, Registration No. KBY 602R, destined for Nairobi from Mandera with 60 passengers on board was forcefully commandeered by about 15 suspected Al Shabaab militia,
- b) The suspected militia were armed with AK 47 rifles and 3 bazookas and waylaid the bus at Khadija Hajji junction which is about 4km from Arabia and approximately 50 kilometres from Mandera town;
- c) The militias stopped the bus, took control and drove towards the Kenya- Somalia border. After half a kilometres from the main road, the bus got stuck in mud due to the heavy rains;
- d) The militias ordered all the passengers to alight and separated the Muslims from the non-Muslims;
- e) They ordered the non-Muslims to lie down flat on their bellies in a single line and shot all of them in the head killing 28 people (19 men and 9 women). The militia then fled towards Khadija Hajji Junction in Somalia;
- f) A contingent of officers comprised of regular police, Administration Police (AP), General Service Unit (GSU), Criminal Investigations Department (CID), Rural Border Patrol Unit (RBPU), Kenya Police Reservists (KPR) and the Kenya Defence Forces (KDF) visited the scene in the morning;
- g) The bodies were retrieved and taken to Mandera airstrip where they were airlifted to Nairobi on the same day and the bus was driven to Mandera Police Station where the remaining passengers recorded statements;
- h) The incident sparked a lot of panic and fear among the non-locals living in Mandera and most of them expressed fear that they were being targeted for attacks and their houses had been marked and
- i) As a result, many of them fled their houses and camped at the Mandera military camp and requested for evacuation by the government. They felt unsafe travelling by bus and requested to be airlifted.

## **The Quarry Attack**

The Committee was informed that:-

- a) On Tuesday, 2<sup>nd</sup> December, 2014 at around 12.20 am, the militia woke up quarry workers who were asleep in the tents around the quarry and ordered them to lie down,
- b) The militia brutally murdered 36 non-Muslim male quarry workers after around 28 suspected Al Shabaab militia attacked the quarry at Koromei area of Barwako location in Mandera East sub-county,

- c) They shot dead 32 quarry miners and slit at the throat 4 workers killing a total of 36 people on the spot while 3 workers managed to escape,
- d) The militia then escaped towards the Kenya-Somalia border to a settlement known at Ratcaad which is approximately 2km from the quarry. The quarry is 15 kms from Mandera town,
- e) A contingent of security officers visited the scene and took the bodies to Mandera Air Strip where they were later airlifted to Nairobi,
- f) The County Security Intelligence Committee (CSIC), immediately met and resolved that all quarry workers must vacate the sites and move to more secure places,
- g) The incident sparked panic among the non-locals who live in Mandera and many of them fled to Mandera military camp where they requested to be evacuated and
- h) Preliminary investigations have linked this attack to Al Shabaab militias however, further investigations are still ongoing.

#### **Action Taken on the Attacks**

The County Security Intelligence Committee (CSIC) informed the Committee that the following action has been taken following the Bus and Quarry attacks:-

- a) Diverted buses from using the Mandera-Arabia route which is close to the Kenya– Somalia border to the Mandera-Rhamu-El wak – Wajir route that has some safe distance to the border,
- b) Armed security escort of buses from Mandera to Kotulo (Mandera) and enhanced joint patrol along Mandera-Arabia-Lafey route,
- c) Re-establishment of KDF base at Omar-Jillow and enhanced KDF patrol along the border;
- d) Additional 20 security personnel were re-deployment from other sub-counties to reinforce Mandera East personnel strength,
- e) Establishment of a joint operation security command centre, where all top security officers meet every morning to review, deliberate and give updates on the security situation in the County,
- f) Deployment of RDU and General Service Unit personnel to Mandera East sub-county – initially there was only Kenya Police, Administration Police and Kenya Defence Forces,
- g) Suspension of all quarrying activities in Mandera East sub-county especially the ones situated along the Kenya – Somalia boarder and
- h) Patrolling all the quarries to ensure no unauthorized mining takes place until the security of the area is improved.

### **Challenges**

- a) Long and porous border with Somalia and Ethiopia. The Somali border is long and porous (900kms) and is a major challenge to security agencies,
- b) Lack of reliable weapons as compared to the present MG3 weapons. Some of the firearms are unreliable and have been used for a long time,
- c) Inadequate motor vehicles for use by security officers to escort buses to El wak–Kotulo and conduct patrols along the border,
- d) Currently, the leased vehicles have to be taken to Nairobi or Meru for service by Toyota Kenya and draw fuel from Mwingi which is very far from Mandera,
- e) Trauma amongst officers who visited and handled the massacre victims and hence need counseling,
- f) Lack of explosive detective devices and vastness of the area which cannot be adequately covered by foot patrol,
- g) Rough and difficult terrain coupled with numerous illegal entry and exit routes along the border that the terrorists use as entry and exit before and after carrying out attacks,
- h) Poor cooperation between the host community and security agents- some locals are sympathizers of Al Shabaab,
- i) Poor mobile communication network along the border leading to delayed passage of information. For example, in Arabia where the bus attack took place, the network is unreliable,
- j) Encroachment of the no-man’s land from the Somalia side which should be 300m from either side of the border,
- k) Outbreak of ‘Dengue Fever’ (viral infection) which has affected most of the police officers and
- l) Tribal tension between clans, for example, between the Degodia and the Garre and the Murule and the Garre.

### **2.2.2 Meeting with the Governor Mandera County – H.E. Hon. Ali Ibrahim Roba**

The Committee met with H.E the Governor, Hon. Ali Ibrahim Roba who gave a summary of the historical security situation in Mandera and made the following submissions;-

That;-

- a) Decades of marginalization and under development of Mandera County, a historically neglected region has translated into poor infrastructure extremely limited access to basic services,

- b) The insecurity in Mandera County is heightened by its location and history, proliferation of small arms, proximity to Somalia and Ethiopia borders,
- c) Mandera triangle experiences both sporadic clan and terrorists lead attacks which has undermined significant economic progress and investment,
- d) The United Nations Department of Safety and Security ranked Mandera County at the highest level of insecurity (level 4) which has further hindered the participation of development partners in the county,
- e) During the last quarter of 2014, a sharp increase of terrorist attacks were realized in Mandera and include among others;-
  - i) The burning of the county lands registry, attempted bombing of the county government headquarters, attack on the residences of the County Deputy Governor and an IED targeting the Governor,
  - ii) Most significantly the killing of 28 Kenyans in a Nairobi bound bus and 36 Kenyans killed in a quarry in the immediate outskirts of Mandera town by terrorists,
- f) When the County Government took over, Al Shabaab controlled Mandera town and gun shots could be heard as early as 5pm,
- g) The County government consulted the security team and it was discovered that KPR were providing private security since the government was not paying them anything and
- h) The County Government then reorganized KPR into groups and ranks and they were put under an allowance scheme of Kshs 10,000 per month to motivate them. The Police then joined the KPR on patrols and the situation improved within three months.

### **Achievements**

- a) The County Government of Mandera made several contributions in improving the security situation in the County,
- b) The County government hired 6 vehicles and handed them over to the local county commander to enhance patrols,
- c) Effective communication equipment (hand-held radios) were purchased and handed over to the police for timely communication while unserviceable vehicles owned by the police were serviced and operationalized,
- d) There has been significant improvement in security in Mandera in the first and second quarter of 2014 as the sporadic clan based conflicts and terrorist attacks in Mandera town has improved and
- e) An attempted attack on Kenya Commercial Bank (KCB) was repulsed successfully and two Al Shabaab militia were killed.

### **Challenges**

- a) There have been no arrests made by the police in connection with the bus and quarry attacks,
- b) There is a worrying trend of releases made by the investigative arm of the police of persons arrested. Some people have been caught with evidence like police uniforms, guns and explosives but there have been no prosecutions hence leading to lack of confidence between the police and members of the public,
- c) Mandera Law Courts have made a number of releases based on the lack of evidence and shoddy police investigations. Had there been significant information gathering and quick response on the part of the police the quarry incident could have been averted,
- d) Police did not take early warning given to them seriously and response was not made in time which resulted in loss of lives,
- e) A lot of student from Somalia come to Kenya to attend school. There are no registers to show who is a foreigner. This is a loophole in the system since the students go to Kenyan Secondary schools, institutions of higher learning and thereafter obtain Kenyan IDs. It is difficult to tell who is Kenyan Somali at that point due to cultural integration through the education system over time, and
- f) Difficult to build a working relationship with the administration at Bulahawa (Kenya Somali Border point) because the officers change frequently.

### **2.2.3 Meeting with the County Assembly Security Committee –Mandera**

The Committee was also privileged to meet with its counterpart Committee on Security in Mandera and was informed that;-

- a) Before the bus attack at Arabia, Al Shabaab had posted warnings in four languages in their website on Friday 21<sup>st</sup> November 2014 prior to the Saturday attack on 22<sup>nd</sup> November 2014 threatening Kenya for an imminent attack. The county government brought the information to the attention of the police agencies but no action was taken,
- b) Information was obtained prior to the attack that Al Shabaab would attack Koromei and the same was relayed to the police,
- c) On 22<sup>nd</sup> November 2014, at around 12.30am information was received that the quarry was under attack as gunshots were being heard from that direction,
- d) The Police County Commander was informed of the distress call and responded that they had received similar information and that he was coordinating with KDF,
- e) The county official made a second phone call after 30 minutes but it was not clear if the military went there before or after the attack. However, it was clear that the OCS and one of the quarry owners had already visited the site at around 4.30am and confirmed that they had seen bodies there,

- f) There was improper investigation of the cases since the victims – survivors of both the bus and quarry attacks were not properly processed,
- g) A perpetrator named Mohamed Daud Omar was arrested by the quarry workers and taken to the police station, prosecuted and later released upon payment of Ksh.40, 000 fine,
- h) The charges conferred to him was that he was in Kenya illegally and it is believed that after his release he orchestrated the quarry attack within 4 days,
- i) Al Shabaab is an imminent and present threat in Mandera County, some educated youth have joined Al Shabaab and there is infiltration of Al Shabaab in the town since some people who own property in the town are unknown and suspicious,
- j) Corruption is rampant and it is possible that some border patrol police officers are bribed to allow donkey carts to pass with goods that are not inspected and
- k) There were 31 criminal cases involving IEDs and other Al Shabaab related activities from 2013-2014.

#### **2.2.4 Meeting with the Quarry Owners**

On 20<sup>th</sup> February 2015, the Committee was privileged to meet with Mr. AlioMadeyAbdirahman, Mr. Abdi Adan Mohamed and Mr. Ibrahim Ibren Hussein the quarry owners from Koromey and noted that:-

- a) The quarry attack was sudden and shocking but the issues started as petty crimes like stealing mobile phone and extorting money from the quarry workers or miners,
- b) The miners frequently complained of harassment, theft of mobile phones, food and money by people from the neighbouring country of Somalia and reported the incidents to the quarry owners,
- c) The quarry owners pursued the alleged bandits to a place called Ratcaad on the Kenya-Somalia border and met with the elders of that community,
- d) The quarry owners informed the elders that they were pursuing three alleged bandits who had stolen money, mobile phones and food stuff from the quarry miners and presented the name of one of them as Muktar, alias *Habeeb* (small voice),
- e) The elders asked them if they could identify the bandits, but they responded that they only knew the name and could not be able to identify them. At that point in time, the elders requested them to go back home and give them time to investigate the matter,
- f) After two days the elders came to the quarry owners and informed them that they did not have the capacity to arrest the three suspects but gave the names of the perpetrators as Mr. Mohamed Daud Omar, Mr. MuktarHabeeb and Mr. Mahmoud Abdi Hudhow,

- g) The elders informed the quarry owners that the three people they were pursuing were working for Al Shabaab; hence the government of Kenya should assist in arresting them as Somalia had no government/structures capable of pursuing them,
- h) The matter was reported to the police and the names of the alleged bandits were given to the OCPD and County Commissioner Mandera for action,
- i) The OCPD deployed three Kenya Police Reservists (KPR's) to the quarry to guard the miners from the notorious bandits believed to be working for Al Shabaab,
- j) After a few days, the quarry minors laid an ambush and arrested Mr. Mohamed Daud Omar together with his accomplice, hand cuffed them from behind and frog marched them to the police station,
- k) The two quarry miners that arrested Mr. Mohamed Daud Omar and his accomplice recorded statement at the police station in the presence of the quarry owners,
- l) The quarry owners together with the two quarry miners told the police that if Mr. Mohamed was released, he would revenge his arrest because the man was alleged to be affiliated to Al Shabaab and therefore they feared for their lives,
- m) The police assured them that they would not release the bandits and that they would be charged in a court of law,
- n) Two days after he was taken to the police custody, Mr. Mohamed was arraigned in court and pleaded guilty to the charge of being in Kenya illegally and was sentenced to 2 years in prison or Kshs. 40,000 fine. The fine was paid after one month and Mohamed was released,
- o) The quarry owners stated that there was another perpetrator who was also arrested by the police but was not brought to court. He had been released by the police,
- p) The quarry owners stated that while Mohamed Daud Omar was still in custody, his father (Mohamed's) called one of the quarry owners and told him that they would regret for arresting Mr. Mohamed,
- q) On Tuesday, 2<sup>nd</sup> December, 2014, four days after Mohamed's release, 36 non- Muslims were brutally executed at a quarry in Koromei in Mandera County by suspected Al Shabaab militia. The victims were made to line up and 34 of them were shot in the head while two were killed by being slit at the throat,
- r) The two who were butchered were the ones who arrested Mr. Mohamed and took him to the police and it is believed to be a revenge mission because they were handcuffed at the back in a similar manner that Mohamed was, before they were killed,
- s) The quarry owners stated that the quarry workers were executed on December 2<sup>nd</sup> 2014 at 12.30am while the police and KDF arrived at the scene at 3am and

- t) The Committee was informed that the Police Officer who recorded the statements of the two quarry workers, one PC Otieno, was killed in the bus attack.

### **2.2.5 Meeting with Community Leaders**

On the same day, 20<sup>th</sup> February 2015, the Committee had a meeting with the community leaders in Mandera. The purpose of the meeting was to deliberate on the views of the community in regards to the security situation in Mandera County. The meeting was well attended and the Committee received the following submissions;

The Committee was informed that;-

- a) Apart from the bus and the quarry attacks there were numerous insecurity incidents in Mandera County and while insecurity was a nationwide problem, the situation in Mandera was worse,
- b) Although they were aware that the citizens have a responsibility to give information they felt that it was unsafe to do so because of fear of retaliations,
- c) The security situation deteriorated when Kenya Defence Forces crossed over into Somalia to pursue Al Shabaab,
- d) There is a lot of corruption at the border point of Mlimafisi, some border security agents allow aliens into the country for as little as Kshs. 50 and that it is likely that firearms and explosives are smuggled into the country,
- e) The county relied on the quarry as a source of income for most families and its closure has negatively impacted the economy of Mandera and its environs and
- f) The impact of the two attacks has been devastating on the community and that 20 health facilities were closed down because of the insecurity.

### **2.2.6 Meeting with the Non - Local Community**

The Committee had an opportunity to meet with the non-local community that included the teachers, businessmen and women and other public servants. The Committee was informed that;-

- a) Only two police officers are provided to escort buses, which is not enough to overcome the threat posed by the well-armed militias,
- b) Some locals are not ready to give intelligence information because it is alleged that police later divulge their identity leading to possible reprisal attack depending on the nature of the information given,
- c) There is no recreational centre for the non-locals to motivate their morale and make their stay more comfortable,

- d) There were rumours before the attack that something bad was going to happen after the KCSE exams and security agents were informed,
- e) They reiterated that with the poor infrastructure it is also a challenge to transport the bodies of the deceased to their families,
- f) Ownership of property and employment of the non-locals in the county was difficult and that the policies were one-sided in favour of the local community,
- g) Handling of the traumatized people and their families was not properly done, psychological counselling for the traumatized especially in Mandera was not well done since some people are still traumatized and
- h) It was also wrong that some graphic photos of the dead were circulated in the media.

### **2.2.7 Meeting with the County Government Director of Enforcement Service**

Mr. Eimoi Abdullahi, the County Director on Enforcement stated that the main security threat facing the county is the constant incursion by the Al Shabaab militia group due to the proximity of the county to Somalia. He stated that he had advance intelligence information on the impending attacks on the Kenya power facility of which he alerted the security organs that laid an ambush and the perpetrators were killed.

Before the bus attack, he stated that he had provided information to the security agents of an impending attack by the Al Shabaab and a contingent of KDF was stationed at Omar Jilo. He further provided a copy of classified security briefs that he constantly shared with the security organs.

### **2.2.8 Meeting with the Cabinet Secretary Ministry of Defence and the Ag. Inspector General of Police**

On 4<sup>th</sup> March, 2015, the Committee had a meeting with the Ag. Inspector General of Police, Cabinet Secretary & Principal Secretary Ministry of Defence. The Committee observed the following issues:-

#### **Kenya Somalia Boarder**

- a) The Kenya - Somalia Boarder is 900 kms and has three official entry points at Mandera, Liboi and El wak which is vast and open ground allowing people to enter and exit at will,
- b) The Somalia side has occupied the No Man's Land adjacent to the boarder and there is almost a merger between the town of Bulahawa and Mandera making it easy for the terrorists and the extremists to filter quite easily across the border,
- c) The Gedo region that is adjacent to the border with Mandera is under the jurisdiction of Ethiopia which has not moved fast enough to secure the area,

- d) There is a high infiltration rate of the Al Shabaab and the extremists and Kenya has taken a unilateral measure to secure the area – KDF is positioned in Khadija Haji, Kusar, Elade and Fafadum among other areas,
- e) The Kenyan border has not been demarcated properly since independence and the African Union(AU) has set a deadline for all its member states to demarcate their boundaries by 2017,
- f) A Cabinet decision has been made on the issue of boarder points and the government has set up a full time boarder unit to ensure that the demarcation of the boarder points is properly done to comply with the AU deadline of 2017,
- g) There is need to clearly and carefully identify the administrative boundaries between Counties and sub-counties,
- h) The government will build a 50 kms physical boarder between Mandera and Somalia. The initial 50 kms from Boarder Point 1 to around Arabiya and a buffer zone from Kiunga and another 50 kms going through Boni forest is scheduled to start in mid March 2015 and
- i) The National Government has established the Rural Boarder Police Units in Nadapal, Todonyong, Elwark, Arabia, Dagahari, Namuna to deal with insecurity along those towns.

#### **Security Challenges in Mandera County**

- a) The challenges in Mandera are complex since it boards two countries (i.e Somalia and Ethiopia) hence it is easy to infiltrate from both sides,
- b) There is an intermittent inter clan friction that has sometimes blown out into open conflict and a high infiltration rate of Al Shabaab sympathizers in Mandera town,
- c) There is an attempt by the Al Shabaab to drive a wedge between the Christians and the Muslims in Kenya to indicate that the problem of terror is a religious one hence the selective killings in Mandera (bus & quarry attacks) and Lamu (Mpeketoni massacre),
- d) Kenya's liberal system makes it difficult to deal with terrorism and requires some stringent measures/legislation to ensure that terrorisms is curtailed and eradicated,
- e) There is need to build trust between the security operators and the local people to enable intelligence sharing, communal approaches in dealing with terrorism and
- f) The security committees in operational areas are being reconstituted to get and allow for the best commanders to take charge.

### **Establishment of the National Police Reserves**

- a) The National Police Act Regulation is in the process of being gazzetted and the regulations have recognized the roles played by the Kenya Police Reservists and has renamed it as the National Police Reserves and
- b) Once the gazzetment is done, National Police Reserves will be vetted nationally and each county will be allowed to identify its own NPR. The recruitment, training and payment of stipend allowance are provided for in the NPR regulations.

### **Leased Vehicles**

- a) Treasury had initially entered into agreement with Toyota Kenya to lease vehicles for the Kenya Police Service and specific petrol stations were identified across the country to provide each of the vehicles with 15 litres of fuel per day,
- b) The matter was later resolved since it was not practical for vehicles in operational areas to drive for long distances to draw 15 litres of fuel per day. The current practice is that vehicles are now allowed to draw the fuel allocation for the entire month and store them at the station,
- c) Negotiations are ongoing with the National Treasury to allow for enhanced allocation of fuel to vehicles in operation areas,
- d) By the end of February, 2015, the National Police Service had received 900 additional vehicles of the 1200 vehicles earmarked for lease in the current financial year and
- e) The 900 vehicles will be distributed to boarder areas to stem incursions from the pastoral communities.

### **Illegal Fire Arms**

The issue of illegal firearms among the pastoralist communities has posed a great challenge to the security operators. The Ministry of Interior and Co-ordination of National Government;-

- a) Has appealed for the registration of the illegal fire arms,
- b) Intends to recruit many police officers to ensure that the government provides security to all its citizens and
- c) Intends to carry out a disarmament exercise of illegal fire arms in all the pastoralist areas.

### **Weapons and Equipments**

- a) The weapon of choice among the Al-Shabaab and other criminals is the AK 47,
- b) The police officers have AK 47 and G3 assault rifles and HK11 and HK21 Machine Guns. The KDF have more sophisticated equipments which can support the police to counter the Al Shabaab and criminal elements,
- c) KDF team has an 84 mm anti-tank that can engage tanks as well as company or platoon positions,
- d) The surveillance aircraft is stationed in Wajir since the base and other facilities for handling aircraft are in Wajir,
- e) KDF responded when the bus attack occurred and the surveillance aircraft was used to spot the enemies prompting the pursuit and killing of some attackers,
- f) In areas with difficult terrains, the National Police Service has provided the officers with standard protection kits that include the Ballistic Helmet, Bullet Proof Vests, right Fire Arms and serviceable vehicles,
- g) The Kenya Defence Forces has been assisting the National Police Service with the Armoured Personnel Carriers (APC's) in dealing with issues of insecurity in difficult terrains such as Samburu, Kapedo, Moyale and Lamu.
- h) The National Police Service is in the process of acquiring the Anti Personnel Carriers (APC's) to assist officers combat terrorism and penetrate areas with difficult terrains,

### **Corruption at the Boarder**

- a) This is an issue that is wide spread in the country and not specific to Mandera. It has to be dealt with wholesomely and
- b) Security officers caught aiding criminals are liable to a sentence of between 15 and 20 years in prison.

### **Welfare of Officers**

- a) The police officers welfare is very critical in the performance of their work. For the first time the police have a group life insurance cover and a comprehensive medical insurance cover that includes their families in is in the process of approval and
- b) The government's proposal to build 20,000 housing units during the financial year 2013/2014 and 2014/2015 has not been successful despite the National Treasury setting aside Kshs. 1.2 billion.

## **2.3 OBSERVATIONS & RECOMMENDATIONS**

Following the site visits and the various interactive meetings, the Committee made the following observations and recommendations;-

### **2.3.1 OBSERVATIONS**

**a) Long and Porous Border with Somalia and Ethiopia.**

The Committee noted that Kenya shares a long and porous border with Somalia and Ethiopia. This complicates the coverage of the area since the custom border point between Kenya and Somalia is officially closed but still there is a lot of infiltration by foreigners.

**b) Encroachment of No-Man's Land on the Kenya-Somali Border**

The Committee observed that there is encroachment of the No-Man's Land between the Kenya and Somalia border which should be maintained as 300m on either side according to international law. The border town on the Somalia side (Bulahawa) is encroaching on the Kenyan side leading to almost a merger of the two towns making it easy for the terrorists and the extremists to filter quite easily across the border.

**c) Closed Border Control Point**

The Committee noted the concerns of the community that the closing of the Kenya- Somali boarder may have done more harm than good as it deprives the government of the opportunity to monitor the people and goods coming through the border from Somalia including the students attending schools in Kenya. It was also noted that if reopened, the customs office can provide revenue for the County as well as act as a security control point.

**d) Mistrust Between Security Agents and Residents**

It was observed that some locals are not ready to give intelligence information because it was alleged that Police later divulge their identity leading to possible reprisal attacks depending on the nature of the information given.

**e) Leased Vehicles**

The Committee noted that the National Government (National Treasury) had leased vehicles from Toyota Kenya and that the leased vehicles in Mandera were inadequate to cover and patrol the Kenyan-Somalia border. It was also noted that the vehicles could only be serviced in Meru or Nairobi and were allowed to draw 15 litres of fuel per day in Mwingi which is far way.

**f) Shoddy Police Investigations**

It was also noted that the police do not conduct proper investigations once they apprehend a suspect and hence the evidence presented to the court of law is difficult to sustain a conviction.

**g) Foreign Students in Kenyan Schools in Mandera County**

A large number of foreign students enrolled in both private and public schools in Kenya were not registered as foreigners. The Committee noted that Somali students register for

Kenyan examinations as Kenyans and later attend Kenyan secondary schools and eventually obtain Kenyan National IDs. There is cultural integration of foreign students through the education system over time making it difficult to distinguish who is Somali and who is Kenyan. Some of these students return to their country of origin and are used as militias.

**h) Poor Response Time**

The Committee noted that according to the security agencies, the bus incident happened at a few minutes after 5am, the police got information through a phone call at 7am and all the security agencies converged and sought reinforcement from KDF. They arrived at the scene at 8.30 am. With regard to the quarry incident, the attack was around 1am and the information was received around 3am from the Assistant Chief. The security agencies arrived at 6am. The Committee observed that the response time was too long.

**i) Lack of Security Patrol at Night**

It was alleged that the security officers are only seen during the day and that when the sun sets, they are nowhere to be seen and that Al Shabaab and other criminal elements take control of Mandera town.

**j) Notification of impending attacks**

The Committee observed that the County Government Director of Enforcement Services had circulated intelligence information to the security agents in the County on the impending attacks in Mandera. If the information was acted upon the senseless killings could have been averted.

**k) Statement Recorded OB 14/02/09/2014 Varies with the Charge Sheet**

The Committee noted that Mr. Mohamed Daud Omar was arrested on 2<sup>nd</sup> September, 2014 and charged with the offense of stealing from the minors at the Mandera Quarry but his charge sheet read that Mr. Mohamed Daud Omar being a Somali citizen was on the 6<sup>th</sup> day of September 2014 found being unlawfully present in Kenya with no valid permit or passport contrary to the immigration act. He was thereafter fined Kshs. 50,000 or four months imprisonment.

**2.3.2 RECOMMENDATIONS**

**The Committee made the following recommendations based on the observations made above:-**

- a) The National Government should as a matter of urgency re-survey and re-establish the international boundary between Kenya and Somalia along Bulahawa (Mandera border) to ward off massive encroachment and merging of the towns. The National Government in collaboration with the County Government of Mandera to fast track the building of the physical border between Mandera and Somalia,**
- b) Enhancement of the inter-agency security patrols along the porous border areas frequently supported by aerial patrols. There should be continuous police patrols along**

the Mandera-Lafey Road on the Kenya Somalia border especially from Mandera town to Fino,

- c) There should be only one entry point into the border and it should be re-opened so as to have a control point and monitor movements in and out of Kenya instead of aliens using illegal routes. The government has an opportunity to earn revenue if the border is re-opened,
- d) The County Government and the security agencies should actively engage the community on security issues through NyumbaKumi and community policing initiatives. Locals should be integrated to enhance gathering of credible intelligence,
- e) The National Government should deploy more officers to counter any further incursion by the Al-shabab group as well as recruiting more Kenya Police Reservists (KPR's). There should be a clear procedure on the vetting and recruitment of the KPRs to ensure that there is equal representation of all the local clans,
- f) The security officers should be provided with adequate motor vehicles to provide escorts to vehicles and arrangements should be made to ensure that the vehicles are serviced and adequate fuel provided in Mandera,
- g) Inter-governmental approach to address inter-clan conflicts and cross-border involvement of armed militia and the fight against radicalization and terrorism,
- h) Construction of schools in Bulahawa to avoid Somali school children joining Kenyan private schools who later get Kenyan identity documents hence leading to localization of potential terrorists,
- i) The quarry should be secured by establishing a Police Post at the site and made operational as soon as possible because it is a source of livelihood for many people in the County,
- j) Efforts should be made to apprehend Mr. Mohamed Daud Omar as soon as possible since it is believed that he is still in Ratcaad,
- k) The community should also be aware of the whereabouts of the youth so as to identify youth who have been radicalized and who might have been recruited by Al Shabaab,
- l) There should be enhanced resource allocation for security intelligence in Mandera because of its' uniqueness in terms of being a town bordering Somalia which has security challenges,
- m) *Hormuud* and the telephone network of Somalia should be disabled from operating within Mandera since it has also contributed to the issue of insecurity. Occasionally, this network interferes with Kenyan networks whereby communication becomes difficult. Local radio stations and telephone networks should be promoted at the

expense of some foreign stations and networks which may be promoting their own ideologies,

- n) *Barazas* to sensitize and educate locals on the importance of patriotism and peaceful co-existence with the non-locals. Radio stations to be used to promote civic education on the importance of diversity in development. Mosques, churches and schools should also be used to sensitize people on the importance of patriotism,
- o) Due to the security situation and the distances that many of the professionals travel to come to Mandera County from other parts of the country, the government should enhance incentives for investors to introduce affordable flight for the non-local community to enable them to visit their families,
- p) Improved information sharing among the security organs through regular meetings. The security officers should organize meetings with civilians as a way of instilling confidence among the civilians,
- q) The need to scrutinize some Non Governmental Organizations (NGO's), Community Based Organizations (CBO's), individuals and institutions that are operating in Manderawhich may be funding the militia groups knowingly or unknowingly,
- r) There should be permanent deployment of security officers equipped with the necessary facilities along the Kenya Somalia border and enhancement and the enforcement of overnight security patrols along the illegal entry points,
- s) Local community-based intelligence and security officers familiar with the terrain and knowledgeable of the local setup should be posted to Mandera and other areas that are insecure to help boost and improve the security situation,
- t) The National Government through the Ministry of Interior and Co-ordination of National Government and in particular the department of Immigration should ensure that the students who cross over from Somalia to Kenya to attend schools are properly profiled and identification tags issued to monitor their movements and
- u) Effective prosecution of the culpable security officers: Those security personnel found violating the law should be made to face the full wrath of the law. This is because, the involvement of the police and other security forces in acts of crime is a factor that has been blamed for compromising the security situation in the country.

## **CHAPTER THREE: VISIT TO KAPEDO**

The Committee visited Kapedo on 3<sup>rd</sup> February, 2015 to assess the security situation after the massacre of police officers in December, 2014. The Committee had invited the leaders in Turkana and Baringo Counties together with the County Security Intelligence Committees from both Counties for the consultative meeting.

Kapedo trading and administrative Centre lies at the southern tip of Turkana County and also at the North-Eastern tip of Baringo County in a territory occupied by the East Pokot and Turkana pastoralists.

The origin of the name Kapedo is as controversial as its rightful ownership today, as well as its exact administrative location. The overlapping claims over Kapedo are very emotive to both sides (Turkana and Pokots) and remain a key source of East Pokot-Turkana conflict.

Kapedo is certainly a cherished place to the East Pokot and Turkana but for different reasons. To the East Pokot, Kapedo is a strategic and historical cattle watering point, and given their obsession with cattle whose value is more cultural than economic – it is core to their culture and world view. It is a place to protect. Kapedo is also at the gateway to the drier season pastures in Akoret and Mt Silali, therefore of strategic importance and at the core of the Pokot.

To the Turkana, Kapedo is an important gateway and shortest route to the South and highland regions. Therefore securing it is at the core of their existence. Kapedo being a watering point remains an attractive area for the future cattle keeping enterprise.

All these show that, just as it is limiting to read Kapedo in purely cultural terms; it is also unhelpful to delimit such a reading to the material. Ultimately, the cultural blends with the material to generate a complex mix of historical, material, political, and social variables worth living or dying for. Due to this mix, Kapedocentre remains in a precarious state of a war-like atmosphere throughout.

### **3.1 MEETINGS AND SUBMISSIONS**

#### **3.1.1 Meeting with leaders and elders from Turkana County**

That;-

- a) The key speakers in the meeting informed the Committee that Kapedo is within the boundaries of Turkana County and presented the historical administrative facts from as early as 1902 citing that Kapedo was indeed in Turkana County,
- b) The Districts and Provinces Act 1992 defines well the coordinates of Kapedo,
- c) The root cause of the dispute is the division of Kapedo into smaller administrative units and the creation of the new districts of 2010 and 2011,

- d) The registration of persons in different centres with the name of Kapedo has complicated the dispute between the Turkana and the Pokots,
- e) The conflict or the dispute has a political root which leaders from both communities use to appease their voters,
- f) The constitution and act of parliament are the only legal references that can determine an administrative boundary,
- g) Kapedo Sub-location has been administered from formally Turkana District and now Turkana County government with the county administrator posted to Kapedo Centre,
- h) That Constitution provided that, any two regions that had a common boundary would by agreement in writing between the presidents of the respective regional assemblies alter their boundary,
- i) The alteration of the boundary required the approval by the respective regional assemblies, by way of a legislation passed for that purpose,
- j) There is no record of any piece of legislation that purports to have altered the Baringo Turkana Boundary,
- k) The constitution had elaborate provisions on the consequences of altering a regional boundary on District boundaries, House of Representatives, and Regional Assemblies,
- l) Following constitutional amendments, it was provided that the boundaries of Nairobi area and the Districts shall continue to be in force as part of the constitution and would only be changed by or under an Act of Parliament,
- m) Thus, the former constitution of Kenya, which was replaced on 27<sup>th</sup> August 2010, provided that "District" means one of the Districts into which Kenya is divided in the manner prescribed by an Act of Parliament,
- n) It is therefore notable that in line with the constitutional provisions, the Districts and Provinces Act No. 5 of 1992 is the only Act currently in force and providing for the names and boundaries of the Districts and Provinces into which Kenya is divided into,
- o) Further, it is provided that within five years after the effective date, the national government shall re-structure the system of administration, commonly known as the Provincial Administration to accord with and respect the system of devolved government established under the new constitutional dispensation,
- p) It is against this historical background that the Turkana people strongly hold that Kapedo is and shall always be an administrative unit within Turkana County as observed alongside the boundaries act of 1992.

### **3.1.2 Recommendations from the leaders and elders from Turkana County**

- a) The Turkana people are calling for the reinstatement of the administrative boundary of the Turkana-Baringo districts as at 1918, a point the Pokot of Baringo are in concurrence,
- b) The presence of natural resources within the boundary of either Baringo or Turkana Counties should not be used to push the administrative boundaries in disrespect of the existing law,
- c) The use of heavily armed militant group by some politicians in Baringo to push for illegal administrative boundary should not only be a concern of the Turkana people but of the nation at large.
- d) The Turkana community asks the government to follow the existing law and historical facts in determining where Kapedo belongs. Since the Kenya government has all the legal documents that indicate the demarcation of counties, lack of a firm action or political will to solve the dispute can be interpreted to be adjudication of constitutional responsibility.
- e) All warmongers and inciters should be prosecuted regardless of their position in society,
- f) Enhance government security presence in the area to support the resettlement of displaced people. Given the economic importance of the region to the national economy the government should strengthen security by stationing the army and police in the borders of Baringo, Turkana, West Pokot and Samburu.
- g) This will facilitate the exploitation of these resources for national development and the development of communities leaving in these areas,
- h) Disarm all communities once the national government has strengthened security and created confidence of the local communities,
- i) National government should work closely with the county governments to start development projects/programmes in the area, create employment for the youth and encourage people to add value to their land.
- j) Encourage dialogue between the leaders of the Pokot and Turkana and encourage them to foster economic cooperation for the benefit of their people.
- k) Effort should be taken to encourage them to be foresighted leaders who should not focus on issues that have isolated their communities and impoverished them, but work for peace and development of their people.

### **3.1.3 Meeting with leaders and elders from Baringo County**

After meeting with the elders and leaders from Turkana County, the Committee had a consultative meeting with the leaders and elders from Baringo County. The leaders who were in attendance were;- Sen. Gideon Moi (Senator Baringo County), Hon. Benjamin Cheboi (Governor Baringo County), Hon. Asman Kamama (M.P. Tiatty Constituency) Members of the County Assembly and the County Security Intelligence Committee among other leaders.

The leaders presented a memorandum and the following key issues were highlighted;-

That;-

- a) The Turkana people were never residents of Kapedo from 1900-1964. They were residents of Lomelo Location of Lokori Division which is about 30km North of Kapedo,
- b) In 1920, the colonial DC for Baringo created and commissioned Kapedo Kings African Rifle (KAR) Post to protect the Pokots against Turkana invaders,
- c) In 1932, Kapedo North, East and West Sub-locations were established by the Colonial District Commissioner of Baringo,
- d) In 1950, a businessman by the name ChelelgoChemngorem from Kabarnet established the first shop at Kapedo upon receipt of allotment letter from Baringo County Council,
- e) Records show that Kapedo Primary School was under Baringo District from 1965-1986. In 1987, it was moved to Turkana District under unclear circumstances,
- f) Since inception, the examination's C.P.E/K.C.P.E code number is No. 57 which is for Baringo District. The Primary School Code to date has been a constant source of political conflict between the two Counties,
- g) In 1995, the gazettelement of Kapedo Sub-District Hospital was done by the Ministry of Health under Baringo District. This situation has never changed to date,- all staff get salaries from Baringo County and deployment is done by Baringo County Government,
- h) All maps both colonial and post - colonial indicate that Kapedo is in Baringo County,
- i) The IEBC polling centers in Kapedo No. 159/017 (Kapedo Primary) and No. 157/046 (Kapedo Bridge), Kongor Village 157/013, Akoret Center 157/014, Kapau Pre-school 157/016, Chesawach Primary School 157/018, and Lain Village 157/022 are registered under Baringo County,
- j) There was a court ruling on the Constitutional Petition No. 2 of 2012– Kitale on the delimitation exercise that was conducted by the Independent Electoral and Boundaries Commission (I.E.B.C),
- k) The petitioners (Turkana Community) complained that I.E.B.C altered the boundaries of six wards and accordingly reduced the same by a total of 1546 Km sq and the same has been moved to Pokot and Baringo Counties,
- l) I.E.B.C failed to take into account the community interests (Turkana) and the views of the people when it moved Akoret, Kapedo North, Kapedo West and Kapedo East areas to Tiaty Constituency in Baringo County,

- m) I.E.B.C shifted the boundary between Kapedo and Turkana Counties from Kapedo post beacon to Akoret thereby denying the Turkana community geothermal resources, Kapedo waterfalls, Silale ranch and the expected oil and mineral fields,
- n) The Court found that the I.E.B.C carried out the delimitation exercise in accordance with the existing Sub-Locations and that it is not within the mandate of I.E.B.C to alter County Boundaries. The petition was dismissed with no orders as to cost,
- o) The current Kapedo conflict that resulted to 22 security officers losing their lives was a culmination of persistent killings of civilians and livestock by the Turkana KPR at Kapedo,
- p) The Kapedo slums has nine chiefs, over 1000 people who do not undertake any economic activity but constantly prey on the livestock of the Pokot community and depend on relief food and
- q) During the last 5 years, the Pokot community had lost 46 people and 5000 livestock within Kapedo. The main killing points at Kapedo are at the Health facility, slums and the shopping centre.

#### **3.1.4 Recommendations from the elders and leaders from Baringo County**

- a) The Pokot community requests the Government to enforce the court ruling and make the Turkana community and its leaders to respect the court ruling.
- b) Immediate reinstatement of police station in Kapedo which was closed down in 1996,
- c) The nine Turkana chiefs within Kapedo are posted back to their areas of jurisdictions,
- d) That Kapedo Location, Kapedo Sub-Location and Silale Sub-Location in Silale Location should remain in East Pokot Sub-County of Baringo County as the case has been since 1930 and the Turkana County should rename the newly created (1996/1997) Kapedo Location, Kapedo Sub- Location and Silale Sub-Location,
- e) Administrative structures in Kapedo that belongs to Turkana be moved to Lomelocentre which was their original centre,
- f) Look for a lasting solution to the biasness and partisanship of security law enforcement agencies in Kapedo,
- g) KPRs to be recruited in the entire East Pokot to assist in the current disarmament and improve security situation.
- h) Remove all Turkana KPR from Kapedo trading centre and post them to remote areas and other places envisioned by the Government.
- i) The Turkana settlement within Kapedo trading centre to be administered from Baringo County to avoid conflict of interest between the two counties since that is the clear position of the law as per the court ruling.

- j) Disarm all armed staff in Kapedo health centre and primary school. This threatens access to service delivery to the Pokot community in these institutions.
- k) The Government should consider formation of a special Taskforce to investigate this matter and similar across the North Rift especially the Lorokon slum near Turkwell and
- l) The Government is urged to come up with a marshal plan to address all the challenges faced by the marginalized communities of the North Rift.

### **3.1.5 Meeting with the Baringo County Security Intelligence Committee**

The following members of the Baringo County Security Intelligence Committee attended the meeting;-

Mr. Peter Okwanyo	- County Commissioner
Mr. Walter Akuku	- County Intelligence Coordinator
Mr. John Momanyi	- County Criminal Investigation Officer
Mr. Hassan Barua	- Police County Commander
Mr. Elisha Odhiambo	- Administration Police County Commander
Mr. Daniel Kirui	- Deputy County Commissioner – East Pokot

The Committee received the following submissions;-

That;-

- a) The conflict between the Turkanas and Pokots has been in existence since the 1900. The causes of the conflict can be attributed mainly to ethnic hatred, cattle rustling, murder and boundary dispute,
- b) Prior to the killing of Security officers on 25<sup>th</sup> and 31<sup>st</sup> October 2014, there were a number of killings of Pokot civilians and stealing of livestock by the Turkana Community around the Kapedo area but no arrests or recoveries were made to date,
- c) The unabated killings and the stealing of livestock provoked the members of the Pokot Community and on 28<sup>th</sup> September and 4<sup>th</sup> October 2014 a series of meetings were held with the Pokot Community and it was reported that the Speaker of Baringo County Assembly, MCA for Silale ward and MCA Ribkwo ward incited the Pokots against the Turkanas living in Kapedo,
- d) On 25<sup>th</sup> October, 2014, armed Pokot bandits ambushed two GSU (Police) vehicles near Ameyan market. Subsequently, 3 GSU officers and 2 civilians were murdered while 2 officers and 2 civilians were injured,
- e) This incident prompted Mr. David M. Kimaiyo the then Inspector General (IG) of Police, Mr. NdegwaMuhoro – Director of Criminal Investigations, Mr. Peter Okwanyo – Baringo County Commissioner and the Security team to visit the scene on 26<sup>th</sup> October, 2014, leading

to the recovery of the bodies. Thereafter, they convened a security baraza at Michuki grounds in Chemolingot to address the situation,

- f) The then IG openly named Nelson Lotela – MCA Silale Ward, Daniel Tuwit – MCA Ribkwo Ward and William KasaitKamket – Speaker Baringo County Assembly as those who incited the bandits to attack. Subsequently, the three were arrested and have already been charged before the High Court in Eldoret. Their case is pending before Court for determination,
- g) After the visit of then IG, a contingent of security officers under the command of the GSU Commandant were deployed and stationed at Kapedo. There are about 350 officers there,
- h) On 31<sup>st</sup> October 2014, just five days later, after the murder of 3 GSU officers and 2 civilians, 22 people were brutally killed comprising of 19 Administration Police officers and 3 civilian from Toyota East Africa. The team was on a mission to collect the shell of a vehicle which was burnt at Kasarani area of Patipat sub location in Kapau location (i.e. in between Kapedo and Lomelo),
- i) The massacre of the officers prompted none other than the President of the Republic of Kenya H.E. Uhuru Kenyatta CGH, Commander In Chief of the Defense Force of Kenya to visit the region and addressed public meetings at Chesitet and Kapedo,
- j) The President demanded that all the firearms and uniforms stolen from the slain officers must be returned within a day and that all the persons who committed the heinous act be brought to book,
- k) The suspects who committed the murder of 31<sup>st</sup> October, 2014 were identified as:- Eunice Piranyang, ChomPiranyang, ChonguliPiranyang, LopoghonDomorita, KanyorioDomokamar and RengongLayar, all Pokots,
- l) During the said attacks a total of 23 firearms, 2 FRG's, several rounds of ammunition (about 2000) and assortment of the uniforms were taken by the bandits,
- m) But to date through the cooperation and assistance of members of the public the following recoveries have been made:-
  - i) All the 23 firearms (21G3's and 2 AKs)
  - ii) 1 FRG
  - iii) 24 ammunitions
  - iv) 8 magazines
  - v) 5 firearms slings
  - vi) Assortment of uniforms namely:- (3 jungle jackets, 2 jungle/angola shirts, 1 jungle trouser, 2 jungle belts, 4 jungle hats, 4 pairs of shoes, 1 strap, 1 pair of IP Gorges, 3 line yards, 1 whistle and 1 pair of socks).

- n) Since the two incidents occurred, there has been a security operation team based at Kapedo that is composed of the Kenya Police, Administration Police, ASTU, GSU and the KDF Camp at Chesitet,
- o) Residents of Chesitet, Silale, Chemalingot and Akwichatis initially around the months of November and early December 2014 complained of harassment by the operation team but when investigations were carried out, it was found that the complaints were not necessarily true and that there had been a lot of exaggerations and
- p) This year (2015) the combined force has been able to effectively patrol the main routes from Marigat to Kapedo up to Arabal and Mukutani and in many instances have stopped attempted killings between Turkana and Pokots and recovered a lot of stolen livestock.

### **3.1.6 Meeting with the Turkana County Security Intelligence Committee**

The following members of the Turkana County Security Intelligence Committee attended the meeting;-

Mr. Julius Mathenge	- County Commissioner
Mr. Robert Kasangani	- County Intelligence Coordinator
Mr. Moses Cheruiyot	- County Criminal Investigation Officer
Mr. Karisa Mwarigia	- Police County Commander
Mr. John Kemboi	- Administration Police County Commander

The Committee received the following submissions;-

#### **Security Threats on the Turkana/Pokot Boundary**

That;-

- a) The Turkana-Pokot boundary is a source of constant and endless conflict for the two Counties. The boundary stretches from Kapedo (Turkana/Baringo East Boundary) through Lochakula, Kainuk all the way to Lokirama (Turkana/West Pokot/Uganda boundary),
- b) Initially over the years it used to be the normal traditional livestock raids but now the matter has taken a new dimension and turned out to be a carefully, well thought, deliberate and elaborate plan to evict the entire Turkana population from Kapedo, Lochakula, Lorogon and the entire Kaputir locations by the neighbouring East and West Pokot residents,
- c) Because of the believe that Kapedo is in Baringo East, the Pokots do not take it kindly to anybody trying to access Kapedo from either Turkana or Baringo side,
- d) There is a tendency in the last couple of years to attack and even burn vehicles using this road (Lokori/Kapedo) to make sure that one does not access Kapedo,
- e) The genesis of all this started in 1993 when the Government decided to create Lomelo Division with its headquarters in Kapedo; and

- f) In 1996, the then Rift Valley Provincial Commissioner asked the two District Security Intelligence Committee from Baringo and Turkana together with their respective District surveyors to establish the location of Kapedo. The team established that Kapedo was indeed in Turkana.

### **Challenges**

- a) Turkana County is 77,000 sqkms with security personnel establishment of 2,861 officers against the required establishment of 8,734,
- b) Three hundred and sixteen (316) of the current security establishment is deployed in the oil and gas industry leaving a balance of 2,545 on the ground,
- c) A quarterly AIE of Kshs. 250,000 is hardly enough to run the affairs of the County since out of the said amount Kshs. 68,000 is for fuel, Kshs.57,000 for maintenance of vehicles and Kshs. 30,000 is for travelling and accommodation. With this kind of funding the County Commissioner can only attend to two sub- counties leaving the five sub-counties unattended,
- d) The County has 19 administrative divisions with only 8 Assistant County Commissioners that are stationed at the sub-county headquarters and
- e) All the entire 19 divisions have no vehicles for operation including the County Commissioner, whose vehicle was swept away by flash floods and is now unserviceable.

### **3.2 OBSERVATIONS AND RECOMMENDATIONS FROM THE VISIT**

Following the site visits and the various interactive meetings, the Committee made the following observations and recommendations;-

#### **3.2.1 OBSERVATIONS**

That;-

- a) The Turkana-Pokot boundary is a source of constant and endless conflict for the two Counties. The boundary stretches from Kapedo (Turkana/Baringo East Boundary) through Lochakula, Kainuk all the way to Lokiriama (Turkana/West Pokot/Uganda boundary),
- b) The presence of natural resources such as Geothermal and Oil deposits within the boundary of either Baringo or Turkana Counties seems to be a source of conflict in the region,
- c) There is an overlap in the system of Administration in Kapedo Location, Kapedo Sub-Location and Silale Sub- Location whereby the provincial administration has appointed chiefs and assistant chiefs from both Turkana and Baringo Counties,
- d) So many cases of insecurity have been reported but the suspects remain at large and are yet to be apprehended hence prevalence of injustice or delayed justice for the victims of the attacks,

- e) There was a lot of hostility between the leaders and residence of Turkana and Baringo counties despite several attempts to resolve them,
- f) The Turkana-Pokot boundary is a source of constant and endless conflict for the two Counties. The boundary stretches from Kapedo (Turkana/Baringo East Boundary) through Lochakula, Kainuk all the way to Lokiriana (Turkana/West Pokot/Uganda boundary),
- g) The presence of natural resources such as Geothermal and Oil deposits within the boundary of either Baringo or Turkana Counties seems to be a source of conflict in the region,
- h) There is an overlap in the system of Administration in Kapedo Location, Kapedo Sub-Location and Silale Sub- Location whereby the provincial administration has appointed chiefs and assistant chiefs from both Turkana and Baringo Counties,
- i) So many cases of insecurity have been reported but the suspects remain at large and are yet to be apprehended hence prevalence of injustice or delayed justice for the victims of the attacks,
- j) There was a lot of hostility between the leaders and residence of Turkana and Baringo counties despite several attempts to resolve them,

### **3.2.2 RECOMMENDATIONS**

The Committee makes the following recommendations based on the observations made here above;

- a) That Parliament considers fast tracking the setting up of an independent Commission as provided under Article 188 of the Constitution to consider all the county boundaries and address cases where correction of a boundary in one area may trigger another boundary dispute elsewhere;**
- b) There is need for a political and administrative interventions to resolve the matter of overlapping on the systems and structures of administration in Kapedo;**
- c) There is need to station properly equipped law enforcing units preferably with armored personnel carriers (APC's) and aerial surveillance to handle the volatile situation at Lomelo/Kapedo;**
- d) There is need to deploy adequate security officers in the volatile areas and thereafter simultaneously disarm all the pastoral communities in Turkana, Baringo, Samburu, Isiolo and Laikipia Counties;**
- e) Convening of leadership forums to discuss and address emerging issues affecting the two counties and disseminating of the same information to the members of the public to eliminate mistrust and suspicion amongst the neighbouring communities;**
- f) All suspects, irrespective of their social status should be dealt with in accordance with the law where evidence exists implicating them to the breach of the law;**

- g) The government should develop the infrastructure to facilitate easier access and rapid movement of security forces and encourage alternative means of socio-economic development and**
- h) Security officers deployed to these regions should be given incentives while serving in a bid to boost their moral and change the perception and the prevalent attitude that deployment in Northern Kenya is a punishment.**

## **CHAPTER FOUR: VISIT TO LAIKIPIA**

On 4<sup>th</sup> March, 2014, the Committee visited Laikipia County and in particular Laikipia West and North Sub Counties. The main objective of the visit was to ascertain and assess the security situation and specifically strengthening of the police posts.

Laikipia County borders with seven other counties namely; Samburu to the north, Isiolo to the northeast, Meru to the east, Nyeri to the south east, Nyandarua; and Nakuru to the south west, and Baringo to the west.

The County is cosmopolitan with roughly 32 ethnic communities but the predominant communities are; the Tugen, Kikuyu, Pokot, Samburu and the Njemps. The Pokot, Samburu and Tugen are pastoral communities while the Kikuyu are predominantly farmers but they also rear cows, goats and sheep for subsistence.

The current security threat in Laikipia County is as a result of cattle rustling, stock theft; and influx of pastoralists from neighbouring counties who illegally graze their animals in private farms and ranches.

The government has totally disregarded the plight and complaints of the people of Laikipia as mere allegations which are baseless. The border between Laikipia and Baringo; Laikipia and Isiolo; and Laikipia and Samburu is totally ungovernable due to constant armed raids by Pokot cattle rustlers and armed Samburu illegal grazers in the conservancies and ranches.

The Laikipia youth are at the verge of resorting to self-defence and revolt against this perennial problem of cattle rustling, stock theft and armed illegal grazing in the privately owned farms, community conservancies, and ranches.

The Committee on National Security & Foreign Relations undertook a county visit on the following border police posts and settlements to ascertain the magnitude of the threat facing the residents, the cause of the threat, government measures to avert the threat, and the actual loss of lives and stock to cattle rustlers and illegal grazers from the neighbouring counties of Baringo, Samburu, and Isiolo.

### **4.1 VISIT TO POLICE POSTS IN LAIKIPIA COUNTY.**

The Committee had the opportunity to visit;-Mahua, Kiamwenje, Kabati, Survey and Three Point Police Posts. During the visits, the Committee was accompanied by the County Senator who is also a member of the Senate Committee, Governor for Laikipia, Members of Parliament for Laikipia West and Laikipia North Constituencies, Members of the County Assembly, Laikipia County Security and Intelligence Committee, Chiefs and Assistant Chiefs.

The Committee held several *Barazasin* all the stations that they visited and requested the residents to be peaceful, patient and law abiding. The Committee assured the residents that

the Senate will do whatever it takes to ensure that their grievances are heard and addressed by the National Government.

The Committee visited and inspected the following Police Posts;-

#### **4.1.1 Mahua Police Post**

The area Chief and MCA led the committee to the edge of the Embossus River Valley so as to get a clear view of the terrain of deep valley and high escarpments which make it difficult for the security personnel to pursue the cattle rustlers.

The Committee was informed that;-

- a) The police post was established fifteen years ago and the former area MP Hon. G.G Kariuki (now Senator Laikipia County) built the administration block through the Constituency Development Fund (CDF),
- b) The police post is located at the border point between Laikipia and Baringo County. The terrain is rugged with an escarpment that the cattle rustlers use to steal and drive the livestock down the valley and it makes it extremely difficult for any police officer to pursue the aggressors,
- c) The nearest settlement from the police post is in Arabal in Marigat, Baringo County which is about 76km and the cattle rustlers have taken advantage of the vast and unmanned terrain to steal and drive off the livestock from Laikipia County,
- d) The Chief of Arabal has also been displaced by the bandits and now lives in Kimalel on the way to Kabarnet and the other Chief that used to live around Mahua has also been displaced and is currently operating from Churo,
- e) The Tugen who were the original inhabitants of the bordering location on the Baringo side have also been displaced and moved to Mochongoi by the Pokot raiders and one of the sub-chiefs is a resident of Mahua Location,
- f) Virtually there is no government presence/security operators between Mahua and Mochongoi making it easy for the cattle rustlers to steal and drive the livestock;
- g) The stolen livestock are used for both cultural (payment of dowry/prestige) and economic reasons (sale);
- h) There is a possibility that the security personnel collude and collaborate with the cattle rustlers to ensure that the stolen livestock are guarded and transported for sale;
- i) Eight years ago, the area had an Administration police post and a police post at the nearby Miteta area which could contain the bandits and issues of cattle rustling however, due to the shortage of personnel the police officers were withdrawn;

- j) Currently there are no police officers in this post and residents through the chief make calls to Kinanba, Rumuruti or Nyahururu Police Stations in the event of an attack;
- k) It is recommended that adequate security personnel, with proper communication gadgets and patrol vehicle be deployed at Mahua Police Post and Kapidasu in Baringo County;
- l) That the bandits should be pursued, disarmed and arrested;
- m) Need an aircraft for air surveillance to be stationed at Nakuru for quick response in case of an emergency;
- n) The place cannot be governed properly because of the rugged terrains and many other factors involving the cultural differences and tribal conflict around the area;
- o) Numerous efforts by the area leaders to request for deployment of Kenya Police Reservists (KPRs) in the area have fallen on deaf ears, despite the fact that the same Government has deployed KPR's in each of the neighbouring Counties of Baringo, Samburu and Isiolo and
- p) The residents requested that at least 10 police officers with a patrol vehicle and radio communication gadgets, bullet prove vests be deployed in this police post to curb the cattle rustling and livestock theft menace that has greatly affected the County.

#### **4.1.2 Kamwenje Police Post**

- a) The police post is located a few kilometres from Mahua Police Post and it overlooks Lake Baringo in Baringo County;
- b) The police post has an administration block with separate cells for both gender, an armoury, and separate toilet facilities for both gender which was built through CDF funding;
- c) This is the second corridor/exit entry point used by cattle rustlers when stealing herds of livestock from Laikipia County (Laikipia West);
- d) There is only one police officer who comes during the day and goes back to his home during the night;
- e) The heavily armed Pokot herders/raiders invade and encroach into private farms and forcefully graze their animals during the day and when they return back to their habitat they steal thousands of animals from the people in this area. Hardly a day passes without a gunshot;
- f) There are more than ten thousand herds of cattle in Kamwenje from the neighbouring Baringo county, these herds are either in the Laikipia Conservancy owned by Ms. Kuki Galmann or private farms/group ranches;

- g) The rancher does not allow the local residents to look for their strayed animals in the conservancy and consequently the Pokot herders take advantage of such situation to steal those animal within the conversancy, or in private farms owned by the people of Laikipia;
- h) The people of Laikipia are generally not armed as compared to Pokot, Samburu, and Tugen who are heavily armed. It is therefore, prudent to deploy more police officers to the station and also deploy the General Service Unit (GSU) which currently is stationed in Karandi in order to contain this cattle rustling and stock theft menace,
- i) The farmers are suffering in silence and may not express themselves fully for fear of reprisal attacks during the night raising prospects of food insecurity and even more cyclic violence,
- j) Lack of adequate security personnel and the laxity by the government to deal with criminals have been blamed for the escalating cases of inter-ethnic clashes that has caused untold suffering to the communities and
- k) The situation has been compounded further by the proliferation of illegal arms especially among the pastoralist communities.

#### **4.1.3 Kabati Police Post**

- a) The police post is located at ol Moran Ward, Laikipia West Constituency and was built by CDF. The plight of the residents in this area is the same as those in Mahua and Kamwenje;
- b) The police post was built simultaneously with the Health Centre, which is staffed and in operation;
- c) There is only one police officer serving in this police post, the residents and the area leaders request for deployment of at least 15 police officers with a police patrol vehicle and communication gadgets;
- d) The main problem at Kabati is the invasion of farms by illegal herders from the Pokot community during the day and invasion of the same farms by elephants at night; Police posts were built at the most strategic places where there were challenges with the security in the County and these are basically the border points between Laikipia and Baringo Counties;
- e) The terrain at Kabati is flat and not rugged as in Mahua and Kamwenje but the unfortunate thing is that once the livestock are stolen, they are driven through the conservancy and the residence cannot pursue them but watch helplessly; and
- f) The leaders thanked the Government for establishing an Anti Stock Theft Unit (ASTU) at Wangwache and requested that the GSU Company at Karandi be moved to Kabati pending the deployment of adequate police officers.

#### **4.1.4 Survey Police Post**

The Governor Laikipia County H.E Hon. Joshua Irungu and Member of Parliament Laikipia North Constituency Hon. Mathew Lempurkel joined the Committee at Survey Police Post.

The Committee was informed that:

- a) The police post was also built by the Constituency Development Fund kitty;
- b) It is the responsibility of the National Government to ensure that the lives and properties of all Kenyans are protected;
- c) The police post has only four officers, one motor vehicle (grand tiger) which cannot endure the terrain especially during the rainy season. The post has an administration block, and two residential units;
- d) There is only one Chief that is in charge of the vast area that borders Baringo and Samburu Counties;
- e) The County Government attempted to assist by allocating some funds for the construction of police house units and building a water tank at Ol Moran and Kabati Police posts but according to the Governor, the budget was declined by the Controller of Budget;
- f) The people of this area witness an influx of pastoralists from the neighbouring Samburu and Baringo counties, which causes an infiltration of light and small weapons in Laikipia County hence the constant raids and stock theft by armed cattle rustlers;
- g) The establishment and deployment Anti-Stock Theft Unit (ASTU) at Olmotony, Kiamariga, and Wangwachi has helped reduce the cattle rustling and stock theft menace in this area; and
- h) There is no radio communication and water supply to the police post. The residents therefore, requested for deployment of additional fifteen police officers, two motor vehicles (Toyota Land cruiser), building of housing units for the officers through the CDF kitty, and drilling a borehole within the Survey settlement.

#### **4.1.5 Three Point AP Post**

The Committee noted that;-

- a) There is no much cattle rustling and stock theft in this area since this post was established but isolated cases of theft during market days occur, however it is notable that many residents in this area were evicted in 1998 by cattle rustlers from the neighbouring counties of Samburu and Baringo counties.

- b) The police post has five police officers but there is no motor vehicle for patrol, radio communication, acute shortage of water, and lack of perimeter wall/fence for the station and electricity;
- c) The stocks recovered from cattle rustlers and those found astray cannot be kept temporarily before the owner comes for them due to lack of perimeter wall for the station; and
- d) Despite proximity of the electricity line and transformer to the station, it is not connected and the officers have to trek to the nearest settlement or the secondary school to charge their cellphone for communication.

The committee commended the station commander Cpl. Loweissa's effort to provide selfless service to the public by providing a customer care call board where one can find the name, rank, and the cellphone number of the officers in charge/on duty at the station.

#### **4.1.6 Karunga Police Post (Patrol Base)**

This police post came up as a result of collaboration between the county security committee and the community through the community policing initiative. The residents felt the need to establish a police post by giving the land, building the office block for the officers and provided a vehicle (Mitsubishi Pajero) for security patrols in the area. The community further fuels this car on daily basis and it is their request that more officers should be deployed to this police post.

#### **4.1.7 IIPolei Police Post (Barrier)**

The major issue raised was that the police roadblock in the area should be removed as it was used by police to extort money from the public. The area M.P requested the roadblock to be removed with immediate effect. This is a security barrier that controls the movement of people and livestock.

### **4.2 MEETINGS AND SUBMISSIONS**

#### **4.2.1 Meeting with the Laikipia County Security Intelligence Committee**

On Friday 5<sup>th</sup> March 2015, the Committee had a meeting with the County Security Intelligence Committee.

The following members of the County Security Intelligence Committee attended the meeting.

- Mr. Wilson Wanyanga - County Commissioner
- Mr. Angelus Karuru - County Police Commander
- Mr. Dickson Njiru - County Administration Police Commander
- Mr. Isaac Musyoki - County Criminal Investigation officer

Mr. Jackson Mwiti - County Intelligence Officer  
Mr. Vincent Ongwae - County Warden

The County Commissioner gave a brief background on Laikipia County and made the following submissions pertaining the security situation in Laikipia:-

During the meeting, the Committee was informed that Laikipia borders three counties out of which the security problem emanates from Baringo East, Samburu particularly Wamba, and Isiolo. The major security issues in the County can be categorized as follows;

### **Cattle Rustling and Stock Theft**

The county is prone to both cattle rustling and stock theft caused by armed bandits from the neighbouring counties of Baringo, Samburu, and Isiolo. The challenge is that the bandits from the neighbouring counties are heavily armed and that once the animals are stolen and driven through the rugged terrain then it is difficult to catch up with them as the security officers are ill equipped to pursue them.

### **Influx of Pastoralists**

- a) The county has experienced unprecedented influx of pastoralists from the neighbouring counties of Baringo, Samburu and Isiolo;
- b) During the dry season, the pastoralists who are heavily armed migrate from their respective counties and most of them move into Laikipia in search of pasture and water for their livestock;
- c) In Laikipia West Sub County, at the border between Laikipia and Baringo, there are almost 10,000 herds of cattle that have illegally invaded the private farms;
- d) In Laikipia North Sub-County, at the border between Laikipia and Samburu, the Samburus have invaded the private ranches and are illegally grazing over 10,000 herds of cattle;
- e) In Oldonyiro, at the border between Laikipia and Isiolo County, a similar number of livestock have also illegally occupied private conservancies;
- f) The pastoralists have already cleared pasture at Ole –Kuruki Conservancy and are now threatening to invade ilNgwesi;
- g) The pastrolists from Baringo illegally move into this conservancy and find their way into Mahua, Kamwenje, Kabati, areas;
- h) Small scale farmers in Laikipia West sub-county have constantly complained of continuous illegal grazing of animals from Baringo in their farms hence the depletion of the county food basket;

- i) Also the areas of Ol Moran, Kirima, Wangwaci, Lonyek, Ndurumo, Sosian, Thome/Mathira, Sipili and RumuruKinamba, Matuiku and Mutitu location have also experienced forced illegal grazing of animals by armed pokot raiders; and
- j) In Laikipia North, the armed morans illegally invaded and graze their animals on daily basis in the following ranches; NYS, Kamogi, Loisaba, ilNgwesi, and Tassia conservancy.

#### **Land ownership and illegal grazing**

- a) A large percentage of the land in the county is owned by white ranchers and land buying companies. Illegal grazers within the County and from the neighbouring counties usually invade and graze their animals on private land owned by the ranchers, companies or private individuals. This poses a threat to private landownership and
- b) The situation escalates during the dry season and lately the issue of expiry of lease of large ranches in the County is a bone of contention. Local political elements in Laikipia North Sub- County use it to incite herders to invade conservancies and ranches.

#### **Poor road network and harsh terrain**

The challenge facing the security personnel in averting the threats and pursuing of cattle rustlers and raider is the poor road network and the harsh terrain of deep valleys and raised escarpments along the corridors used by the raiders such as the borders between Laikipia and Baringo; Laikipia and Samburu; and Laikipia and Isiolo.

#### **4.2.2 Meeting with the Samburu County Security Intelligence Committee**

On 24<sup>th</sup> March 2015, the Committee invited the County Security Intelligence Committee (CSIC) from Samburu County for a meeting in Nairobi to deliberate on the security situation that has adversely affected Laikipia County.

The following members of the Samburu County Security Intelligence Committee attended the meeting.

Mr. Joshua Nkanatha	- County Commissioner
Mr. KassimuMshenga	- County Criminal Investigation officer
Mr. Vincent Kalande	- Deputy County Intelligence Commander (C.I.C)
Mr. Patrick.O.Wambani	- County Police Commander
Mr. Benson Wasike	- Administration Police County Commander

The County Commissioner gave a brief background on Samburu County and made the following submissions pertaining the security situation in Samburu;-

#### **Relationship between the Samburu and the neighbouring communities/counties**

- a) Samburu and Marsabit – There are no major issues between the two counties since the Samburu and the Rendile get along very well;

- b) Samburu and Turkana – There is no conflict between the Samburu and Turkana counties. The conflict exists within the Samburu between the Turkana and the Samburu who live there. Twenty five percent of the County’s population is made up of Turkana who mainly live in Samburu North Sub-County;
- c) Samburu and Baringo – Currently there is a truce between the Samburu and the Pokot on cattle rustling but there is a boundary problem at Amaiya where the Pokot have pushed away the Samburu where there is a permanent stream of water that is a source of conflict;
- d) Samburu and Laikipia – There is a problem of illegal grazing whereby the Samburu have taken fairly a good number of their livestock to graze in Laikipia due to the persistent drought in Samburu. There are however Samburu living in Laikipia and hence some of the issues committed by the Samburu may not necessarily mean that they were committed by the Samburu from Samburu County; and
- e) Samburu and Isiolo – At the moment, there are conflicts between the Samburu and Borana, Samburu and Somali, Samburu and Turkana that has resulted in a number of fatalities.

#### **Illegal Grazing in Laikipia**

- a) At the moment, Samburu County is experiencing drought as a result of the prevailing dry weather conditions and the situation has forced pastoralists from Samburu East, and Samburu Central to move to Laikipia North, Laikipia County after being permitted by pastoralists, conservancies, National Youth Service (Kirimon Camp) and Mugie Ranch among other private ranches;
- b) The pastoralists were allowed, through the local Chiefs, elders and grazing committees to take a limited number of livestock to Laikipia pursuant to the BOMA Declaration;
- c) Most of the Samburu that have forcefully invaded ranches in Laikipia County are from the neighbouring Isiolo County and not necessarily from Samburu County;
- d) Several joint security meetings have been held to resolve this issue with the most recent on held on 2<sup>nd</sup> February, 2015 at ilNgwesi area of Laikipia County;
- e) During the said meeting, it was agreed that the trespassing herders, mainly from Kipsing area of Isiolo, should move out of the ranches by 10<sup>th</sup> February, 2015;
- f) The Isiolo County Government Deputy Speaker, who was present, promised to provide the herders with a motor-vehicle and fuel to ensure the same was effected and

- g) The County Security Committee observed that there were political incitements that led to the invasion of private lands in Laikipia North Sub County.

### **Challenges**

- a) The County is vast and extends all the way from Kom (Isiolo Samburu Boundary) to Lake Turkana;
- b) Inadequate security personnel making it impossible to allocate every chief with five officers as required;
- c) Inadequate funding to facilitate maintenance, repair and fuelling of motor vehicles, the County Commissioner is allocated an AIE of Kshs. 57,000 per quarter;
- d) The bandits have more sophisticated weapons than the security personnel who pursue them. At one point, the operations team of around 30 police officers were forced to carry around 150 bandits for almost 10kms who were heavily armed with M16's rifles, HK21, HK56 machine guns and 60mm mortar;
- e) The rugged terrain in the County hampers movement of security personnel which makes it necessary for the Armoured - Personnel Carriers (APC's) and aerial support to be a requirement;
- f) Lack of enough communication gadgets and lack of security access roads to penetrate remote areas hence leading to delays in reaching the scenes of crime;
- g) Overstocking and free movement of livestock that warrants the pastoralists communities to move from one area to another in search of water and pasture hence creating a source of conflict with the neighbouring communities and
- h) Proliferation of small arms and weapons. (SAW's)

### **4.2.3 PUBLIC BARAZA AT DOLDOL - LAIKIPIA NORTH SUB-COUNTY**

On Thursday, 5<sup>th</sup> February 2015, the committee drove from Nanyuki to Doldol which is about 80 kms for a public *Baraza*. Those in attendance were the area Member of Parliament Hon. Mathew Lempurkel, the area MCA, County Security Intelligence Committee from Laikipia County, Chiefs and sub-chiefs, commercial ranchers, community conservancy managers, private ranchers, religious leaders and residents of Doldol. In the meeting the area leaders and residents made the following submissions;

#### **Mr. Leonard Kinyaga - Chairman of the ilNgwesi Conservancy**

- a) The ilNgwesi conservancy started way back in 1996, and several development initiatives have been undertaken including the building of a lodge and the conservancy,

- b) The communities in this part of Laikipia are pastoralists and are organized in grazing their herds by putting in a place a grazing plan in the group ranches, community conservancies to safeguard and protect their livestock during the dry season,
- c) The private ranchers and large scale farmers also help the residents during the dry season by allowing a certain number of animals into their ranches for grazing,
- d) In 2013 and 2014 the Samburu morans from the neighbouring area of Kipsing who were heavily armed and numbering about 400 with large herds of cattle estimated to be around 10,000 invaded and illegally grazed their animals in the conservancies,
- e) The Samburu morans initially overgrazed and finished pasture in their own conservancy of Kipsing, moved and cleared pasture in Tarsia (Lekuruki) conservancies and are currently grazing their livestock at the ilNgwesi conservancy,
- f) The morans invade the conservancies, group ranches and private farms to graze their large herds of cattle with impunity,
- g) The matter of illegal grazing and possession of illegal weapons by the Samburu morans have been reported to the police and several attempts to have the issue of illegal grazing resolved with the intervention of Northern Rangeland Trust (NRT), local leaders, County Commissioner have not yielded any positive results,
- h) In 2014, several security officers were injured and their vehicles damaged when they went to evict the Samburu morans from Tassia Conservancy – up to date, no action was taken against those morans and that inaction by the government has made them fearless and more courageous and
- i) The ilNgwesi Community has vowed not to sit back and watch the morans invading and illegally grazing on their farms and have threatened to confront them, fight and evict them at whatever cost because the government has failed to protect them and their property.
- j) We therefore, request for urgent and rigorous disarmament operation undertaken and pushing back the morans to their original habitats in Samburu and Isiolo Counties.

**Mr. Simon Lenanjuri - Tassia Conservancy**

- a) Lekuruki/Tassia Conservancy is located at the border of Kipsing in Isiolo County and due to proper planning the conservancy has adequate pasture to sustain the community and their livestock during the dry spell,
- b) In 2010, over 200 heavily armed Samburu morans from the neighbouring Kipsing area invaded Tassia conservancy and forcefully grazed their animals at the conservancy,
- c) When the management of the conservancy tried to repulse them, the morans invaded Tarsia Lodge, attacked the management shooting indiscriminately, scaring away the tourists- the confrontation lasted for almost four hours,

- d) In 2011, the morans again in their numbers invaded the conservancy and a similar incident occurred forcing the closure of the lodge temporarily,
- e) In 2014, the morans were at it again and when they were confronted by a team of around 20 police officers and 10 KPR's, they overpowered them, injured one officer and stole his firearm, several rounds of ammunition, uniform and chased them away. From this incident, the morans claim dominance and ownership over the land in this part of Laikipia and continued to graze with impunity,
- f) In December 2014, Northern Rangeland Trust (NRT) deliberated on the matter of insecurity in the area and observed that indeed the government had failed to provide adequate security to protect them and their property. In this regard, the NRT resolved to meet with the chairmen of all conservancies in Laikipia and Samburu (15 in number) to negotiate for a peace deal with the Samburu morans,
- g) The Chairmen of the conservancies pleaded with the Samburu morans not to interfere with the tourism business at the iNngwesi Lodge by grazing their animals, attack or physically abuse the workers, visitors/tourist at the lodge or on the road and assured them that the government will address the issue of boundary,
- h) The Chairmen of the conservancies stayed at Tassia Lodge for two weeks pleading with the Samburus and after failing to reach an agreement they were requested to respect the co-conservation area (Lodge) and go ahead and graze their animals at the conservancy together with the Tassia community,
- i) Due to desperation and failure by the government to protect the Tassia Community from the Samburu morans, an agreement was reached that in the short term the Samburu continue to graze at Tassia and NRT employed 10 morans to ensure that the livestock do not graze at the lodge,
- j) The Tassia Community benefits from the lodges in terms of employment, payment of bursary, the County government benefits through the taxes from the facility and
- k) The Tassia Community requests the National Government to immediately take charge remove the Samburu morans from the conservancy and disarm them.

**Mr. Legei - Community Leader**

- a) The group ranches and conservancies in Laikipia County have valid title deeds for their properties and demand that the sanctity of the ownership document be respected,
- b) The communities in Laikipia are not armed and there are no KPRs in Laikipia as compared to the neighbours in Isiolo and Samburu who have fully armed KPRs and they also have illegal arms which are used to attack and invade the conservancies and ranches in Laikipia,

- c) The cause of the constant raids and invasions is incitements by local political leaders advising and encouraging the morans to encroach into the conservancies and ranches in Laikipia North Sub- County whose leases have expired or are about to expire,
- d) The conservancies and ranches help educate the children of the communities in Laikipia through bursaries and scholarships and uplift the living conditions of the society by building and equipping health centres and
- e) The National Government needs to urgently move with speed to restore order in Laikipia County and avert the imminent clashes with the Samburu morans.

**Mr. Tom Silvester - Representative of Ranchers**

- a) The people of Laikipia County particularly the residents of Doldol are under a constant threat and raids from armed Samburu morans from Samburu and Isiolo Counties;
- b) The cause of the threat and raids is illegal grazing of large herds of animals in the conservancies, group ranches and private ranches;
- c) Lately the morans have become violent not only in the conservancies and ranches for illegal grazing but also in towns and shopping centres leading to armed robbery in town centres;
- d) The morans also engage in poaching of wildlife within the conservancies and ranches particularly rhinos and elephants;
- e) The morans are not deterred due to the limited number of security personnel in the area and the absence of KPRs which would have mitigated the security menace in the region; and
- f) He requested that the trained KPRs be armed to push back the moran out of the conservancies and ranches, increase the deployment of the Kenya Police and GSU officers in the area, provide adequate vehicles for security patrols and avail radio communication gadgets to the police officers in the area.

**Hon. Mathew Lempurkel – Member of Parliament Laikipia North**

- a) That he has attended several meetings at Tassia and ilNgwesi to try and plead with the morans from Samburu and Isiolo to desist from forcefully grazing their animals at the conservancy;
- b) The counties of Isiolo, Baringo and Samburu have over one thousand KPR's each while Laikipia County has none making them vulnerable to the frequent attacks;
- c) Laikipia North Constituency is vast and has only three serviceable vehicles and a total of 23 police officers hence making it difficult to operate and maintain law and order;

- d) The government has failed in its constitutional mandate of protecting the life of its people and their property and has left the people of Laikipia exposed to all sorts of ridicule from its neighbours;
- e) Several police posts in Laikipia County have very few police officers manning them;
- f) The residents of Laikipia County are peaceful but the outsiders from Samburu, Isiolo and Baringo counties have made Laikipia to be insecure;
- g) The government should deploy more security personnel including Kenya Police Reservists (KPR's) to Laikipia county to help restore order and maintain peace;
- h) The conservancies have trained so many youth (scouts) at Manyani and the government should assist by equipping them with guns and communication gadgets to boost security in the county;
- i) Police officers live in deplorable conditions and are not properly facilitated to undertake their work since most of the time they rely on well-wishers for fuel to enable them undertake their work;
- j) The ranchers/conservancies should assist the people of Laikipia North who are predominantly pastoralists to graze their animals during the dry seasons and
- k) The people of Laikipia County should maintain peace as they await for the government to address the issue of insecurity in the region.

### **4.3 OBSERVATIONS AND RECOMMENDATIONS**

The committee made the following observations and recommendations;-

#### **4.3.1 OBSERVATIONS**

- a) **Wastage of Public Funds**  
The Committee noted that all the police posts that they visited were built through the CDF 15 years ago and that the government has not deployed adequate officers to man those posts and hence most of those stations are underutilized and not operational.
- b) **Misplaced Priorities of Resources**  
The government has spent colossal amount of resources in the fight against Al Shabaab in Somalia while internally, the Kenya citizens are suffering due to lack of adequate security.
- c) **Lack of Adequate Security Personnel**  
It was also noted that there is lack of enough security personnel to tackle the increasing number of armed cattle rustlers and armed raiders from Baringo, Samburu and Isiolo Counties.
- d) **Illegal firearms**  
There are many illegal firearms which are superior to the ones used by the security officers and these include;- AK 47s, G3s, and HK-21s. The government is yet to recover

the firearm and ammunition stolen from slayed security officers in Baragoi and Kapedo massacres. It is believed that stolen firearms are in the hands of unauthorized people in the region from the bordering Baringo, Samburu, and Isiolo Counties.

e) **Overstocking**

The Committee observed that the pastoralist communities from the neighbouring counties of Samburu, Baringo and Isiolo move with large herds of cattle from one area to another in search of water and pasture and forcefully graze their animals hence creating a source of conflict with the neighbouring communities.

f) **Kenya Police Reservists**

The Committee noted that Laikipia County has no single Kenya Police Reservists despite numerous requests submitted to the relevant authorities and even training of the proposed KPR's while Samburu, Baringo and Isiolo have an average of around 1,500 KPR's each.

g) **Inadequate vehicles**

The Committee noted that the security agencies were expected to monitor a vast area with rough terrain. Security agencies complained that they did not have enough motor vehicles for use by the security officers.

h) **Inter-Ethnic Hostility**

There is aggravated suspicion and animosity between the neighbouring communities living in Laikipia, Samburu, Isiolo and Baringo Counties.

i) **Difficult Terrain**

The harsh terrain with deep valleys and raised escarpment along the border of Laikipia and Baringo Counties without proper infrastructure makes it difficult for the security officers to respond on time.

j) **Political Incitement**

The Committee observed that some politicians incited the members of the public and in particular the Samburu community to invade the conservancies/ranches since the lease of the said lands was almost expiring.

k) **Deplorable living standards of the police officers**

The committee observed that the police officers serving in border areas of Laikipia County have no adequate housing, clean water, electricity supply, and radio communication gadgets.

l) **Poor response time and delayed aerial reinforcement**

The Committee noted that according to the security agencies, the police headquarters don't respond or delay the response whenever an aerial support is requested to pursue the raiders in this harsh terrain.

#### **4.3.2 RECOMMENDATIONS**

The Committee makes the following recommendations based on the observations made above:-

- a) **Recruitment and Deployment of Adequate Security**  
The National Government should recruit and deploy more security officers to counter any further incursion by the cattle rustlers and in the mean time, the government should consider deploying security officers from each of the sub-counties in the Country to man police posts that are unmanned and in operational areas/border points. It was also recommended that General Service Unit Company be deployed to the border points.
- b) **Eviction and Arrest of Illegal Grazers**  
The National Government should move with speed to ensure that all illegal grazers are evicted from the conservancies, group ranches or private farms and charged with trespass.
- c) **Recruitment of National Police Reserves**  
The National Government should fast track the gazettment of the Regulations on the National Police Service Act that allows for the recruitment of the National Police Reserves (NPR's) in order to compliment the work of the regular security officers in Laikipia County.
- d) **Boundary Disputes**  
There is need to urgently and clearly identify and define the administrative, Constituencies and County boundaries in Laikipia North Sub-County.
- e) **Border Patrol**  
Inter-agency security patrols along the county border and frequently supported by aerial patrols. Establishment of a buffer zone between Baringo, Laikipia, Samburu, and Isiolo Counties to control and monitor infiltration of illegal arms and movement of people and livestock.
- f) **Political Goodwill**  
Politicians should desist from inciting the members of the public from encroaching and forcefully grazing in the conservancies, ranches, or private land and those culpable should be apprehended and charged in a court of law.
- h) **Inter – County Peace Meetings**  
The County Security Intelligence Committees, political leaders, religious leaders, civil societies from Samburu, Baringo, Isiolo and Laikipia Counties should initiate the inter-county peace meetings to address the emerging issues from the counties.

**i) Overstocking**

**The pastoral communities should be discouraged from keeping large herds of livestock and should be restrained from migrating to other counties with their large herds of livestock in search of pasture and water,**

**j) Adequate resources**

**The security officers should be provided with adequate motor vehicles, protecting gears and communication gadgets to assist in carrying out patrols and recovery operations and**

**Infrastructure and Development**

**k) The government should develop the infrastructure to facilitate easier access and rapid movement of security forces and encourage alternative means of socio-economic development.**

## CHAPTER FIVE: GENERAL RECOMMENDATIONS

The point of departure in this regard is the recognition that some of the security governance problems identified would require the Legislative and Policy interventions in order to resolve.

### 5.1 Legislative Interventions

- a) **Proper framework for public participation:** Some of the security laws lack mechanisms for involving the citizens in the security governance for instance the NyumbaKumi initiative. This does not only make it hard for the public to share any security concerns with the relevant agencies but also kills the opportunities for citizen sensitization,
- b) **Effective prosecution of the culpable security officers:** Those security personnel found violating the law should be made to face the full wrath of the law. This is because, the involvement of the police and other security forces in acts of crime is a factor that has been blamed for compromising the security situation in the country. Therefore, effective prosecution of those implicated is necessary to make security a living reality. However, to be realized, the country must establish effective mechanisms for dealing with such cases to restore its credibility and public confidence.
- c) **Review the laws to enhance the independence of the security organs:** The security organs lack operational independence and fail the fundamental duty of preserving the rule of law and maintaining public peace and order. Therefore, this would require not only the amendment of the law but also some policy interventions to recognize the institutional independence of the security bodies.
- d) **Harmonization of the Laws on Policing and Prosecution:** The disharmony of the laws on policing and prosecution is one of the major challenges affecting the effective investigation and prosecution of criminal suspects. As a result, criminals have walked away scot free for lack of adequate evidence to sustain their conviction. This makes it necessary for laws on policing and Evidence Act to be harmonized to have some congruence.
- e) **Cattle Rustling;** The law does not specifically recognize cattle rustling phenomenon as an offence but it classifies it under the Penal code as offence relating to robbery with violence. The law should make special recognition of cattle rustling as an offence and provide effective mechanisms for investigation and prosecution of the offenders. This will go a long way to curb cattle rustling in Baringo, Turkana and Samburu Counties. Part of this mechanism should also entail effective compensation of those who lose their livestock to cattle rustling.

f) **Political incitements;** The National Integration and Cohesion Act contain laudable priorities on how to tackle hate speech and political incitements; however the problem is lack of enforcement. Those charged with the responsibility of investigating and prosecuting the culprits are not utilizing their responsibilities to the extent expected or required of them. This was cited several times in all the three regions as a cause of insecurity. Politicians continue to incite one community against the other for politically selfish interests.

## 5.2 Policy Interventions

- a) **Allocation of adequate resources to the various security organs:** The recent Garissa University terrorist attacks aptly underscored in principle the extent to which the security threats can get dire in the absence of swift or delayed response by the security forces. For instance, it took the security agencies (Recce Squad) close to 12 hours to bring the situation under control, the main challenge then being lack of faster means of transport to Garissa.
- b) **Disarmament;** The National Government should as a matter of urgency conduct a simultaneous disarmament exercise of all illegal firearms in the hands of local communities in Baringo, Samburu, Isiolo and Laikipia Counties.
- c) **Competence and Fitness to Serve:** It should be made a policy requirement that people who are recruited into the forces whether Kenya Defence Forces, National Intelligence Service or the National Police Service are not only academically qualified but also morally and physically fit to serve. Hence, the ongoing security sector reforms should be safeguarded against any form of manipulation and refresher courses should be undertaken to ensure compliance to the set standards of operation.
- d) **Conduct of Joint Operations:** The national policy on security governance should provide elaborate guidelines requiring the Kenya Defence Forces and other security agencies to conduct regular joint operation in readiness for support operations whenever situation demands. This will put to an end the security mishaps and lack of coordination between the Kenya Defence Forces and other security apparatus witnessed during the West Gate Mall operations.
- e) **Quick action on Intelligent Information:** In addition to reviewing the National Intelligence Service Act to streamline the general operations of the security intelligence body, the national policy on security governance should consider establishing clear mechanism to guarantee compelled action to every intelligence piece shared. This can also build into the accountability of the National Intelligence Service and the Military Intelligence unit.

- f) **Strengthen Community Participation:** The national policy on security governance should also embody the NyumbaKumi security plan and other conflict resolution initiatives. These should be accompanied by nationwide campaigns to sensitize the citizens on these security strategies.
- g) **Review of terms of service for officers in hardship areas;** Adequate hardship allowance for officers serving in hardship areas be put in place and preferably officers should not overstay for more than two years in any one station. This will address the issue of demoralization and developing of social networks that might hinder or inhibit their performance,
- h) **Leased Vehicles:** The Ministry of Interior and Coordination of National Government to ensure that the leased vehicles are under their docket and not the National Treasury and that the vehicles in operational areas should be serviced and draw fuel in the nearest service centre and petrol station respectively,
- i) **Deployment of Adequate Security;** There is need to deploy adequate security officers in the volatile areas within the Country.
- j) **Collaboration on Security:** There is need to strengthen collaboration between different agencies of national security locally and beyond Kenya to facilitate close co-operation in exchange of knowledge and information as is necessary. In today's world, no single country can claim capability of ensuring its security alone, regardless of its capabilities. Security is interdependent hence the need to cooperate with partners.

## **CHAPTER SIX: CONCLUSION**

It is worth observing that in spite of security emerging as a concurrent function with both the national and county governments co-financing security activities, the Constitution does not have explicit provision giving counties the direct mandate to provide security. Part II of the Fourth Schedule sets out the mandates of the county governments which on close examination, have security implications but falls short of making the provision of security a role to be exercised by the counties.

The constitutional failure to make security a concurrent function, lack of national policy on security governance, weak investigative and prosecutorial framework to deal with those responsible for security lapses, haphazard grant of bail, inadequate public participation and lack of effective peace and conflict resolution initiatives have undermined the capacity of the security agencies to respond effectively to the security challenges.

The legal gaps identified coupled with challenges facing the ongoing security governance reforms have far-reaching implications on the security situation in Kenya. As the report on the poor state of security in Turkana, Baringo, Laikipia and Mandera counties show, the law has been unable to tackle some of the causes of insecurity in the said areas. As such, the proliferation of illegal firearms, boundary disputes, political incitement, banditry, porous borders with Somalia and Ethiopia, mistrust between the residents and the security forces, corruption and inadequate security patrols, among others remain the real security concerns.

Other driving factors that perpetuate insecurity in the country include but are not limited to lack of investigative capacity and prosecutorial powers by key institutions like the Ethics and Anti-Corruption Commission and absence of a national Security policy document that ensures effective and coordinated management of our security organs. The country lacks a coordinated crime prevention policy that needs to be pegged on a national security policy.

**MINUTES OF THE TWENTY THIRD MEETING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS HELD ON TUESDAY, 22<sup>ND</sup>, JULY 2015, IN THE KENYATTA INTERNATIONAL CONVENTION CENTRE, SECOND FLOOR BOARDROOM AT 10:30 A.M.**

---

**PRESENT**

- |                              |                    |
|------------------------------|--------------------|
| 1. Sen. Dullo Fatuma Adan    | - Vice Chairperson |
| 2. Sen. G.G. Kariuki         | - Member           |
| 3. Sen. James Orengo         | - Member           |
| 4. Sen. (Eng) Hargura Godana | - Member           |

**ABSENT WITH APOLOGY**

- |                            |               |
|----------------------------|---------------|
| 1. Sen. Mohamed Yusuf Haji | - Chairperson |
| 2. Sen. Moses Wetangula    | - Member      |
| 3. Sen. Kembi Gitura       | - Member      |
| 4. Sen. Mike Mbuvi Sonko   | - Member      |
| 5. Sen. Elizabeth Ongoro   | - Member      |

**IN ATTENDANCE**

1. Mr. Boniface Lenairoshi
2. Mr. Peter Muchira

**THE SENATE**

- Principal Clerk Assistant
- Clerk Assistant

**MIN. NO.125/2015**

**- PRELIMINARIES**

The Chairman called the meeting to order at 10:15 a.m and began with a word of prayer.

**MIN. NO.126/2015**

**- ADOPTION OF THE AGENDA.**

The committee adopted the agenda of the day after it was proposed by Sen. James Orengo and seconded by Sen. Hargura Godana.

**MIN. NO.127/2015**

**- CONFIRMATION OF MINUTES OF THE 22<sup>ND</sup> MEETING**

The members read and confirmed the minutes of the 22<sup>nd</sup> sitting as a true record of the deliberations after been proposed by Sen. Fatuma Dullo and seconded by Sen. James Orengo.

**MIN. NO.128/2015**

**- CONSIDERATION AND ADOPTION OF THE  
REPORT ON THE VISIT TO MANDERA, KAPEDO  
AND LAIKIPIA**

The Members reviewed the report and confirmed that the input as discussed in the previous meeting had been included.

The members amended various typological errors in the report and further ammended the reports recommendation to include:

A recommendation that a police post be set up at Koromey, the site of the quarry killings;

A recommendation that all foreign children attending Kenyan schools should be profiled and registered to safeguard

The Committee adopted the report for tabling after it was proposed by Sen. G.G. Kariuki and been seconded by Sen. Hargura Godana

**MIN. NO.129/2015**

**- ADJOURNMENT**

The Chairperson adjourned the Meeting at 11.25 a.m.

**SIGNED:**.....

**CHAIRPERSON**

**DATE:**.....23/7/15.....

**MINUTES OF THE TWENTY SECOND MEETING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS HELD ON WEDNESDAY, 15<sup>TH</sup>, JULY 2015, IN THE KENYATTA INTERNATIONAL CONVENTION CENTRE, SECOND FLOOR BOARDROOM AT 10:300 A.M.**

---

**PRESENT**

- |                            |                    |
|----------------------------|--------------------|
| 1. Sen. Mohamed Yusuf Haji | - Chairperson      |
| 2. Sen. Dullo Fatuma Adan  | - Vice Chairperson |
| 3. Sen. James Orengo       | - Member           |
| 4. Sen. Elizabeth Ongoro   | - Member           |

**ABSENT WITH APOLOGY**

- |                              |          |
|------------------------------|----------|
| 1. Sen. G.G. Kariuki         | - Member |
| 2. Sen. Moses Wetangula      | - Member |
| 3. Sen. Kembi Gitura         | - Member |
| 4. Sen. (Eng) Hargura Godana | - Member |
| 5. Sen. Mike Mbuvi Sonko     | - Member |

**IN ATTENDANCE**

1. Mr. Boniface Lenairoshi
2. Mr. Peter Muchira
3. Ms. Josephine Kusinyi

**THE SENATE**

- Principal Clerk Assistant
- Clerk Assistant
- Senior Legal Counsel

**MIN. NO.119/2015**

**- PRELIMINARIES**

The Chairman called the meeting to order at 10:45 a.m and began with a word of prayer.

**MIN. NO.120/2015**

**- ADOPTION OF THE AGENDA.**

The committee adopted the agenda of the day after it was proposed by Sen. James Orengo and seconded by Sen. Fatuma Dullo.

**MIN. NO.121/2015**

**- CONFIRMATION OF MINUTES OF THE 20<sup>th</sup> and 21<sup>st</sup>, MEETING**

The members read and confirmed the minutes of the 20<sup>th</sup> sitting as a true record of the deliberations after been proposed by Sen. Fatuma Dullo and seconded by Sen. James Orengo.

The meeting read and confirmed the minutes of the 21<sup>st</sup> sitting as a true record of the deliberations after been proposed by Sen. Fatuma Dullo and seconded by Sen. Mohamed Yusuf Haji.

**MIN. NO.122/2015**

**- CONSIDERATION OF THE REPORT ON THE VISIT  
TO MANDERA, KAPEDO AND LAIKIPIA**

The Chairman, in his remarks, informed the Committee that the tabling of the report was long overdue and a quick conclusion towards adopting and tabling the report was important.

The Members noted with displeasure that the Consultant who had been engaged by the Committee was not responsive to its expectations and hence resolved to treat his draft report as a resource material.

The committee further resolved to table the Committees' original report with various amendments.

The Committee considered possible recommendations under the following broad thematic areas:

**1. Amendment to the Constitution**

1. Limit the Right to Bail
2. Devolution of Security

**2. Legislative Interventions**

1. Proper framework for public participation
2. Effective prosecution of the culpable security officers
3. Review the laws to enhance the independence of the security organs
4. Harmonization of the Laws on Policing and Prosecution

**3. Policy Interventions**

1. Allocation of adequate resources to the various security organs
2. Competence and Fitness to Serve
3. Conduct of Joint Operations
4. Quick action on Intelligent Information
5. Strengthen Community Participation

**Deliberations ensued on the recommendations**

The Committee resolved to expunge the recommendation on amending the Constitution as the current legal framework could deal with the issue raised under that recommendation. It was however resolved that the recommendation include recommendation that the Policy on bail should be followed with regard to the security of the Country.

The Committee further recommended that the leasing contract of security vehicles should be amended to include aspects of servicing and fueling of the vehicles, with a specific recommendation that the servicing and fueling should be done at the county of operation.

The secretariat was directed to amend the recommendations of the report as per the deliberations of the meeting and present the report for adoption and subsequent tabling.

**MIN. NO.123/2015**

**- ANY OTHER BUSINESS**

1. The Members were informed that the visit to Russia was on course and was scheduled for the 21<sup>st</sup> – 25<sup>th</sup> September, 2015.
2. Members resolved to visit an African Country for a visit. Subsequently it was resolved that the Committee visit Nigeria preferably during the last week of August, 2015.

**MIN. NO.124/2015**

**- ADJOURNMENT**

The Chairperson adjourned the Meeting at 11.25 a.m.

SIGNED:.....

**CHAIRPERSON**

DATE:.....23/7/15.....

**MINUTES OF THE TWENTY FIRST MEETING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS HELD ON WEDNESDAY, 8<sup>TH</sup>, JULY 2015, IN THE MAIN PARLIAMENT BUILDING, FIRST FLOOR, COMMITTEE ROOM NO. 5 AT 10:00 A.M.**

---

**PRESENT**

- |                            |                    |
|----------------------------|--------------------|
| 1. Sen. Mohamed Yusuf Haji | - Chairperson      |
| 2. Sen. Dullo Fatuma Adan  | - Vice Chairperson |
| 3. Sen. Sen. James Orengo  | - Member           |
| 4. Sen. G.G. Kariuki       | - Member           |

**ABSENT WITH APOLOGY**

- |                              |          |
|------------------------------|----------|
| 1. Sen. Moses Wetangula      | - Member |
| 2. Sen. Elizabeth Ongoro     | - Member |
| 3. Sen. Kembi Gitura         | - Member |
| 4. Sen. (Eng) Hargura Godana | - Member |
| 5. Sen. Mike Mbuvi Sonko     | - Member |

**IN ATTENDANCE**

1. Mr. Boniface Lenairoshi
2. Mr. Peter Muchira
3. Mr. Osman Said

**THE SENATE**

- Principal Clerk Assistant
- Clerk Assistant
- Researcher

**MIN. NO.112/2015**

**- PRELIMINARIES**

The Vice Chairman called the meeting to order at 10:15 a.m and welcomed the members to the meeting. The meeting began with a word of prayer.

**MIN. NO.113/2015**

**- ADOPTION OF THE AGENDA.**

The committee adopted the agenda of the day after they were proposed by Sen. James Orengo and seconded by Sen. Fatuma Dullo.

**MIN. NO.114/2015**

**- CONFIRMATION OF MINUTES OF THE 19<sup>TH</sup> and 20<sup>TH</sup> MEETING**

The meeting read and confirmed the minutes of the 19<sup>th</sup> sitting as a true record of the deliberations after been proposed by Sen. Fatuma Dullo and seconded by Sen. Yusuf Haji

The Confirmation of the Minutes of the 20<sup>th</sup> sitting was deferred.

The following issues were discussed under matters arising:-

**a. Ex –Min: 74/2015 - Kamukunji With Key Security Chiefs/ Operatives**

The Committee was informed that the Kamkunji was held successfully on Tuesday 2<sup>nd</sup> June 2015 and a resolution was made that the Committee would host a retreat with the Security Chief and Senators to further discuss outstanding security matters.

Members resolved to hold the Retreat after the Visit by the USA President Barrack Obama, preferably during the recess.

**b. Ex –Min: 130/2015 - Meeting with Cabinet Secretaries for Labour and Foreign Affairs**

The Members were informed that the Committee met the Cabinet Secretary of Foreign Affairs on the two petitions before the Committee and that she had sent her official response to the Clerks Chambers.

The Cabinet Secretary for labour's response had not been received by the clerk's office. The members resolved that follow-up be made so as to get the response to facilitate the Committee complete their report on the Petition on domestic workers in Saudi Arabia and the Middle East.

The Committee was further informed that the draft report on the Petition by Fishermen in Busia County had been completed and the one on domestic workers in Saudi Arabia awaited the response from the Cabinet Secretary, Labour to facilitate its completion.

**MIN. NO.116/2015 - CONSIDERATION OF THE REPORT ON THE VISIT TO MANDERA, KAPEDO AND LAIKIPIA**

The Chairman, in his remarks, informed the Committee that the tabling of the report was long overdue and a quick conclusion towards adopting and tabling the report was important. He further informed the Committee that the Consultant was unable to appear before the Committee as he was out of town.

The sitting expressed displeasure at the absence of the Consultant who was the author of the report as this was the second time he had failed to appear before it.

The Committee was advised on two options that could expedite the finalization of the report as follows;

1. To adopt and table the original Committee report with consultant's report as an annexure to the report; or,
2. To interrogate and borrow some key findings from the Consultant's report, acknowledge his input and table the report

Deliberations ensued and the following resolutions were adopted

1. To adopt the second option as the most efficient option; and,
2. To hold a half day retreat to finalize and adopt the report on Wednesday 15<sup>th</sup> July, 2015 preferably at the Intercontinental Hotel, Nairobi.

MIN. NO.117/2015

- ANY OTHER BUSINESS

Members were informed that the Clerk of the senate had advised that the Committee explore other countries to visit as the proposed visit to Israel was coming on the back of another very recent trip by another delegation to the same Country.

The members resolved to explore visiting Switzerland and Ethiopia.

MIN. NO.118/2015

- ADJOURNMENT

The meeting was adjourned at 11.05 a.m.

SIGNED:.....

CHAIRPERSON

DATE: 15 - 7 - 2015 .....

