

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON AN INSPECTION VISIT TO BUSIA AND MALABA BORDER POSTS ON
22ND TO 25TH OCTOBER 2015

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

AUGUST, 2016

#04



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Chairperson's foreword

The Departmental Committee on Administration and National Security undertook an inspection visit to Busia and Malaba border posts from 22nd to 25th November, 2015. The purpose of the visit was to assess the implementation status of the One Stop Border Post project and measures put in place to mitigate security threats, curb the influx of illegal firearms and human trafficking. During the inspection visit the Committee held meetings, with the County Commissioner for Busia County, staff of Kenya Revenue Authority, the Department of Immigration and other government agencies serving in the two stations.

The delegation that undertook the inspection visit included:-

1. Hon. Alois Lentoimaga, MP - **Vice - Chairperson**
2. Hon. Zakayo Cheruiyot, MP
3. Hon. David Gikaria, MP
4. Hon. Benard Shinali, MP
5. Hon. Jane Machira, MP
6. Hon. Humphrey Njuguna, MP
7. Hon. Joseph Ndiege, MP
8. Hon. Ababu Namwamba, MP
9. Hon. Samuel Moroto, MP
10. Hon. Joseph Kahangara, MP
11. Hon. Mohamed Shidiye, MP
12. Hon. (Maj. Rtd.) John Waluke, MP

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. The Committee is also grateful to the County Commissioner, Busia County and staff of Kenya Revenue Authority, Kenya Bureau of Standards and the National Police Service and other government agencies in both Busia and Malaba border posts for their contributions during the meetings held at respective stations.

Finally, it is my pleasant duty, on behalf of the Departmental Committee on Administration and National Security to present this report to the House pursuant to the provisions of Standing Order 199.

Signed.....

**Hon. Asman Kamama, MGH, OGW, MP – Chairperson
Committee on Administration and National Security**

EXECUTIVE SUMMARY

The Departmental Committee on Administration and National Security, in its meeting held on 8th October 2015, resolved to visit Busia and Malaba border posts to assess the status of the implementation of the One Stop Border Post (OSBP) facilities. This was necessitated by concern that cases of human trafficking and smuggling of goods were rampant at the country's border facilities.

During the inspection visit the Committee established that the construction of the Busia and Malaba One Stop Border Posts was on - going and was scheduled for completion by December 2015. The Committee was further informed that Clearing and forwarding agents operating at the two facilities had not been issued with any identification documents to distinguish them from unscrupulous persons abetting criminal activities.

The Committee also found out that the border between Kenya and Uganda is very porous particularly in Sofia area, which has many routes connecting to Uganda. The routes are used to facilitate smuggling of goods between the two countries.

Cases of Ugandan police officers arresting Kenyan fishermen were reportedly on the increase, particularly in Port Victoria. The Committee was further informed that marine police officers based in Busia County lacked modern patrol boats and depended on one obsolete motor boat that was under repair to patrol the lake. On the other hand Ugandan Police officers reportedly use modern and functional motor boats.

The Committee also established that illegal aliens, mostly of Somali origin entered Uganda and obtained visas. They then used the Ugandan visas to enter Kenya. Kenyan law enforcement agents were then faced with a challenge when the aliens are repatriated to their country of origin (in this case Uganda as indicated in their visas) they then only cross the border into Uganda and stayed in guest houses to plan the next attempt to enter Kenya.

The Committee recommends that the Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating in the border posts to distinguish them from pedestrians, in order to streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities.

The Ministry of Interior and Coordination of National Government should also allocate funds for the procurement on modern boats to facilitate the operations of marine police units stationed in port Victoria and Sio port police stations in Budalangiand Funyula respectively.

1.0 PREFACE

The Departmental Committee on Administration and National Security, in its meeting held on 8th October 2015, resolved to visit Busia and Malaba border posts to assess the status of the implementation of the One Stop Border Post (OSBP) facilities. This was necessitated by concern that cases of human trafficking and smuggling of goods were rampant at the country's border facilities.

The Committee also decided to undertake the tour to assess operations in the facilities in view of growing security threats particularly the concern that illegal aliens and weapons were being transported into the Country through the border points.

2.0 MANDATE OF THE COMMITTEE

2.1 The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

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

2.2 Committee subjects

The Committee is mandated to consider the following subjects:-

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service
- v. Prisons
- vi. Immigration
- vii. Management of natural disasters

2.3 Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government
- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

2.4 Members of the Committee

Chairperson	The Hon. Asman Kamama, MGH, OGW, MP
Vice Chairperson	The Hon. Alois M. Lentoimaga, MP
	The Hon. Ababu Namwamba, EGH, MP
	The Hon. Joseph Lekuton, MP
	The Hon. Alice Wahome, MP
	The Hon. Zakayo K. Cheruiyot, MP
	The Hon. Timothy W. Wetangula, MP
	The Hon. Patrick Ole Ntutu, MP
	The Hon. Ali Isaack Shaaban, MP
	The Hon. Samuel Moroto, MP
	The Hon. (Dr.) Humphrey Njuguna, MP
	The Hon. Francis K. Mwangangi, MP
	The Hon. Rashid J. Bedzimba, MP
	The Hon. David Gikaria, MP
	The Hon. Mohamed Shidiye, MP
	The Hon. Jane Machira, MP
	The Hon. Ibrahim Abdi Saney, MP
	The Hon. Joseph O. Ndiege, MP
	The Hon. (Maj. Rtd.) John K. Waluke, MP
	The Hon. Wanjiku Muhia, MP
	The Hon. Akuja Protus Ewesit, MP
	The Hon. Joseph M. Kahangara, MP
	The Hon. Ahmed Abdikadir Ore, MP
	The Hon. Grace Kiptui, MP
	The Hon. George Theuri, MP
	The Hon. James Bett, MP
	The Hon. Benard Shinali, MP
	The Hon. Charles Nyamai, MP
	The Hon. Fatuma Ibrahim Ali, MP
	The Hon. (Dr.) Makali Mulu, MP

Committee Secretariat

First Clerk Assistant

Mr. Leonard Machira

Clerk Assistant

Ms. Rose Wanjohi

Clerk Assistant

Ms. Hellen Lokwang

Legal Counsel

Ms. Christine Odhiambo

Researcher & Policy Analyst

Ms. Fiona Musili

Fiscal Analyst

Mr. Edison Odhiambo

2.5 Summary of recommendations

1. The Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating in the border posts to distinguish them from other members of the public. In order to streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities.
2. The Ministry of Interior and Coordination of National Government should allocate funds for the procurement on modern motor boats to facilitate the operations of marine police units stationed in port Victoria and Sio port police stations in Budalangi and Funyula respectively.
3. The Department of Registrations of Persons should liaise with the local security team and the Chiefs to vet and speed up the issuance of identification cards to the legitimate locals who have operated for so long with waiting cards.
4. The Ministry of Interior and Coordination of National Government should enhance the Nyumba Kumi initiative to sensitize the community to fully cooperate with the government in disclosing security threats and illegal activities within their locality.
5. The Kenya Revenue Authority and the Department of Immigration should deploy more staff to speed up operations at the border points stations.
6. The Government should deploy enough security personnel to patrol the borders and increase resources and hi-tech equipment to improve on security.

3.0 INTRODUCTION

Busia and Malaba border posts found in Busia County are among the busiest and important entry and exit points in the Country because they connect Kenya to the rest of the East and Central Africa. But with the recent security threats in Kenya due to terrorism, in flow of illegal weapons and human trafficking, the Committee decided to conduct an inspection tour of Busia and Malaba to inspect the operations of the facilities to assess operations in view of the growing security threats.

Globalization and international trade liberalization initiatives have resulted in the rapid growth of the number of people moving across borders. Trade between nations is a vital driver of economic well-being and wealth creation. According to the World Bank Group, coordinated border management requires a clear delineation of responsibilities for processing people and goods moving across the border and protective security, border infrastructure and means of transport. 'Border' means the national borders of Kenya and includes the ports of entry, the coastlines and the outer margin of territorial waters.

Coordinated border management is the organization and supervision of border agency control and activities to meet the common challenge of facilitating the movement of legitimate people and goods while maintaining secure borders and meeting national legal requirements (World Bank Group 2005). In the case of border control, the processing of people is usually the responsibility of the immigration agency and takes place within immigration policies and laws.

Protective security is usually provided by the police and transport security agencies. In addition health authorities, the trade ministry, and the transportation companies play a crucial role in ensuring that the Country is secure. Increasingly, the attention is also shifting to international 'coordination' of border activities, not only national coordination.

In order to enhance international and regional cooperation a number of initiatives, including the establishment of One Stop Border Posts between neighboring countries have been implemented. The initiative entails virtual integration where border agencies of countries engage in the advance of electronic transmission of data to prevent duplication and also undertaken inspections on behalf of each other through mutual recognition arrangements.

At the core of the one stop concept is the ability of border authorities from the two countries to perform joint controls. This results in improved enforcement efficiencies through cooperation, the sharing of intelligence and better resource utilization. In working side by side, cooperation is enhanced and communication is easier. The concept also provides for the sharing of ideas, information and experiences.

4.0 EVIDENCE

4.1 Evidence by the County Commissioner, Busia County.

The Committee held a meeting with County Commissioner, Busia County on Friday 23rd October, 2015. During the meeting the Committee was informed that:-

- (i) The construction of the Busia One Stop Border Post was on - going and was scheduled for completion by December 2015.
- (ii) Clearing and forwarding agents operating at the two facilities had not been issued with any identification documents to distinguish them from unscrupulous persons abetting criminal activities, including human trafficking at the border posts.
- (iii) The movement of goods and persons across the border post was slow due to the fact that both vehicles and pedestrians used one crossing channel.
- (iv) The border between Kenya and Uganda is very porous particularly in Sofia area, which has many routes connecting to Uganda. The routes are used to facilitate smuggling of goods between the two countries. Unscrupulous merchants evaded taxation by ferrying goods in small quantities across the border using bicycles. The goods are then stored in go downs within Busia town and are later transported to other parts of the Country.
- (v) Cases of Ugandan police officers arresting Kenyan fishermen were reportedly on the increase, particularly in Port Victoria. Marine police officers based in Busia County lacked modern patrol boats and used one obsolete motor boat that was under repair to patrol the lake. On the other hand Ugandan Police officers reportedly use modern and functional motor boats.
- (vi) Illegal aliens, mostly of Somali origin had devised a method where they first entered Uganda and obtain visas. They then used the Ugandan visas to enter Kenya. Kenyan law enforcement agents were then faced with a challenge when the aliens are repatriated to their country of origin (in this case Uganda as indicated in their visas) they then only cross the border to Uganda and stayed in guest houses to plan the next attempt to enter Kenya. Cases of trafficking of Ugandan girls through Kenya were on the increase. Uganda prohibits its citizens from working as house helps in the Arabian Peninsula.

Thus the recruiters facilitate the immigration of Ugandan girls through Kenya.

- (vii) Some officers in the marine police unit based in Port Victoria had served in the station for more than 10 years and should be transferred in order to deal with corruption.

4.2 Evidence by Busia Border Post Officers

The Committee held a meeting with Busia Border Post Officers on 23rd Friday October, 2015. During the meeting the Committee was informed as follows:-

- (i) The facility faced shortage of staff particularly in the Immigration Department.
- (ii) Electricity had not been connected to the new building at the Busia Border Post. Thus the facility was not in use. There was also a problem in accessing information on a timely basis due to slow internet connection and frequent breakdown of the Kenya Revenue Authority information system.
- (iii) The facility received a huge influx of cargo vehicles hindering quick clearance of goods on transit to Uganda.
- (iv) Regulation 34 which allows vehicles from Uganda entry into Kenya for a maximum 14 days without a permit posed a challenge as some of the vehicles are fraudulently sold into the Kenyan market.
- (v) The facility collects approximately Kshs. 9 million in revenue per day. Kshs. 46 million was raised in the month of October.
- (vi) Many Ugandan citizens without work permits were employed in various outlets in Busia town, on the Kenyan side, mainly as casual staff.

4.3 Evidence by Malaba Border Post Officers

The Committee held a meeting with Malaba Border Post Officers on 23rd Friday October, 2015. During the meeting the Committee was informed as follows:-

- (i) The facility had an integrated system for the verification and clearance of goods that was jointly run by officers from various

government agencies such as Kenya Revenue Authority, Kenya Bureau of Standards and the National Police Service. The officers jointly conducted the verification process with their Ugandan counterparts. This had considerably reduced the time spent in the process.

- (ii) Cases of smuggling of goods were rampant across the border between Kenya and Uganda due to the porosity of the border.
- (iii) The Malaba Border Point facility had surpassed revenue collection targets, set by the National Treasury for the months of July and September, 2015. The facility collected Kshs. 89 million in July against a target Kshs. 69 million and Kshs 224 million in September against a target of Kshs. 146 Million.
- (iv) Despite the fact that the facility generated substantial revenue. It had been allocated insufficient operational funds. The facility was faced with shortage of staff, patrol vehicles and staff houses. Operations at the facility had been hampered since the month of April following the transfer of 14 Immigration staff to Nairobi office without any replacement. The Immigration mobile patrol unit had been severely affected by the transfer
- (v) The movement of trucks is faster now unlike previously where it would take up to 7 days for clearance.

5.0 COMMITTEE OBSERVATIONS


The Committee made the following findings and observations:-

1. Kenyan Police officers in Busia County lacked modern patrol boats and depended on one obsolete motor boat that was currently under repair to patrol Lake Victoria. On the other hand Ugandan Police officers had modern and functional motor boats.
2. Illegal aliens, mostly of Somali origin were entering Kenya through the Busia and Malaba Border Points. They had devised a method where they first entered Uganda and obtained visas. Which they would use to gain entry into Kenya. Kenyan law enforcement agents were then faced with a challenge when the aliens are repatriated to their country of origin (in this case Uganda as indicated in their visas. They only cross the Busia / Malaba border into Uganda and stay in guest houses to plan their next attempt to enter Kenya.
3. The Malaba border point had surpassed revenue collection targets set by the National Treasury for the months of July and September, 2015. The facility collected Kshs. 89 million in July against a target Kshs. 69 million and Kshs 224 million in September against a target of Kshs. 146 Million.
4. Operations at the Malaba border facility had been hampered following the transfer of 14 Immigration staff to Nairobi office in April, 2015 without any replacement. The Immigration mobile patrol unit had been severely affected by the transfer.
5. Clearing and forwarding agents operating in the border posts had not been issued with identification cards to distinguish them from other members of the public
6. The Ugandan police have been arresting Kenyan fishermen at Port Victoria due to the minimal presence of Kenyan police officers patrolling Lake Victoria.
7. Cases of human trafficking of Ugandan girls to work in Saudi Arabia were rampant at the Busia border post.

6.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations:-

1. The Ministry of Interior and Coordination of National Government should allocate funds for the procurement on modern motor boats to facilitate the operations of marine police units stationed in port Victoria and Sio port police stations in Budalangi and Funyula respectively.
2. The Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating in the border posts to distinguish them from other members of the public. In order to streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities
3. The Department of Registrations of Persons should liaise with the local security team and the Chiefs to vet and speed up the issuance of identification cards to the legitimate locals who have operated for so long with waiting cards.
4. The Ministry of Interior and Coordination National Government should enhance the Nyumba Kumi initiative to sensitize the community to fully cooperate with the government in disclosing security threats and illegal activities within their locality.
5. The Kenya Revenue Authority and the Department of Immigration should deploy more staff to speed up operations at the border points stations.
6. The Government should deploy enough security personnel to patrol the borders and increase resources and hi-tech equipment to improve on security



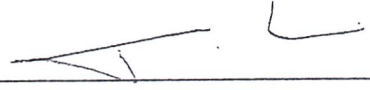
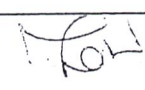

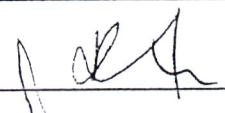
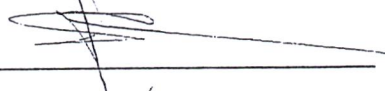
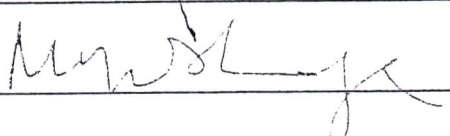
Signed..........Date..... 26 / 07 / 2016

Hon. Asman Kamama, MGH, OGW, MP
Chairman, Departmental Committee on Administration and National Security


ANNEX I

ADOPTION LIST

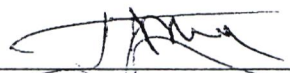
We, Members of the Departmental Committee on Administration and National Security have pursuant to Standing Order 199 adopted this report on the inspection visit to Busia and Malaba border posts on 22nd and 25th November 2015 and affix our signatures to confirm our approval and confirm its accuracy, validity and authenticity on as per the attached adoption list.

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson _____

2. The Hon. Alois M. Lentoimaga, MP- Vice Chairperson _____

3. The Hon. Ababu Namwamba, EGH, MP _____

4. The Hon. Joseph Lekuton, MP _____
5. The Hon. Alice Wahome, MP _____

6. The Hon. Zakayo K. Cheruiyot, MP _____
7. The Hon. Timothy W. Wetangula, MP _____
8. The Hon. Patrick Ole Ntutu, MP _____

9. The Hon. Ali Isaack Shaaban, MP _____
10. The Hon. Samuel Moroto, MP _____
11. The Hon.(Dr.) Humphrey Njuguna, MP _____
12. The Hon. Francis K. Mwangangi, MP _____
13. The Hon. Rashid J. Bedzimba, MP _____

14. The Hon. David Gikaria, MP _____

15. The Hon. Mohamed Shidiye, MP _____

16. The Hon. Jane Machira, MP _____

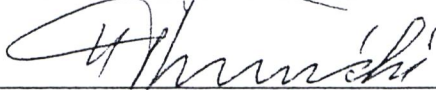
17. The Hon. Charles Nyamai, MP



18. The Hon. Joseph O. Ndiege, MP



19. The Hon. (Maj. Rtd.) John K. Waluke, MP



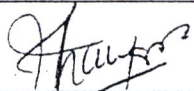
20. The Hon. Wanjiku Muhia, MP



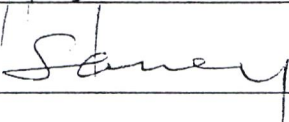
21. The Hon. Akuja Protus Ewesit, MP



22. The Hon. Joseph M. Kahangara, MP



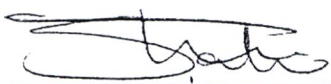
23. The Hon. ^{IBRAHIM ABDI SANEY}
~~Ahmed Abdikadir Ore~~, MP



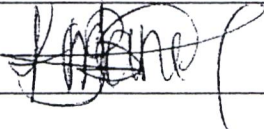
24. The Hon. Grace Kiptui, MP



25. The Hon. George Theuri, MP



26. The Hon. James Bett, MP



27. The Hon. Benard Shinali, MP



28. The Hon. Fatuma Ibrahim Ali



29. The Hon. (Dr.) Makali Mulu, MP



ANNEX II

MINUTES

MINUTES OF THE 41ST SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY ON SATURDAY 11TH JUNE,
2016 IN MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA AT 10:00
AM

PRESENT:

1. The Hon. Alois M. Lentiomaga, MP - Vice- Chairperson
2. The Hon. Ababu Namwamba, EGH, MP
3. The Hon. Joseph Lekuton, MP
4. The Hon. James Bett, MP
5. The Hon. Rashid J. Bedzimba, MP

6. The Hon. (Maj. Rtd.) John K. Waluke, MP
7. The Hon. David Gikaria, MP
8. The Hon. George Theuri, MP
9. The Hon. Charles Nyamai, MP
10. The Hon. Zakayo K. Cheruiyot, MP
11. The Hon. Joseph Kahangara, MP
12. The Hon. Mohamed Shidiye, MP
13. The Hon. Ibrahim Abdi Saney, MP
14. The Hon. Joseph O. Ndiege, MP
15. The Hon. (Dr.) Makali Mulu, MP
16. The Hon. Shabaan Ali Isaack, MP

ABSENT WITH APOLOGY

1. The Hon. Asman Kamama, MGH,OGW,MP - Chairperson
2. The Hon. Alice Wahome, MP
3. The Hon. Patrick Ole Ntutu, MP
4. The Hon. Humphrey Njuguna, MP
5. The Hon. Samuel Moroto, MP
6. The Hon. Francis K. Mwangangi, MP
7. The Hon. Bernard Shinali, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. Akuja Protus Ewesit, MP
10. The Hon. Jane Machira, MP
11. The Hon. Fatuma Ibrahim Ali, MP
12. The Hon. Wanjiku Muhia, MP
13. The Hon. Timothy W. Wetangula, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Rose Wanjohi - Clerk Assistant II
3. Ms. Hellen Lokwang - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MIN.NO.191/ANS/2016: PRELIMINARIES

The Vice Chairperson called the meeting to order at fifteen minutes past ten o'clock. A prayer was said.

MIN.NO. 192/ANS/2016: CONFIRMATION OF MINUTES

The Minutes of the 20th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Joseph Kahangara, MP and Seconded by Hon. James Bett, MP.

The Minutes of the 21st Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Zakayo K. Cheruiyot, MP and Seconded by Hon. James Bett, MP

The Minutes of the 22nd Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Joseph O. Ndiege, MP and Seconded by Hon. George Theuri, MP

The Minutes of the 23rd Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. Shabaan Ali Isaack, MP

The Minutes of the 24th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. Joseph O. Ndiege, MP

The Minutes of the 25th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Zakayo K. Cheruiyot, MP and Seconded by Hon. George Theuri, MP

The Minutes of the 26th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Mohammed Shidiye, MP and Seconded by Hon. (Maj. Rtd.) John K. Waluke, MP

The Minutes of the 27th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. James Bett, MP

MIN. NO.193/ANS/2016: DELIBERATION AND ADOPTION OF THE DRAFT REPORT ON AN INSPECTION VIST TO BUSIA AND MALABA BORDER POSTS ON 22ND TO 25TH NOVEMBER 2016

The Committee considered unanimously adopted draft report on an inspection visit to Busia and Malaba border posts on 22nd to 25th November 2015.

Committee Observations

The Committee made the following observations

1. Kenyan Police officers in Busia County lacked modern patrol boats and depended on one obsolete motor boat that was currently under repair to patrol Lake Victoria. On the other hand, Ugandan police officers had modern and functional motor boats;
2. Illegal aliens, mostly of Somali origin were entering Kenya through the Busia and Malaba border points. They had devised a method where they first entered Uganda and obtained visa. They then used the Ugandan visas to enter Kenya. Kenya law enforcement agents were then faced with a challenge when the aliens are repatriated to their country of origin (in this case Uganda as indicated in their visas) they only cross the Busia/Malaba border into Uganda and stay in guest houses to plan their next attempt to enter Kenya;
3. The Malaba border point had surpassed revenue collection targets set by the National Treasury for the months of July and September 2015. The facility collected Kshs. 89 million in July against a target Kshs. 69 million and Kshs 224 million in September against a target of Kshs. 146 million;
4. Operations at the Malaba border facility had been hampered following the transfer of 14 immigration staff to Nairobi office in April, 2015 without any replacement. The Immigration mobile patrol unit had been severely affected by the transfer;
5. The Ugandan police have been arresting Kenyan fishermen at Port Victoria due to the minimal presence of Kenyan police officers patrolling Lake Victoria; and
6. Cases of human trafficking of Ugandan girls to work in Saudia Arabia were rampant at the Busia border post;

Committee Recommendations

The Committee recommends that

1. The Ministry of Interior and Coordination of National Government should allocate funds for the procurement of modern boats to facilitate marine police unit operating in Lake Victoria;
2. The Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating in the order posts to distinguish them from pedestrians. In order to streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities;
3. The Department of Registration of Persons should liaise with the local security team and the Chiefs to vet and speed up the issuance of identification cards to the legitimate locals who have operated for long with waiting cards;
4. The Ministry of Interior and Coordination of National Government should enhance the Nyumba - Kumi initiative to sensitize the community to fully cooperate with the government on disclosing security threats and illegal activities within their locality;
5. The Kenya Revenue Authority and the Department of Immigration should deploy more staff to speed up operations at the border points stations; and

6. The government should deploy enough security personnel to patrol the borders and increase resources and hi-tech equipment to improve on security.

Under the heading Committee Observations

The Committee recommends an additional observation that "there is encroachment by Uganda into Kenyan territory".

MIN.NO.194/ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned at half past eleven o'clock until Tuesday 14th June, 2016 at 10:00 am.

SIGNED: _____

(CHAIRPERSON)

Vice chair

DATE: _____

21st July 2016

ANNEX II

MINUTES

**MINUTES OF THE 41ST SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY ON SATURDAY 11TH JUNE,
2016 IN MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA AT 10:00
AM**

PRESENT:

1. The Hon. Alois M. Lentiomaga, MP - **Vice- Chairperson**
2. The Hon. Ababu Namwamba, EGH, MP
3. The Hon. Joseph Lekuton, MP
4. The Hon. James Bett, MP
5. The Hon. Rashid J. Bedzimba, MP

6. The Hon. (Maj. Rtd.) John K. Waluke, MP
7. The Hon. David Gikaria, MP
8. The Hon. George Theuri, MP
9. The Hon. Charles Nyamai, MP
10. The Hon. Zakayo K. Cheruiyot, MP
11. The Hon. Joseph Kahangara, MP
12. The Hon. Mohamed Shidiye, MP
13. The Hon. Ibrahim Abdi Saney, MP
14. The Hon. Joseph O. Ndiege, MP
15. The Hon. (Dr.) Makali Mulu, MP
16. The Hon. Shabaan Ali Isaack, MP

ABSENT WITH APOLOGY

1. The Hon. Asman Kamama, MGH,OGW,MP - **Chairperson**
2. The Hon. Alice Wahome, MP
3. The Hon. Patrick Ole Ntutu, MP
4. The Hon. Humphrey Njuguna, MP
5. The Hon. Samuel Moroto, MP
6. The Hon. Francis K. Mwangangi, MP
7. The Hon. Bernard Shinali, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. Akuja Protus Ewesit, MP
10. The Hon. Jane Machira, MP
11. The Hon. Fatuma Ibrahim Ali, MP
12. The Hon. Wanjiku Muhia, MP
13. The Hon. Timothy W. Wetangula, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Rose Wanjohi - Clerk Assistant II
3. Ms. Hellen Lokwang - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MIN.NO.191/ANS/2016: PRELIMINARIES

The Vice Chairperson called the meeting to order at fifteen minutes past ten o'clock. A prayer was said.

MIN.NO. 192/ANS/2016: CONFIRMATION OF MINUTES

The Minutes of the 20th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Joseph Kahangara, MP and Seconded by Hon. James Bett, MP.

The Minutes of the 21st Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Zakayo K. Cheruiyot, MP and Seconded by Hon. James Bett, MP

The Minutes of the 22nd Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Joseph O. Ndiege, MP and Seconded by Hon. George Theuri, MP

The Minutes of the 23rd Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. Shabaan Ali Isaack, MP

The Minutes of the 24th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. Joseph O. Ndiege, MP

The Minutes of the 25th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Zakayo. K. Cheruiyot, MP and Seconded by Hon. George Theuri, MP

The Minutes of the 26th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. Mohammed Shidiye, MP and Seconded by Hon. (Maj. Rtd.) John K. Waluke, MP

The Minutes of the 27th Sitting were confirmed as representing a true and accurate record of the proceedings as proposed by the Hon. George Theuri, MP and Seconded by Hon. James Bett, MP

MIN. NO.193/ANS/2016: DELIBERATION AND ADOPTION OF THE DRAFT REPORT ON AN INSPECTION VIST TO BUSIA AND MALABA BORDER POSTS ON 22ND TO 25TH NOVEMBER 2016

The Committee considered unanimously adopted draft report on an inspection visit to Busia and Malaba border posts on 22nd to 25th November 2015.

Committee Observations

The Committee made the following observations

1. Kenyan Police officers in Busia County lacked modern patrol boats and depended on one obsolete motor boat that was currently under repair to patrol Lake Victoria. On the other hand, Ugandan police officers had modern and functional motor boats;
2. Illegal aliens, mostly of Somali origin were entering Kenya through the Busia and Malaba border points. They had devised a method where they first entered Uganda and obtained visa. They then used the Ugandan visas to enter Kenya. Kenya law enforcement agents were then faced with a challenge when the aliens are repatriated to their country of origin (in this case Uganda as indicated in their visas) they only cross the Busia/Malaba border into Uganda and stay in guest houses to plan their next attempt to enter Kenya;
3. The Malaba border point had surpassed revenue collection targets set by the National Treasury for the months of July and September 2015. The facility collected Kshs. 89 million in July against a target Kshs. 69 million and Kshs 224 million in September against a target of Kshs. 146 million;
4. Operations at the Malaba border facility had been hampered following the transfer of 14 immigration staff to Nairobi office in April, 2015 without any replacement. The Immigration mobile patrol unit had been severely affected by the transfer;
5. The Ugandan police have been arresting Kenyan fishermen at Port Victoria due to the minimal presence of Kenyan police officers patrolling Lake Victoria; and
6. Cases of human trafficking of Ugandan girls to work in Saudia Arabia were rampant at the Busia border post;

Committee Recommendations

The Committee recommends that

1. The Ministry of Interior and Coordination of National Government should allocate funds for the procurement of modern boats to facilitate marine police unit operating in Lake Victoria;
2. The Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating in the order posts to distinguish them from pedestrians. In order to streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities;
3. The Department of Registration of Persons should liaise with the local security team and the Chiefs to vet and speed up the issuance of identification cards to the legitimate locals who have operated for long with waiting cards;
4. The Ministry of Interior and Coordination of National Government should enhance the Nyumba - Kumi initiative to sensitize the community to fully cooperate with the government on disclosing security threats and illegal activities within their locality;
5. The Kenya Revenue Authority and the Department of Immigration should deploy more staff to speed up operations at the border points stations; and

6. The government should deploy enough security personnel to patrol the borders and increase resources and hi-tech equipment to improve on security.

Under the heading Committee Observations


The Committee recommends an additional observation that “there is encroachment by Uganda into Kenyan territory”.

MIN.NO.194/ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned at half past eleven o'clock until Tuesday 14th June, 2016 at 10:00 am.

SIGNED: _____

(CHAIRPERSON)

 Vice chair

DATE: _____

21st July 2016

MINUTES OF THE 65TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, 23RD OCTOBER, 2015 AT THE KENYA REVENUE AUTHORITY OFFICES AT MALABA BORDER TOWN AT 3.00 PM.

PRESENT

1. The Hon. Alois Lentoimaga, MP - Vice Chairperson/Head of Delegation
2. The Hon. Zakayo Cheruiyot, MP
3. The Hon. David Gikaria, MP
4. The Hon. Benard Shinali, MP
5. The Hon. Jane Machira, MP
6. The Hon. (Dr.) Humphrey Njuguna, MP
7. The Hon. Joseph Ndiege, MP
8. The Hon. Ababu Nmwamba, MP
9. The Hon. Samuel Moroto, MP
10. The Hon. Joseph Kahangara, MP
11. The Hon. Mohamed Shidiye, MP
12. The Hon. (Maj. Rtd.) John Waluke, MP

IN ATTENDANCE

WITNESSES: KENYA REVENUE AUTHORITY AND SECURITY STAFF

1. Mr. Leonard Konchella - Enforcement Unit, Kenya Revenue Authority
2. Mr. Julius Mbiu - Administration Police Commander Teso North
3. Mr. Cosmus Alok - National Intelligence Service Teso North
4. Mr. Onesmus Konge - Officer Commanding Police Division
5. Mr. Chacha Muhamed - Officer Commanding Police Station
6. Mr. Caleb Owino - Officer Commanding Police Station
7. Mr. Benard Ikuku - In-Charge of Administration Police
8. Mr. Simanga Mutai - Security
9. Mr. Joseph Lekur - In Charge of Central Police Unit
10. Mr. Reuben Isiolo - Officer, Interrogative Police
11. Mr. Ben Musili - Immigration Officer
12. Mr. Peter Kosgei - Immigration Officer

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - First Clerk Assistant
2. Ms. Hellen Lokwang - Third Clerk Assistant
3. Mr. Noah Too - Research and Policy Analyst I
4. Mr. Salem Lorot - Legal Counsel
4. Mr. Eugene Apaa - Research and Policy Analyst II
5. Mr. Eugene Luteshi - Audio Officer
6. Mr. Naman Agengo - Serjeant-at-Arms

The Chairperson called the meeting to order at 3.00 pm. A prayer was said. He briefed the KRA and Immigration officers on the objective of the visit which was to inspect the border posts facilities.

**MIN.NO. 255/ANS/2015 -MEETING WITH KENYA RENENUE AUTHORITY,
IMMIGRATION AND SECURITY TEAM IN MALABA**

During the meeting the Committee was informed that:-

- i. The facility has an integrated system for the verification and clearance of goods that was jointly run by officers from various government agencies such as Kenya Revenue Authority, Kenya Bureau of Standards and the National Police Service. The officers jointly conducted the verification process with their Ugandan counterparts. This had considerably reduced the time spent in verification of goods.
- ii. Cases of smuggling of goods were rampant across the border between Kenya and Uganda due to the porosity of the border.
- iii. The Malaba Border Point facility had surpassed revenue collection targets, set by the National Treasury for the months of July and September 2015. The facility collected Kshs. 89 million in July against a target Kshs. 69 million and Kshs. 224 million in September 2015 against a target of Kshs. 146 million.
- iv. Despite the fact that the facility generated substantial revenue, it had been allocated insufficient operational funds. The facility was faced with shortage of staff, patrol vehicles and staff houses. Operations at the facility had been hampered since the month of April 2015 following the transfer of 14 Immigration staff to the Nairobi office without any replacement. The Immigration Mobile Patrol Unit had been severely affected by the transfer.
- v. The movement of trucks is faster unlike previously when it took up to 7 days for clearance.

Committee Observations

The Committee made the following observations:-

- i. Operations at the border point had been hampered following the transfer of 14 Immigration staff to Nairobi office without any replacement;
- ii. The Immigration Mobile Patrol Unit had been severely affected by the transfer of the officers;
- iii. The facility was facing challenges of inadequate housing for staff, shortage of staff and functional patrol vehicles; and
- iv. The Malaba Border Posts facility had surpassed revenue collection targets set by the National Treasury. This is an indication that the facility is capable of raising more revenue if cases of corruption are curbed.

Committee Recommendations

The Committee recommended that:-

- i. The Kenya Revenue Authority and the Department of Immigration should deploy more staff to speed up operations at the border point station.
- ii. The Government should deploy enough security personnel to patrol the borders, hi-tech equipment and increase resources allocation to improve on security.
- iii. The Ministry of Interior and Coordination of National Government should enhance the Nyumba Kumi initiative to sensitize the community in fully cooperating with the government in disclosing security threats and illegal activities within their locality.

MIN.NO. 256/ANS /2015

ADJOURNMENT

The Committee made an inspection tour of the Malaba Complex border post which houses the offices of Kenya Revenue Authority, Department of Immigration offices, Security personnel and other Government Agencies.

There being no other business the meeting adjourned at 6.30 pm.

Signed.....

(Chairperson)

Date.....4/8/2016.....

**MINUTES OF THE 64TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELDON 23RD OCTOBER, 2015
AT THE COUNTY COMMISSIONER'S OFFICE IN BUSIA COUNTY AT 10.00 AM**

PRESENT

1. The Hon. Alois Lentoimaga, MP - Vice Chairperson/Head of the Delegation
2. The Hon. Zakayo Cheruiyot, MP
3. The Hon. David Gikaria, MP
4. The Hon. Benard Shinali, MP
5. The Hon. Jane Machira, MP
6. The Hon. (Dr.) Humphrey Njuguna, MP
7. The Hon. Joseph Ndiege, MP
8. The Hon. Ababu Namwamba, MP
9. The Hon. Samwel Moroto, MP
10. The Hon. Joseph Kahangara, MP
11. The Hon. Mohamed Shidiye, MP
12. The Hon. (Maj. Rtd.) John Waluke, MP

IN ATTENDANCE

BUSIA COUNTY SECURITY TEAM

1. Mr. Mungo Chimwa - Busia County Commissioner
2. Mr. P. Ikunywa - County Intelligence Office
3. Mr. Tom Mwatisia - Officer Commanding Police Division
4. Ms. Evelyne Walena - Officer In Charge of point of entry
5. Mr. Peter Akati - Security Officer
6. Mr. Sospeter Omolo - Security Officer
7. Mr. Vincent Obwire - Security Officer
8. Mr. John Ogilo - Kenya Revenue Authority
9. Mr. Ronald Madibo - Kenya Bureau of Standards
10. Ms. Liz Nyambiesa - East African Community
11. Ms. Sheila Inya - Kenya Revenue Authority
12. Mr. Morris Oluok - The National Treasury Officer
13. Ms. Jane Lugonzo - State Departments of Fisheries
14. Ms. Evelyne Mwalile - Kenya Revenue Authority

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - First Clerk Assistant

- | | | |
|-----------------------|---|---------------------------------|
| 2. Ms. Hellen Lokwang | - | Third Clerk Assistant |
| 3. Mr. Noah Too | - | Research Officer I |
| 4. Mr. Salem Lorot | - | Legal Counsel |
| 5. Mr. Eugene Apaa | - | Research and Policy Analyst III |
| 6. Mr. Eugene Luteshi | - | Audio Officer |
| 7. Mr. Naman Agengo | - | Serjeant-at-Arms |

MIN.NO. 250/ANS/2015 - PRELIMINARIES

The Session Chairperson called the meeting to order at 10.00 am. The prayer was said by Hon. Alois Lentoimaga, MP. The members introduced themselves and the Vice Chairperson and session Chairperson gave a brief of the mandate of the Committee. He reiterated that the sub-committee's objective of the visit was to inspect Busia and Malaba border posts in Busia County. The border posts operations facilitate the movement of goods and travel of people between Kenya and Uganda.

MIN.NO.251/ANS/2015 MEETING WITH BUSIA COUNTY COMMISSIONER AND COUNTY SECURITY INTELLIGENCE TEAM

The County Commissioner, Busia County informed the Committee that

- i. The construction of the Busia One Stop Border Post was on-going and was scheduled for completion by December 2015.
- ii. Clearing and forwarding agents operating at the two facilities had not been issued with any identification documents to distinguish them from other persons that may be allegedly abetting criminal activities, including human trafficking at the border posts. The majority of the local pedestrians do not have identification cards thus making it difficult to weed out persons carrying out criminal activities.
- iii. The border between Kenya and Uganda is very porous particularly in Sofia area, which has many routes connecting to Uganda. The routes are used to facilitate smuggling of goods between the two countries. Unscrupulous merchants evade taxation by ferrying goods in small quantities across the border using bicycles. The goods are then stored in go-downs within Busia town and later transported to other parts of the Country.
- iv. There is a reportedly increase in cases of Ugandan police officers arresting Kenya fishermen, particularly in Port Victoria. Marine police officers based in Busia County lack modern patrol boats and are currently using one obsolete motor boat that was undergoing repairs to patrol the lake. On the other hand, Ugandan police officers reportedly use modern and functional motor boats.
- v. Illegal aliens, mostly of Somali origin had devised a method whereby they first entered Uganda and obtained visas. They then use the Ugandan visas to enter Kenya. Kenyan law enforcement agents were then faced with a challenge when as the aliens are repatriated to their Country of origin (in this case Uganda as indicated in their

visas), they then cross the border to Uganda and stay in Guest Houses to plan the next attempt to enter Kenya. Cases of trafficking of Ugandan girls through Kenya were on the increase. Uganda prohibits its citizens from working as house helps in the Arabian Peninsula. Thus the recruiters facilitate the immigration of Ugandan girls through Kenya.

- vi. An officer attached to the marine police unit based in Port Victoria had served at the station for more than 10 years. It is recommended that the officer should be transferred to another thus curtailing his alleged involvement in corrupt activities at the border.

**MIN. NO. 252/ANS /2015 MEETING WITH BUSIA KENYA REVENUE
AUTHORITY BORDER POST OFFICERS**

The Committee was informed that:-

- i. The facility faced staff shortage particularly in the immigration department.
- ii. Electricity had not been connected to the new building at the Busia Border Post. Therefore the facility was not in use which is a waste of office space. There was also a problem in accessing information on a timely basis due to slow internet connection and frequent breakdown of the Kenya Revenue Authority information system.
- iii. The facility receives on daily basis a huge influx of cargo vehicles hindering quick clearance of goods on transit to Uganda.
- iv. Regulation 34 which allows vehicles from Uganda entry into Kenya for a maximum of 14 days without a permit posed a challenge, as some of the vehicles were then fraudulently sold into the Kenyan market.
- v. The facility collects approximately Kshs. 9 million in revenue per day. It is worth noting that Kshs. 46 million was raised in the month of October 2015 alone.
- vi. Many Ugandan citizens without work permits were employed in various outlets in Busia town, on the Kenyan side, mainly as casual staff.

Committee Observations

The Committee observed that:

- i. Kenya Police Officers in Busia County lacked modern patrol boats and depended on one obsolete motor boat that was currently under repairs to patrol Lake Victoria unlike their Ugandan counterparts who are better equipped;
- ii. Clearing and forwarding agents operating in the border posts have not been issued with identification cards to distinguish them from other members of the public;
- iii. The Uganda Police Officer have been arresting Kenyan fishermen at Port Victoria due to the minimal presence of Kenyan Police Officers patrolling Lake Victoria; and
- iv. Cases of human trafficking of Ugandan girls to work in Saudi Arabia were rampant at the Busia border post and of great concern to both countries.

Committee Recommendations

The Committee recommended that:-

- i. The Ministry of Interior and Coordination of National Government should allocate funds for the procurement of modern boats to facilitate marine police unit operating in Lake Victoria;
- ii. The Kenya Revenue Authority should issue identification cards to clearing and forwarding agents operating at the border posts to distinguish them from other members of the public. This will streamline movement of persons across the border and facilitate the identification of persons involved in illegal activities;
- iii. The Department of Registration of Persons should liaise with the local security team and Chiefs to vet and speed up the issuance of identifications cards to the legitimate locals who have operated for long with waiting cards;
- iv. The National Government should deploy enough security personnel to patrol the borders, provide hi-tech equipment and increase resources allocation to improve on security.

MIN.NO. 253/ANS/2015 - ADJOURNMENT

There being no other business the meeting was adjourned at 1.30 pm.

Signed by



Hon. Aloys M. Lentsamaga

(Chairperson)

Date

14/8/2016