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REPUBLIC OF KENYA

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THE NATIONAL ASSEMBLY
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CHAIRPERSON, DEFENCE
AND FOREIGN RELATIONS

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TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE INQUIRY INTO THE STATUS, VIABILITY AND EFFICACY IN
THE IMPLEMENTATION OF THE KENYA-SOMALIA BORDER SECURITIZATION
PROJECT

Clerks Chambers,
Directorate of Committee Services,
Parliament Buildings,
NAIROBI.

NOVEMBER, 2018

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 - i) Contractor for civil works who receive instruction from the resident engineer
 - ii) Bush clearing, making of cutline patrol roads and excavation of trench along the border line
 - iii) Providing of equipment, vehicles and machines
 - iv) Provide machine operators, drivers and servicemen
 - c) **Ministry of Defence (KDF engineers) and National Police Service:**
 - i) Installation of the border fence
 - ii) Overall provision of security
 - d) **Ministry of Lands, Department of Survey:**
 - i) Survey of international boundaries
 - ii) Making of border cutline
 - iii) Marking of post holes
 - e) **Ministry of Transport and Infrastructure, KeRRA:**
 - i) Responsible for workshop services
 - ii) Overall supervision of works
 - iii) Provide the resident engineer for the project
3. (36) Officers and nine (9) servicemen while Kiunga had twenty-five (25) officers both deployed for a period of twelve (12) months.
2015) pending eleven (11) months unpaid as tabulated below:

First Team (June, 2015 to May, 2016) – Unpaid Subsistence Allowance

Year	Site	No. of Officers	S/men	No. of months	Rate in Ksh.	Amount
2015	Mandera	36	9	11	30,000	14, 850,000
2015	Kiunga	25	Nil	11	30,000	8, 250, 000
Sub Total						23, 100, 000

Second Team (June, 2016) First One Month Unpaid Per Diem Allowance as per Personnel Job Groups

Year	Site	No. of Officers	S/men	No. of Months	Rate in Ksh.	Amount
2016	Mandera	34	26	1		4, 420,000
2016	Kiunga	29	Nil	1		4, 932,900
Sub Total						9, 352,900

4. The second group was deployed to Mandera and Kiunga sites on June, 2016. Mandera site had 34 officers and 26 servicemen while Kiunga site had 29 officers both deployed for a period of six (6) months, that is, June 2016 to December 2016.
5. The teams were paid three (3) months subsistence allowance that is, July, August and September 2016 leaving three (3) months pending as unpaid. Unpaid subsistence allowance for the months of October, November and December 2016 as shown below:

Year	Site	No. of Officers	S/men	No. of Months	Rate in Ksh.	Amount
2016	Mandera	34	26	3	30,000	5,400,000

2016	Kiunga	29	Nil	3	30,000	2,610,000
Sum Total						8,010,000

6. The total pending payment is Ksh. 31,110,000. This being after the Ministry of Public Service, Youth and Gender Affairs stated that the NYS servicemen were in allowance arrears of three months.
7. The Ministry of Defence came up with a decision of contracting services for both Mandera and Kiunga Project (KSBSP) respectively to private contractors vide KDF letter Ref. No. DHQ/SP/PROJ/CONF/004/1 dated 28th December, 2016, which ended the role of the NYS agency in the programme.
8. In this new approach of engagement, NYS was called to demobilize from Kiunga and Mandera sites respectively including personnel, vehicles, machines and equipment with effect from the date of the letter.

Committee Observations

The Committee observed the following:-

- i) The wall was to have a series of concrete barriers, fences, ditches and observation posts overlooked by CCTV stations
- ii) There was need for more in-depth consultation on the viability and reliability of the project before commencing construction of the boarder wall

Committee Resolutions

Consequently the Committee resolved that both Ministries reappear before the Committee to address the following pertinent issues on Thursday, 26th July, 2018 at 10.00am –

- i) The rationale for payment of Perdiem to the National Youth Service (NYS) officers if the housing and food were being provided for to the NYS service men and officers;
- ii) The reason(s) for withdrawing the NYS officers from the project details of the NYS Officers who are yet to be paid, when will they be paid and by who;
- iii) The original total estimated cost of the projects as per the department of public of works estimates;
- iv) Whether an environmental assessment was carried out and if so, provider the report;
- v) A breakdown on how the 3.3 billion was utilized to fence only (10) ten kilometers ;
- vi) Whether there was an agreement signed on the hiring and payment of NYS officers;
- vii) The amount of money transferred to the Ministry of defence after the transfer of the project;
- viii) The fate of the nomadic communities living around the boarder
- ix) The immigration implications of the wall and the documentation that will be required to movement of people cross the boarder
- x) Who issued the instructions not to pay NYS servicemen/officers and was there any documentation to that effect;
- xi) Whether or not the project remained a multi-agency one after it was taken over by the Ministry of Defence;
- xii) Any other supplier(s) other than the NYS officials who rendered services to the project but they are yet to be paid

ABBREVIATIONS

BP - Border Point
KDF - Kenya Defence Forces
KSBSMC - Kenya-Somalia Border Securitization Management Committee
NSAC -National Security Advisory Council
NYS -National Youth Service

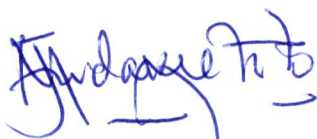
FOREWARD

On behalf of the Departmental Committee on Defence & Foreign Relations and pursuant to provisions of National Assembly Standing Order 216 (4) and (5), it is my pleasant privilege and honour to present to this House the Report of the Committee on the Inquiry into the Status, Viability and Efficacy in the Implementation of the Kenya-Somalia Border Securitization Project.

The Committee on its own motion resolved to undertake the inquiry into the project with a view to establish the status and efficacy in the implementation of the project. The Committee received both oral and written submissions from the relevant stakeholders. The Committee had a privilege of visiting a section of the project in Mandera County and held consultative forums with the community living along the border.

The Committee wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of this Petition.

On behalf of the Committee, I now wish to table this report before the House for consideration and adoption.



Hon. Katoo Ole Metito, EGH, MGH, M.P

Chairperson Departmental Committee on Defence and Foreign Relations

1.0 PREFACE

1.1 Establishment of the Committee

The Departmental Committee on Defence and Foreign Relations is established pursuant to Standing Order 216 (1).

1.2 Mandate of the Committee

The Committee is mandated under Standing Order 216 (4) and (5) to inter alia-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) study the programme and policy objectives of ministries and departments and the effectiveness of the implementation and effectiveness of the implementation;
- c) study and review all legislation referred to it;
- d) study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;**
- f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) examine treaties, agreements and conventions;

- h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.
- i) consider reports of Commissions and independent offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- j) examine any questions raised by Members on a matter within its mandate.

In executing its mandate, the Committee oversights the following Ministries and Departments:

- i. Ministry of Defence;
- ii. Ministry of Foreign Affairs and International Trade;
- iii. East African Community; and
- iv. National Intelligence Service.

According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:

- i. Defence;
- ii. Intelligence;
- iii. Foreign Relations;
- iv. Diplomatic and Consular Services;
- v. International Boundaries including territorial waters and international Relations; and
- vi. Agreements, Treaties and Conventions.

1.3 Committee Membership

The Departmental Committee on Defence and Foreign Relations comprises the following Members -

- 1. Hon. Katoo Ole Metito, EGH, MGH, M.P **Chairperson**
- 2. Hon. Richard Tong'i, M.P **Vice Chairperson**

3. Hon. Yusuf Hassan Abdi, M.P
4. Hon. Charles Mutavi Kilonzo, M.P
5. Hon. Patrick Makau, M.P
6. Hon. Dido Ali Raso, M.P
7. Hon. Peter Mungai Mwathi, M.P
8. Hon. Beatrice Nkatha Nyagah, HSC, M.P
9. Hon. Martha Wangari Wanjira, M.P
10. Hon. Memusi Ole Kanchory, M.P
11. Hon. John Lodepe Nakara, M.P
12. Hon. Nelson Koech, M.P
13. Hon. Major (Rtd.) Bashir Sheikh Abdullahi, M.P
14. Hon (Dr) Lilian Gogo, M.P
15. Hon. Vincent Kipkurui Tuwei, M.P
16. Hon. Moses Nguchine Kirima, M.P
17. Hon. Ernest Ogesi Kivai, M.P
18. Hon. Caleb Amisi, MP
19. Hon. Asha Mohammed, MP

1.4 Committee Secretariat

- | | |
|---------------------------|-----------------------------|
| 1. Mr. Samuel Kalama | Senior Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | Clerk Assistant III |
| 3. Mr. Andrew Shangarai | Senior Sergeant At-Arms |
| 4. Ms. Brigitta Mati | Legal Officer III |
| 5. Ms. Grace Wahu Karanja | Research Officer |
| 6. Mr. Edison Odhiambo | Fiscal Analyst III |
| 7. Mr. Ahmed Yakub | Media Relations Officer III |
| 8. Mr. Rodgers Kilungya | Audio Officer |

2.0 INTRODUCTION

On **30th January, 2015**, the **National Security Advisory Committee (NSAC)** approved the commencement of the Kenya/Somalia border securitization project. Upon approval, benchmarking studies were undertaken along the America-Mexico border, Israel-Syria border and India-Pakistan border.

The Kenya-Somali border extends approximately **700 kilometers** of land from BP1 in Mandera to BP29 in Kiunga, Lamu County and 200 nautical miles of the sea. Other than the **official crossing points in Mandera, Elwak, Liboi and Ishakani**, there are unauthorised access points through numerous tracks, cut-lines and cross-country roads. This uncontrolled access has led to undocumented trade, terrorist/criminal activities, undocumented immigrants and environmental degradation.

Infiltration by Al Shabab operatives and other criminal gangs has resulted into kidnappings, raids on security posts, IED attacks, piracy, banditry, proliferation of small arms and light weapons, youth recruitment and radicalization.

During its sitting held on 3rd July, 2018 the Committee, on its own motion pursuant to the provisions of Standing Order 216 (5) (e) resolved to undertake an inquiry into the Status, Viability and Efficacy in the implementation of the Kenya-Somalia border Securitization project.

The key objectives of the inquiry were to:

- a. To find out the status of implementation and quality of work done on Kenya-Somalia Border Securitization project
- b. To establish the viability of the Kenya- Somalia Securitization project

- c. To establish the institutional framework for the management, operationalization of the project upon completion; and
- d. To report to the House the Committee's observations, findings and recommendations for consideration and adoption.

To achieve these objectives, the Committee undertook a review of relevant materials on the project at its disposal to acquaint itself with the details of the project. The Committee invited the following Government Officials to apprise it on their respective areas within their purview relating to the implementation of the Project.

1. The Cabinet Secretary for the Ministry of Defence on 5th July 2018,
2. The Director General for National Intelligence Service on Monday 5th July 2018, and
3. The Cabinet Secretary for Interior and Coordination of National Government on Tuesday, 18th July 2018.
4. The Cabinet Secretary for Public Service, Youth and Gender Affairs on Tuesday, 18th July, 2018

3.0 SUBMISSIONS/EVIDENCE

3.1 MEETING WITH THE CABINET SECRETARY FOR DEFENCE

On 5th July, 2018 the Principal Secretary, Mr. Saitoti Torome, CBS accompanied by, the Vice Chief of Kenya Defence Forces, Lt. Gen. Joseph Kasaon appeared before the Committee and submitted as follows-

1. Illegal trafficking, terrorists and illegal immigration are some of the factors that led to the construction of the wall. These factors spurred from the historical background of Somalia being an unstable country, not a political proclamation, and therefore there was need to come up with an obstacle to

channel people towards one direction. The wall is not to stop immigrants from entering Kenya, but it is for having controlled entry points to monitor the flow of the adversaries.

2. The border is segmented into three parts namely:
 - a) Northern sector: Mandera- Elwak- 160 kilometers
 - b) Central sector: Elwak- Libat- 445 kilometers
 - c) Southern sector: Libat- Kiunga- 105 kilometers
3. All the projects are being done by local contractors but KDF will be involved in the supervision of works.
4. At the Mandera border, no man's land is no longer recognized therefore there is a plan to build a two-layer stone wall for a two kilometers stretch to define the boundary between Kenya and Somalia. There has, however, been some resistance from communities on the Somalia side to have the border wall erected. However, the matter is being handled diplomatically by the concerned ministries of Foreign Affairs from both countries.
5. The Ministry of Defence is engaging the local leadership to sensitize the local community on the border wall security project. Chiefs and local security administration will cover security organization while in regards to arms and contraband, the KDF will handle the issues.
6. In regards to the viability of the project, as part of the exit strategy from Somalia, there will be policing of borders and building of the wall. There will be a multi-agency approach in border management. The concept of Border Security Management (BSM) will adopt a multi-agency approach to involve as many relevant agencies as possible for an effective border management and control.

7. The project was transferred from the Ministry of Interior & Coordination to the Ministry of Defence due to lack of capacity to deliver on the project. The National Youth Service covered little distance due to disagreements on allowances. In addition, the Kenya Defence Forces (KDF) was mandated to take over the project because of threat from Al-Shabaab. It is estimated that the wall should be complete by 2019.
8. Technologies such as surveillance cameras and sensors that will cover the project. The National Intelligence Service is working with the Rural Border Police Unit, who will handle the border. In the next three to four years, technology and manpower to patrol the border will have been put in place with the continued support of the KDF. Technology will cover the gaps along the border wall where manpower cannot reach.
9. Due to the communities living around the border wall, there is a team that has been established to work on border opening points to give communities from Somalia more entrance points into Kenya.
10. Plans are underway to relocate Kiunga Airstrip to a secure location away from human settlement and for enhanced aerial surveillance.
11. Local access roads, such as Hindi-Bodhei-Kiunga road are also undergoing upgrades to open up the remote border areas for trade thus economic sustainability
12. In order to have local participation in the securitization of the border wall, there are plans to ensure water provision to the arid and semi-arid lands by sinking and equipping of additional boreholes for both human and animal use.
13. In regard to project costing in the 2016/17 financial year, 1.5 billion was transferred from the Ministry of Interior and Coordination of National

Government to the Ministry of Defence. In the 2017/18 financial year, 2 billion was allocated to the project, which is still on-going. However, the budget was cut to 1.5 billion.

14. Challenges involved with the project

The project is facing several challenges which include-

- a) The slow pace of border re-affirmation
- b) Security challenges from Al Shabab and its affiliates
- c) Unfavorable weather conditions
- d) Minimal availability of both skilled and unskilled labor
- e) Long lead time in acquisition of spares for machine servicing
- f) Encroachment along the international boundary.

15. The present design of the wall was adopted after benchmarking visits to India, Israel and the United States of America.

3.2 MEETING WITH THE MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS

On July 18th, 2018 the Committee met with the Chief Administrative Secretaries for Ministries of Public Service, Youth & Gender Affairs. The Chief Administrative Secretary, Hon. Rachel Shebesh briefed the Committee as follows:

THAT-

1. The Mandera-Kiunga Kenya-Somalia border securitization project started in March, 2015, with the first team being mobilized to respective sites. The project administration and technical officers from the Kenya Defence Forces (KDF), Ministry of Transport and Infrastructure and National Youth Service (NYS) operated on a drawn work plan that was realistic and achievable to both parties.
2. The multi-agency responsibilities were as follows:

a) Ministry of Interior and Coordination:

- i) Overall coordination of the project
- ii) Payment of allowances and provision of food and ration to all personnel under the project
- iii) Procurement of fuel and spare parts
- iv) Project administration and coordination of all activities

b) Ministry of Public Service, Youth and Gender Affairs, Department of NYS:

- i) Contractor for civil works who receive instruction from the resident engineer
- ii) Bush clearing, making of cutline patrol roads and excavation of trench along the border line
- iii) Providing of equipment, vehicles and machines
- iv) Provide machine operators, drivers and servicemen

c) Ministry of Defence (KDF engineers) and National Police Service:

- i) Installation of the border fence
- ii) Overall provision of security

d) Ministry of Lands, Department of Survey:

- i) Survey of international boundaries
- ii) Making of border cutline
- iii) Marking of post holes

e) Ministry of Transport and Infrastructure, KeRRA:

- i) Responsible for workshop services
- ii) Overall supervision of works
- iii) Provide the resident engineer for the project

3. As regards to the deployment of officers; it was worth to note that (36) Officers and nine (9) servicemen were deployed in the project while Kiunga had twenty-five (25) officers both deployed for a period of twelve (12) months in 2015.

The pending eleven (11) months unpaid is as tabulated below:

First Team (June, 2015 to May, 2016) – Unpaid Subsistence Allowance

Year	Site	No. of Officers	S/men	No. of months	Rate in Ksh.	Amount
2015	Mandera	36	9	11	30,000	14,850,000
2015	Kiunga	25	Nil	11	30,000	8, 250, 000
Sub Total						23,100,000

Second Team (June, 2016) First One Month Unpaid Per Diem Allowance as per Personnel Job Groups

Year	Site	No. of Officers	S/men	No. of Months	Rate in Ksh.	Amount
2016	Mandera	34	26	1		4,420,000
2016	Kiunga	29	Nil	1		4,932,900
Sub Total						9,352,900

4. The second group was deployed to Mandera and Kiunga sites on June, 2016. Mandera site had 34 officers and 26 servicemen while Kiunga site had 29 officers both deployed for a period of six (6) months, that is, June 2016 to December 2016.

5. The teams were paid three (3) months subsistence allowance that is, July, August and September 2016 leaving three (3) months pending as unpaid.

Unpaid subsistence allowance for the months of October, November and December 2016 as shown below:

Year	Site	No. of Officers	S/men	No. of Months	Rate in Ksh.	Amount
2016	Mandera	34	26	3	30,000	5,400,000
2016	Kiunga	29	Nil	3	30,000	2,610,000
Sum Total						8,010,000

The total pending payment is Ksh. 31,110,000. This being after the Ministry of Public Service, Youth and Gender Affairs stated that the NYS servicemen were in allowance arrears of three months.

The Ministry of Defence came up with a decision of contracting services for both Mandera and Kiunga Project (KSBSP) respectively to private contractors vide KDF letter Ref. No. DHQ/SP/PROJ/CONFD/004/1 dated 28th December, 2016, which ended the role of the NYS agency in the programme.

In this new approach of engagement, NYS was called to demobilize from Kiunga and Mandera sites respectively including personnel, vehicles, machines and equipment with effect from the date of the letter.

3.3 MEETING WITH THE MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

The Chief Administrative Secretary, Mr. Patrick Ntutu accompanied by the Principal Secretary for the State Department of Immigration, Border Control and Registration of Persons, Maj. Gen. Gordon Kihalagwa jointly briefed the Committee as follows:

THAT-

1. Justification for the construction of the Kenya-Somalia border securitization project

The Kenya-Somalia Border Securitization Management Committee (KSBSMC) was established by the National Security Advisory Council (NSAC) through letter Ref. OP.CAB.3/55A dated 30th January, 2015, from the Chief of Staff and Head of the Public Service addressed to the Principal Secretary, State Department of Interior with a mandate to embark on the implementation of the proposed plan of securitization of the Kenya-Somalia border as approved by NSC. The plan involved the development of a border security infrastructure for the Northern and Southern sectors including border patrol roads from border point one (BP1) in Mandera to border point twenty-nine (BP29) in Lamu county (Phase one).

The development came in the deteriorating security situation along the Kenya-Somalia border following a series of attacks by Al-Shabaab in Kenya and on vital installations along Kenya's common border with Somalia. The initial phase of the project comprised ensuring the construction of fifty (50) kilometers fence in the Northern sector, Mandera and the opening up of the cut-line at Boni forest in the Southern sector, Lamu.

The mandate was however expanded by NSC in the financial year 2015/2016 to include construction of the securitization fencing infrastructure from BP1 in Mandera to Elwak, a distance of about one hundred and sixty (160) kilometers and the opening up of a cutline from BP29 in Kiunga to fifteen (15) kilometers North of Kolbio.

2. Implementation status of the project

By the time the Ministry of Interior and Coordination of National Government handed over the project to the Ministry of Defence, ten (10) kilometers of wall had already been done from BP1 past Mlima Fisi. Further, another seven (7) kilometers of ditch construction had also been done from BP29 to BP26.

3. The identity of the current contractors handling the project

By the time the Ministry of Interior and Coordination of National Government handed over the project to the Ministry of Defence, the contractor was the NYS. The Ministry of Defence is in a good position to provide the identity of the current contractors.

4. Reasons for the transfer of the project from the Ministry of Interior & Coordination of National Government to the Ministry of Defence

A presidential directive communicated at the Kenya-Somalia Border Securitization Management Committee (KSBSMC) through the Chairman at their 47th meeting held on Wednesday 23rd November, 2016, stated that the project would be under the Ministry of Defence. This was due to the escalation of insurgent attacks on the project personnel and equipment especially in the Southern sector, Lamu, resulting in the loss of a number of civilian and uniformed officers.

The presidential directive was therefore implemented with immediate effect to facilitate the continued implementation of the project under heightened security.

5. Viability of the Kenya- Somalia Border Securitization project

According to their assessment, the project is very viable and will benefit the country in the following areas:

- i) Support easy surveillance of the border
- ii) Provide deterrence to terrorist's incursion
- iii) Reduce porosity of the long border
- iv) Facilitate effective control on the movement of persons and goods across the border
- v) Ease registration of persons

6. The amount expended on the securitization project before transfer of the project to the Ministry of Defence

Before the handing over of the project to the Ministry of Defence, the Ministry had expended a total of Ksh. 3,380,353,960.52 as tabulated below:

- i) Financial year 2014-2015 – Ksh. 887,401,281.10
- ii) Financial year 2015-2016 – Ksh. 306,108,952.20
- iii) Financial year 2016-2017 – Ksh. 578,225,240.48

7. Target areas of the project

The target area of the project was to develop border security infrastructure for the northern and southern sectors as follows:

- i) Development of a border patrol road from BP1 in Mandera to BP29 in Kiunga, Lamu county
- ii) Installation of surveillance equipment
- iii) Development of the infrastructure of border entry points

The mandate was however expanded in the financial year 2015/2016 to include the construction of the securitization fencing infrastructure from BP1 in Mandera to Elwak, a distance of about 160 kilometers and the opening up of a cutline from BP29 in Kiunga to 15 kilometers north of Kajiado.

Subsequently, on 26th July, 2018 the Chief Administrative Secretary, Mr. Patrick Ntutu further briefed the Committee on the following pertinent issues that required further clarification.

8. Payment of per diem to the National Youth Service Officers yet housing and food were being provided to the NYS servicemen and officers

There was no per diem allowance paid to the officers at both project sites in Mandera and Lamu. On the inception of the project, officers and equipment and machinery were mobilized from the headquarters and rural stations of the various participating government agencies.

The mobilized inter-Agency personnel including the NYS servicemen and officers were paid an initial one off subsistence allowances to cater carter for their accommodation and food while on transit from their various stations to Mandera and Lamu.

On arrival at the project sites in Mandera and Lamu, free accommodation and food was provided for the duration of their stay. A year into the project implementation, it was noted that there was a go-slow by the NYS and MOTI teams who were complaining of non-payment as they were usually paid an allowance for all works done from their duty stations. The complaints were brought to the attention of the Committee of principals of all participating Agencies at their meeting held at Harambee House on 4th March 2016 where it was resolved under Minute 6/04/03/2016 that payment of a flat rate allowance of Kshs.30,000.00 be adopted for payment of all Agency personnel on the project in the proceeding financial year 2016/17. This approved payment was however not backdated.

The First Team of NYS officers and servicemen who reported to the project site in May 2015 left the site before commencement of implementation of the above directive in the subsequent Financial Year 2016/17.

The Second Team of NYS officers and servicemen were however paid three months subsistence allowance, i.e. July, August and September, 2016. The project was officially taken over by the Ministry of Defence at a Kenya-Somalia Border Securitization Management Committee meeting held on Wednesday 24th August 2016 as per KSBSMC MIN.4/24/08/2016 and MIN.9/24/08/2016.

The Ministry will organize for the payment the pending allowances for the months of October, November and December 2016 as tabulated below.

S/no	Year	No of officers	S/Men	No of Months	Rate Kshs	Amount
1.	2016	34	26	3	30,000	5,400,000/=
2.	2016	29	NIL	3	30,000	2,610,000/=
Total						8,010,000/=

9. Reasons for withdrawing the NYS officers from the project

Civil works were suspended in the Northern and Southern sectors due to loss of life occasioned by insurgent activities in both sectors. Several IEDs had been detonated by insurgents at the project sites resulting in deaths and injury of personnel and damage to equipment and machinery. The decision for withdrawal of NYS officers from the project was made after the transfer of the project to KDF.

10. The original total estimated cost of the project as per the department of Public works estimates

The original total estimated cost of the project was done by the KDF Engineers given that this is a national security project and was as tabulated below:

Northern Sector Total Cost (160KM)

ITEM	ACTIVITY	COST KSHS)	REMARKS
1.	Border fence installation	2,366,546,922.00	Chain-link, Razor wire barbed wire, angle bars and concrete posts
2.	Side ditch excavation	264,000,000.00	3x2x160 KM long
3.	Securitized border post	90,000,000.00	Upgrading Mandera Border post
4.	Technology enhanced surveillance	126,902,553.00	Augmented with GSR,EO/IR,UAV,UGS
5.	Border patrol road	686,106,994.50	All weather 5m wide x 160km long
	SUB TOTAL	3,533,556,469.50	

Southern Sector Total Cost (105 KM)

ITEM	ACTIVITY	COST KSHS)	REMARKS
1.	General and Boni forest Clearance	360,000,000.00	Chain-link, Razor wire, barbed wire, angle bars and

			concrete posts
2.	Side ditch excavation	190,000,000.00	3x2x105,000 long
3.	Fence Installation	1,179,769,929.00	Chain-link, Razor wire, barbed wire, angle bars and concrete posts
4.	Kiunga Border Post	50,000,000.00	To move to Ishakani
5.	Technology enhanced surveillance	126,902,553.00	Alternatively source external aid in equipment
6.	Border patrol road	730,779,663.00	All weather 5m wide x 105 Km long
	SUB TOTAL	2,637,452,145.00	

Central Sector Total Cost (445KM)

ITEM	ACTIVITY	COST KSHS)	REMARKS
1.	General Site Clearance	222,400,000.00	445 km long
2.	Border Patrol road	1,500,000,000.00	445 Km long
3.	Drainage works	5,000,000.00	Shallow drifts
4.	Fencing at Gherille border post	74,540,163.00	5 KM long (panya route to be completely closed)
5.	Fencing at Liboi border post	74,540,163.00	5 KM long (official border

			crossing point)
	SUB TOTAL	1,876,480,326.00	

The Summary of total Estimated Cost of the project is as follows-

- i) Northern Sector total cost (160 km) 3,533,556,469.50
- ii) Central Sector total cost (445 km) 1,876,480,326.00
- iii) Southern Sector total cost (105 km) 2,637,452,145.00

Total Estimated Cost 8,047,488,940.50

11. Environmental Impact Assessment on the project

The project being security sensitive, the Environmental Impact Assessment was done by KDF Engineers.

12. Breakdown on how the Kshs.3.3 Billion was utilized.

Financial Year 2016-2017

In the above FY **KSBSP** was allocated a budget of KShs.3.3 Billion.

Expenditure during the year stood at KShs.579 Million as at the time of handing over to KDF on 23rd November 2016.

NO	FINANCIAL YEAR	BUDGETARY ALLOCATI ON KSHS.	EXPENDITURE KSHS.	UNSPENT BALANCE KSHS.
1	2016-2017	3.3 Billion	579 Million	2.7 Billion
2	Funds transferred to KDF			1.5 Billion
3	Funds transferred to NIS for Surveillance equipment			1.2 Billion

The Overall Project Expenditure Report Financial Year 2014/2015 to 2016/2017 is as tabulated below-

NO	FINANCIAL YEAR	BUDGETARY ALLOCATION (KSHS)	PROJECT EXPENDITURE (KSHS)	UNSPENT BALANCE (KSHS)
1	2014-2015	2.1 billion	887.4 million	1.1 billion
2	2015-2016	500 million	306.1 million	193.1 million
3	2016-2017	3.3 Billion	579 million	2.7 billion
4	Totals	5.9 Billion	1.7 Billion	3.91 Billion
5	Funds transferred to KDF			1.5 billion
6	Funds transferred to NIS for procurement of surveillance equipment			1.2 billion

13. Agreement signed on the hiring and payment of NYS officers.

There was no agreement signed on the hiring and payment of NYS officers as they were part of the multi-Agency project implementation committee as sanctioned by the National Security Council (NSAC) through letter Ref. OP.CAB.3/55A dated 30th January 2015 from the Chief of Staff and Head of the Public Service addressed to the Principal Secretary, State Department of Interior. None of the involved agencies signed any agreement on hiring and payment.

14. The amount of money that was transferred to the Ministry of Defence after the transfer of the project.

KShs.1.5 Billion development funds was reallocated and transferred to the Ministry of Defence in November 2016.

15.The fate of the nomadic communities living around the border

The project had plans to give back to the community by way of sinking water boreholes at various project sites in Mandera and Lamu for the benefit of the involved communities living around the border. However the boreholes had not been sank at the time of the handing over of the project to Ministry of Defence.

The Governors of Mandera and Lamu Counties promised to support the project by spearheading the sensitization program on the implementation of the securitization project.

16.The immigration implications of the wall and the documentation that will be required for movement of people across the border

He submitted that the project has both positive and negative implications as summarized below-

- I. The wall will enhance the sovereignty of our national border and provide security by ensuring that only the desirable persons and goods are allowed into the country through gazetted entry points.
- II. It will regulate and control the entry and exit of persons through the gazetted border control points between Mandera and Kiunga.

- III. It will regulate the entry and exit of goods and services and protect local businessmen from counterfeit and unfair prices from smuggled goods through ungazetted entry points.
- IV. There will be an improvement in revenue collection when movement of persons, goods and services is regulated.

Negative Implications

The communities along the border are pastoralists and have expressed their concerns against the wall which will curtail their movement together with their livestock. National passports or other recognized valid travel documents will be required for travel as per Kenya Citizenship Immigration Act 2012.

17. Nonpayment of the NYS Servicemen/ officers who participated in the project in the initial stages

There was no agreement signed on the hiring and payment of NYS officers as they were part of the Multi-Agency Project Implementation Committee as sanctioned by the National Security Council (NSAC) through letter Ref. OP.CAB.3/55A dated 30th January 2015. None of the involved agencies signed any agreement on hiring and payment.

18. Multi-Agency nature of the project after the project was taken over by the Ministry of Defence.

The project has remained a multi-Agency one as directed by NSAC even after it was taken over by the Ministry of Defence. The Multi-Agency Consultative meetings would be called from time to time by the convener, ministry Defence on a need basis.

19. Supplier(s) other than NYS officials who rendered services to the project but are yet to be paid.

The Ministry confirmed that there are no any suppliers who are yet to be paid as at the time of handing over the project to KDF.

4.0 VISIT TO THE KENYA-SOMALIA BORDER SECURITY PROJECT IN MANDERA COUNTY

On Thursday, 15th November, 2018, the Chairperson of the Committee led a delegation of six other members and visited the project. The following Members participated in the field visit to the project-

1. The Hon. Katoo Ole Metito, M.P. – Leader of Delegation
2. The Hon. Col (Rtd.) Dido Rasso, M.P.
3. The Hon. Patrick Makau, M.P.
4. The Hon. Beatrice Nkatha Nyagah, M.P.
5. The Hon. Nelson Koech, M.P.
6. The Hon. Maj (Rtd.) Bashir Abdullahi, M.P.
7. The Hon. Ernest Ogesi Kivai, MP

The objectives of the fact finding visit of project were:-

1. To assess the progress of work done so far since commencement of the project and attendant challenges facing the implementation of the project.
2. Collect views of the members of the public living along the Kenya- Somalia border

3. Hold discussion with the local leadership of Mandera County with a view to get views and perception about the project

The visit was executed in the following manner –

- a) brief by the Kenya Defence Forces in Mandera;
- b) Courtesy call to the Governor;
- c) Tour of the project
 - i. Border Point 1 to Border Point 4
 - ii. Bulahawa
 - iii. Customs office
 - iv. Vantage point near Mlima Fisi
- d) Public hearing with members of the public

4.1 Courtesy call to the Office of the Governor and consultations

The Committee, led by the Hon. Katoo Ole Metito, MP paid a courtesy call to the County Governor's Office and held a briefing with the Deputy Governor – H. E Mohamed Ahmed Arai. In his welcome remarks, the Deputy Governor highlighted to the Committee that the Kenya-Somalia securitization project was indeed a critical project and that its completion will help bring peace in the county. He added that the project has helped in bring normalcy in the County in terms of security. He further submitted that Mandera County largely depend on quarrying activities and trade between Kenya and Somalia. However, with the frequent terrorist attack from Al-Shabaab, quarrying activities were discontinued and this has greatly affected the economy of the County. He urged the Committee to find ways of ensuring that the project is completed within the shortest time possible so as to see resumption of quarrying activities and possible opening of the Kenya-Somalia Border to allow trade between the County and Somalia.

4.2. Presentation by the representative of the Kenya Defence Forces in charge of the project

The Vice Chief of Defence Forces submitted to the Committee that –

- i. The concept of securitization embraces upon border security enforcement augmented with provision of securitized border infrastructure and technology assets.
- ii. The infrastructure being implemented include:
 - a. International border line survey
 - b. Construction of border fence
 - c. Construction of all-weather security patrol roads
 - d. Anti-vehicular trench excavation
 - e. Rehabilitation of airstrip and local access roads

- f. Undertaking of socio-economic activities that enhance the living standards of the local border community.
- iii. For ease of and timely operation, the extensive border has been zoned into three (3) sectors as follows-
 - a. Northern Sector (Mandera to Elwak-160KM)
 - b. Central sector (Elwak to Libat-445KM)
 - c. Southern Sector (Libat to Kiunga-105KM)
- iv. For efficient and timely execution of the project, the three sectors were further sub divided into sub-sectors and local firms contracted to execute the works under the supervision and management of the Ministry of Defence.

The Northern sector was sub divided into the following sub-sectors

- Mandera-Arabia
- Arabia-Lafey
- Lafey- Elwak

The Central Sector was sub divided into-

- Elwak-Khorof harar
- Khorof harrar-Diff
- Diff-Liboi
- Liboi- Libat

The Southern Sector was sub divided into

- Libat-Kolbio
- Kolbio-Kiunga

v. The project is executed in phases, and phase one of the project involve the construction of patrol roads, border fence and side ditch excavation along the North and Southern sector.. Phase two (2) of the project will involve construction of patrol roads and development of technology enhanced system such as virtual fences along the central sector.

vi. Progress of works in the various sectors is as follows:-

Mandera-Arabia

- a. Border Survey-BP1 to BP4- 50 KM has been surveyed
- b. Bush clearing-50km
- c. Side ditch excavation-13.3Km
- d. All weather patrol road construction road-16Km
- e. Fence- 13.3Km

Arabia-Lafey

- a. Border Survey-18.30km
- b. Bush clearing- 18.30 Km
- c. Lafey- Elwak
- d. Bush clearing-35km
- e. All weather Patrol road construction-31Km

Elwak-Khorof harar

- a. Border survey and re-affirmation-30KM
- b. Bush clearing and tp soil removal
- c. Border patrol grading 16KM

In the Southern Sector, the following progress has been made:-

Libot-Kolbio sub sector is measuring forty five Kilometres

- a. Border survey-25km
- b. Bush clearing-25km

c. All weather Patrol road grading-25Km

Kolbio-Kiunga sub sector, a stretch of 65 KM, the following progress has been made:-

- a. Border survey-47km
- b. Bush clearing-45km
- c. All weather patrol roadgrading-35km.

vii. Other securitization related project works include:

- a. Construction of Border command (BC) Headquarters in Wajir and works is ongoing
- b. Securitization of Border Command Headquarters and Wajir Forward Operating Base.
- c. Construction of Field operational Cells in Mandera
- d. Rehabilitation of key Airstrips in Liboi and Hulugho
- e. Fabrication of fencing material is ongoing
- f. Sinking of borehole in support of operation Fagia Msitu is ongoing

viii. The project is facing the following challenges:-

- a. Slow pace of border survey
- b. Security challenges from Al-Shabaab and its affiliates
- c. Unfavourable weather condition
- d. Minimal availability of both skilled and unskilled labour
- e. Long lead time in acquisition of spares for servicing
- f. Encroachment along the international boundary

4.3 Tour of the Border fence

The Committee accompanied by the multi-agency team conducted a tour of the section of the Kenya- Somalia border and inspected the quality of the material used in the construction of the border fence and noted that:

1. The contractor has made good progress in the construction of the border fence from Border Point 1 to Border Point 4 using concrete fabricated posts and wire mesh. However, the pace at which the work is being implemented is very slow.
2. For the completed section of the border fence, there are few incidences of vandalism.
3. The patrol roads along the fence are not tarmacked and they may be damaged very fast.
4. The Anti- vehicular trenches are narrow and not cemented hence requiring high maintenance which could be expensive in the long run.
5. There is massive encroachment at Bulhawa region, a stretch of two kilometers that has led to the suspension of construction of the border fence.
6. The local communities have largely embraced the project

4.4 Public hearing with members of the community

The Committee held a public hearing at the Governor's office to hear and receive submissions from members of the public. The following representatives of the public made the corresponding public presentations:

(a) Mr. Yusuf Mohamed (Community Elder)

Mr. Mohamed made the following presentation–

1. That the border fence project is critical to the residents of Mandera. It has helped to reduce incidences of terror attacks.
2. That more KDF officers should be deployed along the border to ensure security of residents of Mandera

3. The finalization of the Border security wall will help in restoring normalcy in the region and the government thereafter should consider opening up the Kenya- Somalia Border to allow formal trade and thus enabling the government to obtain taxes,

(b)Mr. Ibrahim Mohammed Farah

Mr. Ibrahim Farah made the following presentation:

1. That the residents of Mandera gets their food supplies from Somalia and with the closure of the border, the government does not get any taxes and hence loss of revenue by both the county government and the National government
2. That the KDF needs to protect all residents, ensure peace prevails in Mandera and its neighborhood to allow development and growth of Mandera County.

(c) Osman Ali

Mr. Osman presented the following on behalf of youth

1. That the government should fast track the construction of the border security wall to enhance security of the region.;
2. That the government should allow resumption of quarrying activities to unlock the economic potential of Mandera.
3. That the government should extend amnesty to youth that are ready to youth who are no longer members of the Al-Shabaab terror group and empowered economically

(d) Ms. Fatuma Ibrahim Hassan, Former Chairlady, Maendeleo ya Wanawake, Mandera County

Ms. Fatuma made the following presentation to the Committee on behalf of women-

1. That residents of Mandera are fully embracing the Border security Project
2. That the opening of the Kenya- Somalia Border will allow movement of people and goods to and from Somalia and the government will earn money in form of taxes
3. That there is need for the quarrying activities to resume and KDF as well as police officers should put measures in place to ensure that quarrying activities resumes immediately.

(e) Ms. Alphine Abdi

Ms. Alphine informed the Committee that –

Customs operations is key to the people of Mandera and the government should fast track the construction of the Border fence so as to open the Kenya-Somalia Border and eventually operationalize customs operations.

5.0 COMMITTEE OBSERVATIONS

Having considered the evidence adduced, the Committee made the following observations–

THAT,

1. The pace in the execution of the Kenya-Somali Securitization project is slow.

2. It is imperative for the Government to open the Kenya-Somalia Border. This will lead to improvement in revenue collection when movement of persons and services is regulated.
3. There is a significant improvement in the works currently undertaken by the contractor.
4. The impact of the project is evident since its commencement. Since construction of the fence, Mandera town has enjoyed relative peace with no incidences of terror attacks.
5. The project has been largely embraced by the local leadership in Mandera County.
6. The security border wall will enhance security by ensuring that only the desirable persons and goods are allowed into the country through gazetted entry points.
7. There is need for the Government to open the Kenya- Somalia Border. This will lead to an improvement in revenue collection when movement of persons, goods and services is regulated.
8. The National Youth Service upon handing over the project to the Ministry of Defence they abandoned equipment related to the construction works in Mandera town.
9. Insecurity in Mandera has adversely the economic activities in Mandera County.

6.0 COMMITTEE RECOMMENDATIONS

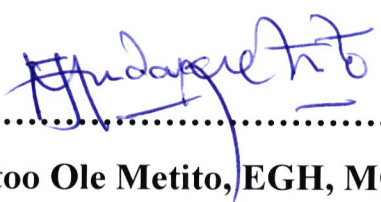
The Committee recommends that:-

1. The Government should fast track the completion of the Kenya- Somalia Border project. The Ministry of Defence should come up with a

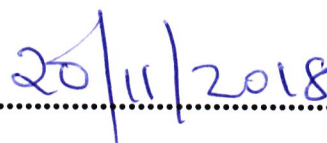
comprehensive budget plan and a realistic timeline for the completion of the project.

2. The Government should open the border and the Customs offices so as to allow legal trade and enable it to collect taxes.
3. The concept of Border Security Management (BSM) should be strengthened to adopt a multi-agency approach to bring on board as many relevant agencies as possible for an effective Border Management and control.
4. On completion of the project, the Government should establish a Border Patrol Force to enhance rapid response capability.
5. The Government should provide adequate security in Mandera County to enable residents carrying on with their economic activities such as quarrying
6. The National Youth Service should make arrangements to ensure that all the abandoned equipment that was to be used in the construction of the project in Mandera town should be carted away as soon as possible.

Signed.....



Date:



Hon. Katoo Ole Metito, EGH, MGH, M.P

(CHAIRPERSON)

REPUBLIC OF KENYA

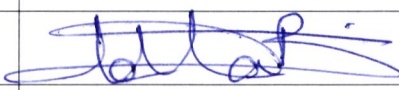

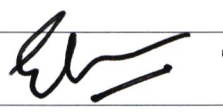


DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS.

REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE INQUIRY INTO THE STATUS, VIABILITY AND EFFICACY IN THE IMPLEMENTATION OF THE KENYA-SOMALIA BORDER SECURITIZATION PROJECT

We, the undersigned Hon. Members of the Departmental Committee on Defence & Foreign Relations, today 17th November, 2018 do hereby affix our signatures to this REPORT ON THE inquiry into the Status , Viability and Efficacy in the implementation of the Kenya-Somalia Border Securitization Project to affirm our approval and confirm its accuracy, validity and authenticity:-

NO.	NAME	SIGNATURE
1.	The Hon. Katoo Ole Metito, EGH, MGH, M.P - Chairperson	
2.	The Hon. Richard Tong'i, M.P - Vice Chairperson	
3.	The Hon. Yusuf Hassan Abdi, M.P	
4.	The Hon. Charles Mutavi Kilonzo, M.P	
5.	The Hon. Patrick Makau, M.P	
6.	The Hon. Dido Ali Raso, M.P	
7.	The Hon. Peter Mungai Mwathi, M.P	
8.	The Hon. Martha Wangari Wanjira, M.P	
9.	The Hon. Major (Rtd.) Bashir Abdullahi, M.P	

10.	The Hon. Memusi Ole Kanchory, M.P	
11.	The Hon. Beatrice Nkatha Nyagah, HSC, M.P	
12.	The Hon. John Lodepe Nakara, M.P	
13.	The Hon. Nelson Koech, M.P	
14.	The Hon. (Dr.) Lilian Gogo, M.P	
15.	The Hon. Vincent Kipkurui Tuwei, M.P	
16.	The Hon. Asha Mohamed, M.P	
17.	The Hon. Moses Nguchine Kirima, M.P	
18.	The Hon. Ernest Ogesi Kivai, M.P	
19.	The Hon. Caleb Amisi, MP	

MINUTES OF THE 67TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS & COMMITTEE ON TRADE, INDUSTRY & COOPERATIVES HELD ON SATURDAY, 17TH NOVEMBER, 2018 IN THE 1ST BOARDROOM , THE TRIBE, HOTEL AT 10.00AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP(Chairperson)
2. The Hon. Yusuf Hassan Abdi, MP
3. The Hon. Charles Kilonzo, MP
4. The Hon. Dido Ali Raso, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Beatrice Nkatha Nyagah, HSC, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Nelson Koech, MP
10. The Hon. Asha Mohammed, MP

APOLOGY

1. The Hon. Richard Tongi, MP - Vice Chairperson
2. The Hon. Peter Mungai Mwathi, MP
3. The Hon. Martha Wangari Wanjira, MP
4. The Hon. Memusi Ole Kanchory, MP
5. The Hon. (Dr.) Lilian Gogo, MP
6. The Hon. Vincent Kipkurui Tuwei, MP
7. The Hon. Moses Nguchine Kirima, MP
8. The Hon. Caleb Amisi, MP
9. The Hon. John Lodepe Nakara, MP

National Assembly Secretariat

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|-------------------------|---|-------------------------|
| 1. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Ms. Brigitta Matti | - | Legal Counsel |
| 3. Ms. Grace Karanja | - | Research Officer III |
| 4. Mr. Rodgers Kilungya | - | Audio Recording Officer |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions

- (iii) Communication from the Chair
- (iv) Adoption of the Agenda
- (v) Confirmation of Minutes from the previous sittings
- (vi) Matters Arising

2. Adoption of reports

- a. On The Consideration of a Petition By Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and Detention of Mr. Don Bosco Gichana Ooga
- b. The Official Visit to the Republic of Romania from October 1st -5th ,2018
- c. Inquiry into the status, Viability and Efficacy in implementation of the Kenya- Border Securitization project
- d. On the Meeting With Member States & Secretariats (ECOWAS & EAC) To Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons And its Implementation Roadmap

3. Any Other Business

MIN.NO.DC.DFR/2018/310: PRELIMINARIES

The Chairperson called the meeting to order at 1.30am. Prayer was read by Hon Ernest Ogesi Kivai MP.

MIN.NO.DC.DFR/2018/311: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Yusuf Hassan, MP, and seconded by the Hon. the Hon. Nelson Koech, MP respectively.

MIN.NO.DC.DFR/2018/312: ADOPTION OF THE REPORT

The following reports were unanimously adopted by the Committee as follows

- 1. The Consideration of a Petition by Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and Detention of Mr. Don Bosco Gichana Ooga. Proposed by Hon. Nelson Koech and seconded by Hon. Yusuf Hassan
- 2. The Official Visit to the Chamber of Deputies, Republic of Romania from October 1st - 5th ,2018. Proposed by Hon. Major (Rtd.) Bashir Sheikh Abdullah MP and seconded by Hon. The Hon. Dido Ali Raso, MP
- 3. Inquiry into the status, Viability and Efficacy in implementation of the Kenya- Border Securitization project. The adoption was proposed by Hon. The Hon. Yusuf Hassan Abdi, MP and seconded by Hon. Maj. Bashir Abdullahi, MP

4. On the Meeting With Member States & Secretariats (ECOWAS & EAC) To Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap. The adoption of the report was proposed by Hon. Ernest Ogesi Kivai, MP and seconded by and seconded by the Hon. Katoo Ole Metito, EGH, MGH, MP

MIN.NO.DC.DFR/2018/313: ADJOURNMENT AND DATE OF NEXT OF MEETING

And the time being 1.30pm the Chairperson adjourned the meeting and to be reconvened on Tuesday, 20th November, 2018.

Signed.....

**Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)**

Date.....

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS & COMMITTEE ON TRADE, INDUSTRY & COOPERATIVES HELD ON FRIDAY, 16TH NOVEMBER, 2018 IN MEETING ROOM , TRADE MARK, HOTEL AT 10.00AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP(Chairperson)
2. The Hon. Yusuf Hassan Abdi, MP
3. The Hon. Charles Kilonzo, MP
4. The Hon. Dido Ali Raso, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Beatrice Nkatha Nyagah, HSC, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Asha Mohammed, MP

APOLOGY

The Hon. Richard Tongi, MP - **Vice Chairperson**

The Hon. Peter Mungai Mwathi, MP

The Hon. Martha Wangari Wanjira, MP

The Hon. Memusi Ole Kanchory, MP

The Hon. (Dr.) Lilian Gogo, MP

The Hon. Vincent Kipkurui Tuwei, MP

The Hon. Moses Nguchine Kirima, MP

The Hon. Nelson Koech, MP

The Hon. Caleb Amisi, MP

The Hon. John Lodepe Nakara, MP

National Assembly Secretariat

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|-----------------------|---|------------------------|
| 1. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Ms. Brigitta Matti | - | Legal Counsel |
| 3. Ms. Grace Karanja | - | Research Officer III |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda

- (v) Confirmation of Minutes from the previous sittings
 - (vi) Matters Arising
2. Consideration of reports

- a. On The Consideration of a Petition By Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest aand Detention of Mr. Don Bosco Gichana Ooga
- b. The Official Visit to the Republic of Romania from October 1st -5th ,2018

3. Any Other Business

MIN.NO.DC.DFR/2018/305: PRELIMINARIES

The Chairperson called the meeting to order at 2.30am. Prayer was read by Hon Ernest Ogesi Kivai MP.

MIN.NO.DC.DFR/2018/306: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Yusuf Hassan, MP, and seconded by the Hon. the Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP respectively.

MIN.NO.DC.DFR/2018/307: CONSIDERATION OF THE REPORT ON THE CONSIDERATION OF A PETITION BY MR. DAN OKEMWA AND MS. LYN KEMBOI, ON THE ARREST AAND DETENTION OF MR. DON BOSCO GICHANA OOGA

The Committee observed that;

1. The Ministry of Foreign Affairs offered Mr. Gichana consular services and made efforts to safeguard his human rights
2. The due process of law was followed by the Tanzanian court, though it took long to conclude.
3. For the offence of conspiracy; Don Bosco was sentenced to a fine of three hundred million Tanzania shillings (Tshs. 300,000,000.00) equivalent to KSh.13, 243,989.02 or USD 131,388.78 to be paid within one month from the date of the High Court decision which was delivered on 18th September 2018
4. Don Bosco Gichana paid all the fine and was freed by the Tanzanian court after five years of detention on Tuesday 2nd October, 2018

5. Kenya and the Republic of Tanzania have embarked on the process of negotiating a Bilateral Agreement on Transfer of Sentenced Persons.

Committee Recommendations

In view of the observations and findings made, the Committee recommended THAT:

1. The Ministry of Foreign Affairs should fast-track the draft Agreement on Transfer of Sentenced Persons and considers having an acceptable harmonized legal framework to offer assistance to arrested persons within the East African Community.
2. Kenya Missions abroad need to reinforce consular support services for Kenyans detained and held in foreign countries.

MIN.NO.DC.DFR/2018/308: THE OFFICIAL VISIT TO THE CHAMBER OF DEPUTIES, REPUBLIC OF ROMANIA FROM OCTOBER 1ST -5TH, 2018

The Committee considered the report and made the following observations and recommendations

Committee Observations

1. Romania has a robust cyber security response center that not only manages cyber threats nationally but also globally;
2. There is need to reinvigorate diplomatic relations with Romania as there are many sectors where Kenya can benefit. These sectors include education, training, cyber security;
3. There is need to establish a diplomatic mission in Bucharest in order to revive and sustain diplomatic relations with Romania;
4. There are a four outstanding MOU's between Kenya and Romania. The Mou's are in the latter stage of negotiations. They are-

- (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
- (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implementation of cooperation programmes;
- (iii) Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and
- (iv) Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.

5. Romania is interested in holding international trade fairs, expos and conferences where

Committee Recommendations

The Committee recommends that-

1. The Government should ensure that cyber security, education, defence, and environment are included as priority areas for upcoming bilateral negotiations with the Government of Romania;
2. The Government to fast track the conclusion of the outstanding memoranda of understanding between the two countries. They are—
 - (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
 - (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implementation of cooperation programmes;

(iii) Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and

(iv) Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.

3. The Government to facilitate personnel exchange to Romania in order to learn innovations and best practices where common areas of need have been identified;
4. Parliament creates a parliamentary friendship group between Kenya and Romania to enable stronger relations between the two countries;
5. The National Chamber of Commerce to organise international trade fairs, exhibition, expos and conferences in order for businessmen to meet up, exchange information and introduce new products into both markets.

MIN.NO.DC.DFR/2018/309: ADJOURNMENT AND DATE OF NEXT OF MEETING

And the time being 4.30pm the Chairperson adjourned the meeting and to reconvened on Saturday, 17th November, 2018 at 10.00am.

Signed.....

**Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)**

Date.....

MINUTES OF THE 65TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS & COMMITTEE ON TRADE, INDUSTRY & COOPERATIVES HELD ON FRIDAY, 16TH NOVEMBER, 2018 IN MEETING ROOM , TRADE MARK, HOTEL AT 10.00AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP(Chairperson)
2. The Hon. Yusuf Hassan Abdi, MP
3. The Hon. Charles Kilonzo, MP
4. The Hon. Dido Ali Raso, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Beatrice Nkatha Nyagah, HSC, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Asha Mohammed, MP

APOLOGY

The Hon. Richard Tongi, MP - Vice Chairperson

The Hon. Peter Mungai Mwachhi, MP

The Hon. Martha Wangari Wanjira, MP

The Hon. Memusi Ole Kanchory, MP

The Hon. (Dr.) Lilian Gogo, MP

The Hon. Vincent Kipkurui Tuwei, MP

The Hon. Moses Nguchine Kirima, MP

The Hon. Nelson Koech, MP

The Hon. Caleb Amisi, MP

The Hon. John Lodepe Nakara, MP

National Assembly Secretariat

- | | | |
|-----------------------|---|------------------------|
| 1. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Ms. Brigitta Matti | - | Legal Counsel |
| 3. Ms. Grace Karanja | - | Research Officer III |

AGENDA

1. Preliminaries

- (i) Prayers
- (ii) Introductions
- (iii) Communication from the Chair
- (iv) Adoption of the Agenda

- (v) Confirmation of Minutes from the previous sittings
 - (vi) Matters Arising
2. **Consideration of reports**
- i. Inquiry into the status, Viability and Efficacy in implementation of the Kenya- Border Securitization project
 - ii. On the Meeting With Member States & Secretariats (ECOWAS & EAC) To Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons And its Implementation Roadmap
3. Any Other Business

MIN.NO.DC.DFR/2018/300: PRELIMINARIES

The Chairperson called the meeting to order at 10:30am. Prayer was read by Hon Patrick Makau MP.

MIN.NO.DC.DFR/2018/301: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Dido Rasso, MP, and seconded by the Hon. the Hon. Ernest Ogesi Kivai, MP respectively.

MIN.NO.DC.DFR/2018/302: CONSIDERATION OF THE REPORT ON INQUIRY INTO THE STATUS, VIABILITY AND EFFICACY IN IMPLEMENTATION OF THE KENYA- BORDER SECURITIZATION PROJECT

The Committee considered the report and made the following observations and recommendations

Having considered the evidence adduced, the Committee made the following observations–

THAT,

- 1. The pace in the execution of the Kenya-Somali Securitization project is slow.
- 2. It is imperative for the Government to open the Kenya-Somalia Border. This will lead to improvement in revenue collection when movement of persons and services is regulated.
- 3. There is a significant improvement in the works currently undertaken by the contractor.
- 4. The impact of the project is evident since its commencement. Since construction of the fence, Mandera town has enjoyed relative peace with no incidences of terror attacks.

5. The project has been largely embraced by the local leadership in Mandera County.
6. The security border wall will enhance security by ensuring that only the desirable persons and goods are allowed into the country through gazetted entry points.
7. There is need for the Government to open the Kenya- Somalia Border. This will lead to an improvement in revenue collection when movement of persons, goods and services is regulated.
8. The National Youth Service upon handing over the project to the Ministry of Defence they abandoned equipment related to the construction works in Mandera town.
9. Insecurity in Mandera has adversely the economic activities in Mandera County.

Committee recommendations

The Committee recommends that:-

1. The Government should fast track the completion of the Kenya- Somalia Border project. The Ministry of Defence should come up with a comprehensive budget plan and a realistic timeline for the completion of the project.
2. The Government should open the border and the Customs offices so as to allow legal trade and enable it to collect taxes.
3. The concept of Border Security Management (BSM) should be strengthened to adopt a multi-agency approach to bring on board as many relevant agencies as possible for an effective Border Management and control.
4. On completion of the project, the Government should establish a Border Patrol Force to enhance rapid response capability.
5. The Government should provide adequate security in Mandera County to enable residents carrying on with their economic activities such as quarrying
6. The National Youth Service should make arrangements to ensure that all the abandoned equipment that was to be used in the construction of the project in Mandera town should be carted away as soon as possible.

**MIN.NO.DC.DFR/2018/303: CONSIDERATION OF THE REPORT ON THE MEETING
WITH MEMBER STATES & SECRETARIATS (ECOWAS
& EAC) TO PROMOTE AND POPULARIZE THE
RATIFICATION OF THE PROTOCOL ON THE FREE
MOVEMENT OF PERSONS AND ITS IMPLEMENTATION
ROADMAP**

The Committee considered the report and made the following observations and recommendations

Committee observations: -

THAT

1. The sensitization program of the Protocol should consider countries with peculiar issues. Countries have different processes in ratification of treaties, agreements and conventions. For example, Kenya faces terrorism, therefore there is need to foresee the challenges in order to advocate for the Protocol. In this regard, political will is prudent in the signing of the Protocol.
2. Opening of borders is good development. The Post-Cotonou Agreement is coming to an end in 2020 therefore the opening of borders will help increasing the 15% trade in Africa;
3. The protocol is ratifiable, for example, Rwanda, who has already signed the Protocol, has 21 exit and entry points and has inter-border management systems which integrate all exit and entry points. Rwanda is a pace-setter for the EAC on exit and entry points because it's possible to combine migration with good border management;
4. Competing issues such as poverty, offers challenges for the free movement of people because countries protect their local economies;
5. There is need to support leaders to ensure that the roadmap for the Protocol is achieved and it should have timelines. The process of ratification starts with the executive. The AU should write to the Executive for sensitization of the protocol;
6. In regards to the adoption of the AU passport, there will be financial implications on the change owing to the fact that Kenya has recently adopted the EAC passport. The Kenyan passport has been adopted as the best model for the AU passport in facilitating movement within the AU Member States.
7. The EAC seems to be far ahead on the free movement of people and thus recommends other RECs, such as the Arab Maghreb Union, to follow the EAC as an example.

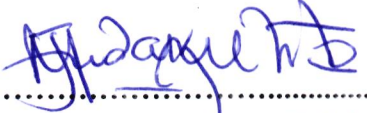
Committee Recommendations

The Committee recommended the following:

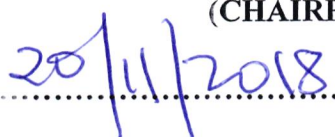
1. The AU, the RECs and Member States to synergize activities and programmes relating to the African Continental Free Trade Agreement (AfCFTA) in tandem with the implementation of the AU Free Movement Protocol
2. The AU, the RECs and Member States to utilize the Regional Consultative Process (RCPs) for the promotion of the Protocol on Free Movement of Persons among AU Member States.
3. The AU, RECs and Member States to involve regional/national parliaments, private sector and civil society in the dissemination of information on the AU Protocol on Free Movement of Persons
4. The AU, respective RECs and Member States to coordinate the process for exchange of data on mobility of persons in the regions
5. The AU and respective RECs to assist Member States in strengthening their civil registries
6. The AU, respective RECs and Member States to promote the establishment of joint border patrols among Member States
7. The AU and respective RECs to assist Member States to enhance the interconnectivity of border information management systems.
8. RECs should emulate the EAC in offering free movement of persons and the adoption of the AU passports.

MIN.NO.DC.DFR/2018/304: ADJOURNMENT AND DATE OF NEXT MEETING

And the time being 1.10pm the Chairperson adjourned the meeting and to reconvened on Friday, 16th November, 2018 at 2.30PM.

Signed.....


Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)

Date.....


MINUTES OF THE 50TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD ON THURSDAY, 26TH JULY, 2018 IN THE BOARDROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, M.P – **Chairperson**
2. The Hon. Yusuf Hassan Abdi, M.P
3. The Hon. Charles Mutavi Kilonzo, M.P
4. The Hon. Patrick Makau, M.P
5. The Hon. Dido Ali Raso, M.P
6. The Hon. Beatrice Nkatha Nyagah, HSC, M.P
7. The Hon. Memusi Ole Kanchory, M.P
8. The Hon. John Lodepe Nakara, M.P
9. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
10. The Hon. Nelson Koech, M.P
11. The Hon. (Dr.) Lilian Gogo, M.P
12. The Hon. Ernest Ogesi Kivai, M.P
13. The Hon. Caleb Amisi, MP

APOLOGY

1. The Hon. Richard Tong’i, M.P - **Vice Chairperson**
2. The Hon. Peter Mungai Mwathi, M.P
3. The Hon. Martha Wangari Wanjira, M.P
4. The Hon. Moses Nguchine Kirima, M.P
5. The Hon. Vincent Kipkurui Tuwei, M.P
6. The Hon. Silvanus Osoro, M.P

IN ATTENDANCE

1. Hon. Patrick Ole Ntutu, Chief Administrative Secretary, Ministry of Interior
2. Hon. Rachiel Shebesh, Chief Administrative Secretary, Public Service
3. Mr. Gordon O. Kihalangwa, Principal Secretary, Immigration
4. Mr. Thomas T. Sakah, Ministry of Interior
5. Ms. Matilda Sakwa, Director General, NYS
6. Mr. Isaac Ngige, NYS
7. Mr. Maurice Mazera, MPSYGA
8. Mr. James K. Tembur, NYS
9. Mr. Daniel O. Bolo, Ministry of Interior
10. Mr. Kelly Lukaku, Ministry of Interior

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - | Third Clerk Assistant |
| 3. Mr. Andrew Shangarai | - | Senior Sergeant At-Arms |
| 4. Ms. Grace W. Karanja | - | Research Officer III |
| 5. Ms. Brigita Mati | - | Legal Officer II |

6. Mr. Edison Odhiambo - Fiscal Analyst III
7. Mr. Rodgers Kilungya - Audio Officer

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
 - (v) Matters Arising
2. Meeting with the Administrative Secretary for Public Service, Youth & Gender Affairs; and Principal Secretary for State Department for Immigration, Border Control & Registration of Persons on inquiry into the Kenya-Somalia Boarder Security Wall Project.
2. Any Other Business

MIN.NO.DC.DFR/2018/219: PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at 10:20am and prayer was said by Hon. Charles Kilonzo, MP. The agenda of the meeting was adopted having been proposed and seconded the by Hon. Dido Ali Raso, M.P and the Hon. Memusi Ole Kanchory, MP respectively.

He then welcomed the CAS, Ministry of Interior and CAS Public Service and other officials to the meeting and thereafter a round of introduction was done.

MIN.NO.DC.DFR/2018/220: PRESENTATION BY THE CHIEF ADMINISTRATIVE SECRETARY, MINISTRY OF INTERIOR & COORDINATION OF NATIONAL GOVERNMENT & CAS PUBLIC SERVICE, YOUTH & GENDER AFFAIRS

The Chairperson invited Hon. Patrick Ole Ntutu and Hon. Rachael Shebesh to make their presentations to the Committee. They informed the Committee that: -

- (i) The Kenya-Somalia Border Securitization Management Committee (KSBSMC) was established by the National Security Council (NSC) through letter Ref. OP.CAB.3/55A dated 30th January, 2015
- (ii) the Chief of Staff and Head of the Public Service addressed to the Principal Secretary, State Department of Interior with a mandate to embark on the implementation of the proposed plan of securitization of the Kenya-Somalia border as approved by NSC
- (iii) The plan involved the development of a border security infrastructure for the Northern and Southern sectors including border patrol roads from border point one (BP1) in Mandera to border point twenty-nine (BP29) in Lamu county (Phase one).
- (iv) The development came in the deteriorating security situation along the Kenya-Somalia border following a series of attacks by Al-Shabaab in Kenya and on vital installations along Kenya's common border with Somalia.
- (v) The initial phase of the project comprised ensuring the construction of fifty (50) kilometers fence in the Northern sector, Mandera and the opening up of the cut-line at Boni forest in the Southern sector, Lamu.

- (vi) The mandate was however expanded by NSC in the financial year 2015/2016 to include construction of the securitization fencing infrastructure from BP1 in Mandera to Elwak, a distance of about one hundred and sixty (160) kilometers and the opening up of a cutline from BP29 in Kiunga to fifteen (15) kilometers North of Kolbio
- (vii) In regards to the implementation status of the project by the time the Ministry of Interior and Coordination of National Government handed over the project to the Ministry of Defence, ten (10) kilometers of wall had already been done from BP1 past Mlima Fisi. Further, another seven (7) kilometers of ditch construction had also been done from BP29 to BP26.
- (viii) By the time the Ministry of Interior and Coordination of National Government handed over the project to the Ministry of Defence, the contractor was the NYS. The Ministry of Defence is in a good position to provide the identity of the current contractors.
- (ix) A presidential pronouncement communicated at the Kenya-Somalia Border Securitization Management Committee (KSBSMC) through the Chairman at their 47th meeting held on Wednesday 23rd November, 2016, stated that the project would be under the KDF with immediate effect.
- (x) This was due to the escalation of insurgent attacks on the project personnel and equipment especially in the Southern sector, Lamu, resulting in the loss of a significant number of civilian and uniformed officers.
- (xi) The presidential directive was therefore implemented with immediate effect to facilitate the continued implementation of the project under heightened security.
- (xii) In regards to the viability of the Kenya-Somalia Securitization Project According to their assessment, the project is very viable and will benefit the country in the following areas:
 - i) Support easy surveillance of the border
 - ii) Provide deterrence to terrorist's incursion
 - iii) Reduce porosity of the long border
 - iv) Facilitate effective control on the movement of persons and goods across the border
 - v) Ease registration of persons
- (xiii) Before the handing over of the project to the Ministry of Defence, the Ministry had expended a total of Ksh. 3,380,353,960.52 as tabulated below:
 - i) Financial year 2014-2015 – Ksh. 887,401,281.10
 - ii) Financial year 2015-2016 – Ksh. 306,108,952.20
 - iii) Financial year 2016-2017 – Ksh. 578,225,240.48
- (xiv) The target area of the project was to develop border security infrastructure for the northern and southern sectors as follows:
 - i) Development of a border patrol road from BP1 in Mandera to BP29 in Kiunga, Lamu county
 - ii) Installation of surveillance equipment
 - iii) Development of the infrastructure of border entry points
- (xv) The mandate was however expanded in the financial year 2015/2016 to include the construction of the securitization fencing infrastructure from BP1 in Mandera to Elwak, a distance of about 160 kilometers and the opening up of a cutline from BP29 in Kiunga to 15 kilometers north of Kajiado.
- (xvi) That no per diem allowance was paid to the officers at both project sites in Mandera and Lamu. On the inception of the project, officers and equipment and machinery were mobilized from the headquarters and rural stations of the various participating government agencies.
- (xvii) The mobilized inter-Agency personnel including the NYS servicemen and officers were paid an initial one off subsistence allowances to cater carter for their accommodation and food while on transit from their various stations to Mandera and Lamu.

- (xviii) On arrival at the project sites in Mandera and Lamu, free accommodation and food was provided for the duration of their stay.
- (xix) A year into the project implementation, it was noted that there was a go-slow by the NYS and MOTI teams who were complaining of non-payment as they were usually paid an allowance for all works done from their duty stations.
- (xx) The complaints were brought to the attention of the Committee of principals of all participating Agencies at their meeting held at Harambee House on 4th March 2016 where it was resolved under Minute 6/04/03/2016 that payment of a flat rate allowance of Kshs.30, 000.00 be adopted for payment of all Agency personnel on the project in the proceeding financial year 2016/17, this approved payment was however not backdated.
- (xxi) The First Team of NYS officers and servicemen who reported to the project site in May 2015 left the site before commencement of implementation of the above directive in the subsequent Financial Year 2016/17.
- (xxii) The Second Team of NYS officers and servicemen were however paid three months subsistence allowance, i.e. July, August and September, 2016.
- (xxiii) The project was officially taken over by KDF at a Kenya-Somalia Border Securitization Management Committee meeting held on Wednesday 24th August 2016 as per KSBSMC MIN.4/24/08/2016 and MIN.9/24/08/2016.
- (xxiv) The Ministry will organize for the payment the pending allowances for the months of October, November and December 2016 as tabulated below

S/no	Year	No of officers	S/Men	No of Months	Rate Kshs	Amount
1.	2016	34	26	3	30,000	5,400,000/=
2.	2016	29	NIL	3	30,000	2,610,000/=
Total						8,010,000/=

- (xxv) Civil works were suspended in the Northern and Southern sectors due to loss of life occasioned by insurgent activities in both sectors. Several IEDs had been detonated by insurgents at the project sites resulting in deaths and injury of personnel and damage to equipment and machinery.
- (xxvi) The decision for withdrawal of NYS officers from the project was made after the transfer of the project to KDF.
- (xxvii) The pending payment of allowances amounting to Kshs. **8,010,000/=** will be paid in due course as detailed above.
- (xxviii) The original total estimated cost of the project was done by the KDF Engineers given that this is a national security project
- (xxix) Summary of total Estimated Cost
 - i) Northern Sector total cost (160 km) 3,533,556,469.50
 - ii) Central Sector total cost (445 km) 1,876,480,326.00
 - iii) Southern Sector total cost (105 km) 2,637,452,145.00
 - Total Estimated Cost 8,047,488,940.50**
- (xxx) The project being security sensitive, the Environmental Impact Assessment was done by KDF Engineers.
- (xxxii) There was no agreement signed on the hiring and payment of NYS officers as they were part of the multi-Agency project implementation committee as sanctioned by the National Security Council (NSAC) through letter Ref. OP.CAB.3/55A dated 30th January 2015 from the Chief of

Staff and Head of the Public Service addressed to the Principal Secretary, State Department of Interior. None of the involved agencies signed any agreement on hiring and payment.

- (xxxii) KShs.1.5 Billion development funds was reallocated and transferred to the Ministry of Defence in November 2016.
- (xxxiii) The project had plans to give back to the community by way of sinking water boreholes at various project sites in Mandera and Lamu for the benefit of the involved communities living around the border. However the boreholes had not been sank at the time of the handing over of the project to KDF.
- (xxxiv) The Governors of Mandera and Lamu Counties promised to support the project by spearheading the sensitization program on the implementation of the securitization project.

The Committee was further informed that;

1. In regards to the immigration implications of the wall and the documentation that will be required for movement of people across the border he submitted that the project has both positive and negative implications as summarized below-
 - i) The wall will enhance the sovereignty of our national border and provide security by ensuring that only the desirable persons and goods are allowed into the country through gazetted entry points.
 - ii) It will regulate and control the entry and exit of persons through the gazetted border control points between Mandera and Kiunga.
 - iii) It will regulate the entry and exit of goods and services and protect local businessmen from counterfeit and unfair prices from smuggled goods through ungazetted entry points.
 - iv) There will be an improvement in revenue collection when movement of persons, goods and services is regulated.
2. The communities along the border were pastoralists and have expressed their concerns against the wall which will curtail their movement together with their livestock. National passports or other recognized valid travel documents will be required for travel as per Kenya Citizenship Immigration Act 2012.
3. There was no agreement signed on the hiring and payment of NYS officers as they were part of the Multi-Agency Project Implementation Committee as sanctioned by the National Security Council (NSAC) through letter Ref. OP.CAB.3/55A dated 30th January 2015. None of the involved agencies signed any agreement on hiring and payment.
4. The project has remained a multi-Agency one as directed by NSAC even after it was taken over by the Ministry of Defence.
5. The Multi-Agency Consultative Meetings would be called from time to time by the convener, KDF on a need basis.
6. In regards to Supplier(s) other than NYS officials who rendered services to the project but are yet to be paid The Ministry confirmed that it was not aware of any suppliers who are yet to be paid as at the time of handing over the project to KDF.

Committee Observations

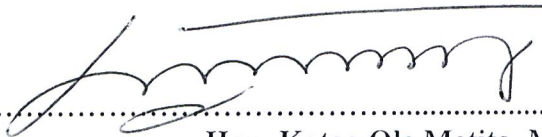
The Committee observed the following:-

1. The Committee noted that the communities along the border were pastoralists and the wall will curtail their movement together with their livestock
2. There was need for more in-depth consultation on the viability and reliability of the project.

3. The Committee noted that the Ministry should prioritize and pay the Eight Million shillings (8,000,000) subsistence allowances to the NYS servicemen and officers
4. The Committee noted that the Ministry did not recognize the Complexity of the project. The wall was to have a series of concrete barriers, fences, ditches and observation posts overlooked by CCTV stations
- * 5. The Defence Forces were advised to develop systems/activities on how to reach out to the local communities

MIN.NO.DC.DFR/2018/221: ADJOURNMENT AND DATE FOR NEXT MEETING

The Chairperson adjourned the meeting at 12:50pm and to reconvene upon notice.

Signed..........

Hon. Katoo Ole Metito, M.P
(CHAIRPERSON)

Date.....16th August, 2018.....

MINUTES OF THE 48TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD ON WEDNESDAY, 18TH JULY, 2018 IN MINI-CHAMBER, COUNTY HALL AT 2.30 PM

PRESENT

1. The Hon. Richard Tong'i, M.P - **Vice Chairperson**
2. The Hon. Yusuf Hassan Abdi, M.P
3. The Hon. Charles Mutavi Kilonzo, M.P
4. The Hon. Patrick Makau, M.P
5. The Hon. Dido Ali Raso, M.P
6. The Hon. Beatrice Nkatha Nyagah, HSC, M.P
7. The Hon. Martha Wangari Wanjira, M.P
8. The Hon. Memusi Ole Kanchory, M.P
9. The Hon. John Lodepe Nakara, M.P
10. The Hon. (Dr.) Lilian Gogo, M.P
11. The Hon. Moses Nguchine Kirima, M.P
12. The Hon. Ernest Ogesi Kivai, M.P
13. The Hon. Caleb Amisi, MP

APOLOGY

1. The Hon. Katoo Ole Metito, EGH, MGH, M.P – Chairperson
2. The Hon. Peter Mungai Mwathi, M.P
3. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
4. The Hon. Nelson Koech, M.P
5. The Hon. Vincent Kipkurui Tuwei, M.P
6. The Hon. Silvanus Osoro, M.P

IN ATTENDANCE

1. Hon. Patrick Ole Ntutu, Chief Administrative Secretary, Ministry of Interior
2. Hon. Rachel Shebesh, Chief Administrative Secretary, Public Service
3. Maj (Gen.) (Rtd). Gordon O. Kihalangwa, Principal Secretary, Immigration, Border Control & Registration of persons
4. Ms. Safina K. Tsungu, MPSY & GA
5. Mr. Thomas T. Sakah, Ministry of Interior
6. Mr. Jeremiah Nyakundi, Ministry of Interior
7. Ms. Matilda Sakwa, NYS
8. Mr. James K. Tembur, NYS
9. Mr. Cornelius N. Ombagi, DYA
10. Dr. Franklin N. Mbale, MPSY, GA
11. Mr. Kanyingi Simon, MPSY& GA
12. Mr. Isaac N. Ngige, MPSY& GA

NATIONAL ASSEMBLY- SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Samuel Kalama | - | First Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - | Third Clerk Assistant |
| 3. Mr. Andrew Shangarai | - | Senior Sergeant At-Arms |

- | | | |
|-------------------------|---|----------------------|
| 4. Ms. Grace W. Karanja | - | Research Officer III |
| 5. Ms. Brigita Mati | - | Legal Officer II |
| 6. Mr. Edison Odhiambo | - | Fiscal Analyst III |
| 7. Mr. Rodgers Kilungya | - | Audio Officer |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
2. Meeting with Chief Administrative Secretaries for Public Service, Youth & Gender Affairs; and Interior & Coordination of National Government on inquiry into the status of implementation of the Kenya-Somalia Boarder Security Wall Project.
2. Any Other Business

MIN.NO.DC.DFR/2018/213: PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at 2:40pm and prayer was said by Hon. John Lodepe Nakara, MP. The agenda of the meeting was adopted having been proposed and seconded by the Hon. Patrick Makau, M.P and the Hon. Charles Kilonzo, MP respectively.

He then welcomed the Chief Administrative Secretary, Ministry of Interior and the Chief Administrative Secretary for Public Service and other officials to the meeting and thereafter a round of introduction was done.

MIN.NO.DC.DFR/2018/214: PRESENTATION BY THE CHIEF ADMINISTRATIVE SECRETARY, MINISTRY OF INTERIOR & COORDINATION OF NATIONAL GOVERNMENT & CAS PUBLIC SERVICE, YOUTH & GENDER AFFAIRS

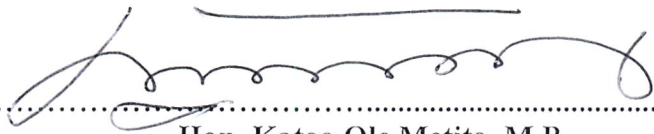
The Chairperson invited Hon. Patrick Ole Ntutu and Hon. Rachael Shebesh to make their presentations to the Committee. They jointly informed the Committee that: -

THAT-

1. The Mandera-Kiunga Kenya-Somalia border securitization project started in March, 2015, with the first team being mobilized to respective sites. The project administration and technical officers from the Kenya Defence Forces (KDF), Ministry of Transport and Infrastructure and National Youth Service (NYS) operated on a drawn work plan that was realistic and achievable to both parties.
2. The multi-agency responsibilities were as follows:
 - a) **Ministry of Interior and Coordination:**
 - i) Overall coordination of the project
 - ii) Payment of allowances and provision of food and ration to all personnel under the project
 - iii) Procurement of fuel and spare parts

MIN.NO.DC.DFR/2018/215: ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 4:10pm and to reconvene on Tuesday, 24th July, 2018 at 10.00am

Signed.....


**Hon. Katoo Ole Metito, M.P
(CHAIRPERSON)**

Date.....
16th August, 2018

MINUTES OF THE 47TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD ON THURSDAY, 5TH JULY, 2018 IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.20 AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP (Chairperson)
2. The Hon. Richard Tong'i, MP (Vice Chairperson)
3. The Hon. Patrick Makau King'ola, MP
4. The Hon. Beatrice Nkatha Nyagah, HSC, MP
5. The Hon. Memusi Ole Kanchory, MP
6. The Hon. Moses Nguchine Kirima, MP
7. The Hon. Nelson Koech, MP
8. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
9. The Hon. Silvanus Osoro, MP
10. The Hon. Ernest Ogesi Kivai, MP

APOLOGY

1. The Hon. Dido Ali Raso, MP
2. The Hon. Charles Kilonzo, MP
3. The Hon. John Lodepe Nakara, MP
4. The Hon. Martha Wangari Wanjira, MP
5. The Hon.(Dr.) Lilian Gogo, MP
6. The Hon. Caleb Amisi, MP
7. The Hon. Vincent Kipkurui Tuwei, MP
8. The Hon. Peter Mungai Mwathi, MP
9. The Hon. Yusuf Hassan Abdi, MP-

National Assembly Secretariat

- | | | |
|---------------------------|---|-----------------------------|
| 1. Mr. Samuel Kalama | - | First Clerk Assistant |
| 2. Ms. Brigitta Mati- | - | Legal Counsel II |
| 3. Ms. Grace Wahu karanja | - | Research Officer III |
| 4. Mr. Yakub Ahmed | - | Media Relations officer III |
| 5. Mr. Rodgers Kilyungu | - | Audio Recording Officer |

**INATTENDEANCE- MINISTRY OF DEFENCE NATIONAL INTELLIGENCE
SERVICE**

- | | |
|-------------------------------------|---------------------------------|
| 1. Mr. Saitoti Torome, CBS | - Principal Secretary |
| 2. Maj. General (Rtd) Philip Kimeru | - DG, NIS |
| 3. Mr. Gerald Sakwa | - Parliamentary liaison Officer |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Confirmation of Minutes from the previous sittings
 - (v) Matters Arising
2. Inquiry into the Status of implementation of the Kenya-Somalia Border ;
3. Any Other Business

MIN.NO.DC.DFR/2018/210 : PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at 10.20 am and the meeting was opened with a word of Prayer from Hon.Richard Tongi, MP. The agenda of the day was adopted after having been proposed by the Hon. Charles Kilonzo and seconded by the Hon. Richard Tongi, MP. The Chairperson communicated the apologies of the Cabinet Secretary for the ministry of Interior and Coordination of National Government because he was scheduled to appear before the Departmental Committee on Administration and National Security.

**MIN.NO.DC.DFR/2018/ 211: MEETING WITH THE PRINCIPAL SECRETARY FOR
DEFENCE, MR. SAITOTI TOROME, & DIRECTOR
GENERAL FOR NATIONAL INTELLIGENCE SERVICE,
MR. PHILIP KAMERU ON THE INQUIRY INTO THE
KENYA- SOMALIA BORDER SECURITIZATION PROJECT**

The Principal Secretary for the Ministry of Defence informed the Committee as follows:

That:-

- a) Illegal trafficking, terrorists and illegal immigration are some of the factors that led to the construction of the wall. These factors spurred from the historical background of Somalia being an unstable country, not a political proclamation, and therefore there was need to come up with an obstacle to channel people towards one direction. The wall is not to stop immigrants from entering Kenya, but it is for having controlled entry points to monitor the flow of the adversaries.

- b) The border is segmented into three parts namely:
 - i) Northern sector: Mandera- Elwak- 160 kilometers
 - ii) Central sector: Elwak- Libat- 445 kilometers
 - iii) Southern sector: Libat- Kiunga- 105 kilometers
- c) All the projects are being done by local contractors because KDF is not able to handle big projects and therefore thought it was easier to protect the contractors handling the project.
- d) At the Mandera border, no man's land is no longer recognized therefore there is a plan to build a two-layer stone wall to differentiate the boundary between Kenya and Somalia. There has, however, been some resistance from communities on the Somalia side to have the border wall erected. Kenya is building the wall with concurrence from the Somalia government for the purposes of maintaining peace.
- e) The Ministry of Defence is engaging the local leadership to sensitize the local community on the border wall security project. Chiefs and local security administration will cover security organization while in regards to arms and contraband, the KDF will handle the issues.
- f) In regards to the viability of the project, as part of the exit strategy from Somalia, there will be policing of borders and building of the wall. There will be a multi-agency approach in border management. The concept of Border Security Management (BSM) will adopt a multi-agency approach to involve as many relevant agencies as possible for an effective border management and control.
- g) The project was transferred from the Ministry of Interior & Coordination to the Ministry of Defence due to delivery on the project. The National Youth Service covered little distance due to disagreements on allowances. In addition, the Kenya Defence Forces (KDF) were mandated to work with the project because of the ammunition coming through the border. It is estimated that the wall should be complete by 2019.
- h) Technologies such as surveillance cameras and sensors, that will cover the wall have been studied by the National Intelligence Service and are working with the Rural Border Police Unit, who will handle the border. In the next three to four years, technology and manpower to patrol the border will have been put in place with the continued support of the KDF. Technology will cover the gaps along the border wall where manpower cannot reach.

- i) Due to the communities living around the border wall, there is a team that has been established to work on border opening points to give communities from Somalia more entrance points into Kenya.
- j) Plans are underway to relocate Kiunga Airstrip to a secure location away from human settlement and for enhanced aerial surveillance.
- k) Local access roads, such as Hindi-Bodhei-Kiunga road are also undergoing upgrades to open up the remote border areas for trade thus economic sustainability
- l) In order to have local participation in the securitization of the border wall, there are plans to ensure water provision to the arid and semi-arid lands by sinking and equipping of additional boreholes for both human and animal use.
- m) In regards to project costing in the 2016/17 financial year, 1.5 billion was transferred from the Ministry of interior. In the 2017/18 financial year, 2 billion was allocated to the project, which is still on-going. However, the budget was cut to 1.5 billion.
- n) The Challenges involved with the project are:
 - i) The slow pace of border re-affirmation
 - ii) Security challenges from Al Shabab and its affiliates
 - iii) Unfavorable weather conditions
 - iv) Minimal availability of both skilled and unskilled labor
 - v) Long lead time in acquisition of spares for machine servicing
 - vi) Encroachment along the international boundary.
- o) The specifications of the wall have not been altered. The present design was adopted after benchmarking visits to India, Israel and the United States of America.

The Committee resolved that-

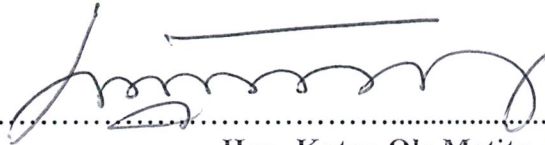
- a) There is need for public sensitization on the building of the security border wall
- b) The Ministry of Defence should provide the cost per kilometer/ or total cost of the wall and names of the contractors to the Committee.
- c) The Committee should schedule a visit to review the progress of the security border wall at Mandera.

- d) There is need to hold a meeting with the Cabinet Secretary for the Ministry of Interior and Coordination of National Government and the Ministry of Public Service, Youth and Gender Affairs on the matter on Wednesday, 18th July, 2018. ✓

MIN.NO.DC.DFR/2018/212: ADJOURNMENT

And time being 12.50 Pm the Chairperson adjourned the meeting until Wednesday, 18th July, 2018.

Signed.....



**Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)**

Date.....

16th August, 2018