

REPUBLIC OF KENYA



PARLIAMENT

*Paper laid on
the table of the
Senate by Sen.
Fatuma Dillo on
15/03/2016*

THE SENATE

ELEVENTH PARLIAMENT

THE STANDING COMMITTEE

ON

NATIONAL SECURITY AND FOREIGN RELATIONS

A REPORT ON THE STUDY VISIT TO RUSSIA

21st TO 25th SEPTEMBER, 2015

Approved

SEN
9/3/16
Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

*You Speaker
You may approve
for tabling.*

08/03/16

March, 2016

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ABBREVIATIONS

BASA Bilateral Air Service Agreement

GDP Gross Domestic Product

EST Estimates

IAAF International Association of Athletics Federations

KTB Kenya Tourism Board

MVD Ministry of Internal Affairs

SEN Senator

PREFACE

Mr. Speaker Sir,

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

EXECUTIVE SUMMARY

Mr. Speaker Sir, the Standing Committee on National Security and Foreign Relations visited Russia from 20th – 25th September, 2015 on the invitation of its counterpart Committee on Foreign Affairs of the Federal Council of the Russian Federation.

This visit was necessitated by an agreement which was signed in May, 2012 between the Speaker of the Federal Council of the Federal Assembly of the Russian Federation H.E. Ms. Valentina Matvienko and the Speaker of the National Assembly H.E. Mr. Kenneth Marende.

The Committee thus sought to establish partnerships and linkages with the counterpart Committees within the Federal Council of the Russia Federation.

Mr. Speaker Sir, the agreement inter alia states that;-

- a) The parties undertake to enhance inter-parliamentary cooperation to strengthen the friendship and the development of multilateral cooperation between the Republic of Kenya and the Russian Federation; and*
- b) The parties shall exchange visits of delegations to promote closer cooperation between their Committees and groups of cooperation; and*
- c) The parties shall promote bilateral consultations between their delegations at various international parliamentary organizations including the Inter-Parliamentary Union in order to consolidate peace and strengthen international security and the regional stability.*

In this regard the Kenyan delegation held meetings with leadership of various state organs, namely;

- a) The Federal Council,
- b) The Federal Council Committee on Foreign Affairs,
- c) The Ministry of Interior,
- d) Ministry of Foreign Affairs
- e) The Department of External Cooperation, Federal Migration Service

The Committee observed that there were valuable lessons to be learnt and opportunities to be gained from the Russian experience of Federalism and their Security arrangements. The Committee specifically appreciated the challenges that Russia had faced and overcame. The visit exposed the Committee to Legal, Institutional and policy frameworks necessary for the successful implementation of security management.

The Committee also observed that the Russians know very little about Africa in general and Kenya in particular. The Russian market remains untapped both in terms of trade and tourism promotion and that there are quite a number of agreements that are pending on the Kenyan side that once actualized will enhance and promote, Trade, Tourism,

Security, Education, Health, Promotion and Protection of investments, Emergency and Disaster Management.

Following the deliberations and observations made, the Committee recommends as follows for consideration and subsequent adoption by the National Executive and Legislature:

- a) The agreement signed between the National Assembly of Kenya and the Federal Council of Russia in 2012 be implemented and reviewed where necessary to accommodate the Kenyan bicameral Parliament system;
- b) Government departments/ Agencies should be proactive in promoting Kenyan goods and services in the Russian Federation and countries of accreditation. Kenya Tourism Board (KTB) and the Kenya Export Promotion Council's have little or no presence in the region;
- c) There is need to establish a tracking mechanism on the implementation of all signed treaties between the two countries; and
- d) There is need to establish a legal framework for cooperation of the two Countries on security related activities.

Acknowledgement

Mr. Speaker Sir, the delegation wishes to thank the Offices of the Speaker and the Clerk of the Senate for allowing Senators to undertake the visit to the Federation of Russia and for the facilitation, planning and organizing of the travel and the necessary logistics arrangements.

The delegation appreciates the assistance given to the Senators by the Ministry of Foreign Affairs and the Kenyan Embassy in Moscow, in terms of hospitality, organizing, coordinating and planning of the visits.

Special gratitude also goes to the Federal Council of the Federal Assembly of Russia and in particular the Committee on Foreign Affairs and its staff for their invitation and sharing of their experience and knowledge with the Committee during the visit.

Mr. Speaker Sir, it is my pleasant duty pursuant to Standing Order 203 (6) to present the Report of the National Security and Foreign Relations Committee on its visit to Russia for consideration by the House.

I thank you all.

Signed.......... Date.....*4th March 2016*.....

SEN. Mohammed Yusuf Haji, EGH, M.P.

CHAIRPERSON, STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS.

CHAPTER ONE: INTRODUCTION

Russia is the largest country in the world with an area of 17 098.242 square kilometers. Russia straddles Eastern Europe and Northern Asia and borders 16 countries including: North Korea, China, Mongolia, Kazakhstan, Azerbaijan and Georgia Ukraine, Belarus, Latvia, Estonia, Finland, Norway, Lithuania and Poland. The Population of Russia is 143.800 million people (Est. 2014). The capital is Moscow.

Political Structure

Russia is a Federal Republic with a Head of State currently President Vladimir Putin and a Prime Minister as the Head of Government who is currently Mr. Dmitry Medvedev.

The Russian Federation is governed under the constitution of 1993. The Head of State is popularly elected and is eligible to serve two consecutive terms and additional nonconsecutive terms. The length of the term was extended from four years to six years beginning 2012. The president appoints the Prime Minister.

The legislature, or Federal Assembly, is divided into an upper Federation Council and a lower State Duma. The Federation Council has 170 members, consisting of two representatives from the governments of federal territories and their terms are parallel to the terms of the governmental body that elected them. The State Duma has 450 members. The seats are distributed proportionally among parties whose national vote is at least 7%. Members of the State Duma serve five-year terms.

Kenya – Russia Relations

Kenya opened her Embassy in Moscow, USSR in 1964 just after attaining her independence in 1963. It is therefore, one of the oldest African Embassies in Russia. The Embassy is also accredited to Belarus, Kazakhstan and Ukraine.

Kenya and Russia enjoy warm and cordial relations. The relations were strengthened during the visit of H.E. President Uhuru Kenyatta to Russia in August 2013 during the 14th International Association of Athletics Federations (IAAF) World Championships; The visit to Kenya by Hon. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation in November, 2010. (The first official visit by a Russian Foreign Minister to Kenya); the visit by Hon. Gennadiy Gantilov, Deputy Minister of Foreign Affairs of the Russian Federation during the United Nations Environmental Assembly, 23 – 28 June 2014 during which he met and held bilateral talks with Amb. Amina Mohamed, Cabinet Secretary for Foreign Affairs.

○

Foreign Ministers of Russia and Kenya signed a Memorandum of Understanding for ~~Ministerial Consultations in May 1997, in Moscow. Last round of the consultations was held in Nairobi in November 2009.~~

In 2011 Russia supported Kenya's effort to obtain a deferral of the ICC cases. It is currently supporting Kenya's efforts to combat terrorism through provision of training of the Kenyan police.

The existing Bilateral Air Services Agreement (BASA) between the two countries was signed in 1983. Russia has proposed a re-negotiation of the same to provide for the direct flights between Nairobi and Moscow as another way of promoting trade between Kenya and Russia. Currently Kenya Airways and Aeroflot – The Russian Airlines operate a code sharing arrangement (Sky team) based on a commercial agreement on joint operation of the Moscow - Dubai - Nairobi route.

At least 60 Kenyan students enroll in Russia's institutions of higher learning annually. Currently, over 420 Kenyan students are studying in various institutions in Russia. Since 2014, the Russian Government increased the number of annual scholarships to Kenya to 40.

Economic Matters

Russia has the world's largest reserves of mineral and energy resources and is the largest producer of oil and natural gas. It is the tenth largest economy in the world with a GDP of US\$ 1.86 trillion; GDP per capita of US\$ 14,316.64 (est. 2014).

Trade between Kenya and Russia is relatively low. The main exports to Russia include: tea, coffee, cut-flowers, tobacco, vegetables and fruits. Imports from Russia include: agro-chemicals, fertilizers, iron and steel products, paper and paperboard, zinc and rubber products. In 2013, Kenyan's exports to Russia were valued at Kshs. 6,830,807,048 compared to Kshs. 23,181,915,814 of imports. ○

Some of the Kenyan exports to Russia e.g. flowers were affected by retaliatory sanctions by Russia against EU countries, some of whom offer export channels for Kenyan products to Russia.

Despite the above, Kenya is the second largest trading partner for Russia in Africa after Nigeria. There is need to diversify however, areas of trade to include other products especially minerals so as to improve the balance of trade. Direct flights between Moscow and Nairobi have also been proposed as a means of enhancing trade and economic relations between Kenya and Russia.

Proposed Bilateral Agreements/Memoranda of Understanding have been drawn for cooperation between Kenya and Russia in the following sectors: Bilateral Air Services Agreement; Tourism; Avoidance of Double Taxation with respect to taxes on Income; Reciprocal Promotion and Protection of Investments; Bilateral trade agreement; and

Agreement on Establishment on Intergovernmental Commission on, Scientific and Technological Cooperation. Negotiations are ongoing.

Russia maintains a keen economic and business interest especially in the energy and manufacturing sectors, and the LAPSET projects.

CHAPTER TWO: MEETINGS AND DELIBERATIVE SESSIONS

2.1. The Federal Council, Committee on Foreign Affairs.

On Monday 21st September, 2015, the Committee had its first meeting at the Federal Council, an upper Chamber of the Russian Federal Assembly and had a meeting with its counterpart Committee on Foreign Affairs.

The host delegation led by the Vice Chairman of the Committee Mr. Igor Morozov welcomed the Kenyan delegation and thanked them for accepting and honouring the invitation of the Committee through the Chairperson Mr. Konstantin Kosachev. He expressed the mutual friendship that exists between Kenya and Russia and informed the Committee that:-

- a) There is need for a continuous engagement and peer review between the two chambers and Country's as a whole especially in matters of security, trade and international relations;
- b) The Council of the Federation is the upper chamber of the Federal Assembly — the Parliament of the Russian Federation;
- c) According to Article 95, part 2 of the Constitution of the Russian Federation, two deputies from each subject (constituent entity) of the Russian Federation enter the Council of the Federation: one from representative and the other from executive body of state authority;
- d) The Federal Council of Russia is comprised of 170 members, with each of the 85 regions represented by two Members each. Similar to other jurisdictions with federal and devolved systems of government, the senate represents the interests of the states at the national government and is the upper house;
- e) The Federal council believed in mutual cooperation and respect and called on the exchange between the two Committees to be enhanced;

The leader of the Kenyan delegation, Sen. Mohammed Yusuf Haji on his part thanked the host for inviting the Committee to the Federal Council. He noted that the Russian Federation had increased its scholarship funding to Kenya and urged them to continue supporting Kenya in the areas of Security, Trade and Investments. He further welcomed the Chairman of the Host Committee to Visit the Parliament of Kenya to increase the relationship between the two legislatures.

During the deliberations, the following matters emerged;

- a) That the relationship between Russia and Kenya, though cordial, had not fully exploited its full potential;

- b) That various opportunities exists in Africa and in particular Russia should focus on Kenya to boost its tourism and assist in the exploitation of natural resources, horticulture among others;
- c) The Challenge of Global terrorism should be combated using a cooperative approach and should be guided by the principle of non-interference of sovereign states;
- d) Intense benchmarking and experience and technology sharing is vital to boost Kenya's defense capabilities and combat global terrorism;
- e) There was need for Russia to continue offering scholarships to deserving Kenyans and indeed consider increasing the quota especially in Medical courses;
- f) That the two countries should engage and expedite the resumption of direct flights between Russia and Kenya to
- g) The two countries should engage on a bilateral level on the possibility of introducing a school exchange programme; and,
- h) There was need for regular updates on the progress made in actualizing any bilateral agreement signed by the two nations.

The Host thanked the Kenyan delegation and informed them that he will be accompanying the Chairperson on her trip to Kenya in early October, 2015.

2.2 Deputy Minister, Ministry of Foreign Affairs

In the afternoon of Monday, 21st September, 2015, the delegation met with senior management of the Ministry of Foreign Affairs led by the Deputy Minister of Foreign Affairs Mr.M.L. Bogdanov.

During the deliberations, the host delegation expressed the importance of a strong bilateral tie between the two countries in fostering trade, security and investment. They acknowledged that the ties date back to the independence era of the 1960's, and there was a desire to deepen the ties between the two countries.

The Deputy Minister informed the Committee that;-

- a) Russian foreign policy was guided by a principle of non-interference of sovereign states. They had been increasingly interacting with regional bodies in Africa and strongly felt the need for Africa to be represented in the United Nations Security Council;
- b) Close to 80% of the business of the United Nations Security Council was in regard to African issues and urged Kenya and other African Nations to be more proactive in initiating the Agenda at the Security Council;

- c) Various business forums had been held with an aim of increasing trade between the two countries. This is coupled with various campaigns conducted by the Kenyan embassy in Moscow in promoting Kenyan opportunities in Russia;
- d) There were various draft bilateral agreements that had been signed in the past years but are yet to be implemented;
- e) The Senate of Kenya should consider following up on the various outstanding agreements which are under consideration by the Kenyan Government. They specifically singled out the proposed agreement necessary for the setting up of an Intergovernmental Commission on Research, Science and Technology;
- f) The delegation underscored the importance of the legislative arms of Government being involved in bilateral negotiations to boost the oversight of implementation of the same;

The Kenyan delegation on its part acknowledged that Russia was the first country to establish a diplomatic mission in Kenya immediately after independence. They acknowledged the role Russia is playing in fighting piracy and terrorism within the horn of Africa region and championing the course of Africa in the United Nations Security Council. They however noted that the bilateral relation between the two countries required to be improved in areas of mutual interests. Possible interest areas mentioned were defense, Education and investment promotion. The Kenyan delegation undertook to follow up on the implementation of the outstanding bilateral agreements in Kenya.

2.3 Department of External Cooperation, Federal Migration Service.

On Tuesday, 22nd September, 2015, the delegation visited the State Department of External Cooperation, Federal Migration Service and was hosted by Ms. Ilya Malenko, First Deputy Head of the Federal Migration Services.

The host delegation welcomed the Kenyan delegation and noted that the visit was timely given the mutual threats and challenges experienced by the two countries.

The Kenyan delegation expressed gratitude for the good reception they had received since they entered Russia. The delegation informed the host of its mandate and that they were keen to learn more about the Russian Migration Policy, Management of Border Security and Control, Capacity building of immigration officers; and, The Use of information technology in border control.

In their presentation the hosts outlined the Russia experience in the concerned areas as follows:

- a) That Russia had currently 13 million foreigners in all its territories and management of these foreigners is a priority for the country;

- b) That Russia, through its 16 state agencies had developed an integrated Migration Policy to address common issues of social cultural nature;
- c) Russia used both manpower and technology to properly manage its borders and It was also as a result of the great number of immigrants who come into Russia both legally and illegally that necessitated the development of this system;
- d) The Committee was taken through a power point presentation on the information technology system which had been developed by Russian agencies and which managed the immigration system. The system had the capability to among others:
 - i) Identify the flow of foreigners in Russia;
 - ii) Notify authorities when a foreigner had violated the law of Russia;
 - iii) Had up to 137 different search domains that could be used to manage foreigners; and,
 - iv) Maintain an accurate database of all foreigners in Russia and their status.

In response, the head of the Kenyan delegation acknowledged the great advances in migration control in Russia and existence of a great opportunity in technology sharing and transfer to Kenya. He noted that such a system, if customized to meet Kenyan standards could assist Kenya border control management.

The possibility of training immigration officers was floated as a good idea with the possibility of Russia hosting a training center in Kenya as a regional hub. Such trainings were however proposed to be on a cascading principal where a select group is trained by the Russians with a mandate to further train Kenyan officers. This however, required a bilateral agreement on Security which could be initiated by the Kenyan Government.

The Chairperson reiterated the immense importance of bilateral cooperation on matters of security and assured the hosts that the Committee would follow up on the possibility of initiating such an agreement. He thanked the hosts for sharing their experiences and expressed confidence that the engagement will lead to greater cooperation between the two countries.

2.4 Deputy Chairperson of the Federal Council

On Tuesday afternoon, the delegation paid a courtesy call to the Deputy Chairperson of the Federal Council of the Federal Assembly of the Russian Federation Mr. Ilas Umahanov.

The hosts, in their remarks welcomed the Kenyan delegation and noted that;-

- a) The timeliness of the visit, given that the Chairperson of Federal Council was due to visit Kenya on 7th and 8th October, 2015;
- b) The Federal Council had, in 2012, signed an MOU with the Speaker of the National Assembly of Kenya which *inter alia* stated that;-
 - i) *the parties undertake to enhance inter-parliamentary cooperation to strengthen the friendship and the development of multilateral cooperation between the Republic of Kenya and the Russian Federation; and*
 - ii) *The parties shall exchange visits of delegations to promote closer cooperation between their Committees and groups of cooperation;*
- c) He expressed the importance that Russia places on Kenyan cooperation's and hence why the Chairman of the council had chosen Kenya as the only Africa country she would visit in her upcoming visit to Africa;
- d) He acknowledged that Russia had not been very visible in Africa but had since taken a proactive approach to remedy the situation and
- e) The Council of the Federation is involved in the activities of 17 international and interregional parliamentary organizations, promoting contacts with the parliaments of nearly 100 countries; it signed more than 60 cooperation agreements and protocols with the foreign parliaments and international organizations.

The Kenyan delegation led by Sen Yusuf Haji thanked the Deputy Chairman for hosting the Kenyan delegation and indeed expressed the pleasure on the upcoming visit by the Russia delegation to Kenya. The delegation resolved that they are going to study the agreement with a view of reviewing it to encompass the Senate in Kenya as its counterpart house. The delegation noted that the agreements should be expanded to include other areas of mutual cooperation such as terrorism, trade and legislative partnership;

2.5 Deputy Minister, Ministry of Internal Affairs

On Wednesday, 23rd September, 2015 the Kenyan delegation visited the Ministry of Internal Affairs. The host delegation led by Mr. Zubkov Igor Nikalacvich, Deputy Minister for Internal Affairs welcomed the delegation and informed them that;-

- a) Their primary responsibility was internal security and primarily oversaw the Police operations;
- b) The Ministry of Interior (MVD) is a federal executive body responsible for drafting and implementing government policy and legal regulation in the sphere of internal affairs, and migration;

- c) The MVD carries out regular police functions, including maintenance of public order and criminal investigation. It also has responsibility for fire fighting and prevention, traffic control, automobile registration, transportation security, issuance of visas and passports, and administration of labor camps and most prisons;
- d) MVD agencies exist at all levels from the national to the municipal. MVD agencies at lower operational levels conduct preliminary investigations of crimes. They also perform the ministry's policing, motor vehicle inspection, and fire and traffic control duties;
- e) There was no legal framework on cooperation with Kenya on Security but the two states had been cooperating on mutual benefit and trust. It was on this basis that the Russian Federation had this year (2015) trained 17 Kenyans on Security and was willing to train other officers as the Kenyan Quota had not been exhausted;
- f) He expressed the importance of cooperation in boosting national security agencies capacity to maintain law and order in their jurisdiction. He also stressed the importance of the legislature being involved at all levels of security management for a country to be successful;

The Kenyan delegation appreciated the reception accorded to them by their host and the assistance that Russia had offered to Kenya. The delegation flagged out key areas of possible cooperation on internal and international security. Key among these was the possible capacities building on inter agency command and control mechanisms and Special Forces training. They also urged the Russians to consider setting up a maintenance operation factory in Kenya to help in maintenance of MI 17 aircrafts sold to Kenya.

The two delegations concurred that a legal framework was important for effective operationalization of a security partnership. They agreed that a bilateral agreement will be pursued to this end to fully achieve mutual benefits on security.

2.6 Courtesy Call and Engagement with Officials of the Kenya Embassy in Moscow

On Friday, 25th September, 2015 the delegation paid a courtesy call to the Kenyan Embassy in Moscow. The Committee met with the Kenyan embassy staff and during the deliberations the Kenyan Ambassador Dr. Paul Kurgat who was very instrumental in organizing for the appointments and the programme for the delegation informed the Committee that:-

Kenya Embassy in Moscow, Russian Federation is also accredited to Ukraine, Belarus and Kazakhstan. There are currently five home based officers and 11 local staff. While appreciating that the mission was facilitated with a new representational car in 2014 and that the mission has been able to pay for rents, salaries and allowances and

school fees without a hitch, several other critical areas need to be addressed. These are:

a) Government Property

The government needs to urgently consider purchasing/constructing buildings to house the chancery, official residence and residences of home based officers to cut on expenditure. The rents in Moscow are very high with the mission paying KShs 43 Million annually for the official residence and Chancery and Kshs.30 Million for the apartments for 5 home based officers. The rents continue to increase at a rate of 10% annually. There exists a possibility of obtaining a mortgage with Russian banks to fund the project.

b) Embassy Vehicles

Except for Mercedes S400 and Mercedes S350, the others namely the Mercedes E240, Peugeot, Toyota van and the Nissan X-trail utility vehicles are over 10 years old and therefore not eligible for comprehensive insurance. The Mission therefore requires a van (Utility vehicle) for use by school going children, delegations and staff to and from office.

c) Staffing Levels

Considering the territory of representation (Russian Federation, Ukraine, Belarus and Kazakhstan) the mission urgently requires an increase in the staffing level: an educational attaché, immigration attaché and one political officer (to cover Eurasian Community Affairs) are required to be able to represent the Country effectively.

The Mission also requires hiring of a driver and a yardman. The new driver should be able to speak both English and Russian and will be useful when we have visiting delegations or incase the Mission has an Ambassador who does not speak Russian.

d) Enhanced Budget

The Embassy has been experiencing funding crisis. Currently the Embassy cannot procure some services due to underfunding. The item on contracting of professional services is required for snow removal, cleaning of curtains and carpets, fumigation services and maintenance of CCTV and TV cables.

S. No	Item/service 201	Required amount in Kshs for 2015/16 FY	Allocation in Kshs for 2015/16 FY
1	Medical insurance for Home Based Officers	13,000,000	8,000,000
2	Building Insurance for (Chancery/Residence)	10,000,000	50,000
3	Trade promotion	2,000,000	0

4	Purchase of office furniture	1,000,000	0
5	Contracting of professional services	1,500,000	210,000

e) Emergency Fund and Bursary

Majority of the Kenyan Diaspora in the Russian Federation and countries of accreditation are students. These students are on partial government scholarships or privately sponsored. The Embassy therefore suggests that an emergency fund to cater for death, deportation, medical and incapacitation of Kenyan Diaspora be setup at the Ministry of Education or the Ministry of Foreign Affairs to meet such expenses when they arise. The students could also be given top up as bursary especially those on government scholarship to help meet daily upkeep expenses as there are no part time jobs which the students can engage in.

f) Promotion of Kenyan Goods and Services

Government departments/ Agencies should be proactive in promoting Kenyan goods and services in the Russian Federation and countries of accreditation. Kenya Tourism Board (KTB) and the Kenya Export Promotion Council's have no presence in the region. Russians know very little about Africa in general and Kenya in particular. The Russian Market remains untapped both in terms of trade and tourism promotion.

g) Fast Tracking of Agreements/MoUs

A mechanism for fast tracking and following up Agreements/MoUs needs to be established. This is because several agreements have been pending especially on the Kenyan side. The Mission makes regular consultations i.e. phone calls and courtesy calls as follow up on the agreements on the Russian side

	Draft Agreements/MoUs	Status
1	Agreement on Promotion and Reciprocal protection of investments	In the Russian side. Trade Agreement can only be between Kenya and EEC
2	Bilateral Air Services Agreement	Awaiting response from Ministry of Transport of Russian Federation (Ref. KEM/091/13A/1a (38) Dated 11 th November 2013
3	Agreement on the cooperation in the field of Tourism	Awaiting Response from the Ministry of Tourism Russian Federation Ref. KEM/091/13A/1a(43) dated 4 th August 2014
4	Review of the Agreement on cultural,	In the Russian side (Note No.

	scientific and educational cooperation between Kenya and USSR	276/10/13 dated 29 th October 2013)
5	Agreement on cooperation in the field of education and science with Belarus	In the Kenyan side (Ref. KEM/041/6A(65) Dated 26 th September 2013)
6	Agreement on cooperation in the field of education and science with Ukraine	In the Kenyan side (Ref. KEM/310/11(65) Dated 22 nd September 2013)
7	MoU on cooperation in Emergency Situations and Elimination of consequences of Disaster	Waiting response from Ministry of Emergency Situations of RF Ref. KEM/091/13A/1a(33) dated 29 th October 2013
8	Review of protocol on cooperation and regular consultation between the MFA of Kenya and RF	MFA&IT Kenya to initiate the review. (Ref. MFA.REL 13/39 dated 18 th July 2014)

h) Local Staff Welfare

Local Staff Social Security and Medical care to be factored in future budgets

CHAPTER THREE: OBSERVATIONS AND RECOMMENDATIONS

3.1. Observations

The following observations were made from the various interactive meetings that were held:-

- a) In May 2012, the Speaker of the National Assembly of the Republic of Kenya H.E. Mr. Kenneth Marende signed an agreement with the Speaker of the Federation Council of the Federal Assembly of the Russian Federation H.E. Ms. Valentina Matvienko which stated that;-
 - i) The parties (Parliament of the Republic of Kenya and the Federation Council of the Federal Assembly of Russia) shall facilitate within its competence the implementation of internal procedures in respect of international treaties signed between the Russian Federation and the Republic of Kenya and further development of cooperation between the two countries;
 - ii) The parties undertake to enhance inter-parliamentary cooperation to strengthen the friendship and the development of multilateral cooperation between the Republic of Kenya and the Russian Federation;
 - iii) The parties shall exchange visits of delegations to promote closer cooperation between their Committees and groups of cooperation;
 - v) The parties declare their intention to exchange information on legislative and parliamentary procedures, recommendations on open hearings as well as other documents of mutual interest in accordance with national laws and regulations of the parties; and
 - vi) The parties shall promote bilateral consultations between their delegations at various international parliamentary organizations including the Inter-Parliamentary Union in order to consolidate peace and strengthen international security and the regional stability.
- b) A mechanism for fast tracking and following up of Agreements/MoUs needs to be established by the Ministry of Foreign Affairs and International Trade, with the annual report submitted to Parliament. This is because several agreements have been pending especially on the Kenyan side. The Mission makes regular consultations i.e. phone calls and courtesy calls as follow up on the agreements on the Russian side;
- c) Russians know very little about Africa in general and Kenya in particular. The Russian Market remains untapped both in terms of trade and tourism promotion;

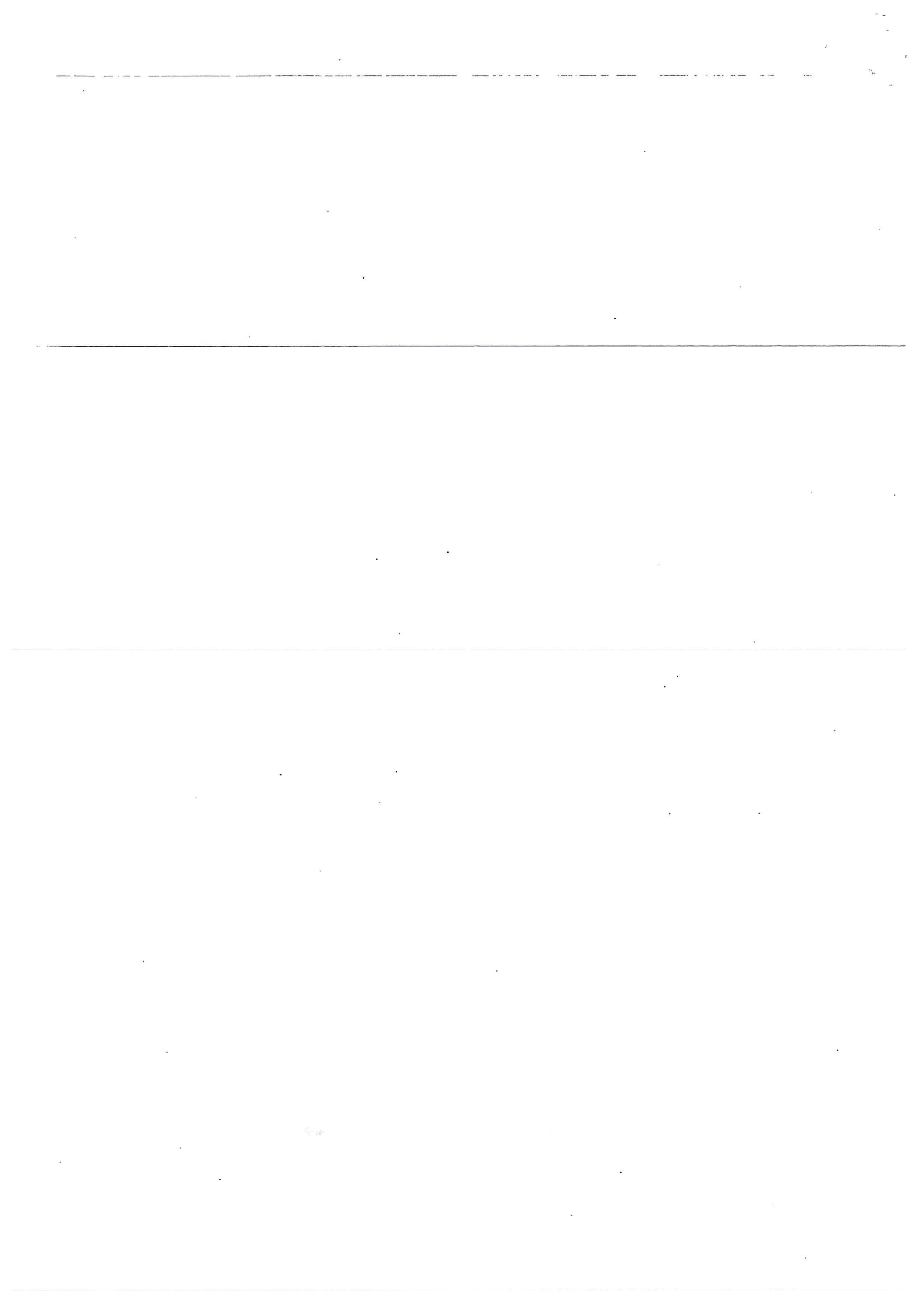
- d) The rents in Moscow are very high with the mission paying KShs 43 Million annually for the official residence and Chancery and 30 Million for the apartments for 5 home based officers. The rents continue to increase at a rate of 10% annually. There exists a possibility of obtaining a mortgage with Russian banks to fund the project;
 - e) Majority of the Diaspora Kenyans in the Russian Federation and countries of accreditation are students. These students are on partial government scholarships or privately sponsored;
-

3.2. Recommendations

The Committee recommends as follows:-

- e) The agreement signed between the then National Assembly of Kenya and the Federal Council of Russia in 2012 be reviewed and implemented where necessary to accommodate the current bicameral Parliament status in Kenya;
- f) Government departments/ Agencies should be proactive in promoting Kenyan goods and services in the Russian Federation and countries of accreditation through media adverts, trade exhibition and delegation, cultural and tourism fairs etc. Kenya Tourism Board (KTB) and the Kenya Export Promotion Council's have no presence in the region. Russians know very little about Africa in general and Kenya in particular. The Russian Market remains untapped both in terms of trade and tourism promotion;
- g) The government needs to urgently consider purchasing/constructing buildings to house the chancery, official residence of the Ambassador and residences of home based officers as a long term cost cutting measure;
- h) An emergency fund to cater for death, deportation, medical and incapacitation of Kenyan Diaspora community be setup at the Ministry of Education or the Ministry of Foreign Affairs to meet such expenses when they arise. The students could also be given top up as bursary especially those on government scholarship to help meet daily upkeep expenses as there are no part time jobs which the students can engage in;
- i) That the Russian Federation to increase its scholarship Quotas to Kenya students and possibly upgrade them to full Scholarship status. This could be further enhanced by the introduction of school exchange programme;
- j) That the Russian Federation considers tailoring and allocating oncologic training scholarships and technology transfer to Kenya;
- k) That the Russian Federation consider sharing experiences and training on re-socialization of convicted felons in their correction facilities and strategies for possible application;

- l) There is need to establish a tracking mechanism on the implementation of all signed treaties between the two countries by the Ministry of Foreign Affairs and International Trade and the attorney General's Office and make annual reports to Parliament;
- m) The Republic of Kenya should maximize the uptake of its Quota on the training of special security forces;
- n) That the two Countries explore possibilities in sharing technology, expertise and resources in the fields of Oil and Gas exploration and Nuclear energy development;
- o) That the Kenyan Government should fast track the processing of the instruments necessary to establish the formation of the Intergovernmental Commission on Science and Technology;
- p) That the Russian Federation to Champion the Interests of the African Continent and particularly the East African Community on the UN Security Council and specifically the inclusion of Africa as a permanent member of the Council;
- q) That Kenya should encourage a Pan African Approach on the fight against terror in the region;
- r) That African countries should improve their Agenda setting mechanisms at the UN Security Council and not rely on Western powers to set their Agendas;
- s) That the GOK should initiate a bilateral agreement on Visa facilitation to ease movement of persons;
- t) That the Russian Federation considers the possibility of taking in Kenyan Immigration officers for Internship at the Russian Migration Services;
- u) There is need to establish a Legal framework between the two Countries for cooperation on security related activities;
- v) That the two countries to explore possibility of training Kenyan Command officers on Inter Agency Command and Control, and for Kenya to provide details of Capable officers for training who can further train their colleagues in Kenya;
- w) That the two countries develop Sector specific agreements in a bid to operationalize the broad agreements;
- x) That a joint effort by the two Countries should be undertaken to ensure a safe and stable Somalia State;



MINUTES OF THE ELEVENTH MEETING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS HELD ON WEDNESDAY, 18th MARCH 2015, AT THE KENYATTA INTERNATIONAL CONVENTION CENTRE (K.I.C.C) 2ND FLOOR BOARDROOM, AT 10:00 A.M.

PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Sen. Mohamed Yusuf Haji | - Chairperson |
| 2. Sen. Dullo Fatuma Adan | - Vice Chairperson |
| 3. Sen. (Eng.) Hargura Godana | - Member |
| 4. Sen. James Orengo | - Member |
| 5. Sen. Moses Wetangula | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------|----------|
| 1. Sen. Elizabeth Ongoro | - Member |
| 2. Sen. Mike Mbuvi Sonko | - Member |
| 3. Sen. Kembi Gitura | - Member |
| 4. Sen. G. G. Kariuki | - Member |

IN ATTENDANCE

THE SENATE

- | | |
|--------------------------|------------------------|
| 1. Mr. Joseph Kariuki | - Clerk Assistant |
| 2. Ms. Josephine Kusinyi | - Senior Legal Counsel |
| 3. Mr. Said Osman | - Research Officer |
| 4. Ms. Sarah Rukwaro | - Sergeant at arms |

MIN. NO.43/2015

- PRELIMINARIES

The Chairman called the meeting to order at 10:20 a.m. and welcomed the members to the meeting. This was followed with a word of prayer.

MIN. NO.44/2015

- ADOPTION OF THE AGENDA.

AGENDA

1. Adoption of the Agenda,
2. Confirmation of 5th, 6th and 7th sittings minutes.
3. Matters Arising
4. Petition for the plight of fishermen in Busia
5. Any other Business
6. Date of next meeting
7. Adjournment

The Agenda was adopted after being proposed by Sen. James Orengo and seconded by Sen. Moses Wetangula.

MIN. NO.45/2015

CONFIRMATION OF MINUTES.

The Committee confirmed the minutes of the 5th and 6th meetings as a true record of the previous deliberations after they were proposed and seconded by Sen. James Orengo and Sen. Moses Wetangula respectively.

The Minutes of the 7th meeting were confirmed as a true record of the previous deliberations after they were proposed and seconded by Sen. Moses Wetangula and Sen. Fatuma Dullo respectively.

MIN. NO.46/2015

MATTERS ARISING FROM THE MINUTES.

There were no matters arising from the minutes.

MIN. NO.47/2015

CONSIDERATION OF THE PETITION ON THE PLIGHT OF FISHERMEN IN BUSIA COUNTY.

The Committee directed that this agenda item be deferred and be considered during the next meeting.

MIN. NO.48/2015

CONSIDERATION OF THE REPORT ON THE VISIT TO MANDERA, AND KAPEDO.

The Committee resolved to consider ~~the draft report on the visit to Mandera and Kapedo~~ which had been circulated to members ~~for consideration in the subsequent meeting~~. The Committee made the following observations and resolved that they be incorporated in the report for consideration during the next meeting.

- a) The report's wordings were mild and needed to come out very strongly and create an impact.
- b) The recommendations were shallow.
- c) Among the recommendations, the report should include the support of the respective county governments in improving security.
- d) Police officers from the local community should be posted in the area, as they were well acquainted with the area. This recommendation had its challenges as observed by the members.
- e) The police handling of intelligence was undesirable with cases of intelligence leaking to the criminal gangs, thus endangering the lives of the police informers and
- f) Security agencies should be made more accountable for their actions or omissions.

MIN. NO.49/2015

- THE SUBMISSIONS ON THE
REGISTRATION AND
IDENTIFICATION OF PERSONS BILL,
2014.

The legal counsel circulated a copy of the Bill that was drafted by the Ministry of Interior and Coordination of National Government and a similar Bill from the Commission on the Implementation of the Constitution to the members. The Committee resolved to go through the two Bills and present their views during the meeting that was scheduled for Tuesday 24th March, 2015.

MIN. NO.50/2015

- ANY OTHER BUSINESS.

- a) The Chairman read an invitation letter from the Parliament of Russia to the Committee and members agreed that the preferred dates for travel would be considered during the next meeting.
- b) A member proposed that the committee ought to host an international security conference. It was noted that that idea was dependent on the availability of funds and
- c) The members wanted to know how the money allocated to the committee was spent and how much money the committee had.

MIN. NO.51/2015

- ADJOURNMENT AND DATE OF NEXT
MEETING.

The meeting was adjourned at 11:12a.m. The date of the next meeting was set for Tuesday 24th March 2015.

SIGNED:.....


CHAIRPERSON

DATE:.....

12/5/2015

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The following issues were discussed under matters arising:-

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

The Committee was noted that;-

- i) The proposed Kamkunji with the Security Chiefs scheduled for Thursday 21st May 2015 aborted because the Cabinet meeting was scheduled on the same day,
- ii) The Senate is scheduled to brake for recess from 29th May to 15th June 2015
- iii) The Sessional Committee on Implementation had considered convening a *Kamukunji* with security operatives to discuss numerous motions on security that the Senate had passed and
- iv) The Cabinet Secretary Ministry of Interior and Coordination of National Government had failed to appear before the two Committees on several occasions despite the numerous attempts to invite them.

The Committee resolved that;-

- i) The Chair National Security and Chair Implementation Committee meet with the Speaker of the Senate and propose that an urgent *Kamkunji* be convened on Tuesday 2nd June 2015 at 11:00 a.m.
- ii) The Cabinet Secretary Ministry of Interior and Co-ordination of National Government and his team be summoned to appear and respond to security issues during the said *kamkunji*.

MIN. NO.95/2015 - CONSIDERATION OF THE REPORT ON THE VISIT TO MANDERA, KAPEDO AND LAIKIPIA

The Chairman welcomed the Consultant to the meeting and requested that he briefs the committee on the progress of the report.

The Consultant informed the committee as follows:

- i) That the report had been finalized and would require an extended period of time to enable thorough interrogation
- ii) That he had taken a longer period of time to complete and transmit the report than earlier agreed, due to the nature of the assignment.

The committee, after deliberation resolved that;-

- a) The Consultant immediately emails the Clerk to the Committee the final report.
- b) The report be circulated to all the Members to enable them scrutinize its content and prepare feedback.
- c) The Committee meets on Wednesday 27th May 2015 at 9:00 a.m to deliberate on the contents of the report.

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- CONSIDERATION OF THE REPORT ON THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL 2014.

The committee reviewed the report and unanimously adopted the report for tabling after been proposed by Sen. FatumaDullo and Seconded by Sen. Yusuf Haji.

MIN. NO.97/2015

- ANY OTHER BUSINESS

The following issues were discussed under any other business:-

1. Motion on the Human Wildlife Conflict.

The Committee was informed that the Senate on Thursday 21st May, 2015 approved a motion on the human-wildlife conflict between the Kinna Community of Isiolo County and wildlife at Meru National Park.

The Committee was further informed that the approved motion required the joint Committees of the Senate on Land and Natural Resources and National Security and Foreign Relations to consider the matter and present a joint report to the Senate after thirty days.

The Committee, after deliberations, resolved to hold a joint meeting with the Standing Committee on Land and Natural resources on Tuesday 2nd June, 2015 at 9.00 a.m.

2. Proposed Foreign Visit by the Committee.

The Committee was informed that;-

- i) The Secretariat was in contact with the Kenyan Embassies in Tanzania and Russia on the proposed visits to the two Countries and
- ii) The visit to Tanzania is scheduled for 14th to 19th June 2015 while the one for Russia is tentatively scheduled for August, 2015 subject to the confirmation of the host government.

MIN. NO.98/2015

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.15 a.m and the date of the next meeting was set for Wednesday 27th May, 2015 at 9.00 a.m

SIGNED:.....



CHAIRPERSON

DATE:.....

26/05/2015



**MINUTES OF THE TWENTY NINTH MEETING OF THE SENATE
STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN
RELATIONS HELD ON TUESDAY, 16TH FEBRUARY, 2016 AT THE
KENYATTA INTERNATIONAL CONVENTION CENTER AT 10:00 A. M.**

PRESENT

- | | |
|-------------------------------------|------------|
| 1. Sen. Mohammed Yusuf Haji M.P. | - Chairman |
| 2. Sen. Moses Wetang'ula, M.P. | - Member |
| 3. Sen. James Orengo, M.P. | - Member |
| 4. Sen. (Eng.) Hargura Godana, M.P. | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------|-----------------|
| 5. Sen. Fatuma Dullo, M.P. | - Vice Chairman |
| 6. Sen. Kembi Gitura, M.P. | - Member |
| 7. Sen. Elizabeth Ongoro, M.P. | - Member |
| 8. Sen. G.G. Kariuki, M.P. | - Member |
| 9. Sen. Mike Mbuvi Sonko, M.P. | - Member |

IN ATTENDANCE

- SENATE SECRETARIAT

- | | |
|----------------------------|-----------------------------|
| 1. Mr. Boniface Lenairoshi | - Principal Clerk Assistant |
| 2. Mr. Peter Muchira | - Clerk Assistant |
| 3. Ms. Josephine Kusinyi | - Senior Legal Counsel |
| 4. Ms. Grace Wahu | - Research Officer |
| 5. Mr. Frank Mutulu | - Media Relations Officer |

MIN. NO. 001/2016:

PRELIMINARIES

The Chairperson called the meeting to order at 10:25 a.m. This was followed by a word of prayer by the Principal Clerk Assistant.

MIN. NO. 002/2016:

ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. (Eng.) Hargura Godana, M.P. and seconded by Sen. Moses Wetang'ula, M.P.

MIN. NO. 003/2016:

**CONSIDERATION AND ADOPTION OF
MINUTES OF THE 23RD, 24TH, 27TH AND 28TH
MEETINGS.**


This Agenda was deferred to the next meeting.

MIN. NO. 004/2015:

**PRE-PUBLICATION SCRUTINY OF THE
NATIONAL COHESION AND
INTEGRATION AMMENDMENT BILL.**

The Chairman introduced this Agenda and noted that the Senate Standing Orders provided for fourteen days for the pre-publication exercise to be completed. He observed that the Bill was not a money Bill and hence was properly before the Committee.

The Committee was briefed on the provisions of the bill and noted the following:

- a) **Clause 4** –The Clauses propose to add a new Part that deals with Peace Building Projects under the National Cohesion and Integration Act.
- b) **The following are issues are generally provided for under this Part-**
- c) **36A**-provides for oversight of peace building projects by the National Cohesion and Integration Commission. There may be need to harmonize these functions with those of the Public Benefits Organizations Authority, which oversees public benefits organizations or in the alternative provide a liaison mechanism.
- d) **36B**- The Clause outlines obligations of persons involved in peace building activities.
- e) **36C**- This is not necessary as section 16 of the Parent Act already makes this provision.
- f) **36H**- The clause proposes a review mechanism, if a person is aggrieved by a decision of the Commission. The Public Benefits Organizations Disputes Tribunal established under sec. 50 of the PBOA has this as one of its functions.
- g) **36D, 36E, 36F, 36G**- These clauses deal with the realm of registration and de-registration already clearly outlined in the PBOA.
- h) **Clause 5**- The Clause makes it ~~difficult~~  to undertake a peace building project that is not registered under the Act.
- i) **Clause 6**- The Clause proposes to transit all peace building projects into operations of the Act, this may affect those projects already registered under the Public Benefits Organizations Act.

The Committee resolved to highlight to the Sponsor the areas provided for in other statutes to avoid duplication.

MIN. NO. 005/2016:

**CONSIDERATION OF THE
REGISTRATION AND**

SIGNATURE.....

Muhammad Yusuf Haji

(CHAIRPERSON: SEN. MOHAMMED YUSUF HAJI.)

DATE.....

1st March 2016
