

**TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES IN
MALABA (KENYA/UGANDA) BORDER**



In Partnership with



**TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES HELD AT
MALABA BORDER ON 30TH APRIL 2015**



TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES IN MALABA (KENYA/UGANDA) BORDER

Objectives of the Activity

- To equip participants with knowledge and skills on the EAC customs and immigration procedures for their effective engagement in cross border trade
- To create a forum for the women cross border traders to engage with customs and immigration officials.

Methodology Used

The training involved presentations made by customs officials, question and answer sessions and discussions with the women traders.

Targeted stakeholders

The meeting was targeting women cross border traders from Malaba Kenya, Malaba Uganda, Customs and immigration officials from both Kenya and Uganda.

Category of participants that participated in the activity

The meeting was attended by a total of 98 participants with one being EASSI's Gender and trade project officer, 2 border officials from Malaba Kenya border, 5 border officials from Malaba Uganda border and 90 women traders.

Understanding the EAC customs procedures-a presentation by Sylvester Kiwanuka-Malaba Uganda Supervisor indoor customs operations

Mr. Sylvester appreciated the meeting since it would give customs officials a chance to demystify the myth surrounding customs operations and enable the traders understand the customs procedures for effective cross border trade.

He highlighted that traders at the Malaba border rarely interact with the customs officials since they prefer to use clearing agents. This could also explain why very few traders were aware of the certificate of origin when asked about it. Sylvester noted that the clearing agents increase traders transaction costs and URA was therefore holding discussions on how to control the clearing agents.

He explained that one of the commodities URA Malaba always has a challenge with is the importation/exportation of fish. Traders are always caught smuggling fish at late hours in the night. The government has introduced a \$0.4 tax per Kilogram of fish since they need to protect the local industry and hence need to discourage the importation/exportation. URA has also tried to be lenient to small scale fish traders by inspecting and confiscating illegal fish size at the bigger truck from which the small scale traders buy the fish from other than from the small scale traders.

Mr. Sylvester explained that certain sensitize commodities whether imported/exported in large scale or small scale require a certificate of origin for example eggs since it is hard to determine whether they are made in the EAC or beyond.

TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES IN MALABA (KENYA/UGANDA) BORDER

Additions by Mr. Wycliffe Obiero – KRA Malaba Kenya.

Mr. Obiero explained that KRA has an online center for information and complaints cic@kra.go.ke which is operational on a 24/7 basis. Traders are advised to make use of this platform in case they feel their issues are not being addressed at the border.

He also noted that forgery of the certificate of origin had become rampant where traders present a certificate which has no serial number and not stamped by URA which had led to KRA being more strict on the traders.

Mr. Obiero informed that there are certain charges which are specific to Kenya incurred by traders for example IDF (Infrastructure Development Fund), HDAF (Horticultural Development Authority Fund) among others. He further noted that certain commodities are classified as sensitive and hence importation of such commodities attracts 100% tax. Sugar was cited as one of the commodities since Kenya has sugar factories and hence they need to protect their local industries. Other sensitive commodities include Dry cells (batteries), Rice, Electronics, Fabrics, Tiles, Cooking Oil, Liquors (alcoholic beverages), Tyres, garments, used clothes and Powdered Milk. Fabrics are what people commonly call "materials" from which a variety of clothes/beddings are made. Garments are a variety of finished/semi-finished clothes.

Mr. Obiero informed the traders that in case their goods were legally confiscated by revenue authorities, a seizure notice should be issued stating the reason for the seizure.

Presentation on EAC immigration procedures by Nuwamanya Charles (Malaba Uganda) and Eunita. K.Lamwenya (Malaba Kenya)

The key highlight on this session was the interstate pass which allows traders to move within Kenya, Uganda and Rwanda using the National Identity card and is valid for six months. Traders living within the border are allowed to move up to 15 kilometers in a partner state without a travel document but with the increased terror attacks, traders are now required to present their Identity cards at the point of entry before proceeding to either country.

The Role of the police in relation to cross border trade- a presentation by ASP. Julius JJingo – OC Malaba Uganda.

The OC noted the major challenge at Malaba border is that both traders and police officers lack proper information. Traders also lack proper representation at the border which exposes them to harassment.

In response to traders concern on paying money to policemen at the point of entry, the OC stated that the police are not supposed to collect any taxes/money or confiscate traders goods unless they pose a security threat. He noted that both traders and the officers were wrong; traders for paying and hence sustaining the practice and the officers for demanding for the money.

He cautioned that the EAC integration process was yet to be fully realized and traders need to respect the sovereignty of each country. The major problem that the Malaba border police face while engaging with traders is smuggling and corruption from both the police and the traders.

The OC appreciated EASSI for inviting the police to the training noting that this was the first time he was being invited to a workshop by NGO's operating within the border. He noted that this was a good opportunity to hear the challenges faced by small scale traders directly from them and not third parties. He therefore recommended that more security agencies should be invited to such forums if the cause of the small scale traders was to be championed.

TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES IN MALABA (KENYA/UGANDA) BORDER

On the fear expressed by traders that a whistle blower may be exposed to risk, OC Jjingo advised the traders to report to senior officers who can be held accountable and not just any police man they find at the station.

The OC encouraged traders to seek information from revenue authorities before engaging in trade for example for a trader to deal in charcoal; she must obtain a permit allowing her to do so from the forestry department. Lack of the permit had led to many traders having their charcoal confiscated at the border. The OC noted that such forums were needed at the border because traders got a chance to get the right information and answers from the right authorities.

Trading in Fish -a presentation by Fisheries Inspector; Mugisha William Kiwene Malaba Uganda.

He informed that fish is the commodity most traded by small scale women traders at Malaba border with 60% engaging in formal trade. Fish is expected to get documentation as soon as it is out of the water stating the intended market and the type of vehicle ferrying it. The law clearly states the type of vehicles to carry fish (iced trucks) but small scale fish traders normally transport fish in cement trucks which poses health risks to consumers.

He noted that the major challenge in fish trade is traders dealing in under size fish. The allowed minimum size for Tilapia fish is 11 inches while the minimum size for the Nile perch is 20 inches. Another major challenge is use of wrong fishing methods where traders pour paraffin into certain sections of the lake thus suffocating the fish, killing them and making them float for the traders to pick. Further, he cautioned against fish that was being imported from China and sold off as packed fish. He noted that formalin was being used to preserve the fish which was a health risk to consumers. The imported fish was being traded at Malaba and Busia border from where it would be mixed with fish from Lake Victoria and distributed to supermarkets in Kenya and Uganda.

He highlighted that a large scale fish trader required the following to trade in fish;

- A fish movement permit stating the origin, the tonnes, the intended market etc
- A fish export license
- The vehicle carrying the fish must be licensed to carry fish.

Fish traders were advised to make clearances for the fish before getting to the border to avoid time wastage which could lead to the fish getting spoilt.

Challenges during implementation of the activity

The Kenya county council officials who over charge small scale traders did not turn up for the meeting hence the traders issues/challenges with the county clerk were not addressed.

Some officials for example the fisheries department from Kenya did not attend the meeting and hence traders did not get the Kenyan stipulations on fish trade.

Evaluation

One thing I have learnt today is.....

- More about fish trade
- Importance of following the right channel when doing cross border trade
- More on cross border trade

TRAINING ON EAC CUSTOMS AND IMMIGRATION PROCEDURES IN MALABA (KENYA/UGANDA) BORDER

- Dangers of using short cuts when trading
- Importance of paying taxes
- Importance of cooperating with customs authorities
- Importance of making proper declarations at customs
- The role of police
- Customs procedures
- Certificates of origin including forged certificates
- Importance of insuring businesses
- Rules governing fresh produce
- Immigration procedures
- Taxation
- Free movement of persons
- Ignorance is what is killing cross border traders
- Corruption is too much at the border
- Not to fear customs officials
- Licenses and registration of businesses