



REPUBLIC OF KENYA

THE EXECUTIVE OFFICE OF THE PRESIDENT

7th Annual Report
on
Progress Made in Fulfilling the International
Obligations of the Republic of Kenya

H.E. Hon. Uhuru Kenyatta, C.G.H.
President of the Republic of Kenya
and Commander-in-Chief of the Defence Forces

2020

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LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACS	African Charter on Statistics
AFFC	Africa Fit For Children
AFRAC	African Accreditation Co-operation
AfSA	Africa Space Agency
AIS	Automatic Identification System
ARIPO	African Regional Intellectual Property Organization
AU	African Union
AUBP	African Union Border Programme
BMU	Beach Management Units
BTWC	Biological and Toxin Weapons Convention
CAADP	Comprehensive Africa Agriculture Development Programme
CAC	Codex Alimentarius Commission
CAMI	Conference of Africa Union Ministers of Industry
CBM	Confidence Building Measures
CBRN	Chemical Biological Radiological and Nuclear
CBS	Community Based System
CAK	Communications Authority of Kenya
CCRF	Code of Conduct for Responsible Fisheries
CFA	Co-operative Framework Agreement
CFI	Co-operative Financial Institutions
CMC	Calibration and Measurement Capabilities
CNTBT	Comprehensive Nuclear Test-Ban Treaty
COMESA	Common Market for Eastern and Southern Africa
CWC	Chemical Weapons Convention
DSU	Dispute Settlement Understanding
EAAB	East African Accreditation Board
EAF	Ecosystem Approach to Fisheries
ECS	Experts Communication System
EDI	Electronic Data Interchange
EEZ	Exclusive Economic Zone
EPA	Economic Partnership Agreements
FAC	Food Aid Convention
FAO	Food and Agriculture Organization
FIACC	Five International Associations Coordinating Committee
GATT	General Agreement on Tariffs and Trade
GMDSS	Global Maritime Distress and Safety System
GOOS	Global Ocean Observing System
IAEA	International Atomic Energy Agency
IAF	International Accreditation Forum
ICA	International Co-operative Alliance

ICAO	International Civil Aviation Organization
IESCR	International Covenant on Economic, Social and Cultural Rights
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICGLR	International Conference on the Great Lakes Region
ICJ	International Court of Justice
ICT	Information and Communication Technologies
IDD	Iodine Deficiency Disorders
IEC	International Electro-technical Commission
IFAD	International Fund for Agricultural Development
IFCD	International Fund for Cultural Diversity
IFMP	Implementation of a Fisheries Management Project
IGC	Inter-Governmental Committee
IHL	International Humanitarian Law
IHO	International Hydrographic Organization
ILAC	International Laboratory Accreditation Co-operation
IMO	International Maritime Organization
INBAR	International Network for Bamboo and Rattan
IOMU	Indian Ocean Memorandum of Understanding
IOTC	Indian Ocean Tuna Commission
ISPS	International Ship Port Security
ISTA	International Seed Testing Association
ITU	International Telecommunication Union
IUU	Illegal, Unreported and Unregulated
IWC	International Whaling Commission
KCA	Kenya Communications Act
KEBS	Kenya Bureau of Standards
KEPHIS	Kenya Plant Health Inspectorate Service
KIPI	Kenya Intellectual Property Institute
KMFRI	Kenya Marine and Fisheries Research Institute
KPA	Kenya Ports Authority
LDC	Least Developed Country
LOAC	Law of Armed Conflict
LRIT	Long Range Identification Tracking
LVFO	Lake Victoria Fisheries Organization
MC	Ministerial Conference
MCS	Monitoring, Control and Surveillance
MFN	Most Favoured Nation
MRCC	Mombasa Regional Coordination Centre
NC	National Committee
NACADA	National Authority for the Campaign Against Alcohol and Drug Abuse
NDC	National Data Centres
NEP	National Enquiry Point

NIP	National Indicative Programme
NMI	National Metrology Institutes
NNWS	Non-Nuclear Weapon States
NSDS	National Strategy for Development of Statistics
NWS	Nuclear Weapon States
OAU	Organization of African Unity
OECD	Organization for Economic Co-operation and Development
OIE	Office International des Epizooties
OPCW	Organization for the Prohibition of Chemical Weapons
OPRC	Oil Pollution Preparedness, Response and Co-operation
PCK	Postal Corporation of Kenya
PSMA	Port State Measures Agreement
RF	Radio Frequency
RFMO	Regional Fisheries Management Organization
RMO	Regional Metrology Organization
SACCOS	Savings and Credit Co-operatives
SADCME	South African Development Community Co-operation in Measurement
SAR	Search and Rescue
SDG	Sustainable Development Goal
SGR	Standard Gauge Railway
SHSA	Strategy for the Harmonisation of Statistics in Africa
SQMT	Standardization Quality Assurance Metrology and Testing
SWIOFC	South West Indian Fisheries Commission Convention
TAC	Technical Advisory Committee
TC	Technical Committee
TRIMS	Trade Related Investment Measures
TRIPS	Trade Related Aspects of Intellectual Property
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNFSA	United Nations Fish Stock Agreement
UNHCR	United Nations High Commission for Refugees
UNIDO	United Nations Industrial Development Organization
UPU	Universal Postal Union
WIBA	Work Injury Benefits Act
WIPO	World Intellectual Property Organization

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UPU	Universal Postal Union
WIBA	Work Injury Benefits Act
WIPO	World Intellectual Property Organization

PREFACE

I submit this Seventh Report to the National Assembly on the Progress made in Fulfilling Kenya's International Obligations in fidelity to the Constitution of Kenya.

Over the years, the international community has developed international law, whether in the form of treaties or customary international law, in order to address issues of mutual concern and enhance global cooperation. By becoming parties to international treaties, States assume obligations and undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties.

Conscious of sustainable economic growth, social development and poverty eradication, Kenya has remained steadfast in her commitment to the principles and ideals of a rules-based multilateralism, particularly on matters of peace and security, sustainable development, global environmental and climate change issues. My administration strongly believes that sustainable development, which is humanity's aspiration, can only be achieved when international obligations are fulfilled by all.

While Kenya takes her international obligations seriously, special interest and emphasis is placed on our regional and sub-regional obligations in tandem with our commitment to Pan-Africanism and regional integration. To this end, my Government has partnered with the United Nations Development Programme (UNDP) and the African Union (AU) in a project themed '*Acceleration of Ratification and Domestication of African Union Treaties by Kenya*'. This project is aimed at enhancing Kenya's capacity in the ratification and domestication of African Union Treaties while streamlining the process of treaty making, ratification, domestication and implementation of treaties.

In fulfilment of Kenya's international obligations, I undertake to work collectively with Parliament, the Judiciary, County Governments, development partners and all Kenyans to uphold our cherished national values such as, human dignity, equity, social justice, national unity, inclusiveness, integrity, good governance, transparency and accountability and build on these values to enhance national cohesion.

The National Assembly plays a critical role in scrutinizing all treaties before ratification on behalf of the Kenyan people. I therefore encourage you, members of the National Assembly, to adopt a bi-partisan approach to national strategic interests in the ratification and domestication of International Treaties to enhance the fulfilment of our international obligations.

I believe that this annual report will enhance public awareness of multilateral treaties ratified by Kenya. The report further holds to account my administration in the implementation of Kenya's diverse treaty obligations.

H.E. Hon. Uhuru Kenyatta, C.G.H.,

President of the Republic of Kenya and Commander-in-Chief of the Defence Forces.



EXECUTIVE SUMMARY

Article 132 (1) (c) (iii) of the Constitution of Kenya requires the President of the Republic of Kenya, once every year, to submit a report to the National Assembly for debate on the progress made in fulfilling the country's international obligations. In addition, Article 2 (5) and (6) of the Constitution provides that the general rules of international law form part of the laws of Kenya, and that any treaty or convention ratified by Kenya shall form part of the law of Kenya. In the same breadth, the Treaty Making and Ratification Act *No. 45 of 2012 (Rev. 2018)*, gives effect to the provisions of Article 2(6) of the Constitution, and lays out the procedure for the making and ratification of treaties.

The international system relies on the mutual fulfillment of international obligations by States. As the Community of States becomes more and more interconnected, certain obligations as enshrined in treaties must be fulfilled to guarantee certainty and security. Since independence, much has been achieved in fulfilling Kenya's international obligations arising from treaties as highlighted in previous reports. Kenya is a State Party to various treaties of diverse thematic areas. These treaties enable the realization of Vision 2030 and the Big 4 Agenda which are aimed at improving the social, political and economic welfare of all Kenyans as well as promote sustainable development.

Kenya is also a renowned investment, conference and tourist destination of choice. Some of the high level meetings hosted by Kenya include: the 9th Summit of the Heads of State and Government of the African, Caribbean and Pacific (ACP) Group of States from 9th to 10th December 2019; the 25th International Conference on Population and Development (ICPD) co-hosted with Denmark from 13th to 15th November, 2019; The First African Regional High-Level Conference on Counter-Terrorism and the Prevention of Violent Extremism Conducive to Terrorism co-hosted with the United Nations from 10th to 11th July 2019; the Universal Assembly of the United Nations Human Settlements Programme (UN-Habitat Assembly 1) from 25th to 31st May, 2019; the United Nations Environmental Assembly (UNEA) from 11th to 15th March, 2019; and the 124th Session of the International Coffee Organization's Council in Nairobi from 25th to 29th March, 2019.

Based on the principle of African ownership and international partnerships, I attended the Tokyo International Conference on African Development (TICAD VII) in Yokohama, Japan from 28th to 30th August, 2019; the Russia-Africa Summit in Sochi, Russia from 23rd to 25th October, 2019, and the United Kingdom (UK)-Africa Summit from 20th January, 2020.

To enhance Kenya's bilateral relations, the Government has been consistent on high-level engagements with other Foreign Governments and International Organizations. I hosted high profile visits by leaders from Uganda, Rwanda, Ethiopia, Djibouti, South-Sudan, the Federal Republic of Somalia, Namibia, Mozambique, Seychelles, United Kingdom of Great Britain and Northern Ireland, Germany and the Chairperson of the African Union Commission. I also visited Ethiopia, Rwanda, Mozambique, United States of America, United Kingdom of Great Britain and Northern Ireland, Canada, Russian Federation, Peoples' Republic of China, Cuba, United Arab Emirates, Jamaica, Barbados, Japan and Singapore to name a few. These high level visits strengthen our ties and relations with our friends from this region and other parts of the world with a view to deepening cooperation in various sectors of the economy for the benefit of all Kenyans.

My Government continues to lobby for appointment and election of Kenyans as well as the country into various positions of influence in the international system. In this regard, a number of Kenyans have been elected to leadership positions in key international organizations. This brings honour and pride to the country besides leveraging on our diplomatic role in the region and beyond.

Kenya has undoubtedly emerged a thought leader in addressing and providing solutions to major global issues that are threatening the global society through the fulfilment and implementation of its international obligations. It is for this reason that my Government presented Kenya's candidature as the African Union's endorsed candidate for the election of a non-permanent seat of the Security Council for the period 2021–2022. To this end, I am pleased to inform that after an arduous campaign and election Kenya was elected by the Member States of UN General Assembly as a non-permanent member of the Security Council on 18th June, 2020.

During this reporting period, Kenya ratified five (5) treaties namely: The Beijing Treaty on Audio Visual Performances; The Protocol to eliminate illicit Trade in Tobacco Products; The Revised Constitution of the African Civil Aviation Commission; The East African Community Protocol on Information, Communications and Technology Networks; and Agreement for the Establishment of The International Anti-corruption Academy.

This Report is presented in both the Narrative and Matrix formats which highlight obligations arising from treaties that Kenya is party to and Kenya's membership to international bodies. This comprises of: Implementation measures undertaken and progress achieved by the Government; Challenges facing the implementation and Recommendations. The report also contains has four (4) annexes covering Kenya's United Nations Security Council (UNSC) Ten Point Agenda, Kenya's candidatures to International Organizations, Kenya's subscriptions to International Organizations and Events and Conferences held in Kenya.

The report is expected to enhance public awareness on the Government's implementation of Kenya's treaty obligations. Towards this end, a well-co-ordinated, coherent, informed and cross-sectoral approach across the Ministries, Counties, Departments and Agencies is imperative. This direction will ensure consistency and effectiveness in pursuit of Kenya's strategic interests.

PART I

INTRODUCTION AND BACKGROUND





1.0 INTRODUCTION

1. International obligations arise from commitments made by States in their international relations with one another. The commitments can either be legally or not legally binding, and invariably have a politically persuasive and binding effect on a State to conduct its relations in a certain manner. Over the years, the world has witnessed the convening of high level and major international conferences on varied themes to address global challenges and issues. The outcomes of these high-level international conferences attended by the highest political leadership from all the countries of the world have galvanized global commitment and action on such themes as the Environment, Women, Sustainable Development, Oceans, Human Rights and so forth. The outcomes have been crystallized in high level political declarations, plans of action, conventions and international agreements.
2. For purposes of this report, I highlight the multilateral treaties and agreements that Kenya is a signatory to and has ratified, the measures taken, progress achieved, challenges and recommendations in fulfilment of international obligations. I also highlight the political commitments that Kenya has made to implement international and regional obligations assumed, following the convening of ground-breaking high level international and regional conferences.

1.1. BACKGROUND TO TREATY LAW

3. The Vienna Convention on the Law of Treaties, 1969, is widely regarded globally as a multilateral treaty that has codified existing customary international law and the progressive development of the law of treaties. The Vienna Convention defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”. Treaties can be referred to by a number of different names such as, Conventions, Agreements, Covenants, Final Acts, Charters, Memoranda of Understanding (MOUs), Protocols, Pacts, Accords including Constitutions establishing Intergovernmental Organizations. Treaties may be bilateral (between two parties) or multilateral (between several parties). A treaty is usually only binding on the parties to it and “enters into force” when the terms for its entry into force as specified in the treaty text or agreement are met.
4. For a treaty to be binding, the contracting party must have capacity to enter into treaty relations. This results in the creation of rights and obligations under international law which are distinct from those arising under countries’ national laws. The fundamental principle underlying the law of treaties is *pacta sunt servanda*, which means that treaties are binding upon the parties and must be performed by the parties in good faith. Without this principle, treaty relations would be shrouded in suspicion, resulting in a disorderly world.
5. The fundamental role and importance of treaties is that they are a means of developing peaceful co-operation among nations despite their constitutional, political and social systems.
6. Therefore, having in mind the Constitutional requirement under Article 132 (1) (c) (iii) and (5) of the Constitution of Kenya, 2010, it is my duty to submit an annual report to the National Assembly on the progress made in fulfilling the international obligations of the Republic of Kenya. This constitutional requirement envisages that this and subsequent reports will inform Kenyans of all treaties which have been entered into since independence including their status of implementation.
7. Kenya attained independence from the United Kingdom on 12th December, 1963, and joined the United Nations (UN) on 16th December, 1963. Kenya is also a member of sub-regional and regional inter-governmental organizations such as the East African Community (EAC), the Intergovernmental Authority on Development (IGAD) and the African Union (AU), among others. Over the years, Kenya has become a party to bilateral, regional and multilateral treaties, agreements and conventions, and in the process assumed international obligations.

8. For the first time in the history of Kenya, a written Foreign Policy of the Republic of Kenya was launched on 20th January, 2015. The policy outlines the evolution of our foreign relations and engagements with our partners over the last five (5) decades and its future strategic direction to ensure the achievement of the collective aspirations of Kenyans. The policy aims to achieve several national objectives, inter alia to: protect Kenya's sovereignty and territorial integrity; promote regional integration; enhance regional peace and security; advance the economic prosperity of Kenya and her people; project Kenya's image and prestige; promote multilateralism; promote the interest of Kenyan diaspora; and partnership with the Kenyans abroad. The achievement of these national objectives enhances the fulfilment of international obligations. My Government has inclined its foreign policy towards fostering better relations with our neighbours, the rest of the African continent and the world at large.

1.2. IMPORTANCE OF TREATIES

9. I make this report in order for the citizens to appreciate the need and purpose of treaties, and to underscore that they are an indispensable tool of diplomacy in the execution of Kenya's foreign policy and play a fundamental role in international relations. Treaties and International Agreements are also an expression of the sovereignty and inter-dependence of States.
10. States relate with each other in different spheres such as trade, economic relations, political affairs and social welfare. Treaties mirror the realities in contemporary international life.¹ Treaty relations are therefore key to formalizing and enhancing international relations with other States and non-state actors in the international sphere. Globalization, spurred by information communication technologies, has intensified the world's interdependence thereby creating a global village. Trans-nationalism and security challenges have also necessitated the need for States to enter into treaties for purposes of co-operation and advancement of mutual interests.
11. Treaties provide a framework that enables States to tackle the emerging challenges at both national and international levels through fostering international cooperation, sharing of knowledge and expertise. For example, piracy, drug trafficking and terrorism are global security challenges that affect the international community as a whole and require cooperative action at the international level to tackle them.
12. Treaties form an integral part of our relations with other States. It is on this basis that the Government is keen to continue abiding by its international obligations in good faith. We continually evaluate our performance and plan for better outcomes in fulfilling our international obligations.
13. The common principles and values that bind the nations of the world, are generally codified in treaties and conventions that States ratify and agree to be bound by. This governs both the relationship of and benefits accruing from such treaties and conventions.
14. The themes of the bilateral and multilateral treaties and agreements that Kenya is a party resonate with the three (3) pillars of Vision 2030 namely: Economic, Social and Political and the Big Four Agenda to ensure food and nutrition security, Universal Health Coverage, adequate and affordable housing and enhanced manufacturing. The conclusion of the treaties and agreements by the Republic of Kenya is aimed at achieving national development goals and improving the welfare of Kenyans with particular emphasis on women, youth, children and Persons With Disabilities (PWDs).

1.3. KENYA'S POLICY ON TREATY MAKING AND RATIFICATION OF INTERNATIONAL TREATIES AND CONVENTIONS

15. The treaty making and ratification process in Kenya is governed by the Constitution of Kenya, 2010, the Treaty Making and Ratification Act *No. 45 of 2012 (Rev. 2018)* as well as Case law.

¹Makumi Mwangi: Diplomacy; Documents, Methods and Practice IDIS Publications on International Studies.



16. The Constitution of Kenya, 2010, is by all accounts a revolutionary document with regard to the application of international law in Kenya. Article 2 (5) and (6) of the Constitution provide that “the general rules of international law shall form part of the law of Kenya” and “any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution”. Article 2 (6) of the Constitution introduced a new paradigm to the application of treaties in Kenya, such that any treaty that Kenya ratifies automatically becomes part of the Kenyan law.
 17. Further, Article 94 (5) of the Constitution provides that “No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation”. This Article vests the power of law making on Parliament, and by Statute the National Assembly must sanction the ratification of a treaty for it to have the force of law in the Republic of Kenya.
 18. The Treaty Making and Ratification Act *No. 45 of 2012 (Rev. 2018)* gives effect to Article 2 (6) of the Constitution and provides the procedure for the making and ratification of treaties in Kenya and connected purposes. It mandates the Government to prescribe to the treaty making and ratification process in Kenya. It further elaborates the role of Parliament in the treaty making and ratification process. Notably, treaty making and ratification process in Kenya is a law-making process that involves the approval of the Cabinet and the National Assembly before Kenya's formal notification expressing its consent to be bound by any treaty, agreement or convention governed by international law.
 19. The Act gives the Cabinet Secretary for Foreign Affairs responsibility for its implementation in consultation with other relevant State departments. Under the Act, for a treaty to be ratified, the Cabinet Secretary of the relevant State department in consultation with the Attorney-General submits the text of the treaty together with a memorandum to Cabinet for approval. If approved the Cabinet Secretary for Foreign Affairs, then submits the treaty together with the memorandum to the Speaker of the National Assembly. The Act applies to all multilateral treaties and bilateral treaties that touch on the following:
 - (a) Security of Kenya, its sovereignty, independence, unity or territorial integrity;
 - (b) The rights and duties of citizens of Kenya;
 - (c) Status of Kenya under international law and maintenance or support of such status;
 - (d) The relationship between Kenya and any International Organization or similar body; and
 - (e) The environment and natural resources.
 20. Case law embodies legal principles enunciated and embodied in judicial decisions that are derived from the application of particular areas of law to the facts of individual cases. The Courts in Kenya appear to have adopted a monist approach in the application of international law locally by virtue of the provisions of Article 2 (6) of the Constitution of Kenya, 2010. This means they consider those treaties that Kenya has ratified as directly applicable in specific cases before them. There is however, a robust debate on how Courts should characterize international law within local jurisprudence. This debate is healthy and should act as a catalyst to the Judiciary's contribution to the evolution of law that stands the test of time.
 21. The President and the Cabinet Secretary for the Ministry of Foreign Affairs are empowered to enter into Treaties and Agreements on behalf of the Republic of Kenya. Similarly, the President and Cabinet Secretary responsible for Foreign Affairs may delegate Authority for treaty making through an Instrument of Full Powers to a State Officer to conclude treaties and agreements on behalf of the Republic of Kenya.
- 1.4. INTER-GOVERNMENTAL RELATIONS IN THE DISCHARGE OF KENYA'S INTERNATIONAL OBLIGATIONS**
22. The Constitution of Kenya, 2010, established a two-tier Government structure, namely the national and county governments. Article 6 (2) of the Constitution underscores the link between

the two levels of Government, expressly provides that they are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and co-operation.

23. To facilitate the interrelationship between the two levels of Government, the Constitution in the Fourth Schedule clearly outlines their individual roles. It is only the National Government which is mandated to transact Kenya's foreign policy and international trade affairs through the Ministry responsible for Foreign Affairs and the State Department for Trade. However, every Kenyan and indeed all levels of Government, in accordance with national values and principles of governance, should be involved in the formulation and implementation of national policies. Co-operation between national and county governments is further espoused by Article 189 (1) and (2)² of the Constitution of Kenya.
24. The Inter-Governmental Relations Act, 2012, expounds Article 189 of the Constitution by establishing a framework for consultation and cooperation between the two levels of Government and among the County Governments. The Act further creates a mechanism for resolution of inter-governmental disputes.
25. In addition, Article 8 (3) of the Constitution of Kenya obligates Parliament to subject the process to public participation. Any person who may be interested in or is likely to be affected by the treaty in question has to be given an opportunity to make submissions on the treaty. It is therefore at this point that county governments can contribute to the ratification process. Some of the treaties will have a direct impact on the counties e.g. treaties on environmental management, natural resource exploitation and management. Counties should therefore scrutinize the treaties that are the subject of the ratification process, examine their impact and make proposals for consideration by the National Assembly.

1.5. POLITICAL COMMITMENTS AT HIGH LEVEL INTERNATIONAL CONFERENCES AND MEETINGS

1.5.1 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs)

26. On 25th September, 2015, World leaders adopted the Post-2015 Development Agenda where 17 Sustainable Development Goals with 169 targets were launched for implementation in the next fifteen (15) years. The Post-2015 Development Agenda replaces the Millennium Development Goals (MDGs). Kenya successfully launched the national SDGs implementation process on 14th September, 2016.
27. The State Department of Planning coordinates all action relating to the implementation and monitoring of the SDGs in Kenya. An Inter-Agency Technical Committee comprising stakeholders drawn from line Ministries, Kenya National Bureau of Statistics, National Council for Population and Development, civil society and the private sector has been set up. There is also a SDG liaison office that has been established with the Secretariat of the Council of Governors. Since October 2016, the Government has undertaken several activities and achieved notable progress towards mainstreaming Sustainable Development Goals (SDGs) in policy

²Article 189. (1) and (2) provide that:

(1) Government at either level shall—

- (a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of Government at the other level, and respects the constitutional status and institutions of Government at the other level and, in the case of county Government, within the county level;
- (b) assist, support and consult and, as appropriate, implement the legislation of the other level of Government; and
- (c) liaise with Government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

(2) Government at each level, and different Governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.

- planning, capacity building, advocacy and raising awareness across all Ministries, Departments, and Agencies including Counties.
28. The SDGs have been mapped with Kenya Vision 2030 to ensure that the global development framework is linked to and contributes to the achievement of Vision 2030 and the SDGs. Government has mainstreamed SDGs activities in all Performance Contracts and MDAs report quarterly on progress achieved. SDGs contact officers from line Ministries and other lead agencies have been appointed. It is therefore expected that all Ministries mainstream SDGs in their Performance Contracts. The Presidential Delivery Unit ensures this is done through the Performance Contract vetting process.
 29. Kenya continues to embrace the principle of “leave no one behind” while ensuring the balanced integration of all the three dimensions of sustainable development economic, social and environmental in all national policy making and planning. To this end, the Government in 2018, adopted the Big Four Agenda to align with specific SDGs which include: SDG 2—End Hunger, achieve food security and improved nutrition and promote sustainable agriculture complementary to Food and Nutrition Security; SDG 3—Ensure healthy lives and promote well-being for all at all ages for Universal Health Coverage; SDG 9—To build resilient and sustainable industrialization and foster innovation for Enhanced Manufacturing; and SDG 11—Make cities and human settlements inclusive, safe, resilient and sustainable to address Adequate and Affordable Housing.
 30. Kenya volunteered and participated in the 2017 High Level Political Forum on Sustainable Development (HLPF 2017) and presented its Voluntary National Review in order to share experience in the implementation of SDGs. The Government hosted a high-level interactive side event during the High Level Political Forum on Sustainable Development (HLPF 2019), held in New York from the 9th to 18th July, 2019. During the side event, we showcased demonstrable practices and lessons learned on the role of multi-stakeholder partnerships in driving the implementation, follow up and review of SDGs in Kenya. Currently, the State Department for Planning is preparing the Second Voluntary National Review Report which will be shared during the 2020 High Level Political Forum on Sustainable Development (HLPF 2020).
 31. Forty Seven (47) counties in Kenya have mainstreamed SDGs in their County Integrated Development Plans (CIDPs) for coordinated tracking of implementation and reporting. The Council of Governors has partnered with the SDGs-Kenya Forum to deepen community awareness on the SDGs through regular community dialogues. Each County has SDGs champions support in awareness raising of the SDGs at the county level and tracking implementation.

1.5.2. African Union (AU) Agenda, 2063

32. The AU Agenda 2063 is a strategic framework for the socio-economic transformation of the continent over the next 50 years. It builds on, and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. The guiding vision for Agenda 2063 is the AU Vision of “An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in international arena.”
33. The foundations for Agenda 2063 are: the Constitutive Act of the African Union; the African Union Vision; The 8 Priority Areas of AU 50th Anniversary Solemn Declaration; African Aspirations for 2063; Regional and Continental Frameworks; and Member States National Plans. The Key Agenda 2063 Documents are: Agenda 2063 Framework Document (Adopted by the AU); the Agenda 2063 Popular Version (Adopted by the AU); and the Draft First Ten-Year Implementation Plan.
34. The Seven African Aspirations were derived through a consultative process with the African Citizenry. These are: a prosperous Africa, based on inclusive growth and sustainable



- development; an integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance; an Africa of good governance, democracy, respect for human rights, justice and the rule of law; a peaceful and secure Africa; Africa with a strong cultural identity, common heritage, values and ethics; an Africa whose development is people driven, relying on the potential offered by people, especially its women and youth and caring for children; an Africa as a strong, united, resilient and influential global player and partner.
35. The Agenda 2063 Flagship Projects/Initiatives are: Integrated High Speed Train Network; Africa Virtual and E-University; African Commodity Strategy; Annual African Forum; Continental Free Trade Area; African Passport and free movement of people; Grand Inga Dam Project; Pan African E-Network; Silencing the Guns; African Outer Space Strategy; Single Air-Transport Network; and the Continental Financial Institutions.
 36. The Government is implementing Agenda 2063, through the 5-year Medium Term Plan (MTP) Frameworks of Vision 2030 at the national level with the county governments implementing County Integrated Development Plans (CIDPs) that are aligned to the MTPs.
 37. The Single African Air Transport Market (SAATM) is a flagship project of the African Union Agenda 2063, to create a single unified Air Transport Market in Africa; the liberalization of civil aviation in Africa and to compliment the Continent's economic integration agenda under the AfCFTA. Kenya was one of the eleven champion states that signed the solemn commitment to actualize the Single African Air Transport Market. The Single African Air Transport Market is to be attained through the immediate implementation of the 1999 Yamoussoukro Decision (YD).
 38. In implementing the Yamoussoukro Decision relating to the liberalization of access to air transport markets in Africa, Kenya has developed a regulatory framework to implement air transport liberalization. Kenya is a member of the African Civil Aviation Commission (AFCAC) and acceded to the Revised Constitution of AFCAC on 4th November, 2019.
 39. Kenya is implementing the Free Movement of Persons flagship programme of the African Union's Agenda 2063, an aspiration for the continent to harness regional connectedness, integration, cross border trade, consistent with the Sustainable Development Goals (SDGs). Under this flagship programme, the African Union developed the Protocol to the Treaty establishing the Africa Economic Community relating to free movement of persons, right of residence and right to establishment. The Government has undertaken progressive measures to implement the roadmap on the Protocol by providing favourable mechanisms to realise the abolition of visa requirements for African nationals who now apply for visas upon entry. The Government has also harmonized various national legislation with the EAC Treaty and related Protocols. Kenya has upgraded its passports from machine readable to e-passports.

PART II

MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS



2.0 MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS

41. Kenya is part of the international community and is a member of several international and regional inter-governmental organisations established through Constitutive Treaties. These Organizations foster co-operation, friendly and peaceful relations, political and economic integration amongst its Member States.
42. This segment of the report outlines Kenya's membership to International, Regional and Sub-regional organizations. It also details their objectives, relevance and highlights measures undertaken and progress made in fulfilling Kenya's international obligations.

2.1. UNITED NATIONS AND UN-AGENCIES

2.1.1 United Nations (UN)

43. The United Nations (UN) is an Inter-Governmental Organization established by the Charter of the United Nations adopted on 26th June, 1945, and entered into force on 24th October, 1945. The objectives of the Organization are enshrined in the UN Charter. The Organization was formed after the Second World War to replace the League of Nations which had been created following the First World War. The main objective of the Organization is to promote international peace and security while fostering and promoting international co-operation.
44. Kenya became a member of the UN on 16th December, 1963. Kenya has been a consistent and committed contributor to the work of the UN since then, in terms of budgetary support and active participation in the organization's work. Currently, Kenya is privileged to host one of the four global UN headquarters world-wide, the only one in the developing world, hosting both the UN Environment Programme (UNEP) and UN Human Settlements Programme (HABITAT) headquarters.
45. Moreover, Nairobi is home to a vibrant community of several UN agencies that include: the Food and Agriculture Organization (FAO); International Fund for Agricultural Development (IFAD); International Civil Aviation Organization (ICAO); International Labour Organization (ILO); International Maritime Organization (IMO); International Monetary Fund (IMF); United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); United Nations Population Fund (UNFPA); UN Development Programme (UNDP); UN Office on Drugs and Crime (UNODC); UN Educational, Scientific and Cultural Organization (UNESCO); UN High Commissioner for Refugees (UNHCR); UN Industrial Development Organization (UNIDO); UN International Children's Fund (UNICEF); UN Political Office for Somalia (UNPOS); UN Peacekeeping Force (UNPF); UN Programme on HIV/AIDS (UNAIDS); World Bank (WB); World Food Programme (WFP); World Health Organization (WHO); and UN Centre for Regional Development (UNCRD).
46. Kenya has accredited its Missions to the various UN Headquarters and Offices for effective engagement on global issues. In addition, the Government successfully lobbied for the upgrading of the highest policy making organ of UNEP from a Governing Council to an Environmental Assembly consisting of the entire membership of the UN (UNEA) in 2014. The Assembly has since held four (4) meetings in Nairobi (2014, 2016, 2017 and 2019). Kenya will take the necessary steps to maintain this status and also urge the international community to match its commitments with action.
47. Kenya recognizes the integral role of the UN Security Council (UNSC) in the maintenance of international peace and security. In that regard, Kenya served twice as a non-permanent member of the UNSC in 1973–1974 and 1997–1998. During its tenure, Kenya's participation in the work of the UNSC was guided by a core set of principles namely: pacific settlement of international disputes; non-interference in the internal affairs of other nations; upholding sovereignty and territorial integrity of all nations and investing and pursuing post conflict

peace-building efforts among others, a position which evolved and was adopted in keeping with our national and regional mediation efforts.

48. The Government of Kenya is contesting as the African endorsed candidate for one of the ten non-permanent seat of the Security Council for the period 2021–2022. On 7th November, 2019, Kenya launched its candidature for the Non-Permanent seat in New York, USA. This was the second launch following the successful launch in Addis Ababa, Ethiopia on the 26th August, 2019. Non-permanent members are chosen according to a formula devised to ensure broad representation of the regions across the world. Three seats are filled by African States and the seat that Kenya is aspiring for falls vacant in January, 2021, when South Africa’s term expires. The election will take place in June, 2020.

2.1.2 International Court of Justice (ICJ)

49. The International Court of Justice (ICJ) is the principal judicial organ of the United Nations where UN Member States refer legal disputes for adjudication and settlement. According to Article 93 of the Charter of the UN, all members of the UN are parties to the Statute of the International Court of Justice and only States may be parties in cases before the Court.
50. Kenya recognized and submitted to the compulsory jurisdiction of the Court on 19th April, 1965, thereby undertaking to comply with the decisions of the Court. Kenya has recourse to the Court in case of any dispute with another Member State. Kenya may rely on the Advisory Opinions of the Court, issued from time to time following a request of the organs of the UN or its specialized agencies. The ICJ has the backing of the UNSC and its decisions are binding on all States. Failure to comply with the Court’s decision may result in the UNSC making recommendations or taking drastic measures to enforce the Court’s judgments.

2.1.3 World Trade Organization (WTO)

51. The World Trade Organization (WTO) is an inter-governmental organization which deals with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. It commenced on 1st January, 1995, under the Marrakech Agreement which was signed by 123 nations on 15th April, 1994. WTO replaced the General Agreements on Tariffs and Trade (GATT). Kenya was a member of GATT since 5th February, 1964, and is a founding Member of WTO since 1st January, 1995. The WTO currently has a membership of 164 countries and 23 observer Governments.
52. The WTO achieves its objectives by: providing a framework for negotiating trade agreements and dispute resolution; monitoring national trade policies; co-operating with other international organizations; administering WTO trade agreements; and providing technical assistance and training for developing countries. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Round of 1986–1994.
53. Kenya successfully hosted the Tenth Session of the WTO Ministerial Conference (MC10) in Nairobi from 15th to 18th December, 2015, the first of its kind in Africa in 20 years. This was a clear demonstration of the commitment of the international community to integrate Africa into the multilateral trading system. The hosting of the Ministerial Conference in Kenya was not only Kenya’s pride, but the pride of the entire continent of Africa.

2.1.4 Inter-Governmental Oceanographic Commission of UNESCO (UNESCO-IOC)

54. Kenya has been a member of Inter-Governmental Oceanographic Commission (IOC) since 1973. The IOC was established in 1960 to improve the governance, management, institutional capacity, and decision-making processes of its Member States with respect to marine resources and climate variability and foster sustainable development of the marine environment.

55. Kenya participates in the oceanographic scientific research and forum through the Kenya Marine and Fisheries Research Institute (KMFRI), in order to develop her marine resources and early warning on climate change and oceanographic information.
56. Ocean observation and monitoring is done through the Global Ocean Observing System (GOOS) which aims to develop a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.
57. The Commission has a Regional Programme Office domiciled in Nairobi to cover Africa and adjacent Island States. Kenya is keen on improving institutional capacity with respect to marine resources and climate variability for sustainable development.

2.1.5 Food and Agriculture Organization of the United Nations (FAO)

58. Being a UN member State, Kenya is a member of FAO which is an Organization of the UN tasked with handling issues of food security, water and environment. Programs under FAO are supposed to lead to eradication of hunger, poverty and conservation of the environment for sustainable development.
59. FAO in Kenya has projects which it implements directly and through Ministries, Departments and Agencies which cover crops, livestock, forestry, fisheries and land management. FAO has assisted in development of sector strategies such as Agricultural Sector Transformation and Growth Strategy (ASTGS) 2019–2029 to ensure agricultural growth, transformation and sustainable food and nutrition security.
60. Collaboration with FAO aims at eradicating hunger and poverty and conservation of the environment for sustainable development. Staffing at the Kenya Embassy in Rome includes an Agricultural Attaché to monitor agriculture related issues and inform Nairobi.
61. Kenya contributes to FAO AGROSTAT, the world's most comprehensive source of agricultural information and statistics, through the annual National Agricultural Data Validation organized by Kenya National Bureau of Statistics (KNBS).
62. The World Food Day is observed on 16th October, every year.
63. Kenya participates in the FAO/WHO Codex Alimentarius Commission which sets international food standards and also in the IGAD-FAO Partnership Programme on Drought Resilience.
64. Kenya is participating in the Surveillance for Ebola Virus in Livestock in Africa—Emerging Pandemic Threats (EPT) Programme Phase 2 and also in the Middle East Respiratory Syndrome Coronavirus (MERS-CoV) applied research activities in the Middle East and Northeast Africa. MERS-CoV is a disease of camels and humans that was first identified in Saudi Arabia in 2012.
65. FAO has developed the Predictive Livestock Early Warning System and the Resilience Index Measurement and Analysis tool, which helped the Government effectively manage the June, 2018, Rift Valley Fever outbreak.
66. FAO facilitated the establishment of the Laboratory Information Management System, which has allowed testing and validation of the preparedness capability of Kenya's animal and public health systems, timely and real-time sharing of laboratory diagnostic results and other related information. Further, capacity development of the Central Veterinary Laboratory was undertaken.
67. The Organization is currently assisting the Government to develop the Livestock Master Plan. It also assisted to finalize the Directorate of Veterinary Services Strategic Plan 2018–2022.
68. There is need to harmonize existing sectoral policies and laws to avoid duplication of efforts and initiatives.

2.1.6 United Nations Agency for Human Settlement and Urban Development (UN Habitat)

69. The UN–Habitat is a UN agency for human settlements and sustainable urban development. It was established in 1978, after Vancouver meeting in Canada in 1976, as an outcome of the First UN Conference on Human Settlements and Sustainable Urban Development (Habitat I) held in Montreal, Canada. UN-Habitat works towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate and affordable shelter for all.
70. State parties are required to undertake their social function, including the social and ecological function of land, with a view to progressively achieving the full realization of the right to adequate housing. This is a component of the right to an adequate and affordable standard of living, without discrimination. It also includes universal access to safe and affordable drinking water and sanitation, as well as equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, mobility and transportation, energy, air quality and livelihoods.
71. The UN Habitat focuses on policies and strategies in housing and sustainable urbanization. Kenya endorsed the 1976 Habitat Agenda and Istanbul Declaration in 1996.
72. The Presidential Circular No. 1 of 2008 and 2017, designated the State Department for Housing and Urban Development as the National Focal Point on housing and human settlements issues and this has been the position to date. Subsequently, in the year 2012, the National focal point constituted a broad based National Habitat Committee with permanent and alternate members. The Committee has spearheaded all housing and human settlements programs and activities which have included Kenya’s participation in international, regional and national meetings. Fora such as United Nations Governing Council and General Assembly meetings, World Urban Forum and World Habitat Day among others. Outcome of these forums have informed Government policies and legislations.
73. The Government has put in place measures in both national and county levels that include: proper land use practices; conservation; enhancement of quality of land-based resources; and proper management of demographic and health parameters. Other measures include: application of efficient technology for intensification of land use; development of land use data; land cover and land use plans for national and county governments.
74. The following sectoral laws have been reviewed and aligned to the Constitution: National Land Policy, 2009; National Land Use Policy, 2017; Physical and Land Use Planning Act, 2019; Sectional Properties Act, 2019; Land Act, 2012; Urban Areas and Cities Act, 2012; National Land Commission Act, 2012; County Government Act, 2012; the National Slum Upgrading and Prevention Policy, 2017; and National Urban Development Policy.
75. Digitization of land and land records transactions that include; records at the registries in national and county offices, transactions, valuation, and physical planning. The Government is finalizing the report that is going to guide the roll out on digitization in the national and county government. This report was finalized in 2019.
76. Kenya Informal Settlements Improvement Project (KISIP) I has been finalized. KISIP II has been approved by World Bank and is in progress. Phase II is undertaking tenure regularization and installation of social and physical infrastructure in informal settlements in fifteen (15) town³ namely: Nairobi, Mombasa, Thika, Nakuru, Kisumu, Eldoret, Embu, Kilifi, Nyeri, Nanyuki, Meru, Naivasha, Kericho, Malindi, Kitui, Garissa and Kakamega. There is need for a comprehensive legal framework to guide slum upgrading and prevention process.
77. Through support from the World Bank, Kenya Urban Development Programme is being undertaken to support all county headquarters with housing infrastructure such as drainage

³ Data sourced from Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works

- systems, foot and cycle paths, roads, bus parks, markets and street lights in the forty seven (47) county headquarters.
78. Memorandum of Understanding between the national and county governments for construction of 2000⁴ affordable houses in each county headquarters. Establishment of the National Housing Fund is in progress. The Government has embarked on developing housing schemes for civil servants in five (5) county headquarters namely: Nyeri, Kakamega, Kisii, Nakuru and Meru as priority projects. Park Road affordable housing project have been completed and about 230⁵ housing units will be sold to members of the public.
 79. The State Department for Housing and Urban Development has undertaken construction of 800⁶ housing units in Machakos, Kiambu, Embu and Kisumu for sale to public officers in the National Government through a mortgage scheme whose interest rate is five per cent (5%)⁷. The sale of these houses is ongoing.
 80. Challenges experienced in implementation of the above include unplanned human settlements, high cost of land, construction, obtaining development approvals and mortgage financing. However, to address the challenges the Government has embarked on: digitization of land records, review of existing land based laws, implementation of a National Spatial Plan (NSP), promotion of appropriate building technologies and Public Private Partnerships (PPP) in provision of adequate housing.
 81. The historic first session of the Universal Assembly of the United Nations Human Settlements Programme (UN-Habitat Assembly 1) was held in Nairobi from 25th to 31st May, 2019. Member States, the private sector, sub-national governments, learning institutions, civil societies and UN programmes and agencies acknowledged the Assembly's success especially in the establishment of a New Governance Structure and its outcomes.
 82. Critical outcomes of UNHA 1 have paved way for an invigorated, better governed and financed UN-Habitat to deliver on sustainable urbanization and human settlements Agenda. i.e. (i) The Nairobi Ministerial Declaration (ii) Approval of Strategic Plan 2020–2023 (iii) Adoption of 4 resolutions on: Safer Cities & Human Settlements; Capacity Building; Gender Equality; and Enhancing Urban-Rural Linkages for sustainable urbanization. Additionally, the Committee of Permanent Representatives and Executive Board ensured that all future meetings will take place in Nairobi.
 83. Kenya through its Permanent Mission to the United Nations Human Settlements Program (UN-Habitat) in Nairobi, mobilized members of the Diplomatic Corps to participate in the National Observance of World Habitat Day that took place in Nakuru County on 7th October, 2019. On 28th November, 2019, the Mission also initiated discussions with UN-Habitat Business solutions on building inclusive urban communities through circular economy. They also co-launched with the Executive Director of UN-Habitat in the High Level Bike Train in promoting sustainable non-motorized urban mobility on 3rd December, 2019.

2.1.7 United Nations Industrial Development Organization (UNIDO)

84. The UNIDO Constitution was adopted in Vienna on 8th April, 1979, at the seventh plenary meeting of the UN Conference on the Establishment of the UN Industrial Development Organization as a Specialized Agency. It entered into force on 21st June, 1985. Kenya ratified the UNIDO's Constitution on 13th November, 1981. The mandate of UNIDO is to promote industrial development for poverty reduction, inclusive globalization and environment sustainability.

⁴ Ministry of Transport, Infrastructure, Housing and Urban Development

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

85. Being a member of UNIDO contributes to the development of a country's industrial development. Kenya became a member so as to primarily benefit from the technical assistance and support from UNIDO in the process of Kenya's industrialization.
86. UNIDO has supported Kenya's industrialization in various sectors and is currently undertaking 4 projects in Kenya. There have been proposals from the Government to seek technical assistance and support from UNIDO on Promotion of Special Economic Zones and Free Trade Zones.
87. Kenya through the Ministry of Industrialization, Trade and Enterprise Development pays an annual assessed contribution to UNIDO. The amount of assessed contribution has been rising due to the fact that several developed countries from the world have been withdrawing and leaving the Organization leaving the remaining States, mostly developing countries to foot the bill.
88. The Conference of Africa Union Ministers of Industry (CAMI) was inaugurated in 1971, by the United Nations Industrial Development Organization (UNIDO), as a Pan-African response to promote accelerated and sustainable industrial development. CAMI is the highest political forum in the AU where issues relating to industrial development of Africa are discussed and promoted. It partners with the United Nations Industrial Development Organization (UNIDO) and United Nations Economic Commission for Africa (UNECA). CAMI holds conferences every two years. The 20th Session of CAMI was convened in Nairobi, Kenya in June, 2013. Kenya became a member to benefit from the technical assistance from CAMI and also propagate its position in the African Continent on issues of Industrialization.

2.1.8 International Maritime Organization (IMO)

89. The International Maritime Organization (IMO) is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. Kenya became a signatory to the Convention on 22nd August, 1973.
90. IMO provides a mechanism for co-operation among governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety; and ensure efficiency of navigation and prevention and control of marine pollution from ships. The Organization is also empowered to deal with administrative and legal matters related to these purposes.
91. Kenya is a member of the IMO Governing Council. The Government formulates policies and implements programs and participates at IMO meetings.
92. Benefits attributable to the implementation of the IMO Convention in Kenya include: collaboration with other maritime nations, technical assistance on maritime training/equipment, development of laws/regulations and domestication and assessments in ensuring clean, safe secure seas for international trade.
93. Kenya was audited under the IMO Member State Audit Scheme (IMSAS) between 5th and 14th May, 2018. The purpose of the mandatory Audit was to assess the extent to which Kenya has complied with its obligations under the various IMO Instruments ratified by the Republic of Kenya. Kenya successfully transitioned from the Blue List to the IMO White List as a result of the full compliance with the Standards of Training Certification and Watch keeping for Seafarers (STCW-95) Convention and Code. The findings made during the Audit are intended to enhance Kenya's implementation of IMO Conventions to the greatest extent through implementation of the Corrective Plan of Action. This audit is carried out every two (2) years.

2.1.9 United Nations World Tourism Organization (UNWTO)

94. Kenya is a member of the United Nations World Tourism Organization (UNWTO) which is a specialized UN agency leading in the field of tourism. It serves as a global forum for tourism

policy issues and a practical source of tourism know how. The fundamental aim of the Organization is the promotion and development of tourism with the view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

95. Kenya participates in UNWTO World Tourism Day celebrations every year on 27th September, to raise awareness among people about the importance of tourism and how it helps in the economic growth based on the theme given. In 2019, Kenya participated in the World Tourism day under the theme, “Tourism and Jobs: a better future for all”.
96. Between 9th and 13th October, 2019, Kenya participated in the UNWTO General Assembly in St Petersburg, Russia. The key topics were:
 - Tourism’s increasingly-prominent role in advancing the sustainability agenda.
 - Private-public cooperation
 - The place of innovation and entrepreneurship in the future of tourism, with a particular focus on job creation, education and the fight against climate change.
97. Kenya participated at the UNWTO 110th Executive Council from 16th to 18th June, 2019, in Baku, Azerbaijan. The main focus of the session was innovation and digital transformation in the tourism sector. It also addressed issues of entrepreneurship, education and employment, secure and seamless travel and social, cultural and environmental sustainability.
98. Kenya was elected the chair of the Executive Council of the UNWTO General Assembly on 9th September, 2019, for a term of two years in St. Petersburg, Russia. The term will run from 2020–2022.

2.1.10 Commonwealth of Nations

99. The Commonwealth comprises 53 countries from Africa, Asia, Americas, Europe and the Pacific. Kenya joined The Commonwealth in 1963. All member countries subscribe to the Commonwealth values and principles outlined in The Commonwealth Charter.
100. From 16th to 20th April, 2018, the United Kingdom hosted the Commonwealth Heads of State and Government (CHOGM) meeting in London and Windsor whose theme was promoting prosperity, safety, sustainability and fairness. H.E. President Uhuru Kenyatta, CGH attended and led the Kenyan delegation to CHOGM 2018. CHOGM is held every two (2) years to discuss issues of mutual concern and interest. The Leaders at CHOGM 2018, reaffirmed common values, addressed the shared global challenges and agreed how to work to create a better future for all citizens, particularly the youth. The meeting was attended by over five thousand (5000) participants from Commonwealth countries drawn from Government, youth, business and the civil society.
101. Alongside CHOGM the following meetings were convened: the Commonwealth Women’s Forum, the Commonwealth Youth Forum, the Commonwealth Business Forum and the Commonwealth Peoples Forum. Kenya sent a delegation to participate in these Forums. The outcome of CHOGM 2018, was the CHOGM Communique titled, “Towards a Common Future”. The Communique had four (4) Annexures namely: Commonwealth Blue Charter on ocean governance (Annex I); Commonwealth Cyber Declaration (Annex II); Declaration on the Commonwealth Connectivity Agenda for Trade and Investment (Annex III); and Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries (Annex IV). The Government delegation used the opportunity to market Kenya as a preferred tourist, trade and investment destination.
102. During CHOGM 2018, the Commonwealth Ministerial Action Group (CMAG) members elected Kenya to chair the group for the next two (2) years. The Cabinet Secretary for Foreign Affairs of Kenya, took over from Cyprus while Kenya will be deputized by Australia. CMAG,

established in 1995, is the custodian of Commonwealth values such as the rule of law, democracy and human rights.

103. Commonwealth Ministerial Action Group (CMAG) meetings are convened by the Commonwealth Secretary General with the Commonwealth Secretariat providing secretarial support. CMAG works with the Secretary General to see to it that timely missions are undertaken to any of the members having challenges on these values. The group assesses concerns such as the unjustified postponement of elections, violations of human rights, lack of civil society and media space.
104. The 53rd Meeting of CMAG was held in New York on 28th September, 2018. The meeting was chaired by Cabinet Secretary for Foreign Affairs of Kenya and attended by Foreign Ministers and Representatives of Australia, Barbados, Belize, Ghana, Malaysia, Namibia, Samoa and UK. The Meeting while noting the outcome of CHOGM 2018, received updates from Rt. Hon. Patricia Scotland, OBE, and the Secretary General of the Commonwealth on her engagements in support of member countries efforts to promote democracy and Commonwealth values. She also gave updates on developments in a number of Commonwealth member countries.
105. Kenya hosted the 12th Commonwealth Women Affairs Ministers Meeting from 16th to 20th September, 2019 themed: “From Commitment to Action-Accelerating Gender Equality and Women’s Empowerment for Sustainable Development”. WAMMs are held every three years. The 12th WAMM was held in three segments; Civil Society Forum, Senior Officials and Ministerial Meetings. Kenya as the host country chaired the official meetings through the Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs. The meeting was attended by over three hundred (300) delegates from Commonwealth countries drawn from government, CSO’s representatives and observers. The Government allocated KSh. 50 Million for the meeting.
106. The 12th WAMM addressed the progress, challenges and opportunities in achieving gender equality within the four gender priorities of the Commonwealth on: Women in Leadership, Ending Violence against women and girls, Women’s Economic Empowerment as well as Gender and Climate Change. The meeting reiterated that accelerating actions for realizing gender equality and the empowerment of women and girls is critical and will make an essential contribution to progress across all the 17 Sustainable Development Goals and 169 targets. The importance of systematic mainstreaming of a gender perspective in the implementation of the 2030 Agenda was also noted as crucial. The deliverables of the 12th WAMM were an Outcome Document and Declaration on Gender Equality 2020–2030 that was adopted by the Ministers to be presented at the next Commonwealth Heads of Government Meeting in Rwanda in 2020.
107. Kenya hosts a national chapter of the Commonwealth Human Ecology Council (CHEC).
108. Kenyan athletes have participated and hold eight (8) Commonwealth Games records. The next Commonwealth Games are scheduled to be held in 2022 in Birmingham, England.
109. Commonwealth Day is commemorated annually and was observed on 11th March, 2019.

2.1.11 International Atomic Energy Agency (IAEA)

110. The IAEA was established as an autonomous organization on 29th July, 1957. Though established independently of the United Nations through its own international treaty, the IAEA Statute, the IAEA reports to both the UN General Assembly and Security Council. Kenya joined the agency on 12th July, 1965. The member states of the International Atomic Energy Agency (IAEA) are those states which have joined the international organization that seeks to promote the peaceful use of nuclear energy, and to inhibit its use for any military purpose, including nuclear weapons. Kenya has been an IAEA Member State since 1965.
111. To enhance implementation of its objectives, IAEA signs Cooperation Framework Agreements with member states. A Cooperation Framework Agreement (CPF) is the framework of

reference for the medium-term planning of technical cooperation between a Member State and the IAEA because it identifies priority areas where the transfer of nuclear technology and technical cooperation resources will be directed to support national development goals.

112. On 31st May, 2017, the Government signed the current CPF document setting stage for assistance and support from the IAEA in implementing development projects in the country that apply nuclear technology in agriculture, research, cancer treatment and nuclear energy development. The CPF describes Kenya's priority areas for technical cooperation between the country and IAEA that will require support for realization of national development goals, and it's running for a period of five years starting from 2017 to 2022.
113. The signed CPF identified eight (8) national priority areas that will require cooperation and support from the IAEA under the technical cooperation arrangement namely: food and agriculture; human health; water resources management; agro-environmental management; industrial applications; sustainable energy development; human capacity building in nuclear science and technology; and strengthening national radiation safety and nuclear security.
114. The implementation of the CPF is coordinated by Nuclear Power & Energy Agency (NuPEA), formerly the Kenya Nuclear Electricity Board (KNEB) which hosts the office of National Liaison Officer and serves as a national authority that plays a major role in facilitating technical cooperation between the IAEA and their respective countries.
115. The Ministry of Energy has initiated the process of ratifying or acceding to four (4) pertinent nuclear safety conventions, in line with the Government's commitment to developing the Kenyan Nuclear Power Programme in a manner that places a strong and overriding priority on safety. The process is spearheaded by NuPEA with active participation by all relevant stakeholders in line with constitutionally enshrined national values.
116. The four (4) nuclear safety conventions under consideration have been adopted under the auspices of the International Atomic Energy Agency (IAEA) and they fall under the cornerstone of the global nuclear safety regime. The Conventions are: The Convention on Nuclear Safety; The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency; The Convention on Early Notification of a Nuclear Accident; and The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

2.1.12 The International Renewable Energy Agency (IRENA)

117. IRENA promotes the widespread adoption and sustainable use of all forms of renewable energy, including bioenergy, geothermal, hydropower, ocean, solar and wind energy in the pursuit of sustainable development, energy access, energy security and low-carbon economic growth and prosperity. It's mandated to facilitate cooperation, advance knowledge, and promote the adoption and sustainable use of renewable energy. Kenya became a Member State to IRENA on 2nd May, 2009.
118. Under IRENA, Kenya is benefiting from the implementation of Africa Clean Energy Corridor Programme; a regional initiative to accelerate the development of renewable energy potential and cross-border trade of renewable power within the Eastern Africa Power Pool (EAPP). EAPP, is a collaborative effort by eleven countries in Eastern Africa to interconnect their electricity grids and take advantage of excess capacity within the network and facilitate trade of electric power between the members. The objectives of the Eastern Africa Power Pool include: (a) the reduction of power costs within the region; (b) facilitation of power trade between the members; (c) increasing energy availability to citizens of member countries; and (d) increase the grid security of the member countries.
119. The first phase of the programme, connecting Ethiopia and Kenya, through the 500kv Ethiopia-Kenya interconnector. This has been funded by the African Development Bank as a high voltage direct current line, with more than 600km of it being on the Kenyan side and 430km on

the Ethiopian side and is on its final stages of implementation. The Tanzania-Zambia (TAZA) Project is part of the second phase, with the other part—the Kenya-Tanzania transmission line under construction, enabling the connection of the EAPP power system to the SAPP (South Africa Power Pool).

120. Obstacles to the full integration and functioning of the EAPP include lack of transmission facilities as well as insufficient power generation capacity. The region needs significant investment in new generation and transmission grid infrastructure.
121. There is also need to forge real political commitment to regional solutions to electricity supply and to promote competition in electricity markets in the long term. Other considerations include a robust framework for power trading to take place, arrangements for system operations, a system for equitably setting the tariffs for use of the transmission infrastructure as well as agreed principles and procedures for dispute resolution.

2.1.13 Indian Ocean Tuna Commission (IOTC)

122. The Indian Ocean Tuna Commission (IOTC) is a Regional Fisheries Management Organization (RFMO) within the framework of the Food and Agriculture Organization of the United Nations (FAO). It was formed as RFMO under the Agreement for the Establishment of the Indian Ocean Tuna Commission to co-ordinate the regulation and management of the highly migratory and straddling tuna and tuna-like fish species in the Indian Ocean and adjacent seas.
123. The Agreement for its establishment was adopted on 25th November, 1993, and entered into force on 27th March, 1996. Kenya acceded to the Agreement on 29th September, 2004. The Agreement is domesticated through the Fisheries Management and Development Act, 2016, and the Maritime Zones Act, Cap. 371.
124. Kenya's membership and participation in decision making of the Commission has helped her to build capacity to implement the IOTC resolutions. Kenya is currently the Chair of the Commission until 2020.

2.1.14 South West Indian Ocean Fisheries Commission (SWIOFC)

125. Kenya is a member of the South West Indian Ocean Fisheries Commission (SWIOFC), established in 2004, by Resolution 1/127 of the FAO Council under Article VI (1) of the FAO Constitution. The Commission is to promote sustainable utilization of the living marine resources of the SWIO region through proper management and development of the resource without prejudice to the sovereign rights of coastal States.
126. Kenya participates in the technical and scientific committees of the SWIOFC and has benefitted from various capacity building initiatives, including development of the Fishing Observer Programme for compliance purposes.

2.1.15 The Western Indian Ocean Marine Science Association (WIOMSA)

127. The Western Indian Ocean Marine Science Association (WIOMSA) was established as a regional, non-profit, membership organization in 1993, and registered in Zanzibar in 1994 as a non-governmental organization.
128. The organization is dedicated to promoting the educational, scientific and technological development of all aspects of marine sciences throughout the Western Indian Ocean (WIO) region (consisting of nine (9) countries: Somalia, Kenya, Tanzania, Mozambique, South Africa, Comoros, Madagascar, Seychelles, Mauritius and one collaborating territory—Reunion Island) with a view towards sustaining the use and conservation of its marine resources.
129. Kenya is a founding member and joined in 1994. There is no legal instrument to this. WIOMSA is actualized through membership which has over the years been mainly through

research institutions KMFRI some NGO's, Universities which have aquatic science courses and individuals.

130. Kenya being a WIOMSA member, has an elected Country Coordinator responsible for coordinating research grant programs for funding technical support for coastal and marine research, training and communications in the Western Indian Ocean (WIO) region and the Marine Research Grant (MARG).

2.1.16 Common Fund for Commodities (CFC)

131. The Common Fund for Commodities (CFC) is an autonomous Inter-Governmental financial institution established within the framework of the United Nations. Its mandate is to enhance socio-economic development of commodity producers. The institution also contributes to the development of society as a whole through commodity development projects. Through co-operation with other development institutions, the private sector and civil society, CFC endeavours to achieve overall efficiency and impact on commodity development.
132. CFC-supported interventions cover all aspects of the value chain from production to consumption. The Fund has financed development projects for nearly two decades to enhance social and economic development in commodity dependent developing countries such as Kenya. Innovative projects target new opportunities in common markets and value chains with potential to generate positive impact on social, economic and environmental development of stakeholders. The CFC is currently funding a Programme on Cotton Value Chain Development in the country to accelerate growth; contribute to poverty reduction and increase employment, livelihoods and incomes of targeted beneficiaries.

2.1.17 The World Conservation Union (IUCN)

133. IUCN was created in 1948, to gather the latest knowledge on biodiversity, assess the status of species, protect natural wonders and promote numerous projects around the world. Kenya through, an MoU partners with the IUCN in conservation and sustainable management of fresh water and marine fisheries in general, and specifically to address the socio-economics of the Nile Perch fishery on Lake Victoria. Kenya avails information and provides project counterpart funding for prioritized activities between the IUCN East African Regional Office and Kenya Marine and Fisheries Research Institute.

2.1.18 World Association of Public Employment Services (WAPES)

134. The World Association of Public Employment Services (WAPES) is a global association of public employment services which was founded in 1988. The object of the Association is to promote knowledge-building, and support capacity building among members to better support, strengthen and modernize public employment services. The availability of structured and comparable information about public employment services makes it possible to better inform dialogue, activities, technical and financial assistance initiatives regarding Labour markets.
135. The National Employment Authority has employment bureaus countrywide that offer services such as: registration and placement of job-seekers into jobs; vacancy registration; vocational and career guidance; employment counselling registration; regulation of employment agencies and advisory services on employment generally.

2.1.19 World Organization for Animal Health (OIE)

136. The World Organization for Animal Health was created in 1924, to prevent the spread of animal diseases and improve animal health throughout the world. Kenya joined the organization on 16th December, 1963. The Country hosts and provides office-space for the Sub-Regional representation for Eastern Africa and the Horn of Africa in Nairobi since 2010.

137. In 1994, with the adoption of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), the OIE became the WTO's standard setting organization for safe trade in animals and animal products.
138. The activities of the OIE to strengthen members' veterinary services and their compliance with international standards improve the health and productivity of national flocks and herds; increase the supply of animal protein for domestic consumption; improve food safety; reduce the incidence of zoonotic diseases; and improve the general health and welfare of the nation's people and animals.
139. The OIE achieves its objectives through the World Assembly of its Member State Delegates and Specialist Commissions. It has Regional and Sub-Regional representations in Africa, Americas, Asia and the Pacific, Europe, and the Middle East.
140. The Government carried out a Performance Evaluation of Veterinary Services (PVS) follow up mission in February, 2019, and has embarked on the Veterinary Legislation Support Program Pathway.
141. The Government has finalized control strategies for Foot and Mouth Disease (FMD), Contagious Bovine Pleuropneumonia, *Peste des Petits Ruminants* disease (PPR) and Rabies. The Government finalized contingency plans for Rift Valley Fever, Highly Pathogenic Avian Influenza and Bovine Spongiform Encephalopathy and also entered into control pathways for FMD, PPR and Rabies. The country has also finalized the Anti-Microbial Resistance (AMR) strategy and action plan and embarked on implementation of the activities. Kenya has supported the Universal Declaration on Animal Welfare and will sign once adopted by the UN.

2.1.20 African, Caribbean and Pacific Group of States (ACP)

142. The African, Caribbean and the Pacific (ACP) Group of States was established in 1975, under the Georgetown Agreement to which Kenya is a signatory. It comprises seventy-nine (79) countries, forty-eight (48) from Sub-Saharan Africa, sixteen (16) from the Caribbean and fifteen (15) from the Pacific regions. The main objectives of the ACP Group are: sustainable development of its Member-States and their gradual integration into the global economy, which entails making poverty reduction a matter of priority and establishing a new, fairer, and more equitable world order; coordination of the activities of the ACP Group in the framework of the implementation of ACP-EU Partnership Agreements; consolidation of unity and solidarity among ACP States, as well as understanding among their peoples; and establishment and consolidation of peace and stability in a free and democratic society.
143. Since 1975, the Georgetown Agreement has been revised twice—in 1992 and in 2003. The Agreement has been undergoing a third revision which was endorsed by the ACP Heads of State and Government during the 9th ACP Summit on 9th to 10th December, 2019. This revision is meant to align the Group to the emerging global dynamics and redefine its vision and role in advancing multilateralism.
144. The Council of Ministers is the Group's main decision-making body. It is the supreme body responsible for implementing the guidelines laid down by the Summit. The Council meets twice annually in ordinary sessions; alternating between Brussels and an ACP country. It may also meet, when necessary, in special session, on the advice of the President, after consultation with all the members of the Bureau. Once every year in May/June, both the ACP and EU meet at a joint session to adopt policy guidelines and take the decisions necessary for the implementation of the provisions of the Agreement, in particular as regards development strategies in the specific areas. They also dialogue on political matters.
145. The 9th ACP Summit was held in Nairobi under the theme: "A Transformed ACP: Committed to Multilateralism". It was preceded by the 110th session of the ACP Council of Ministers from 6th to 7th December, 2019 and a Joint Session of the ACP Council of Ministers and Ministers of

Foreign Affairs on 8th December, 2019. The Summit also featured a Business Summit, a Women and Youth Forum and an Exhibition.

146. The objectives of the 9th ACP Summit were to: endorse the outcome of the negotiations for a new 20-year ACP-EU Partnership Agreement; review results and impacts of the work of the Group since 2016 and take stock of the implementation of the commitments made at the 8th Summit; consider and adopt the revisions to the ACP's Constitutive Act, the Georgetown Agreement; provide political guidance on the way in which the Group redefines its vision and role to advance multilateralism; and give political leadership and guidance on ACP institutional structures to achieve sustainable development through Agenda 2030.
147. The outcome of the Summit was the “*Nairobi Nguvu Ya Pamoja Declaration*” which will guide the activities of the Group for the next three (3) years. In addition to the outcome, I assumed the Presidency of the ACP Summit for the term 2019–2022.

2.1.21 Forum on China Africa Cooperation (FOCAC)

148. The Forum on China-Africa Cooperation (FOCAC) was established in 2000, as a multilateral cooperation platform between China and African countries that have formal diplomatic relationships with China. The forum straddles various fields of cooperation including political, economic, social, cultural and environmental. Since 2000, seven Ministerial meetings have been held at an interval of three years, alternating between Africa and China, with the seventh Ministerial meeting, taking place from 1st to 4th September, 2018, in Beijing, China.
149. At bilateral level, Kenya and China signed in April, 2019, agreements which included an agreement on economic and technical cooperation worth 300⁸ million Yuan, 80⁹ million for emergency food assistance and an MOU on cooperation within the framework of the Silk Road Economic Belt and the 21st Century Maritime Silk Road Initiative. The emergency food assistance agreement has been operationalized with Kenya receiving 500¹⁰ tons of food out of a possible donation of 12,000¹¹ tons of rice. However, the agreement on the 300 million Yuan is yet to be implemented.
150. Since December, 2015, Kenya and China have implemented many of the projects of the Johannesburg Action Plan. Out of the USD 60 billion pledged to Africa, Kenya has received USD 9.5 billion.

2.1.22 Tokyo International Conference on African Development (TICAD)

151. The Tokyo International Conference on African Development (TICAD) is a development platform launched by Japan in 1993, to promote high-level policy dialogue between African leaders and development partners mobilizing support for Africa-owned development initiatives. Coming at a time when aid fatigue had become apparent, the launch of TICAD was catalytic for refocusing international attention on Africa's development needs. A key objective of TICAD is to mobilize support for Africa's socio-economic development, peace and security, governance and human rights agendas. TICAD underscores the spirit of “African ownership” and “international partnership” and is structured as a multilateral forum inclusive of a wide range of strategic partners and five co-organizers.
152. In August, 2016, Kenya successfully hosted the Sixth Tokyo International Conference on African Development (TICAD VI) in Nairobi, being the first Summit held outside Japan. The outcome of this conference included the Nairobi Declaration, the Nairobi Action Plan and the ABE pledges (USD 30 billion).

⁸ Data sourced from Ministry of Foreign Affairs

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Ibid*

153. Kenya participated in the 7th TICAD conference held in Yokohama, Japan from 28th to 30th August, 2019. The conference was organized under the theme, “Advancing Africa’s development through people, technology and innovation”. The conference featured High Level Plenary Sessions on: human resource development including African Business Education (ABE) Initiative; accelerating economic transformation and improving business environment through private sector development and innovation; Public Private Business Dialogue which came up with concrete suggestions to expand trade and investment between Japan and Africa; deepening sustainable and resilient society through promotion of UHC, STI, environmental protection, disaster risk reduction, climate change, human resource development & education, and empowerment of women and youth; Peace and Stability session which discussed support from the international community for Africa’s own efforts.
154. It also encompassed thematic sessions on: Science, Technology and Innovation; Human Resource Development/Education for Youth; Agriculture, Climate Change/Disaster Risk Reduction; and Blue Economy.
155. The conference adopted the Yokohama Declaration and Action Plan which will guide implementation of Japanese support to African countries up to 2022.

2.1.23 Codex Alimentarius Commission (CAC)

156. The Codex Alimentarius Commission (CAC) was established in 1963, in Rome. It is a joint body of the World Health Organization (WHO) and Food and Agriculture Organization of the United Nations (FAO) that sets standards for the safety of international food trade.
157. The purpose is to develop international science based food standards aimed at facilitation of fair food trade and protection of consumer health. Codex standards are science based and assisted by international risk assessment bodies. The standards are recommendations for voluntary application, but serve in many cases as a basis for national legislation.
158. Kenya Bureau of Standards and implementing agencies such as the Directorate of Veterinary Services, adopt Codex Standards as national food standards and implements them to facilitate trade nationally, regionally and worldwide for all of Kenya’s animal and plant products.
159. Codex food Standards are used in case there is dispute in trade and also during harmonization of the regional standards.
160. The Government has adopted the relevant codex standards in whole and in part as needed and also participated in the technical committees which are part of the National Focal Point secretariat housed at Kenya National Bureau of Standards.
161. Kenya has chaired the FAO/WHO Coordinating Committee for Africa (CCAFRICA) for the last five (5) years and is holding up to July, 2020. The country hosted the 23rd Session of the CCAFRICA in Nairobi on 2nd to 6th September, 2019.
162. The Organization is in the process of developing proposed draft standards for dried meat and offals.

2.1.24 International Accreditation Forum (IAF)

163. International Accreditation Forum (IAF) is a worldwide Organization founded on 8th October, 1932, that is responsible for harmonizing the international recognition of conformance with management, environmental and various product standards. It oversees accreditation activities in the field of certification of systems, processes, products and persons thereby enabling recognition of the results of accreditation bodies that accredit the said certifiers. The said accreditation is in respect of the technical competence of personnel and the attendant infrastructure (methods, procedures, equipment, environment within which certification takes place).

164. Kenya joined IAF on 24th July, 2013, in order to fully participate, contribute and articulate Kenya's interest in the global accreditation arena particularly in the development of technical competence of Conformity Assessment Bodies that provide conformity assessment services in all fields, both in the private and public sectors. The Kenya Accreditation Service (KENAS) is the accreditation body member for the IAF. This has a direct contribution towards facilitation of global trade as a critical component of our economy's sustainable development. In November, 2017, Kenya received international recognition from IAF for conformity with international standards.
165. The country has benefitted from exposure to new ideas in the field of accreditation and is able to keep up to date with emerging accreditation requirements taking into account the dynamism of the market/customer requirements, standards and applicable regulations requirements. It has also enabled the country to foster greater co-operation and institutional linkages with other members and stakeholders such as: World Health Organization (WHO); World Anti-Doping Agency (WADA); International Organization for Standardization (ISO); International Telecommunication Union (ITU); World Trade Organization (WTO); and United Nations Framework Convention on Climate Change (UNFCCC) among others.

2.1.25 International Laboratory Accreditation Co-operation (ILAC)

166. International Laboratory Accreditation Co-operation (ILAC), established in 1977, is an international umbrella organization that oversees accreditation activities in the field of laboratory testing and inspection in all fields. ILAC became a formal corporation with a charter to establish a network of Mutual Recognition Arrangements among accreditation bodies.
167. Kenya is a signatory to the ILAC Mutual Recognition Arrangement (MRA) for testing, medical testing, calibration and inspection. KENAS joined ILAC as an Affiliate Member in 2005 and became an Associate Member in 2009. Kenya is now a full member. In November, 2017, Kenya received international recognition from ILAC for conformity with international standards.
168. Kenya has gained expertise through exposure to new ideas and is able to keep up to date with emerging accreditation requirements that are pegged to market dynamism taking into consideration applicable market requirements, standards and regulatory requirements. It has also enabled the country to foster greater co-operation and institutional linkages with other accreditation body members and stakeholders.

2.1.26 International Measurement Confederation (IMEKO)

169. International Measurement Confederation (IMEKO) is an Inter-Governmental Federation which was founded in 1958, in Budapest, Hungary. It is comprised of forty-one (41) Member Organizations individually concerned with the advancement of measurement technology. IMEKO's fundamental objectives are the promotion of international interchange of scientific and technical information in the field of measurement and instrumentation, and the enhancement of international co-operation among scientists and engineers from research industry.
170. The Kenya Bureau of Standards (KEBS), is the national focal point institution. Kenya became a member in order to achieve metrological capability in specific activities through exchange of knowledge in seminars, conferences and congresses.

2.1.27 International Organization for Standardization (ISO)

171. The International Organization for Standardization (ISO) was established in 1947, and is based in Geneva, Switzerland. The role of ISO is to develop international standards that facilitate international trade. The members of ISO are national standards bodies. Kenya Bureau of Standards (KEBS) became a permanent member of ISO in order to participate in international

standardization, to ensure that international standards take into consideration the national interest of the country and to ensure that trade in Kenyan products is protected.

172. KEBS, established by the Standards Act, Cap 496, is a participating member on several technical committees of national importance to Kenya. There are over 19,500 published international standards covering various aspects of technology and manufacturing. KEBS membership to ISO is beneficial by giving early access to information that could shape the global markets, giving Kenya and its stakeholders a voice in the development of standards, and helping to keep market access open.
173. Institutions are endeavoring to be ISO certified and the processes of the institutions which have been certified have contributed to their efficiency and re-engineered business processes. It has contributed to the professionalism of the Human Resources in the Institutions. Currently, some MDAs have attained ISO certification.

2.1.28 International Electro-Technical Commission (IEC)

174. The International Electro-Technical Commission (IEC) was founded on 26th June, 1906. It is charged with the responsibility of promoting international co-operation on all questions of standardization and related matters in the field of electrical, electronic (electro-technology) and related technologies. The IEC member in every country is the National Committee of the IEC. The National Committee has its Secretariat at KEBS and Kenya participates in four (4) IEC Committees with full voting rights due to its membership status as an Associate Member. KEBS implements the decisions of the National Committees of IEC.
175. Kenya became a member of the IEC in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country especially since performance of electro technical equipment is significantly affected by the climatic conditions. Most of the IEC standards address altitudes up to 1000m which is below most of the parts in Kenya. Hence, Kenya needed to influence the inclusion of altitudes above 1000m in the standards to cater for her climatic conditions.
176. IEC has provided KEBS with materials and equipment and carried capacity-building for KEBS staff. This has made it possible for KEBS, in collaboration with relevant National Organizations, develop Kenyan standards for Electrical/Electronic sector thereby being able to regulate the sector. Kenya is keen on upgrading expertise in the sector and inclusion of altitudes above 1000m in the standards to cater for our climatic conditions.

2.1.29 Asia Pacific Metrology Programme (APMP)

177. The Asian Pacific Metrology Programme (APMP) has been operating in the Asia-Pacific since its inception as a Commonwealth Science Council initiative in 1977. APMP's vision is to become an inclusive, representative and transparent regional metrology organization providing leadership for meeting the measurement challenge of the region.
178. The APMP is a grouping of National Metrology Institutes (NMIs) from the Asia-Pacific region engaged in improving regional metrological capability through the sharing of expertise and exchange of technical services among member laboratories. APMP is also a Regional Metrology Organization (RMO) recognized by the International Committee for Weights and Measures (CIPM) for the purpose of worldwide mutual recognition of measurement standards and of calibration and measurement certificates.
179. The aim of APMP is to promote and support a measurement infrastructure in the Asia-Pacific region that facilitates international trade, improves industrial efficiency and competitiveness, ensures equity in the marketplace, and enhances the quality of life and the environment. Kenya through KEBS is an associate member of APMP.
180. The member economies benefit by getting support from APMP in establishing or improving metrological capabilities through transferring expertise in metrological fields among members

through: conferences; seminars; workshops; training programs; consultancies and technical publications; fostering information exchange and sharing among members; and facilitating collaboration among interested members on specific projects.

181. Other benefits include: encouraging participation in CIMP comparisons and initiating regional comparisons of measurement standards in order to gain international recognition of measurement capability of member laboratories. It further gives special attention to the needs of less developed members and initiates, develops and implements activities to assist them in achieving metrological capability in specific activities and implementing other resolutions and actions as decided by the APMP General Assembly.

2.1.30 World Council for Credit Unions (WOCCU)

182. This is the global confederation of Co-operative Financial Institutions (CFIs) which was founded on the 1st January, 1971. WOCCU brings together all Savings and Credit Co-operatives (SACCOS) in the world, creating a vast network.
183. Kenya through the Kenya Union of Savings and Credit Co-operatives Ltd. (KUSCCO) became a member in 1980 to gain from experiences of other CFIs in the world for purposes of boosting the Cooperative movement in Kenya. The obligation of the Government is to register and regulate cooperative societies.
184. To date, Kenya has an estimated 22,000 registered Co-operatives which can be broadly categorized as financial and non-financial Co-operatives. As an integral part of the financial services sector, the SACCO industry is expected to continue playing a critical role in mobilizing savings and providing credit to the middle and low-income segment.
185. Kenya has established an oversight authority for SACCOs known as Sacco Societies Regulatory Authority (SASRA) established under the SACCO Societies Act, *No. 14 of 2008 (Rev. 2012)*.
186. The SACCO industry is fully supporting the financing needs of the Small and Micro Enterprises (SMEs) which hold the greatest potential in creating employment for the unemployed Kenyans.

2.1.31 International Co-operative Alliance (ICA)

187. The International Co-operative Alliance (ICA), founded on 19th August, 1895, is a worldwide co-operative body with headquarters in Geneva, Switzerland. Its regional office for Africa is based in Nairobi, Kenya. It aims at forming networks within the co-operative movement in Kenya and the rest of the world. Kenya is a member of ICA through KUSCCO Ltd.
188. Being a member of the Organization contributes to the development of the country's Co-operative movement, creates jobs and business opportunities for Kenya and the Co-operative movement bodies.
189. The Government is working with other African countries interested in developing their co-operative movements through secondment of Kenyan experts to these countries such as Namibia and South Sudan. The Co-operative Bank of Kenya has provided technical assistance to South Sudan to enable the establishment of their own Co-operative Bank network. Kenya's Co-operative bank has opened a branch in South Sudan. Kenya has also established a Co-operative University of Kenya which is instrumental in training co-operative officers within the region. Moreover, Kenya is marketing and exporting expertise of co-operative products in the African region. The Government has developed and maintains an online Co-operative database.

2.1.32 World Intellectual Property Organization (WIPO)

190. The constituent instrument establishing the World Intellectual Property Organization (WIPO) was adopted in Stockholm, Sweden on 14th July, 1967, and entered into force in 1970 (amended 1979). In 1974, WIPO an intergovernmental organization became a specialized Agency of the

United Nations. Kenya signed the WIPO Convention on 14th July, 1967, and ratified it on 5th July, 1971. To date, the WIPO Convention has 191 Contracting States.

191. The World Intellectual Property Organization (WIPO) is the global forum for intellectual property services, policy, information and cooperation. The objective of this Convention is to modernize and render more efficient administration of the Unions established in the fields of protection of industrial property (Paris Convention of 1883) and the protection of innovations, literary and artistic works (Berne Convention of 1886), while fully respecting the independence of each of the unions.
192. Kenya has established policy, legal and institutional frameworks necessary for the promotion, protection, and utilization of all aspects of IP within its territory. The Industrial Property Act, *No. 3 of 2001*, and the Copyright Act, *Cap. 130 (Rev. 2018)* domesticate Kenya's intellectual property obligations while the Kenya Plant Health Inspectorate Services (KEPHIS) implements plant variety rights.
193. The Kenya Industrial Property Institute (KIPI) established under the Industrial Property Act, 2001, has the mandate of coordinating Intellectual Property matters at the national level. KIPI administers industrial property rights, provides technological information to the public and promotes inventiveness and innovativeness in Kenya by providing training on industrial property rights. Through KIPI's work in the protection of intellectual property, the country is experiencing an "innovation sprout" in the tech, creative and performing arts industries.
194. The Kenya Copyright Board established under the Copyright Act, *Cap. 130 (Rev. 2018)* under the Office of the Attorney General and Department of Justice, administers and enforces all copyright and related rights in the country. The Kenya Copyright Board (KeCoBo), registers copyright works of musical, audio visual, literary and artistic nature. It liaises with Collective Management Organizations, private organizations that are established to collectively administer the rights of their members.
195. In addition, as a commitment to regional and international co-operation, Kenya is actively involved in formulation and implementation of regional and international policy and law on IP. Being a member of WIPO contributes to the country's industrial development through technical assistance and support in infrastructure and administration of IP policy and development. Kenya pays assessed contributions and participates in WIPO related activities.
196. Kenya actively participates in the WIPO Inter-governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Committee is undertaking text-based negotiations with the objective of reaching agreement on a text(s) of an international legal instrument(s), which will ensure the effective protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs).
197. The Government has enacted The Protection of Traditional Knowledge and Cultural Expressions Act, *No. 33 of 2016* which provides a framework for the promotion and protection of traditional knowledge and cultural expressions and gives effect to Article 11, 40 and 69 (1) of the Constitution of Kenya. The Act establishes Traditional Knowledge Digital Repository to be maintained by the Government.
198. The Government continues to improve its IP system through public awareness, enhancement of service delivery by the IP offices, improvement of IP legislation including those on Geographical Indications and finalization of the National IP Policy.
199. Presently, enforcement of Intellectual Property Rights (IPRs) in Kenya is undertaken by various Government agencies in conjunction with the Anti-Counterfeit Agency (ACA). These include agencies such as the National Police Service (NPS), Weights and Measures Department in the Ministry responsible for Trade, Kenya Copyright Board (KeCoBo), Kenya Plant Health Inspectorate Services (KEPHIS), Customs Department of the Kenya Revenue Authority and Pharmacy and Poisons Board (PPB), among others.

200. Criminal proceedings for counterfeiting or infringement of IPRs are initiated before the subordinate courts (Magistrate's Courts) while civil proceedings are pursued before the Industrial Property Tribunal or the High Court.

2.1.33 World Health Organization (WHO)

201. The Constitution of the WHO was adopted by the International Health Conference held in New York, United States of America from 19th June to 22nd July, 1946. The Constitution was signed on 22nd July, 1946, by sixty-one (61) States and entered into force on 7th April, 1948. Kenya became a Member State of the WHO on 27th January, 1964.
202. The World Health Organization is a specialized agency of the United Nations that is concerned with international public health. It has its headquarters in Geneva, Switzerland. Its predecessor, the Health Organization, was an agency of the League of Nations. The WHO is a member of the United Nations Development Group. Since its creation, it has played a leading role in the eradication of smallpox. Its current priorities include: communicable diseases, in particular HIV/AIDS, Ebola, malaria and tuberculosis; the mitigation of the effects of non-communicable diseases; emerging diseases; sexual and reproductive health; maternal health; mental health; human development and aging; nutrition, food security and healthy eating; occupational health; substance abuse; and driving the development of reporting, publications, and networking.
203. The WHO Country Cooperation Strategy III (CCS III) represents the medium-term strategy for the work of WHO in Kenya for the period 2014–2019 in support of the country's national health policy, strategies and plans. It is an important tool for harmonizing WHO co-operation with that of other UN agencies and development partners.
204. The CCS III is anchored on three key planning frameworks, namely: The 12th General Programme of Work (GPW 2014–2019) which is the high-level strategic vision for the work of WHO globally; Kenya's Medium-Term Plan III (MTP III 2018–2022) and Health Sector Strategic and Investment Plan (KHSSIP 2014–2018) which outline the country's development and health agenda and The United Nations Development Assistance Framework (UNDAF 2018–2022) which outlines the framework for UN co-operation with the Government of Kenya.
205. Kenya hosted the WHO Global Management Meeting in Nairobi in December, 2018, being the first meeting to have been held outside WHO headquarters in Geneva. The hosting of the WHO meeting in Nairobi ushered in the pilot launch of Universal Health Coverage (UHC) in Kenya. UHC is an integral part of the Big Four Agenda of the Government. The Government, through the Ministry of Health, has adopted a pragmatic approach that leverages on efficiency gains and investing in the public health sector while harnessing multi-sectoral participation and collaboration with WHO in rolling out UHC in the country.
206. Kenya Medical Research Institute (KEMRI) serves as a WHO Collaborating Centre for Arboviruses and/or Hemorrhagic Fever Reference and Research. KEMRI was audited by WHO in 2017 and was found to have the right competencies. The institute has participated in external quality assessment as it continues to offer services in the diagnosis of yellow fever and hemorrhagic fever diseases such as Ebola.
207. WHO Reform is currently ongoing to improve the responsiveness of the regional and global office to the prevailing health needs in member states.

2.1.34 International Seed Testing Association (ISTA)

208. The treaty establishing the International Seed Testing Association (ISTA) was adopted in 1924. The Organization was founded with the aim of developing and publishing standard procedures in the field of seed testing. The Organization facilitates seed trading nationally and internationally. Kenya's objective is to produce high quality seeds and also ensure that imported seeds meet the required standards. Compliance with the required standards enables Kenya to export and import high quality seeds to improve agricultural production. Kenya also

participates in meetings in the decision making process of the Organization, and hosts ISTA meetings.

209. The first laboratory in Kenya has been accredited by ISTA for seed testing. Acquisition of necessary equipment for accreditation for a second laboratory has been a challenge.

2.1.35 International Fund for Agricultural Development (IFAD)

210. The Agreement was adopted in 1977, entered into force in 1979, and Kenya became State Party in 1979. IFAD is a specialized agency of the UN focused on eradication of rural poverty and improvement of food security in developing countries through empowerment and capacity building of the rural poor for job creation, contribution of affordable financial services and improved agricultural technologies.
211. The Government in collaboration with IFAD is implementing the programme for rural outreach of financial innovations and technologies (PROFIT). The overall objective of the programme is to increase the incomes of the target group by increasing their production, productivity and improved marketing in various rural enterprise sectors.
212. IFAD funding programmes cover crops, livestock and aquaculture in Kenya. The projects include the Kenya Cereal Enhancement Program—Climate Resilient Agricultural Livelihoods Window (KCEPCRAL); Aquaculture Business Development Programme (ABDP) and Upper Tana Catchment Natural Resource Management Program (UTaNRMP) that are at different stages of implementation. The ABDP is an eight (8) year period Programme whose overall goal is “Reduced poverty and increased food security and nutrition in rural communities.” The Programme was launched on 25th April, 2019, in Nyeri, and covers fifteen (15) counties with high potential for aquaculture production.
213. Another project funded by IFAD, namely Small Holder Dairy Commercialization Project, was wound up in September, 2019. However, a successor program: The Kenya Livestock Commercialization Program is under consideration for funding over a five year period and is scheduled for Board approval in April, 2020.
214. Kenya’s Agricultural Attaché monitors the work of IFAD in Rome and advises Government through the Mission on appropriate engagement.
215. Challenges in implementing IFAD programmes include delay in release of funding.

2.1.36 International Red Locust Control Organization for Central and Southern Africa (IRLCO-CSA).

216. This organization was formed on 14th September, 1970, in Kampala, Uganda and came into force on 1st January, 1971.
217. It promotes and undertakes control of significant population of red locust in recognized outbreak areas in the territories of contracting government and offers services within limits of resources in the coordination and enforcement of national action in the region against red locust swarms which escapes from recognized outbreak areas.
218. Additionally, the organization undertakes the control of migrant pests in member countries, including armyworms and grain eating birds.

2.1.37 Organization for Economic Cooperation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes

219. The OECD was formed in 1960 and entered into force in 1961. The main objectives of the Organization are to provide a worldwide reference for the certification and standardization of seeds, agricultural and forestry tractors, forest reproductive materials and fruit and vegetables. The Organization provides a platform to compare policy experiences, seek answers to common

- problems, and identify good practices and co-ordinate domestic and international policies of its members.
220. Kenya as a member is required to apply OECD standards in inspection and labeling of seeds; make financial contribution towards the operations of its schemes; participate in meetings for making legal, administrative and technical decisions; and share information/data with other OECD members.
 221. Membership enhances co-operation between countries and the public and private sector; influence international policy framework for seed certification and learn best practices in seed certification, information and ideas.
 222. Joining the organization ensures easier integration of Kenya's seeds, fruits and vegetables into the international markets through application of OECD standards in inspection and labeling of seeds.
 223. Kenya implements OECD schemes for seeds, fruits, vegetables and forestry seed.

2.1.38 International Network for Bamboo and Rattan (INBAR)

224. The International Network for Bamboo and Rattan (INBAR) is an independent inter-governmental organization established in 1997, to develop and promote innovative solutions to poverty and environmental sustainability using bamboo and rattan.
225. INBAR evolved from an informal network of bamboo and rattan researchers set up in 1984, by the International Development Research Centre (IDRC). In 1993, the network was formalized under its present name, but remained a project of IDRC. Work to launch INBAR as an independent organization started in 1995, and was completed in 1997, when INBAR became an independent organization with its headquarters in Beijing, China with regional offices for South Asia (New Delhi, India), East Africa (Addis Ababa, Ethiopia), West Africa (Kumasi, Ghana) and Latin America and the Caribbean (Quito, Ecuador).
226. Membership of INBAR is open to member states of the United Nations and to Inter-Governmental Organizations. INBAR currently has forty two (42) member countries. Kenya joined INBAR in February, 2001. INBAR's supreme governing body is the council of representatives of its member countries which meets bi-annually. The Board of Trustees is the second tier of governance, and develops appropriate policies, oversees management and ensures efficient operations at its annual meetings.
227. INBAR aims to foster informed debate on matters that affect the development of bamboo and rattan in its member countries and has been emphasizing support for appropriate policy development in its member countries and beyond. INBAR delivers a series of technical training and awareness courses each year and produces a wide-ranging series of online publications on a broad range of bamboo and rattan-related issues.
228. Kenya's designated focal point with INBAR is the Kenya Forestry Research Institute (KEFRI), under the Ministry of Environment and Forestry. Kenya is actively collaborating with INBAR, and local stakeholders in research and dissemination of information on bamboo production among rural communities with a view to promoting cultivation and commercialization of bamboo in Kenya. INBAR also undertakes workshops with the government on the development of an integrated national bamboo sector policy for Kenya.
229. INBAR in collaboration with the Netherlands and China is undertaking a Triangular Co-operation Programme on Bamboo value chains and standardization in Africa in three (3) countries; Kenya, Uganda and Ethiopia to support poverty reduction, sustainable development and export of bamboo products.
230. In October, 2017, Kenya co-sponsored a resolution at the 72nd United Nations General Assembly (UNGA) for INBAR's Observer Status at the United Nations General Assembly. A

relationship between INBAR and UNGA would enrich discussions on the Sustainable Development Agenda particularly related to the six (6) Sustainable Development Goals (SDGs) which INBAR has endeavored to work on through the development of bamboo and rattan.

2.1.39 International Labour Organization (ILO)

231. The International Labour Organization (ILO) is a United Nations agency whose mandate is to advance social justice and promote decent work by setting international labour standards. It was the first specialized agency of the UN and currently has one hundred and eighty seven (187) member states of the one hundred and ninety three (193) UN member states. The ILO has a unique tripartite structure that gives an equal voice to workers, employers and Government to ensure that the views of social partners are closely reflected in labour standards and in shaping policies and programmes.
232. Kenya became a member of the ILO in 1964, and has since ratified 50 conventions out of a total number of 190. This includes 7 of the 8 fundamental conventions, 3 of the 4 governance conventions and 37 of the 178 technical conventions. Kenya has also denounced 8 conventions and abrogated 5. In the last 12 months, Kenya has not ratified any convention but has continued to play a key role in development of new conventions and protocols. The country fulfill its reporting obligation and submits the country reports annually to the Office on selected list of standards, as requested by the Committee of Experts on Application of Conventions and Recommendations (CEARC) and Committee of Freedom of Association (CFA).
233. Kenya was previously a titular member of the Governing Body (GB) of the ILO for over a decade until June, 2017, when its term came to an end. The most representative organization of workers', the Central Organization of Trade Unions (COTU) and employers' organization the Federation of Kenya Employers (FKE) currently sit on the GB as titular members and attend the annual meetings in March, June and November every year. The Government continues to attend these meetings, regional and the International Labour Conferences of the ILO.
234. Arising from intensification of relations between Kenya and the ILO, the country has benefitted from the ILO in various ways, receiving technical support and funding for labour law review in 2007 and Decent Work Country Programmes (DWCP) I (2010–2012) and II (2013–2016) generations which address a number of areas of decent work deficit.
235. At the end of 2019, the tripartite was at the last stages of concluding development of the Third Generation DWCP (2020–2022). The Government intends to roll out the programme for implementation after an official launch together with the social partners. The draft DWCP (III) proposes to address issues within the four strategic areas of ILO intervention framework, that include, social dialogue, labour standards, employment and social protection.
236. Some of the key issues include review of the industrial relations charter, development of a labour policy, review of labour laws, establishment of an Alternative Disputes Resolution Mechanisms (ADR), build capacity of social partners, strengthening the labour market information system, expansion of social protection safety nets, assess viability of ratification of certain international labour standards requested by constituent parties and enhancing employability of enterprise development and productivity.

2.1.40 World Anti-Doping Agency (WADA)

237. The International Convention against doping in Sport was adopted on 19th October, 2005, and entered into force on 1st February, 2007. Kenya became a state party on 28th August, 2009. The objective of the Convention is to promote prevention and the fight against doping in sports. It restricts the availability and use of prohibited substances or methods to athletes except for legitimate medical purposes. The Convention encourages producers and distributors of nutritional supplements to establish best practice in the labelling, marketing and distribution of products which might contain prohibited substances.

238. Kenya has enacted the Anti-Doping Act, *No. 5 of 2016*, to deal with doping malpractices. The Anti-Doping Agency of Kenya (ADAK) was established under the Act to lead a coordinated national anti-doping education and awareness campaign, testing and promotion of integrity for doping-free sport in order to protect clean athletes and athletes' fundamental rights to participate in doping-free sport.
239. Kenya also complies with the World Anti-Doping Agency (WADA) Code which allows International federations to conduct regular testing of athletes. Kenya is a member of the Regional Anti-Doping Organization (RADO) which communicates to WADA on progress made. The Government appreciates the critical role the Agency plays in promoting "clean sports" and it has continued to support the Agency by providing the necessary resources. A number of international partners are interested in collaborating with ADAK with a view to strengthening the fight against doping.
240. Lengthy resolution of disputes between ADAK and athletes before the Sports Disputes Tribunal poses a challenge which negatively impacts the career of the athletes and the country's image. Vide the *Kenya Gazette* Vol. CXXI-No.174, *Gazette Notice No.11860* dated 18th November, 2019, the Chief Justice appointed the new Chairperson of the Sports Disputes Tribunal for a period of five (5) years with effect from the 13th November, 2019. The JSC in consultation with the Sports Organizations has also appointed the other members of the Tribunal. This new team will expedite the dispensation and determination of the Sports disputes in accordance with the Laws on Sports.

2.1.41 International Telecommunications Union (ITU)

241. The Treaty opened for signature on 22nd December, 1992, in Geneva, Switzerland and entered into force on 1st July, 1994. International Telecommunication Union (ITU)'s main objective is to set and publish regulations and standards relevant to electronic communication and broadcasting technologies of all kinds including radio, television, satellite, telephone and internet.
242. The Organization conducts working parties, study groups and meetings to address current and future issues and to resolve disputes. The ITU organizes and holds exhibitions and forums known as the Global TELECOM every four years. It also helps emerging countries to establish and develop telecommunication systems of their own.
243. The Communications Authority of Kenya (CAK) is the regulatory body for the communications sector as provided by the Kenya Communications Act, *No. 2 of 1998*. The CA is responsible for facilitating the development and regulations of the information and communication and telecommunication sectors (including broadcasting, multimedia, telecommunications and postal services) and electronic commerce.
244. Kenya ratified the Final Acts of the Union at the 2010 Plenipotentiary Conference; the Final Acts at the World Radio Communication Conference of 2012; the instruments at the Geneva 84 (GE84) on FM Broadcasting; and the instruments at the Regional Radio Communications Conference of 2006 (RRC-06) on Digital Migration.
245. In recognition of the rapid technological changes and developments which have blurred the traditional distinctions between Telecommunications, Information Technology (IT) and Broadcasting, the Government in January, 2009, enacted the Kenya Communications (Amendment) Act, 2009, which was later revised in 2011. The Government has developed the Computer Misuse and Cybercrimes Act, *No. 5 of 2018*, The Data Protection Act *No. 24 of 2019*, and Critical Infrastructure Bill, 2017.
246. As an Associate member of ITU, Kenya has achieved the following: increased social networking in the country; increased cultural diffusion, exchange and learning; accelerated and

integrated development of rural areas by playing a catalytic role in infrastructure development; enhanced citizenry empowerment, e-Government services (Huduma Centres), land management systems, m-banking, e-health and e-education among others; increased access to relevant information for marketing and distribution of agricultural products and other goods manufactured in Africa through e-commerce.

247. The Government has promoted development of ICT infrastructure through laying of fast internet fibre optic cables across the country and established one hundred and thirty four (134) constituency innovation hubs which has lowered the cost of internet and as a result increased internet accessibility. The Government continues to develop the Konza Technopolis Project through establishment of the Konza Complex and the Horizontal Infrastructure (Roads, Streetscape, Sewerage lines, among others) which strategically positions Kenya as a regional ICT hub.
248. The implementation of the e-Government policy has increased access to Government services e.g. e-Citizen for processing of passports, e-procurement of goods and services, increased Government revenue collection, reduced bureaucracy, reduced cost of doing business and improved management and security of Government records. The Government has enhanced management of national examinations through investment in ICT.

2.1.42 Universal Postal Union (UPU)

249. The Universal Postal Union (UPU) is a specialized agency of the United Nations formed in 1874, in order to organize and improve postal services throughout the world and to ensure international collaboration in this area. Kenya became a member on 27th October, 1964. The Postal Corporation of Kenya is the designated operator.
250. The UPU ensures a universal network of up-to-date products and services. The Organization provides advisory, mediation and liaison services, as well as technical assistance where needed. It sets rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial service volumes and improve quality of services for customers.
251. Postal Authorities within member States are required to give equal treatment to foreign and domestic mail. Under the Treaty, Kenya has the obligation to provide effective standards for postal operations for interconnecting the global network. The Treaty provides postal related information between postal operators to improve the exchange.
252. The Universal Postal Union (UPU) efforts to separate postal services from those of Telecommunications were initiated in the late 1980s. In July, 1999, the Kenya Post and Telecommunication Corporation (KP&TC) was restructured to create, the Postal Corporation of Kenya (PCK), Telkom Kenya Limited and Communications Commission of Kenya which has now been rebranded to the Communications Authority of Kenya (CAK).
253. Kenya provides postal services through the Postal Corporation of Kenya. The PCK, established under the Postal Corporation Act, No. 3 of 1998, provides and operates postal services, postal financial services, and perform other functions and duties as the Cabinet Secretary for communications may assign. PCK provides delivery of mail services to the desired destination in a timely manner, provides employment opportunities for the people living in rural areas and improves varied facilities like banking in the rural areas besides mailing facilities.

2.1.43 International Mobile Satellite Organization (IMSO 1976)

254. The Convention opened for signature on 3rd September, 1976, in London and entered into force on 16th July, 1979. Kenya acceded to the Convention on 21st July, 1998 and currently has membership to the Advisory Committee of IMSO. The Convention establishes the Organization which has its headquarters in London, UK.

255. The Organization's primary purpose is to ensure the provision, by each provider, of maritime mobile satellite communications services for the Global Maritime Distress and Safety System (GMDSS) according to the legal framework set up by the International Maritime Organization (IMO).
256. It establishes a global maritime satellite communications system for maritime communications including distress and safety communications capabilities. It is also charged with the mandate to oversee the performance of all components under the liability of all mobile satellite communications systems for the long-range identification and packing of ships worldwide by auditing and reviewing the performance of the system.
257. In Kenya, IMSO Convention was actualized through: the Kenya Maritime Authority Act, 2006; Merchant Shipping Act, 2009; and the Kenya Information Communication Act, 1998 and regulations applicable thereto. Operationally, the Government provides necessary facilities and arrangements through the 24/7 Mombasa RMRCC Operations Centre, including LRIT Data Centre.
258. The regulator in collaboration with relevant agencies have entered into agreements to enhance efficiency and effective implementation of the Convention e.g. Memorandum of Understanding between Kenya Maritime Authority and Communications Authority of Kenya.
259. Challenges in implementation include: poor cooperation from ship or boat owners in terms of installation of communication distress signals on vessels; shortage of human; technical and financial resource; and the need to review legal framework.

2.1.44 International Telecommunications Satellite Organization (ITSO 1971)

260. The Agreement was concluded in Washington, D.C. USA on 20th August, 1971, and came into force on 12th February, 1973. Kenya signed the Agreement on 26th November, 1971. The Agreement established INTELSAT, an international telecommunications satellite organization aimed at providing telecommunications services to all regions of the world through equitable use of the radio frequency spectrum and of the orbital Lands space.

2.1.45 International Centre for Settlement of Investments Disputes Convention (ICSID)

261. The ICSID Convention is a treaty ratified by one hundred and sixty two (162) contracting States. It entered into force on 14th October, 1966, and has its headquarters in Washington, D.C, USA. Kenya signed the treaty on 24th May, 1966, and deposited the Instrument of Ratification on 3rd January, 1967. The Convention entered into force for Kenya on 2nd February, 1967.
262. The Convention is a multilateral treaty formulated by Executive Directors of the World Bank to promote international investments. ICSID is an independent, depoliticized and effective dispute-settlement institution with the aim to promote international investments by providing confidence in dispute resolution process between investors and States, State-State disputes under investment treaties; free trade agreements and as an administrative registry.
263. Kenya has been a respondent in three cases registered at ICSID by foreign investors (claimants). These cases are, Case No. Arb/15/29 Cortec Mining Kenya Limited, (Cortec Pty) Limited and Stirling Capital Ltd -Vs- Republic of Kenya. The dispute relates to a mining concession concerning the cancellation of a mining licence and was registered on 7th July, 2015. The dispute was premised on a Bilateral Investment Treaty (BIT) signed between Kenya and the United Kingdom in 1999. On 22nd October, 2018, the Tribunal rendered its Award in which Kenya prevailed and won the case against the claimants. However, the claimants have applied for annulment of the Award. The annulment application is due to be heard in May, 2020.
264. The other two cases in which Kenya has been a respondent are Case No. Arb/00/7 World Duty Free Company Limited -Vs- Republic of Kenya. The dispute concerned a duty-free concession

based on a commercial contract. The Tribunal rendered its award on 4th October, 2006 in favour of Kenya. There is a pending Case No. Arb/15/7 Walam Energy, Inc. -Vs- Republic of Kenya that relates to a dispute on geothermal energy development based on a commercial contract. Kenya awaits the outcome of the arbitration.

265. The Nairobi Centre for International Arbitration was established by the Nairobi Centre for International Arbitration Act, *No. 26 of 2013*. The Act establishes rules and procedures for Arbitration and Conciliation. Arbitration as an alternative method of dispute resolution is less costly than litigation. The Nairobi Centre for International Arbitration has been strengthened through awareness creation on the operations of the Centre and a directive to all MDAs to utilize the Centre for all arbitration matters where the Government is a party.
266. In 2019, the Nairobi Centre for International Arbitration received twenty-six (26) requests for arbitration and eight (8) requests for Alternative Dispute Resolution (ADR). A total of twenty (20) cases were registered at the centre. Fourteen (14) of these cases are ongoing and six (6) cases have been concluded. The total value of the case load handled by the centre is Kenya shillings 3.8 billion (KSh. 3,893,03,106.19) equivalent to USD 38,930,391.06.

2.2 AFRICAN/ REGIONAL ORGANIZATIONS

2.2.1 African Union (AU)

267. The Constitutive Act of the African Union (AU) was adopted on 7th November, 2000, at the Lomé Summit in Togo. It entered into force on 26th May, 2001. The AU was launched on 9th July, 2002, in South Africa to replace the Organization of African Unity (OAU). Kenya was among the thirty three (33) founding members of the Organization of African Unity (OAU) in 1963.
268. The Charter of the OAU was adopted on 25th May, 1963. Kenya became a State party to the Charter on 16th December, 1963. The Charter obligates Member States to work towards achievement of greater unity and solidarity between the African countries and their citizenry.
269. The AU spearheads Africa's development and integration in close collaboration with EAC, COMESA, ECOWAS and SADC and African citizens. Its vision is to accelerate progress towards an integrated, prosperous and inclusive Africa. The Organization plays a dynamic role in the continental and global arena, driven by an accountable, efficient and responsive Commission that serves as its Secretariat.
270. The Government of Kenya has been actively participating in the Policy Organs of the African Union. These include the Summit of Heads of State and the Peace and Security Council. Kenya has also offered candidates for positions within the African Union.
271. Kenya hosts some AU institutions such as Africa Institute for Remittance, Pan-African University and the Inter-African Bureau for Animal Resources.
272. The Kenya School of Government, has continued to promote greater unity and solidarity between African countries by providing training in the areas of governance and leadership for individuals and Officers from the Member States especially the Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESULO). Kenya has also seconded public officers to boost capacity of different State Parties through the Organization.

2.2.2 The African Continental Free Trade Area (AfCFTA)

273. The AfCFTA was adopted during the 10th Extraordinary Session of the Assembly of the AU Heads of State and Government on 21st March, 2018, in Kigali, Rwanda. Kenya signed it on 21st March, 2018, and ratified it on 6th May, 2018. Kenya's Instrument of Ratification was deposited with the AU Chairperson on 10th May, 2018, making the country alongside Ghana the first to ratify the AfCFTA. The Agreement has forty-nine (49) signatories and twenty-nine (29) countries have ratified which is the minimum threshold requirement for entry into force. The

objective of the Agreement is to revolutionize intra-Africa trade and contribute to the realization of Agenda 2063, of the African Union and the 2030 Agenda for Sustainable Development (SDGs).

274. The Agreement is supplemented by: the Protocols on Trade in Goods; Trade in Services; and Protocol on Rules and Procedures on the Settlement of Disputes. Negotiations for the Protocols on Investment, Intellectual Property Rights and Competition Policy are ongoing.
275. The AfCFTA creates a large intra-regional market that will attract foreign direct investments (FDIs); market expansion; cross border trading; competitiveness; and offer job opportunities to the youth.

2.2.3 Tripartite Free Trade Area (COMESA-EAC-SADC)-TFTA

276. On 10th June, 2015, in Sharm EI Sheikh, Arab Republic of Egypt, the Third Tripartite Summit adopted and signed the Agreement establishing the Tripartite Free Trade Area between Common Market for East and Southern Africa (COMESA), EAC and Southern African Development Community (SADC). The TFTA covers twenty-nine (29) countries across the three (3) Regional Economic Communities (RECs). Kenya ratified the Agreement on 6th May, 2018, and was the first country in the bloc to deposit the Instrument of Ratification on 8th June, 2018, with the Secretary General of COMESA, the Chair of the Tripartite Task Force, and the depositary of the Agreement. So far, twenty-two (22) countries have signed while six (6) countries have ratified the Agreement. The TFTA requires fourteen (14) ratifications for it to enter into force.
277. The objectives of the TFTA are to: promote economic and social development of the Region; create a large single market with free movement of goods and services to promote intra-regional trade; enhance the regional and continental integration processes; and build a strong Tripartite Free Trade Area for the benefit of the people of the Region.
278. The TFTA is anchored on three pillars namely; market integration, industrial development and infrastructure development. The implementation of the TFTA will resolve the challenges faced by Member States with multiple memberships to RECs.

2.2.4 The African Space Agency

279. The African Union Summit adopted the African Space Policy and Strategy urging the Member States, Regional Economic Communities (RECs), Partners and the Commission to raise awareness on the central role of space science and technology in Africa's socio-economic development and to mobilize domestic resources for the implementation of the policy and strategy. These set out the continent's objectives in driving an ambitious space programme that can address the immediate development priorities, while building capacity and capability to actively contribute in the global space arena.
280. The Statute of the African Space Agency was adopted by the 30th Ordinary Session of the Assembly on 29th January, 2018, thereby establishing the African Space Agency (AfSA) as an Organ of the African Union. The Organization is dedicated to promoting, advising and coordinating the development and utilization of space science and technology in Africa and associated regulations for the benefit of Africa and the world and forging intra-African and international cooperation.
281. The Executive Council of the African Union during its 34th Ordinary Session held on 7th – 8th February, 2019, decided that the African Space Agency will be hosted by the Arab Republic of Egypt. It further called upon the RECs and all development partners to support the operationalization of the African Space Agency as contained in Decision EX.CL/Dec.1037(XXXIV).

2.2.5 The African Energy Commission (AFREC)

292. The Convention on the African Energy Commission (AFREC) was adopted on 11th July, 2001, and entered into force on 13th December, 2006. Kenya acceded to the Convention on 29th December, 2009. The African Energy Commission (AFREC) is a specialized agency of the African Union (AU), under the Commission for Infrastructure and Energy, in charge of developing, coordinating, harmonizing, protecting, conserving, rational exploitation, commercializing and integrating energy resources on the African continent.
293. The activities and programs of AFREC are based on AFREC Convention decided by African Heads of State and Government, Agenda 2063, and the African Union Commission (AUC) Strategic Plan. As per the Convention, AFREC's mandates are broad and cover all the elements of African energy sector according to Article 3 (Guiding Principles) and Article 4 (AFREC functions) of the Convention. These include development of policies, strategies, researches and plans based on member states, sub-regional, regional and continental development priorities and recommend their implementation; design, create and update an energy continental data base and facilitate rapid dissemination of information and exchange of information among institutions; and provide technical support, mobilize financial and technical support, provide capacity building to the institutions for the energy sector.
294. Universal electricity access remains one of the drivers of socio-economic development in Kenya. Customer connectivity to electricity increased from 2,188,972¹² in 2013, to 6,761,090¹³ by end of June, 2019, translating to an access rate from 23 percent¹⁴ to 73 percent¹⁵ of total electricity household's connection across the country.
295. Affordable, reliable, sustainable and modern energy service is a critical development enabler for Kenya and Africa. This is because they create an essential for implementing the Kenya Vision 2030, Africa Agenda 2063 and the 2030 Agenda for Sustainable Development. Specifically, energy is an enabler and a pathway towards addressing social, environmental and economic challenges through an integrated approach by providing equal energy access and consumption levels; leapfrogging the dirty fuels of the past with a future of clean renewable energy development; and balancing the demand and supply of energy, notably through programmes such as demand side management.
296. As a milestone and in-line with the Constitution, the Energy Act, 2019, was enacted and a Task-Force has been guiding the implementation process. Key Regulations in solar water heating and energy management also have been approved. These include: The Energy (Appliances Energy Performance and Labelling) Regulations, 2016; The Energy (Energy Management) Regulations, 2012; and Designation of Industrial, Commercial and Institutional Energy Users Rules, 2013; The Energy (Solar Photovoltaic Systems) Regulations, 2012; and The Energy (Solar Water Heating) Regulations, 2012.
297. As an overarching document, The National Energy Policy, 2018, has been finalized and forwarded to parliament for debate. As a Sessional Paper, it sets out the national policies and strategies for the energy sector that are aligned to the Constitution and are in tandem with the Vision 2030. The overall objective of the energy policy is to ensure affordable, sustainable and reliable supply to meet national and county development needs, while protecting and conserving the environment.

2.2.6 New Partnership for Africa's Development (AUDA-NEPAD)

298. NEPAD is the development agency of the African Union (AU) facilitating and coordinating development of continent-wide programmes and projects. NEPAD is contributing to the

¹² Data sourced from Ministry of Energy

¹³ Ibid

¹⁴ Ibid at note 13

¹⁵ Ibid at note 14

African Union's Agenda 2063—the Continent's long-term development framework for socio-economic transformation.

299. The NEPAD/African Peer Review Mechanism (APRM) Kenya Secretariat is a semi-autonomous agency at the National Treasury and Planning mandated to: serve as the operational co-ordinating secretariat for the implementation of NEPAD priority programs and the APRM; promote Kenya's effective participation in the activities of NEPAD and the domestication of the African Union (AU) Mission, Core Principles and Values; provide leadership, guidance and direction to the implementation of the APRM in Kenya; coordinate NEPAD activities in Eastern Africa; and liaise with the Continental NEPAD/APRM offices with a view to incorporating and promoting Kenya's and Eastern African region's interests in NEPAD.
300. Kenya's participation in the activities of NEPAD is co-ordinated by the NEPAD/APRM Kenya Secretariat. It implements a number of programmes along the NEPAD thematic pillars. These include the NEPAD e-Schools, home-grown school feeding programme, comprehensive African Agricultural Development Programme and infrastructure programme.
301. The APRM is a voluntarily governance self-assessment by African countries agreed to by the AU and adopted in 2003. The APRM process is an important framework and self-monitoring mechanism for good governance in Africa aimed at championing transformative leadership through the sharing of experiences amongst AU member states. Kenya was amongst the first African countries to be peer reviewed in 2006, at the AU Summit in Banjul, Gambia. Kenya was also the first country to undergo the second-generation peer review at the AU Summit held in January, 2017, in Addis Ababa, Ethiopia.

2.2.7 Pan African University Institute of Basic Sciences, Technology and Innovation (PAUISTI)

302. The Government in collaboration with the African Union has operationalized the Regional Pan Africa University Institute of Basic Sciences, Technology and Innovation (PAUISTI) at Jomo Kenyatta University of Agriculture and Technology (JKUAT). The Institute trains graduates from African Countries at Masters and PhD level in basic sciences and engineering. The aim is to produce high caliber staff to help exploit Africa's enormous resources.
303. The first cohort of 55 masters' students from 16 African Countries were admitted in November, 2012, and graduated in November 2014. Since then the institute has admitted another 4 cohorts comprising of Masters and PhD students; second cohort of 68 students; third cohort of 91 students and fourth cohort of 107 students; the fifth cohort of 164 students and the sixth cohort of 115 students.
304. The Ministry of Education is developing the Kenya Advanced Institute of Science and Technology (KAIST) which is being modelled on the Korean Advanced Institute of Science and Technology. KAIST will be an institute of National strategic importance to promote engineering and technology in Kenya. It will be a post-graduate school and the core programmes will include mechanical engineering, electrical engineering, chemical engineering, ICT and basic sciences like Maths and Physics. The Institute will be set up at the Konza Technopolis and the Ministry of Education is in the process of establishing the University under the Universities Act and accrediting the programmes.
305. Kenya has received support and about 300 undergraduate and post-graduate scholarships have been awarded from Hungary, India, China, United Kingdom and Eastern Europe mainly Slovakia and The Czech Republic. Between 2017 and 2019, Kenya had an agreement with Germany under the German Academic Exchange Service (DAAD) programme where 50 students were to undertake Doctoral and Masters studies. Out of these 13 students attained the scholarships in October, 2019.

2.2.8 African Court on Human and Peoples' Rights (ACHPR)

306. The Court was established by Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights on 9th June, 1998. The Protocol was adopted in Ouagadougou, Burkina Faso and entered into force on 25th January, 2004. The Court became operational in November, 2006, in Addis Ababa, Ethiopia. In 2007, it relocated its headquarters to Arusha, Tanzania. Kenya ratified the Protocol on 4th February, 2004. The Court is comprised of eleven (11) judges, one of whom is a Kenyan.
307. The Court was established in order to complement the protective mandate of the African Commission on Human and People's Rights established under Article 30 of the African Charter on Human and Peoples' Rights. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter, the Protocol and any other relevant human rights instrument ratified by states concerned. Its jurisdiction is of two types, that is, contentious or advisory. The Court's jurisdiction only applies to states that have ratified the Protocol.
308. The following entities are competent to submit communication to the Court namely; the African Commission, State Parties to the Protocol establishing the Court, African Inter-Governmental Organizations, and NGOs with observer status before the Commission and individuals. The Court has been seized with communications against State Parties including Kenya and rendered its Judgements.

2.2.9 Africa Union Mechanism for Police Cooperation (AFRIPOL)

309. The Africa Union Mechanism for Police Cooperation (AFRIPOL) was adopted in Addis Ababa, Ethiopia on 30th January, 2017. Kenya signed on 15th June, 2017, and ratified on 15th June, 2017. The object of the mechanism is to put in place effective response to various form of crimes in the continent which requires the harmonization of police methods, the exchange and extension of best practices in terms of training, prevention, investigative techniques and expertise as well as the strengthening of African Police capabilities.
310. Kenya with five (5) other AU Member States participated in the 5th induction training of Head of National Liaison Offices (NLOs) on 24th to 25th November, 2019, in AFRIPOL Headquarters in Algiers, Algeria. The main objectives of the training was to offer the participating countries the opportunity to receive an induction on the key tasks and responsibilities of the AFRIPOL NLOs; provide an overview of mission and tasks associated with AFRIPOL NLOs; and receive theoretical and practical exercises on the functions and operation of the African Police Communication Systems (AFSECOM) Equipment.
311. AFRIPOL is domesticated by the National Police Service Act, *No.11A of 2011*.

2.2.10 Common Market for Eastern and Southern Africa (COMESA)

312. The Treaty for the establishment of COMESA was signed on 5th November, 1993, in Kampala, Uganda and was ratified on 8th December, 1994.
313. The objectives of the Common Market include: attaining sustainable growth and development of the Member States; co-operation in strengthening relations between the Common Market and the rest of the world; co-operation in the creation of an enabling environment for foreign, cross-border and domestic investment; promotion of joint development in all fields of economic activity; creation of an integrated market and the promotion of peace, security and stability in the region.
314. As a Member State of COMESA, Kenya has benefited from: customs exemptions on all exports and imports originating from Member States; an expanded market for goods and services and co-operation of Member States in financial and monetary matters that establishes convertibility of currencies throughout the Common Market. The harmonized and more

competitive market fosters greater industrial productivity and competitiveness; increased agricultural production and food security; rational exploitation of natural resources, harmonized monetary, banking and financial policies, reliable transport and communications infrastructure.

315. The 38th Session of the COMESA Council of Ministers held in July, 2018, in Lusaka, Zambia passed a resolution accepting Kenya's bid to extend sugar safeguards up to February, 2021. Under the COMESA Treaty, safeguard measures can be applied to domestic industries to protect them against international competition and influx of imports from the COMESA region until they become mature and competitive. This has given the country more time to complete reforms in the sugar industry.

2.2.11 COMESA Court of Justice (CCJ)

316. The COMESA Court of Justice (CCJ) was established in 1994, under Article 7 of the COMESA Treaty. The Court which is part of the COMESA organs and institutions is based in Khartoum, Sudan. The Court plays its role in ensuring economic integration by bringing justice to the Common Market.
317. The Authority, which is the supreme policy organ, appoints the judges of the Court at the COMESA Summit of Heads of State and Government while the Registrar of the Court is appointed by the COMESA Council of Ministers.
318. There are Kenyan nationals who have served as judges and Registrar of the Court. Currently Hon. Lady Justice Mary Kasongo serves in the First Instance Division of the Court and Hon. Nyambura L. Mbatia is the Registrar of the Court. Previously, two (2) Kenyan nationals have served in the Court, both having been appointed as Judge President of the Court during their respective tenures at the Court.

2.2.12 Gaming Regulators Africa Forum (GRAF)

319. The Gaming Regulators Africa Forum was established on 21st February, 2003. The object of the Forum is to protect communities and citizens through the adherence of gaming regulatory laws applicable to each Member State. It aligns matters that affect the gaming industry and ensures that Africa and the sub-Sahara does not become dumping grounds for old and degenerating gaming technologies.
320. The Government has enacted the Betting, Lotteries and Gaming Act, Cap 131 (*Rev. 2018*) and has formulated a draft policy on Betting, Lotteries and Gaming. The Act provides for the control and licensing of betting and gaming premises; the imposition and recovery of a tax on betting and gaming and the authorizing of public lotteries.
321. To streamline betting, the government introduced a 35 percent levy on betting revenue. The Government has also put in place measures to deal with betting by the underage through the Betting, Lotteries and Gaming Act, Cap 131 (*Rev. 2018*).
322. The Gaming Bill, 2019, was developed and is being considered by Parliament to repeal the Betting, Lotteries and Gaming Act, Cap 131 (*Rev. 2018*) and is currently at the Second Reading stage. The Bill seeks to control licensing of betting, casinos and other forms of gaming; authorize prize competitions; establish the National Lottery; impose and recover tax on betting and other forms of betting.

2.2.13 Shelter Afrique

323. Shelter Afrique (SA) is a partnership of forty-four (44) African Governments, the African Development Bank (AfDB) and the African Reinsurance Company established in 1982. It began operations in 1985, to support housing development in Africa, through mortgage loans to private companies in Member States. Kenya is a founding member and majority shareholder and hosts the headquarters in Nairobi.

324. Kenya enacted the Shelter Afrique Act, 1985, to domesticate the Shelter Afrique Constituent Charter. Kenyan housing development companies are the lead beneficiaries of mortgage finance loan from Shelter Afrique. Kenya also benefits from employment from the Organization and its activities. The Government has increased its share capital in accordance with the resolution adopted during the Annual General Meeting (AGM) of Shelter Afrique held in Zimbabwe in June, 2017.
325. The institution has continued to experience financial constraints due to delayed payment of annual subscriptions by Member States, poor governance and mismanagement of funds and loss of revenue due to fluctuation in foreign exchange rates affecting loan payments.

2.2.14 Inter-African Bureau for Animal Resources (AU-IBAR)

326. The Inter-African Bureau for Animal Resources (AU-IBAR) was established in 1951, as the Inter-African Bureau of Epizootic Diseases (IBED) pursuant to the African Union Charter. It's mandate had been broadened to include supporting and coordinating improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas.
327. The AU-IBAR coordinated the Pan-African Rinderpest Campaign (PARC) and the Pan-African Programme for the Control of Epizootics (PACE) which eradicated Rinderpest in the World. Kenya was declared Rinderpest free in 2007.
328. The AU-IBAR is hosted in Nairobi, Kenya and the State Department of Livestock (Directorate of Veterinary Services) provides office-space for the organization.
329. The Government participated in the following projects coordinated by AU-IBAR and IGAD: Surveillance of Trade Sensitive Diseases (STSD) project [2013–2016]; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012–2016]; and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016].
330. The AU-IBAR convened a workshop on supporting the Member States in incorporating Livestock in the National Agricultural Investment Plan (NAIP). The workshop was organized in the framework of the “Supporting Mechanisms, Policies, and Strategies for the Development of Animal Resources in Africa” of the AU-IBAR Project “LIVE2AFRICA: Pan African Support to the AU-IBAR for a Sustainable Development of a Livestock for Livelihoods in Africa”. Kenya was selected in the pilot exercise, which comprised ten (10) AU-IBAR Member States.

2.2.15 African Accreditation Co-operation (AFRAC)

331. The African Accreditation Co-operation (AFRAC) was established in 2010, as an umbrella Organization of National Accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies. AFRAC administers a mutual recognition scheme that enables recognition of the results and or certificates issued to Conformity Assessment Bodies by accreditation bodies. This is critical in facilitating free movement of products and services across borders. The Union encourages international co-operation and participation in the earth sciences with a view to understanding earth processes and earth resources especially in relation to human welfare.
332. AFRAC gives Africa a stronger voice in articulating the interest of its members taking into account the evolution of conformity assessment standards, market requirements, and applicable regulatory requirements against the backdrop of our stage of economic developments vis-à-vis the need to ensure global competitiveness.
333. Kenya is a signatory to the AFRAC Mutual Recognition Arrangement (MRA) and became an arrangement member of AFRAC on 28th September, 2017. The Kenya Accreditation Service

(KENAS) is the national accreditation body and focal point for AFRAC. This is critical in facilitating free movement of products and services across borders.

334. Kenya benefits from information sharing that improves its credibility, trust and confidence in conformity assessment results. The country is benchmarking with emerging technologies that enables it to foster greater co-operation and institutional linkages with other members.
335. Kenya participates in meetings, projects, symposia and other programs organized by AFRAC as part of its obligations.

2.2.16 African Electro-Technical Standardization Commission (AFSEC)

336. African Electro-Technical Standardization Commission (AFSEC) was founded in 2008, by a declaration of the Conference of African Ministers of Energy held in Algiers on 17th February, 2008. It was established as a subsidiary body under the auspices of the African Energy Commission. AFSEC enjoys legal status in accordance with Article 24 of the Convention of the African Energy Commission.
337. The role of AFSEC is to facilitate trade on the African continent by removing the different technical barriers to trade, thus opening new markets and furthering economic integration and economic growth by creating the conditions guaranteeing the inter-operation of complex systems. Interoperability is a key factor for integration of the African Continent envisaged in the African Plan of Action under the Pan African banner.
338. Kenya is a founding member of AFSEC and participates in the Management Committee of five (5) Technical Committees (TCs) established by the Commission. Membership is through the National Committee which has its Secretariat at Kenya Bureau of Standards (KEBS).
339. Kenya has influenced IEC standards adopted through the AFSEC Technical Committees. IEC has provided KEBS with materials and equipment and carried out capacity building for KEBS staff. This has enabled KEBS to develop Standards for Electrical/Electronic sector thereby being able to regulate the sector.

2.2.17 African Organization for Standardization (ARSO)

340. The African Organization for Standardization (ARSO) is a continental standardization body formed by OAU (currently AU) and UNECA in Accra, Ghana in 1977. ARSO aims to address the factors that may affect interoperability in the African markets. Kenya has been an Associate Member since 2010.
341. Kenya's membership to ARSO is key to understanding the emerging challenges and opportunities which can be addressed through standardization. Through its membership in the Management Committee and Technical Committee (TC) in the ARSO, Kenya has influenced several council decisions and standards adopted through the African Organization for Standardization Technical Committee (ARSOTCs). KEBS is a premier standards body in Africa committed to ensuring that Kenyan products access more markets and the standards of the products emanating from the continent improve.

2.2.18 Intra-Africa Metrology System (AFRIMETS)

342. Intra-Africa Metrology System (AFRIMETS) was established in March, 2006, to harmonize metrology activities in Africa based on the Regional Metrology Organization (RMO) of the Americas, Sistema Interamericano de Metrologia (SIM). The initiative is supported by the New Partnership for Africa's Development (AUDA-NEPAD), the Physikalish Technische Bundesanstalt (PTB), the National Metrology Institute of South Africa (NMISA) and legal metrology at the National Regulator for Compulsory Specifications (NRCS) of South Africa. Kenya participates through East African Metrology Technical Sub-Committee (EAMET) that is a sub-regional metrology Organization.

343. The benefits to Kenya include: regional interactions between metrology Organizations and exchange of members; harmonization of regulations and policies; quality assurance in conformity with ISO9000 and ISO17025; facilitates the removal of Technical Barriers to Trade (TBTs), improved standard of metrology; capacity building at affordable rates; establishment of databases for use by members; use of African experts for training; technical competence of personnel and adoption of a culture of continued learning.
344. Kenya is an associate member of the South African Development Community Co-operation in Measurement Traceability (SADCMET) and participates in the Assembly and technical meetings to enhance measurement standards in Africa. The body co-ordinates metrology activities in the sub-region to provide regional calibration and testing services with readily available traceability to the SI units of measurements. The benefits to Kenya include: participation in SADCMET organized measurement comparisons and exchange of knowledge and expertise within the Member States.

2.2.19 African Confederation of Co-operative Savings and Credit Association (ACCOSCA)

345. The African Confederation of Co-operative Savings and Credit Association (ACCOSCA) is an African Co-operative body with its headquarters in Nairobi, Kenya. Its aim is to form a network within the cooperative movement in Kenya and African Countries.
346. Kenya became a member of ACCOSCA on 17th September, 1968. This contributes to the development of the country's co-operative movement and creates jobs for Kenyan citizens.
347. Kenya plays a leading role in capacity building for the formation of co-operatives of other member states.

2.2.20 African Centre for Fertilizer Development

348. The Convention was adopted on 1st July, 1985. The objective of the Convention is to promote establishment of national institutions for Fertilizer Technology by Member States. A fertilizer blending plant has been established in Eldoret.
349. Member States are expected to facilitate the collection, exchange and dissemination of information; and to make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre.
350. Kenya stands to benefit from technologies on fertilizer use to attain food security and increased export earnings. Membership to the Centre is therefore important in promoting increased fertilizer use for increased production in the Agriculture Sector.
351. There is low uptake of fertilizer because of exorbitant prices and unavailability. The government is therefore providing subsidized fertilizer so as to encourage increased use of fertilizer which should lead to increase in yields and productivity.

2.2.21 Africa Travel Association (ATA)

352. ATA is the leading global trade association promoting travel and tourism to Africa and strengthening intra-Africa partnerships. Established in 1975, ATA serves both the public and private sectors of the international travel and tourism industry. ATA membership comprises African Governments, tourism bureaus and boards, airlines, cruise lines, hotels, resorts, travel sellers, tour operators and travel agents and affiliate industries.
353. ATA partners with the African Union Commission (AUC) to promote sustainable development of tourism to and across Africa. ATA's annual events in Africa and the United States (US) bring together industry leaders to shape Africa's tourism agenda. Kenya is a member of ATA and has held five successful ATA events in Nairobi—1975, 1985, 1995, 2005 and 2015.

354. Kenya participates in the Africa Travel Association (ATA) Congress meetings. Kenya, Uganda and Rwanda launched the East African Tourism Portal in February, 2017, in Kampala, Uganda. The portal promotes the region as a single tourist destination.

2.2.22 Association of Hotel Training Schools in Africa (AHTSA)

355. The State Department in charge of Tourism through the Kenya Utalii College (KUC) is obligated by the Association of Hospitality and Tourism Schools in Africa (AHTSA) to ensure that member schools offer first class training in hospitality. Kenya Utalii College is the Secretariat for AHTSA. The Association comprises twenty-seven (27) member schools drawn from fifteen (15) African countries. The institution has greatly contributed to the development of other African Hotel Schools through consultancy services and exchange programs.
356. Kenya Utalii College has established linkages with renowned international institutions, to benchmark and adopt best global practices. These include: Manchester Metropolitan University, U.K, Livingstone International University of Tourism Excellence and Business Management (LIUTEBM), Zambia, Makerere University, Uganda and the University of Nairobi, Kenya. The Utalii College has established a branch, Ronald Ngala Utalii College in Kilifi.
357. KUC is establishing linkages with other global institutions. To harness the untapped rich African market, the linkages create networks and partnerships between the African safari and the global hospitality in the tourism industry. The collaboration includes exchange programs for lecturers and students.

2.2.23 African Telecommunications Union (ATU)

358. The Constitution and Convention of ATU was adopted in Cape Town in 1999, and revised in Harare in 2014. Kenya signed The Constitution and Convention of ATU in 2014. The ATU is the successor of Pan-African Telecommunications Union (PATU) established on 7th December, 1977, as a specialized agency of AU in field of telecommunication, information communications and technologies, infrastructure and services. The Union's vision is to accelerate info-communication interconnectivity in Africa for rapid development.
359. The ATU advocates for increased information development within their region of interest on the continent of Africa; transparency and accountability, effective funding and financing, and quality service to all with whom it collaborates; and promotion of positive collaboration with the Institute for Computer Technology Research and Development with a view to addressing the connectivity gap among the nations in Africa and for universal access throughout Africa.
360. Kenya has laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communication.

2.2.24 Pan African Postal Union (PAPU)

361. The Pan African Postal Union (PAPU) was established on 18th January, 1980, as a specialized institution of the African Union. Its objectives are to: co-ordinate all decisions pertaining to the development of postal services in Africa; maintain and extend co-operation among member states for the improvement and rational use of postal services and harmonize tariff structure.
362. Compatibility in tariffs on goods and services, and a sound financial management of postal services will promote establishment of multi-national regional and sub-regional postal training institutes in Africa. This will enhance cooperation and collaboration with International, Regional and Sub-Regional Organizations.
363. PAPU harmonizes as far as possible the position of its member states during international meetings in the field of postal services and in particular at Universal Postal Union (UPU) meetings. It publishes information and research material on postal services for the benefit of member states and encourages exchange of information and staff between member states. The

Union also acts as a servicing institution for its member states for integrated postal development through provision of necessary technical support.

2.2.25 African Advanced Level Telecommunications Institute (AFRALTI)

364. Founded in 1993, the African Advanced Level Telecommunications Institute (AFRALTI) is an Inter-Governmental Organization with its headquarters in Nairobi. Its key mandate is to provide human resources capacity building through high-level quality training. AFRALTI also offers consultancy and advisory services to both management and technical personnel in the ICT sector in Africa.
365. AFRALTI collaborates and partners with a number of regional and international organizations. Partnership with ITU has made AFRALTI a Centre of Excellence within the ITU Centre of Excellence project.

2.2.26 African Regional Intellectual Property Organization (ARIPO)

366. The Lusaka Agreement led to the creation of the African Regional Intellectual Property Organization (ARIPO). The Organization is mandated with the registration of patents and industrial designs in African Member States. Kenya became a party to the Agreement on 15th February, 1978. The Harare Protocol, 1982, which entered into force in 1984, empowers ARIPO to receive and process patent and industrial design applications on behalf of State Parties to the Protocol.
367. The ARIPO regional system complements the national industrial property system of member states. The implementing cooperating agency is the Kenya Industrial Property Institute (KIPI) as established by the Industrial Property Act, 2001.
368. Membership in the Organization brings several advantages to member states and individual users (corporate or natural persons). The Organization was formed to harness human, material and financial resources from member states in order to avoid duplication hence creating economies of scale.
369. Membership in ARIPO also opens up new markets for its member states, improves their investment climate and encourages access to technical information; particularly contained in patent documents.
370. The Harare Protocol is linked to the Patent Cooperation Treaty (PCT); the State Parties access the super flow of patent applications available through the PCT realm. This ensures enhanced applications from other designated states thereby creating more jobs in the industrial property offices and higher national income.

2.2.27 The African Regional Labour Administration Centre (ARLAC)

371. The African Regional Labour Administration Centre (ARLAC) was jointly formed by the ILO and UNDP in 1974, as a project for the development of Labour Administration issues. It became a legally autonomous inter-Governmental institution in October, 1981.
372. ARLAC was formed in Nairobi in 1980, and relocated to Harare in 1986. The Organization serves a membership of twenty (20) countries. The mandate of ARLAC is to strengthen labour administration systems in English-speaking African member countries through training, research, consultancy and advisory services.
373. ARLAC has two (2) sister organizations in Africa namely: CRADAT for French speaking African countries and ACLAE for Arabic speaking African countries. The Objectives of ARLAC are to: provide training for officials at all levels of the labour administration system; provide consultancy and advisory services directed towards strengthening labour administration systems in member countries; undertake studies and research in all aspects of labour administration; and provide information services for the benefit of member countries.

374. ARLAC has the distinction of being one of the oldest regional institutes in the continent and imparts training to the tripartite, both at the national and regional levels in the field of labour administration, industrial relations, occupational safety and health and related subjects.
375. During the last forty (40) years of its existence, it has made significant strides in promoting the development of scientifically trained human capital in all aspects of labour management; health and safety; industrial relations; labour welfare; and worker's education.
376. As a member of the Executive Office, Kenya is in the lead in moving the members initiative to review and re-engineer training and consultancy programmes of the organization. Kenya continues to participate in meetings of ARLAC and has benefitted in the training of many labour admonished employees and workers over the years. Kenya is set to host the next meeting of the Committee of Principal Secretaries and Senior Officials in October, 2020.

2.3 EAST AFRICAN COMMUNITY AND OTHER SUB-REGIONAL ORGANIZATIONS

2.3.1 East African Community (EAC)

377. The Treaty for the Establishment of the East African Community aims at widening and deepening co-operation among the Partner States in, among others, political, economic and social fields for their mutual benefit. It was adopted on 30th November, 1999, and entered into force on 7th July, 2000, following its ratification by the original three Partner States—Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18th June, 2007, and became full Members of the Community with effect from 1st July, 2007. The Republic of South Sudan became a full Member of EAC on 5th September, 2016.
378. The EAC provides for four levels of integration namely, the Customs Union, Common Market, Monetary Union and Political Federation. Presently, the EAC is implementing these integration levels through the Protocol on the Establishment of the East African Community Customs Union, the Protocol on the Establishment of the East African Community Common Market and the Protocol on the Establishment of the East African Community Monetary Union.
379. With regard to the Political Federation, the EAC Heads of State adopted the Political Confederation model on 20th May, 2017. The Constitution to operationalize the Confederation is currently being negotiated and drafted by the Committee of Experts. Other adopted Protocols facilitate implementation of the integration agenda in the seventeen (17) areas of cooperation under the Treaty. The East African Legislative Assembly (EALA) supports the integration process through the enactment of regional laws and in the current reporting year the Heads of State assented to the East African Monetary Institute Act, 2019.
380. Regional cooperation is facilitating intra-regional trade, infrastructure development, the four freedoms: free movement of persons, labour, services, capital and the two rights: right of establishment and the right of residence.
381. The EAC celebrated the 20th Anniversary of the EAC on 30th November, 2019, to mark twenty (20) years following the adoption of the Treaty.

2.3.2 East African Court of Justice (EACJ) and Protocol to Operationalise the Extended Jurisdiction of the East African Court of Justice

382. The EACJ is the principal Judicial Organ of the East African Community established by Article 9 of the Treaty for the Establishment of East African Community (EAC). Following its inauguration by the EAC Summit and the swearing in of Judges and the Registrar on 30th November, 2001, the Court became operational and is temporarily based in Arusha, Tanzania. The Court ensures the adherence to law in the interpretation and application of and compliance with the EAC Treaty. Kenya is bound by the Court's decisions and has appointed two judges to the Court in fulfilment of her obligation.
383. The Court has developed rules of procedure and arbitration. Sub-registries have been established in each Partner State to promote accessibility to the institution and expedite administration of justice. In the current reporting period, Kenya is set to nominate a Judge to represent her in the East African Court of Justice Appellate Division following the term expiration of the current Judge.
384. On 20th April, 2015, the East African Community Heads of State and Government adopted and signed a Protocol to operationalize the extended Jurisdiction of the East African Court of Justice to cover trade and investment disputes arising out of the implementation of the Customs Union, the Common Market and the Monetary Union.
385. The Court has arbitral jurisdiction over commercial contract disputes. This will address commercial disputes due to the expected increase of cross-border trade in the context of regional integration.

386. The National Assembly approved the ratification of the Protocol on 11th October, 2017. The Instrument of Ratification was signed by the Cabinet Secretary for Foreign Affairs on 11th April, 2018.

2.3.3 Inter-Governmental Authority on Development (IGAD)

387. IGAD began initially as the Inter-Governmental Authority on Drought and Development (IGADD), an environmental co-operation intergovernmental body in 1986, to deal with drought in the Horn of Africa Region. IGADD later transformed into conflict resolution body resulting in a change of its name to “the Inter-Governmental Authority on Development (IGAD).” Kenya together with Djibouti, Ethiopia, Somalia, Sudan and Uganda are the founding members and were later joined by Eritrea.
388. IGAD provides a regular forum where leaders of Horn of Africa countries are able to tackle regional political and socio-economic issues. Under the Chairmanship of Kenya, IGAD mediated the protracted conflict in Sudan in 2015, and is currently seized with issues relating to the implementation of the South Sudan peace process among other issues. Notably, at the 33rd Extra-Ordinary Session of the Assembly of IGAD Heads of State and Government on Peace Process in South Sudan and the admission of Eritrea to IGAD held on 13th September, 2018, in Addis Ababa, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was signed by the Parties & Stakeholders and witnessed by the IGAD Heads of State and Government.
389. Kenya’s primary focus has been to mobilize international support to facilitate consolidation of regional peace, particularly in Somalia, South Sudan, the Eritrea/Ethiopia border and the Indian Ocean waters. Kenya supports efforts to strengthen IGAD’s capacity to effectively confront the myriad and interlocking problems relating to ecological challenges such as drought, proliferation of small arms and light weapons, forced migration within and across borders, banditry, piracy, and more recently international terrorism linked to violent extremism.
390. Infrastructural developments namely: highways, railways, airports, pipelines and seaports is central to effectively addressing the region’s security, environmental, and developmental challenges. The construction of the Northern Corridor linking Kenya to its northern neighbors is envisaged to facilitate trade in order to promote development among the Member States.
391. The Ministries of Devolution and Arid and Semi-Arid Lands (ASALs) and Agriculture, Livestock, Fisheries and Co-operatives participate in the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI). The objective of the initiative is to develop a framework to manage drought disasters in the region in the context of IDDRSI Strategy, with clarion call for stakeholders to act in accordance to specific needs of States.
392. Kenya is committed through the Ending Drought Emergency (EDE) Initiative to ensure drought in the Horn of Africa (HOA) does not reach emergency levels. Kenya’s Country Programme Paper (Ke.CPP) has six (6) components namely: peace and human security; climate proof infrastructure development; building human capital (health and education); sustainable livelihoods; drought risk management; institutional development and knowledge management that also include multi stakeholder coordination that address IGAD broader objectives. EDE has been recognized as one of the key foundations for national development to enhance food and nutrition security in the Big Four Agenda.
393. The National Drought Management Authority was established by the National Drought Management Act, 2016. Its mandate is to exercise overall coordination on all matters relating to drought risk management mechanism with stakeholders to End Drought Emergency.
394. The Authority provides drought early warning information, coordinates biannual food security assessments and has established an elaborate structure that deals with drought response and resilience building. NDMA executes this action through its Hunger Safety Net Programmes

- (HSNP), EDE support Drought Risk Management and Coordination (DRMC) Project and Protracted Relief and Recovery Project (PRRO).
395. Establishment of a National Drought Emergency Fund is underway to improve the effectiveness and efficiency of drought risk management in the country. Additionally the Ending Drought Emergencies (EDE) strategy has been integrated in the sector plans to ensure drought does not reach emergency levels.
 396. Cross Border Peace Initiatives along the common borders of Kenya and her neighbours was realized with the successful signing of a Memorandum of Understanding (MoU) “The Kenya (Turkana/West Pokot)—Uganda (Karamoja) Cross Border Programme for Sustainable Peace and Development” between Kenya and Uganda on 12th September, 2019, in Moroto, Uganda. This will accord Cross Border communities opportunities for better cooperation, peaceful co-existence and bridging isolation gaps to improve their livelihood. A similar agreement was signed with Ethiopia in 2015.
 397. Kenya hosts the IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) and the IGAD Climate Prediction and Applications Centre (ICPAC). ICPALD is hosted by the Directorate of Veterinary Services in Kabete while ICPAC is in Dagoretti.
 398. The country participates in and benefits from the following IGAD institutions: IGAD Center for Conflict Early Warning and Response Mechanism (CEWARN); IGAD Climate Prediction and Applications Centre (ICPAC) and IGAD Centre for Pastoral Areas and Livestock Development (ICPALD).
 399. The Regional Pastoral Livelihoods Resilience Project (RPLRP) covering fourteen (14) ASAL counties is ongoing. The project is part of the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI).
 400. Other activities to implement the IGAD commitment to End Drought Emergences (EDE) in the region by the year 2027, are ongoing by the National Drought Management Authority (NDMA) in collaboration with relevant MDAs. The State Department of Livestock participates in Drought Recovery by vaccinations and provision of livestock feeds and treatments and in the annual Food Security Assessments.

2.3.4 International Conference on the Great Lakes Region (ICGLR)

401. The UN Security Council passed Resolutions 1291 and 1304 which established an International Conference on Peace, Security, Democracy and Development in the Great Lakes Region in the year 2000. In 2004, regional Heads of State and Government meeting in Dar-es-Salaam, Tanzania signed the Dar-es-Salaam Declaration which captured their common desire to transform the Great Lakes Region into a haven of peace, security, and development. The Pact on the Security, Stability, and Development in the Great Lakes Region (The Pact), which provides the legal framework governing relations and promoting cooperation amongst Member States, was signed during their Second Summit in Nairobi, Kenya in December, 2006. The Pact came into force in June, 2008. Kenya is fully committed to the ICGLR agenda, values and principles.
402. The Member States of the ICGLR include Angola—the current chair—Burundi, Central African Republic (CAR), Congo (Brazzaville), Democratic Republic of Congo (DRC), Kenya, Rwanda, South Sudan, Tanzania, Uganda and Zambia.
403. Over the years, the region has been characterized by violent conflicts and wars that have resulted in the deaths of millions of people, gross violations of human rights including genocide, rape, and population displacement. The main objective of the Conference is to establish a regional framework to facilitate the realization of Peace, Stability, Security and Development in a holistic manner under four thematic areas namely: Peace and Security,

Democracy and Good Governance, Economic Development and Regional Integration and Humanitarian and Social Issues.

404. The issues under the four thematic areas are addressed through the 10 Protocols which are an integral part of the Pact. These are:
- (a) Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region;
 - (b) Protocol on Democracy and Good Governance;
 - (c) Protocol on Judicial Cooperation;
 - (d) Protocol for the Prevention and the Punishment of the Crime of Genocide, War, Crimes and Crimes against Humanity and all forms of Discrimination;
 - (e) Protocol Against the Illegal Exploitation of Natural Resources;
 - (f) Protocol on the Specific Reconstruction and Development Zone;
 - (g) Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children;
 - (h) Protocol on the Protection and Assistance to Internally Displaced Persons;
 - (i) Protocol on the Property Rights of Returning Persons; and
 - (j) Protocol on the Management of Information and Communication.
405. The organs of the ICGLR are the Summit, Regional Inter-Ministerial Committee (RIMC) Conference Secretariat and National Coordination Mechanism. The Summit consists of the Heads of State and Government of the ICGLR. The Conference Secretariat is led by the Executive Secretary who has a non-renewable 4-year mandate. The current Executive Secretary is a Kenyan national, Amb. Zachary Muburi-Muita.
406. Each Member State is required to establish a National Coordination Mechanism (NCM) according to Article 27 of the Pact. The NCM facilitates the implementation of the Pact in the respective Member State. In Kenya, this function is performed by the Office of the Great Lakes Region (OGLR) within the Ministry of Foreign Affairs. Kenya is among the leading contributors to the ICGLR and has been consistent in meeting its financial obligations to the Organization.
407. ICGLR has established confidence building mechanisms to alleviate mistrust among Member States and build confidence among leaders. These include: the Expanded Joint Verification Mechanism (EJVM) to address the DRC-Rwanda border security issues and verify claims and counterclaims by the two (2) Member States, among other issues; the Joint Intelligence Fusion Centre (JIFC) to collect, process, analyze and verify information on negative and armed groups from intelligence and security agencies of Member States or any other sources; the Levy Mwanawasa-Lusaka Center on Good Governance to promote Democracy and Good Governance in Member States.
408. A Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) aims at breaking the link between mineral revenues and rebel financing. This has led to the setting up of Regional Certification Mechanism which audits and certifies four minerals including cassiterite, coltan, wolframite and gold whose supply chains are related to armed conflict. The ICGLR played a key role in the defeat of the M23, the conclusion of the Kampala Dialogue and the signing of the Nairobi Declaration in 2013. The ICGLR facilitated military operations against armed groups in Eastern DRC by the armed forces of the DRC (FARDC) as well as by the UN Stabilization Mission in the DRC/Forces Intervention Brigade (MONUSCO/FIB).

PART III

TREATIES AND CONVENTIONS



3.0 TREATIES AND CONVENTIONS

3.1 DIPLOMACY, PRIVILEGES AND IMMUNITIES

409. Diplomacy at its essence is the conduct of relationships, using peaceful means, by and among subjects of international law. The typical international actors are states and the bulk of diplomacy involves relations between states directly, or between states, international organizations, and other international actors.
410. Kenya's diplomacy seeks the pursuit, promotion and protection of our unique identity, national aspirations/interests and our sovereignty from the inevitable foreign influence whilst building and consolidating our competitive edge.
411. Kenya's diplomatic practice is governed by Kenya's Foreign Policy which is geared towards protecting the Country's sovereignty and territorial integrity. Whilst protecting the sovereignty and territorial integrity of Kenya, emphasis is placed on international peace and security, owing to the fragility of parts of our region, that straddles East, the Horn, the Great Lakes and southern Africa; Kenya has been relentless in the promotion and maintenance of peace, security and stability in Africa, and the world at large. Our anchor role in pursuit for peace particularly in the Horn of Africa has led to the development of a strong and evolving peace doctrine.
412. To advance preventive diplomacy, peacekeeping, conflict resolution and post-conflict reconstruction, the Government presented Kenya's candidature for a Non-Permanent Seat at the UNSC for 2021–2022. Kenya's experience, capabilities and knowledge puts it in good stead to make valuable contribution to the UNSC as it executes its mandate to maintain international peace and security.
413. Kenya has placed great value on the United Nations since we joined as a young Republic that had fought valiantly for its independence. The conviction that multilateralism enhances sovereignty is at the centre of our relations with the United Nations. Pointedly, Kenya's engagement to be part of the UNSC draws from the consistent preference and fundamental interest in a rules-based international order. Kenya's promise is to bring its wealth of experience to the UNSC.
414. During the period under review particular focus has been on sharing information and clarifying the elements of the Big Four Agenda, namely: Adequate and affordable housing, Food and Nutrition Security, Universal Health Coverage and Enhanced Manufacturing. Significantly, five (5) Memoranda of Understanding and frameworks of engagement have been concluded and signed between Kenya and a number of countries to give traction to the Big Four agenda. These engagements have been from the highest political levels to the technical levels.
415. To strengthen and enhance our bilateral ties, nineteen (19) resident and non-resident envoys presented credentials during the period under review. To further expand Kenya's diplomatic foot print, four (4) new missions were opened in Bern, Switzerland; Accra, Ghana; Dakar, Senegal; and Djibouti and eighteen (18) Ambassadors/High Commissioners appointed to articulate Kenya's interests abroad. Additionally, I hosted high profile visits by leaders from France, Ethiopia, Somalia, Sri Lanka, Madagascar, Democratic Republic of Congo, Rwanda, Uganda, South Sudan, Fiji, Yemen, Zambia, Mauritius, Botswana, Lesotho and Barbados.
416. In addition, the Ministry undertakes continuous training of its officers to enhance their competence in the articulation of Kenya's Foreign Policy. During the period under review, seventy-six (76) Foreign Service Officers were trained on various aspects of implementation of Kenya's Foreign Policy.
417. Kenya is now one of the most favourable investment destinations on the Continent, with a growing profile in conferencing and tourism. In this regard, Kenya has hosted numerous diplomatic conferences and meetings. Currently, 94 Resident Embassies and High

Commissions, 25 Honorary Consulates and 4 Consulates General in Mombasa are hosted in the country, while 36 Non-Resident High Commissions and Embassies are accredited to Nairobi. Kenya also hosts 113 International Organizations and 48 UN Agencies.

418. The Government holds quarterly briefings for the diplomatic corps to update on Kenya's state of diplomacy and implementation of foreign policy.

3.1.1 The 1961 Vienna Convention on Diplomatic Relations

419. The Convention provides a comprehensive framework that governs diplomatic relations between member states and codifies customary international law. It was adopted on 18th April, 1961, and entered into force on 24th April, 1964. Kenya acceded to the Convention on 1st July, 1965.
420. The Government fulfils its duty by ensuring that it grants diplomatic immunity to diplomatic missions and diplomatic agents accredited to Kenya, as well as delegations to certain international meetings and conferences on her territory. Through the principle of reciprocity, Kenya's fifty-eight (58) Missions abroad and Kenyan delegates to international meetings and conferences abroad are also accorded similar privileges and immunities.
421. The Government strives to pay, on time and in full, all the relevant assessed contributions due to be paid to the appropriate International Organizations and bodies. This is to maintain strong ties and good working relations. Each assessed contribution is based on various factors such as the mandate of the Organization and its membership.
422. The Government implements the Convention through the Privileges and Immunities Act, 1984 (*Rev. 2012*).

3.1.2 Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Acquisition of Nationality

423. The Protocol was adopted on 24th April, 1963. Kenya acceded to it on 1st July, 1965. The Protocol compliments the Convention and its objective is to establish rules between State Parties concerning acquisition of nationality by the members of their diplomatic missions and of the families forming part of the household of those members. Under the Protocol, all members of a diplomatic mission i.e. the Head of a Mission, the staff of a Mission and their families shall not acquire the nationality of the receiving State even by operation of the law of the receiving State.

3.1.3 The 1963 Vienna Convention on Consular Relations

424. The Convention was adopted on 24th April, 1963. Kenya acceded to it on 1st July, 1965, and it entered into force on 19th March, 1967. The Convention defines the conduct of consular relations between member states. A consul performs the function of protecting the interest of nationals of the sending State in the host country and furthering the commercial and economic relations between the two countries. While a consul is not a diplomat, under this treaty they are accorded similar privileges, including a variation of diplomatic immunity called consular immunity.
425. The Government facilitates assistance to Kenyans in emergency or distress situations abroad through provision of consular services. In extreme cases, where there is need for evacuation, then this has been undertaken to bring back home the affected Kenyans. The Government also outsources businesses and investment opportunities for Kenyan companies and businesses by organizing investment forums, business exhibitions and events in key destinations abroad. The Ministry of Foreign Affairs responds to public enquiries on information regarding Kenya's Foreign Policy. The Ministry authenticates documents intended for use abroad, among other services offered.

3.1.4 Optional Protocol to the Vienna Convention on Consular Relations on the Acquisition of Nationality

426. The Protocol was adopted on 24th April, 1963. Kenya acceded to it on 1st July, 1965. It came into force on 20th March, 1971. The Optional Protocol concerning the Acquisition of Nationality provides a framework that governs matters concerning nationality among State Parties by members of consular posts and members of their families forming part of their household. The Protocol aims to prevent any conflict that may arise among member states in matters of acquisition of nationality by members of consular posts and members of their families forming part of their household.

3.1.5 Optional Protocol to the Vienna Convention on the Compulsory Settlement of Disputes

427. The Protocol was adopted on 24th April, 1963. Kenya acceded to it on 1st July, 1965. It came into force on 20th March, 1971. Article 1 of the Protocol provides that disputes concerning the interpretation or application of the Convention shall lie with the compulsory jurisdiction of the International Court of Justice (ICJ) and may accordingly be brought to the Court by an application by any party to the dispute being a party to the Protocol unless, the parties to the dispute agree to other forms of settlement of the dispute within a reasonable time.

3.1.6 The 1946 Convention on the Privileges and Immunities of the United Nations

428. The Convention was adopted by the UN General Assembly on 13th February, 1946, to accord the UN, the status of a legal person under the domestic laws of its member states and grant the UN certain functional privileges and immunities. It entered into force on 17th September, 1946. Kenya acceded to the Convention on 1st July, 1965. Such domestic legal personality is a prerequisite for the UN to effectively perform their functions and fulfill its purposes in the host State. It also enables the UN manage numerous practical needs such as employment and procurement contracts, the acquisition of property and the capacity to pursue private law rights before national courts. Article 104 of the UN Charter provides for these needs.

3.1.7 The 1948 Convention on the Privileges and Immunities of the UN Specialized Agencies

429. The Convention was adopted on 21st November, 1947, and came into force on 2nd December, 1948. Kenya acceded to the Convention on 1st July, 1965. The objective of the Convention is to grant UN Specialized Agencies the status of a legal person under the domestic laws of its member states and grant certain functional privileges and immunities. Such domestic legal personality is a prerequisite for UN Specialized Agencies to effectively perform their functions and fulfill its purposes in the host State.

3.1.8 Agreement on Privileges and Immunities of the Organization for the Prohibition of Chemical Weapons (OPCW)

430. Kenya signed the agreement on 28th March, 2001, and ratified it on 24th March, 2014. The Agreement entered into force on 19th February, 2015. OPCW and its officials enjoy in the territory of Kenya, such privileges and immunities as are necessary for the independent exercise of its functions.

3.1.9 General Convention on Privileges and Immunities on the OAU (General Convention)

431. The Convention was adopted and entered into force on 25th October, 1965. Kenya signed and ratified the Convention on the same day. The Convention grants legal capacity to the AU in the territory of its member states to enable the Organization independently exercise its functions and fulfill its purposes. The Convention obliges member states to grant the AU, representatives of the AU and AU officials certain privileges and immunities within their territories to enable the AU, its representatives and officials independently exercise their functions in connection with the Organization. The Government grants certain privileges and immunities to the AU, AU officials and delegates attending AU meetings in Kenya.

3.1.10 EAC Protocol on Foreign Policy Co-ordination

432. This Protocol was preceded by a Memorandum of Understanding on Foreign Policy Co-ordination between the Governments of Kenya, Uganda and the United Republic of Tanzania. The Protocol was adopted and signed on 3rd December, 2010. Kenya ratified the Protocol on 20th November, 2012.
433. A common foreign and security policy of the East African Community is envisaged in accordance with Article 123 of the EAC Treaty and related provisions including that of establishing a Political Federation of the Community. The EAC Heads of State and Government have now agreed on a political confederation model for the Community. Regional integration is a fundamental pillar in Kenya's foreign policy. Kenya therefore takes her obligations at the EAC with commitment.
434. In an increasingly globalized and competitive world, the framework provides an avenue to promote and consolidate unity of purpose and action on all fronts. Collective action in implementing common foreign policies is bound to yield more benefit to Partner States in all spheres of development. The Partner States of the EAC liaise on issues of mutual interest relating to regional and global affairs and adopt common positions.

3.1.11 EAC Protocol on Privileges and Immunities

435. The Protocol was adopted by the EAC Heads of State and Government on 30th April, 2015. Kenya ratified the Protocol on 13th June, 2018. The Protocol aims to accord the Community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international organizations in the territories of the Partner States.
436. Kenya has domesticated the Treaties under this category in the Privileges and Immunities Act, Cap. 179 of the laws of Kenya, giving them force of law locally. Kenya ensures that the Diplomatic Corp and International Staff of the EAC are afforded the privileged status due to them while ensuring that the Diplomats respect the law.
437. Kenya has made great progress in the realization of its Foreign Policy and host country obligations within the EAC. Kenya hosts the Lake Victoria Basin Commission in Kisumu County which is one of the EAC institutions.
438. The Ministry of Foreign Affairs is the implementing organ of Government for the above Treaties as the executor of Kenya's Foreign Policy. The Ministry in collaboration with the Office of the Attorney General formulated and issued guidelines on Treaty Making and Ratification Procedure to MDAs. Kenya is set to host the EAC Centre of Aviation Medicine in Nairobi.

3.2 PEACE AND SECURITY

3.2.1 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention III relative to the Treatment of Prisoners of War; Geneva Convention IV relative to the Protection of Civilian Persons in Time of War; Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts; Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts; Additional Protocol III to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem.

439. The Geneva Conventions I-IV were adopted on 12th August, 1949, and entered into force on 21st October, 1950. Kenya acceded to the Geneva Conventions on 20th September, 1966. The Geneva Conventions form the core of International Humanitarian Law (IHL) which regulates the conduct of armed conflict and seeks to limit its effects. They protect people not taking part in hostilities and those who are no longer doing so such as the wounded, sick, shipwrecked soldiers and prisoners of war.
440. The Geneva Convention I provides for protection for the wounded and sick, medical and religious personnel, medical units and medical transport. Geneva Convention II provides for protection of wounded, sick and shipwrecked members of armed forces at sea, hospital ships, coastal rescue craft, medical aircraft, and other medical transport at sea as well as religious, medical and hospital personnel performing duties in a naval context. Geneva Conventions I and II recognize the distinctive emblems, that is, the Red Cross and Red Crescent.
441. Geneva Convention III provides rules and regulations for the protection of prisoners of war. Geneva Convention IV takes account the experiences of World War II and provides for general protection of populations against certain consequences of war. It also governs the status and treatment of protected persons distinguishing between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in occupied territory.
442. The Additional Protocol (AP) I and II were adopted on 8th June, 1977, and entered into force on 7th December, 1978. Kenya acceded to the AP I and II on 23rd February, 1999. AP III was adopted on 8th December, 2005, and entered into force on 14th January, 2007. Kenya signed AP III on 30th March, 2006, and ratified it on 28th October, 2013. AP I clarifies rules relating to international armed conflicts, AP II extends the essential rules of the law of armed conflicts to internal wars/civil wars while AP III provides for an additional distinctive emblem i.e. The Red Crystal to be used as a further option to the Red Cross or Red Crescent intended to signify respect for the individual who suffers and is defenseless, who must be aided, whether friend or enemy, without distinction of nationality, race, religion, class or opinion.
443. The Geneva Conventions and Additional Protocols call for stringent measures to prevent or put an end to all breaches of the rules contained therein known as “grave breaches”. Those responsible for grave breaches must be sought, tried or extradited irrespective of their nationality.
444. Kenya has domesticated the Geneva Conventions I-IV and the APs through the Constitution of Kenya (2010); the Geneva Conventions Act, Cap. 198; the Kenya Defence Forces Act, 2012; the Kenya Red Cross Society Act, 1965; the National Flag, Emblems and Names Act, 1963; the National Museums & Heritage Act, 2006; Penal Code, Cap. 63; International Crimes Act, 2008 and the Prevention of Torture Act, 2017; Section 3 of the Geneva Conventions Act, Cap. 198 provides for the punishment of persons who commit, or are accessories to breaches of the Geneva Conventions. It also provides a basis for universal jurisdiction by permitting prosecution of any person, irrespective of nationality or the place where the breach was committed.

445. The National Committee on the Implementation of International Humanitarian Law (NACOI) launched in October, 2001, re-established by the Attorney General through a *Kenya Gazette* Notice No. 7608 of 15th August, 2008. Through the *Kenya Gazette* Notice No. 4135 of 10th June, 2016, the National Committee was reconstituted with the Solicitor General as the Chairperson. The establishment of the National Committee was greatly facilitated by the co-operation between the Office of the Attorney General (OAG) and the International Committee of the Red Cross (ICRC).
446. The mandate of the National Committee is to advise the Government on IHL treaties that need to be ratified, co-ordinate implementation of IHL obligations at the national level and disseminate IHL to the general public with a view to ensuring its observance. The National Committee is inter-ministerial in nature comprising representatives of Government and other organizations including the Ministries of Foreign Affairs, Interior and Coordination of National Government, Defence, Education and Sports, Culture and Heritage. Other members include the National Police Service, Kenya Prisons Service, ICRC and the Kenya Red Cross Society.
447. The ICRC through its Nairobi Regional Delegation remains committed to enhancing the capacity of the National Committee through continued training, and constant exchange of information on achievements made and even challenges faced with the aim of ensuring that the National Committee achieves its mission.
448. To ensure non-violation of IHL, Kenya Defence Forces has employed Military Legal Officers. The members of the Kenya Defence Forces undergo continuous training on the rules of the conduct of armed conflict in accordance with the Geneva Conventions and Additional Protocols.

3.2.2 Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC) 1997

449. The Chemical Weapons Convention (CWC) was adopted in 1992, by the Conference on Disarmament (COD) and opened for signature in Paris on 13th January, 1993. The Convention entered into force on 29th April, 1997. Kenya signed the CWC on 15th January, 1993, and ratified it on 25th April, 1997.
450. The CWC is an international treaty that eliminates an entire category of weapons of mass destruction (WMD), that is, chemical weapons within a fixed time frame. It bans the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and also requires their timely destruction. The CWC promotes free trade in chemicals, international cooperation and exchange of scientific and technological information in the field of chemistry.
451. The CWC obliges State Parties to take concrete steps to enforce the prohibition on production and use of chemical weapons, and ensure destruction of all chemical weapons they may hold including chemical weapons abandoned outside the State Parties territory. The CWC establishes a verification regime for certain toxic chemicals and their precursors. The treaty has a “challenge inspection” or a surprise inspection where any State Party in doubt of another State Party’s compliance can request such an inspection.
452. The Organization for the Prohibition of Chemical Weapons (OPCW) was established under the CWC, with its headquarters at The Hague, The Netherlands and oversees the implementation of the Convention to achieve a world free of chemical weapons. All State Parties to the CWC are members of the OPCW each with one vote. Kenya’s Ambassador to The Netherlands is the Permanent Representative of the Republic of Kenya to the OPCW.
453. Kenya participates in the annual Conference of the State Parties (CSP), the principal and plenary organ of the OPCW, that oversees the implementation of and compliance with the Convention. The CSP oversees the activities of the Executive Council and the Technical Secretariat. Kenya is a member of the Executive Council of the OPCW comprising forty one

(41) Member States that supervises the activities of the Technical Secretariat and responsible for promoting the effective implementation of and compliance with the Convention.

454. Each State Party designates a National Authority for the implementation of the Convention. The Government Chemist in the Ministry of Interior and Coordination of National Government is Kenya's designated Focal Point on implementation of the Convention. Efforts to domesticate the Convention are ongoing through the development of the Chemical Weapons Convention Bill.
455. Under the Practice Relating to Rule 74, Chemical Weapons, Kenya's Law of Armed Conflict (LOAC) Manual (1997) prohibits the use of "asphyxiating, poisonous or other gases, all analogous liquids, materials or devices".

3.2.3 The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)

456. The Convention was adopted on 16th December, 1971, and opened for signature on 10th April, 1972. It entered into force on 26th March, 1975. Kenya acceded to the Convention on 7th January, 1976, in London.
457. The Convention seeks to eliminate biological weapons by prohibiting the development, production, acquisition, transfer, stockpiling and use of microbial or other biological agents, or toxins in a manner which has no justification for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. It covers biological and toxin weapons against humans, animals and plants. The Government is obliged not to, under any circumstances, develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons.
458. State Parties have an obligation to translate the obligations in the Convention to concrete national action such as domestication of the BTWC through an appropriate legal framework. Since 2009, an Inter-Ministerial National Biological and Toxin Weapons Committee under the National Commission for Science, Technology and Innovation (NACOSTI), has been in place to address issues relating to bio-security, biological and toxin weapons and to develop a comprehensive policy and legal framework. In this regard, a Biological Weapons Bill is being developed.
459. Kenya through delegations from NACOSTI and the Ministry of Interior and Coordination of National Government participated in the Biological Weapons Convention meeting of experts held at Palais des Nations, Geneva from 29th July to 8th August, 2019. A report of the meeting details the following recommendations for Kenya: NACOSTI as the BTWC National Focal Point, should have a budget for implementation of the Convention; that the Draft National Biosecurity Bill should be finalized for the country to have a legal framework to regulate Biosecurity; the Biosafety Act, 2009, should be reviewed to include biosafety related to the Convention; and the State Department for University Education and Research should organize for the proposed BTWC regional Universalization Workshop to be held in February, 2020, at the United Nations Office in Nairobi.
460. Kenya has established a Disaster Response Unit under Kenya Defence Forces. Additionally, Kenya actively participates in the Meetings and Conferences of the State Parties of the BTWC and is therefore involved in the policy and decision making processes of the Convention. The Government also provides periodic reports on specific activities relating to the BTWC to the Implementation Support Unit (ISU) which assists State Parties in implementing the Convention.
461. By implementing this Convention, Kenya has received technical support and assistance in capacity building in biosciences such as handling of toxin material and support in capacity building at the universities. In addition, laboratories have been established for testing and other activities related to biological and toxin weapons. Kenya also benefits from the training of its

personnel with the ability to detect and respond to outbreaks of any biological danger including, terrorist threats and pandemics.

462. Under the Practice Relating to Rule 73, Biological Weapons, Kenya's LOAC Manual (1997) prohibits the use of "bacteriological methods of warfare."
463. Some of the challenges in implementing the BTWC include inadequate funding and technical capacity relating to biosciences in the relevant MDAs and Research Institutions.
464. The threat on proliferation of biological weapons rarely draws due political attention. Additionally, due to converging mandates BTWC implementation requires strong inter-agency coordination for institutional synergies and coherence.
465. Terminologies used to describe aspects of BTWC always draw examples from the Western world leaving the vulnerable local communities ignored and thus prevalence of dangers of not implementing the law.

3.2.4 Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare

466. The Gas Protocol was negotiated under the auspices of the League of Nations, the precursor to the United Nations. It was adopted on 17th June, 1925, and entered into force on 8th February, 1928. Kenya acceded to the Protocol on 6th July, 1970.
467. The Gas Protocol prohibits the use of chemical and biological weapons such as asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare.
468. The Government Chemist in the Ministry of Interior and Coordination of National Government and the National Commission on Science, Technology and Innovation (NACOSTI) are the National Focal Point institutions, implementing the provisions of the Gas Protocol.

3.2.5 Comprehensive Nuclear Test Ban Treaty (CTBT)

469. The CTBT was adopted by the UN General Assembly in New York on 18th September, 1996, and opened for signature on 24th September, 1996. Kenya signed the CTBT on 14th November, 1996, and ratified it on 30th November, 2000. The CTBT has been signed by 184 States and ratified by 167 States.
470. However, the CTBT has not yet entered into force since its adoption. Article XIV of the CTBT provides that it will enter into force 180 days after the date of deposit of the Instruments of Ratification of all the forty four (44) States listed in Annex 2 of the Treaty, out of which thirty six (36) member states have ratified. These States who participated in the negotiations of the Treaty possessed nuclear power or research reactors at the time.
471. The CTBT bans all nuclear explosions and nuclear tests on Earth whether for military or peaceful purposes. State signatories are under obligation not to carry out any nuclear weapons test explosion or any other nuclear explosion. The CTBT obliges State signatories to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control. State Parties also undertake to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.
472. A resolution adopted by State Parties at the adoption of the CTBT dated 19th November, 1996 established the Preparatory Commission to the Comprehensive Nuclear Test Ban Treaty Organization (PrepCom). The PrepCom has its headquarters in Vienna, Austria and is an interim organization tasked with building up the verification regime of the CTBT in preparation for the CTBT's entry into force as well as promoting the Treaty's universality.
473. The PrepCom through its Provisional Technical Secretariat (PTS) also assists State Parties in special outreach activities such as Article XIV Conferences or Ministerial Meetings to promote the entry into force of the CTBT. The PTS conducts training and workshops for State Parties,

which Kenyans have benefited from, to promote the Treaty and its verification regime. The CTBTO will replace the PrepCom once the CTBT enters into force in accordance with its provisions.

474. Kenya hosts two certified stations that are part of the International Monitoring System (IMS) global network of facilities being established by the PrepCom to monitor the underground, the oceans and the atmosphere, for evidence of a nuclear explosion or nuclear test. These are certified Seismic (Primary) PS24 station in Kilimambogo and certified Infrasound station IS32 in Karura, Nairobi.
475. On 14th October, 1999, Kenya signed a Facility Agreement with the PrepCom which entered into force on 29th October, 1999, that governs the collaboration between the Government and the PrepCom in the installation and operation of the stations. The purpose of the Facility Agreement is to grant the necessary legal authority to the CTBTO PreCom undertake work on Kenya territory to establish or upgrade the primary seismological stations or infrasound station that Kenya is hosting to implement CTBT .
476. The National Commission for Science, Technology and Innovation (NACOSTI) is the Focal Point in the operation of the stations.
477. NACOSTI oversees the management of the National Data Centre (NDC) at the University of Nairobi's Department of Geology. The centre relays raw data to the CTBTO and receives processed data from CTBTO for research and training. The centre also coordinates training for capacity building in technical areas relevant to the Convention. On average, more than twenty (20) Kenyans receive short and long term training under the CTBT framework annually.

3.2.6 Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

478. The NPT was adopted on 12th June, 1968, and Kenya was among the countries that signed the treaty on 1st July, 1968 when it was opened for signature. It entered into force on 5th March, 1970, and Kenya ratified on 11th June, 1970.
479. The NPT aims to prevent the spread of nuclear weapons and nuclear weapons technology and furthers the goal of nuclear disarmament. It prohibits Nuclear Weapon States (NWS) from transferring to any recipient whatsoever nuclear weapons or other nuclear explosive devices. NWS are also prohibited from assisting, encouraging, or inducing any Non-Nuclear Weapon States (NNWS) to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices or related technology.
480. The NPT establishes a Safeguards system under the responsibility of the International Atomic Energy Agency (IAEA). Safeguards are used to verify compliance with the NPT through periodic reports made by Member States and inspections conducted by the IAEA with a view to preventing the diversion of fissile material for nuclear weapons use or development. State Parties have an obligation to place all nuclear materials for peaceful nuclear activities in their territory or jurisdiction under IAEA safeguards.
481. The NPT fosters international cooperation in peaceful uses of nuclear energy and technology and promotes equal access to this technology for all State Parties. IAEA plays an integral role under the NPT in the peaceful uses of atomic energy providing technical assistance and support to Member States in technology transfer for peaceful purposes.
482. Kenya has participated in the NPT Review Conferences held every five (5) years since the NPT's adoption in 1970. On 11th May, 1995, at the Review and Extension Conference of the Parties to the NPT, State Parties decided that the NPT should continue in force indefinitely. The preparatory process for the 2020 NPT Review Conference is currently underway and Kenya has been participating in this process.
483. Kenya joined membership to the IAEA on 12th July, 1965. In accordance with the NPT, Kenya signed on 18th September, 2009, an Agreement together with an Additional Protocol with the

IAEA for the Application of Safeguards in Connection with the NPT. The Agreement and the Additional Protocol entered into force on 18th September, 2009.

484. Kenya has Safeguards obligations to ensure that all nuclear materials in Kenya's territory are used only for peaceful purposes. The Government submits biannual reports to the IAEA on the measures taken to implement the Safeguards obligations at the national level while the IAEA has conducted inspections in the country in accordance with its mandate.
485. On 29th September, 1989, Kenya entered into a Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA for peaceful purposes of atomic energy. Kenya has participated in the IAEA's Technical Cooperation Programme (TCP) since 1973. The Kenya Nuclear Electricity Board (KNEB) currently known as Nuclear Power and Energy Agency (NuPEA) under the Ministry of Energy, is the National Liaison Office (NLO) for the IAEA's activities and coordinates the IAEA TCP as the designated competent authority.
486. The Nuclear Power & Energy Agency also oversees the development of Kenya's Country Programme Framework (CPF) with the IAEA in consultation with relevant national authorities. The CPF constitutes the frame of reference for the near and medium term planning of the technical cooperation between the IAEA and the Republic of Kenya. The current CPF (2017–2022) focuses on food and agriculture, human health and nutrition, water resources management, industrial applications, sustainable energy development, environmental management, human resource capacity in nuclear science and technology and strengthening national radiation safety and nuclear security.

3.2.7 The African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)

487. The Pelindaba Treaty was adopted in Cairo on 11th April, 1996, and it entered into force on 15th July, 2009. Kenya signed the Treaty on 11th April, 1996, and ratified it on 15th November, 2000. It entered into force for Kenya on 9th January, 2001.
488. The Treaty prohibits research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear weapons or nuclear explosive devices in the territory of State Parties to the Treaty and the dumping of radioactive wastes in the territory of the State Parties. As a State Party to the Pelindaba Treaty, Kenya supports the complete denuclearization of the globe, that is, a world free of nuclear weapons.
489. The Treaty establishes a Nuclear-Weapons-Free Zone in Africa (NWFZ), a regional approach to strengthen global nuclear disarmament and non-proliferation in the pursuit of international peace and security, as provided for in the NPT. There are other NWFZ existing in the world namely: Latin America, South Pacific, South-East Asia, Central Asia, Mongolia including regimes established by the Outer Space Treaty, Antarctic Treaty, Moon Agreement and the Seabed Treaty.
490. The Treaty also prohibits any attack against nuclear installations in the Zone by State Parties and requires the maintenance of the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes. The Treaty requires all State Parties to apply full-scope International Atomic Energy Agency (IAEA) Safeguards to all of their peaceful nuclear activities.
491. Through the Pelindaba Treaty, African States Parties seek to ensure that nuclear weapons or nuclear explosive devices are not developed, produced, tested, or otherwise acquired or stationed in any of the countries on the African continent or associated islands. In strengthening the global non-proliferation regime, it provides for the promotion of cooperation in the peaceful uses of nuclear energy, requires complete nuclear disarmament by African States and enhances regional and global peace and security.
492. Kenya has an obligation to take appropriate legal and administrative measures to prevent and punish any prohibited activity by individuals under its jurisdiction or control. The legal

measures include imposition of penal sanctions. Administrative measures, such as changes in military doctrine, operating procedures and the notification of Organizations involved in the development, production and transfer of arms, may also be required to ensure that violations do not occur.

493. Challenges in implementing the Convention include financial constraints, inadequate technical capacity and lengthy Parliamentary approval processes.

3.2.8 The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC)

494. The Code was signed and entered into force in November 2002, at The Hague, The Netherlands. Kenya subscribed to the Code on 25th November, 2002. The Code has 140 Subscribing States to date.

495. HCoC is a politically binding instrument that regulates the area of ballistic missiles capable of carrying Weapons of Mass Destruction (WMD). It is the only multilateral transparency and confidence building instrument concerning the spread of ballistic missiles. Participation in the Code is voluntary and is open to all States.

496. By subscribing to HCoC, States voluntarily commit themselves politically to provide Prelaunch Notifications (PLNs) on ballistic missiles, space launch vehicle launches and test flights. Subscribing States also commit to submit an Annual Declaration (AD) of their country's policies on ballistic missiles and space launch vehicles.

497. The Code recognizes the rights of all States to use the benefit of outer space for peaceful purposes. Subscribing States are required to implement some general measures, transparency measures (ADs) and confidence building measures (exchange of PLNs on ballistic missiles, space launch vehicles and test flights).

498. It was agreed at the Conference of Subscribing States at the adoption of HCoC that the Republic of Austria serves as the Immediate Central Contact (ICC) to coordinate information exchange within the HCoC framework. The ICC/Secretariat is the Department of Disarmament, Arms Control and Non-Proliferation in the Federal Ministry of Europe, Integration and Foreign Affairs of the Republic of Austria.

499. The Ministry of Defence is Kenya's Focal Point for HCoC. Subscribing States have an obligation, under paragraph 4a of HCoC, to voluntarily submit ADs for the period 1st January to 31st December every year to the ICC on their policies and programmes on ballistic missiles. Subscribing States with no ballistic missile programmes are to submit a "Nil Form" to the ICC. The ADs provide non-proliferation information such as signature/ratification/accession to disarmament and non-proliferation treaties, space-related treaties, export control regimes and ballistic missile programmes. Kenya at the moment is not embarking on any space launch on ballistic missile and other related issues of the convention.

500. Kenya participates in the annual meetings held in Vienna, Austria. The meetings of Subscribing States promote international cooperation, exchange of information, universalization of the Code through, inter alia, outreach activities, confidence building and transparency measures and compliance with the Code. The 18th Regular Meeting of Subscribing States to HCoC was held from 3rd to 4th June, 2019, in Vienna.

501. HCoC negotiated outside the UN context has established a link with the UN system through resolutions adopted at the UN General Assembly regarding HCoC.

3.2.9 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction

502. The Convention (also known as the Mine Ban Treaty) was adopted in Oslo, Norway on 18th September, 1997, and opened for signature in Ottawa, Canada on 3rd December, 1997. It

entered into force on 1st March, 1999. Kenya signed the Convention on 5th December, 1997, and ratified it on 23rd January, 2001.

503. The Mine Ban Treaty is the international agreement that prohibits use of anti-personnel landmines. Kenya attends the Meetings of States Parties as convened to consider the implementation of the Convention. The Meetings of States Parties consider the operation and status of the Convention, international co-operation and assistance, the development of technology to clear anti-personnel landmines, and Article 7 periodic reports of States Parties submitted to the UN Secretary General on various aspects of implementation of the Convention at the national level. Information submitted in State Parties reports is updated annually.
504. The Government has enacted The Prohibition of Anti-Personnel Mines Act, No. 21 of 2015 to domesticate the Mine Ban Treaty. The purpose of the Act is to implement Kenya's obligations under the Treaty. The Mine Ban Treaty is set out in the Schedule to the Act and the Act provides that the Convention shall have the force of law in Kenya.
505. The Act provides for the prohibition of the use, stockpiling, production and transfer of antipersonnel landmines and their destruction. It establishes criminal offences relating to antipersonnel landmines. The Ministry of Defence is the National Focal Point for the implementation of the Act and Convention.

3.2.10 Convention on Cluster Munitions

506. The Convention was adopted in Dublin, Ireland on 30th May, 2008, and opened for signature at Oslo, Norway on 3rd December, 2008. The Convention entered into force on 1st August, 2010. Kenya signed the Convention on 3rd December, 2008. However, Kenya is yet to ratify the Convention.
507. The Convention is a culmination of the "Oslo process". It is a legally binding international instrument prohibiting "cluster munitions that cause unacceptable harm to civilians", and the establishment of a framework for cooperation and assistance for the care and rehabilitation of survivors, the clearance of contaminated areas, risk education, and the destruction of prohibited cluster munitions.
508. On 12th December, 2019, resolution A/C.1/74/L.46 on the implementation of the Convention that reaffirmed its determination to put an end to the suffering and casualties caused by cluster munitions was adopted by the United Nations General Assembly.

3.2.11 OAU Convention on Elimination of Mercenarism in Africa

509. The Convention was adopted on 3rd July, 1977, in Libreville, Gabon and entered into force on 22nd April, 1985. Kenya signed the Convention on 17th December, 2003. However, Kenya has not yet ratified it.
510. The Convention's objective is to eradicate mercenaries and mercenarism. Rule 108 of the Law of Armed Conflict Manual (LOAC Manual, 1997) defines a mercenary as a person who takes part in the conflict for private gain, who is not a member of an organized armed forces of a Party to the conflict and has not been sent on official duty by a country not involved in the conflict. Under the manual, mercenaries are neither entitled to combatant nor POW status. Nevertheless, a captured mercenary cannot be deprived of his fundamental rights and may not be punished without trial.

3.2.12 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

511. The Protocol was adopted on 9th July, 2002, and it entered into force on 26th December, 2003. Kenya signed the Protocol on 7th July, 2003, and ratified it on 19th December, 2003. The objective of the Protocol is to establish the Peace and Security Council of the African Union as

a standing decision making organ for the prevention, management and resolution of conflicts on the continent.

512. The Council is established as a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations on the African continent. The Council is supported by the AU Commission, a Panel of the Wise, the African Standby Force (ASF), a Continental Early-Warning System and a Special Fund.
513. The Protocol provides that the Peace and Security Council shall be guided by the Constitutive Act of the African Union, the Charter of the United Nations and the Universal Declaration of Human Rights.
514. Kenya's strategic position in the region establishes an obligation for the country to play a leadership role in conflict resolution and mediation. Kenya continues to be engaged and is at the forefront of peace diplomacy in the conflicts in the region initiating and brokering peace agreements in the region such as South Sudan. Kenya is a Troop Contributing Country (TCC) to AMISOM which has a peace keeping and enforcement mandate in Somalia with the aim of establishing peace and security on the African Continent.
515. Kenya remains active on initiatives to prevent and combat terrorism and violent extremism in Africa. Her membership in the Peace and Security Council of the AU which expires in March, 2022, has enabled Kenya to influence the decision making process on initiatives that consolidate peace, security and stability on the continent.

3.2.13 East African Community Protocol on Co-operation in Defence Affairs

516. The EAC Protocol on Cooperation in Defence Affairs was adopted by the EAC Partner States on 28th April, 2012. Kenya ratified the Protocol on 7th October, 2015. It entered into force on 19th November, 2015, after ratification by all the EAC Partner States.
517. The Protocol aims to enhance collaboration and cooperation of the EAC Partner States in all defence affairs with regional and international organizations. The Government is obligated to enhance collective efforts to promote peace, security and stability within the region.
518. Kenya has been cooperating with other EAC Partner States in order to implement the Protocol in the following areas: military training, joint operations, technical cooperation, visits and exchange of information, liaison in military affairs, exchange of military instructors and seconding staff to Defence Staff Colleges. In 2019, Partner States organized the 12th edition of the Armed Forces Command Post Exercise (CPX) of the EAC in Jinja, Uganda. Kenya hosted the EAC Military Games and Cultural Event at Kasarani Stadium from 11th to 26th August, 2019.

3.2.14 Mutual Defence Pact between Kenya, Uganda and Rwanda

519. The Governments of Kenya, Uganda and Rwanda entered into a Mutual Defence Pact on the 20th February, 2014. Kenya ratified on 7th October, 2015. The instruments of ratification have been deposited with the AU Commission and the UN Secretariat in New York. The Pact is open for membership by other willing members of the region.

3.2.15 Optional Protocol to the UN Convention on the Rights of the Child on Involvement of Children in Armed Conflict

520. The Protocol was adopted on 30th November, 1999, and entered into force on 12th July, 2002. Kenya signed on 8th September, 2000, and ratified the Protocol on 28th January, 2002.
521. The Protocol ensures protection of children from being recruited to serve in Government armed forces or any other forms of military engagement. The Protocol outlaws recruitment of children to serve in conflict areas as Armed Forces or any other forms of military engagement that they may enjoy their rights as children and attend school. Poverty and unemployment place children

at the risk of being recruited into outlawed groups like the Al-Shabaab. Africa has seen proliferation of recruitment of child soldiers which is an international crime.

522. The Protocol is being implemented through various measures which are anchored under Article 53 of Constitution of Kenya. The Government has put in place, initiatives to protect children in areas prone to cattle rustling and militia activities in volatile borders. Some of the initiatives include: enhancing security, disarmament programs in cattle rustling areas and peace and reconciliation initiatives. Through the Citizen's Participation in Security (*Nyumba Kumi* Initiative) the Government has sought to prevent the recruitment of children into terrorist groups.
523. The Children Act, 2001, obligates the Government to provide protection, rehabilitation care, recovery and re-integration into normal social life for any child who may become a victim of armed conflict or natural disaster.
524. In Kenya, a child is considered to be any human being who has not attained the age of 18 years thus the Kenya Defence Forces only recruit persons above the age of 18 years and this is also reflected in the Kenya's Law of Armed Conflict (LOAC) Manual (1997).

3.2.16 UN Convention against Transnational Organized Crime (also known as Palermo Convention). The Convention has three Protocols namely: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UNTOC; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, Components and Ammunition (also known as the Palermo Protocols)

525. The Convention was adopted on 15th November, 2000, and entered into force on 16th June, 2004. Kenya acceded to the Convention on 16th June, 2004. The objective of the Convention is to eliminate all forms of transnational organized crime.
526. The Convention offers a framework for preventing and combating organized crime and a platform for cooperating with other States Parties through technical assistance, mutual legal assistance, and extradition as well as strengthening law enforcement cooperation.
527. Kenya acceded to the three Protocols supplementing the Convention on 5th January, 2005 namely: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
528. Kenya has enacted several laws such as: Prevention of Organized Crimes Act, No. 6 of 2010, Penal Code Chapter 63; Counter-Trafficking in Persons Act, No. 8 of 2010; Witness Protection Act, No. 16 of 2006; Victim Protection Act, No. 17 of 2014; Computer Misuse and Cybercrimes Act, No. 5 of 2018; Mutual Legal Assistance Act, No. 36 of 2011; and Extradition (Contiguous and Foreign Countries) Act, Cap. 76 so as to meet the objectives of the Convention.
529. The Government launched the National Plan of Action for Combating Human Trafficking (2013–2017) in 2013. The review of the National Plan of Action has commenced. Further, the country has embarked on capacity building and training activities for the Public Prosecutors, Department of Immigration Services, Department of Registration of Persons, National Police Service and Department of Children's Services. The Government established a shelter house in Kabete to accommodate victims of trafficking before they are re-united with their families. There is increased public awareness on human trafficking.
530. The Counter-Trafficking in Persons Advisory Committee is domiciled in the Ministry of Labour and Social Protection. The current Committee was launched on 28th September, 2018. The National Assistance Fund for Victims of Trafficking in Persons has been established. The

Government has also developed National Referral Mechanism (NRM) Guidelines to assist stakeholders in referring potential victims of trafficking to services. Dissemination of the guidelines to twelve (12) counties which are source, transit and destination for victim trafficking was undertaken in 2017/2018. The dissemination focussed on 300¹⁶ law enforcement officers that sit in the court users committee.

531. The Government undertakes public awareness campaign together with stakeholders such as observing the World Day against Human Trafficking on 30th June, every year. The 2019 celebrations were done in Busia County.
532. The Government has developed new policies for Kenyans seeking employment abroad to ensure that their work contracts comply with specific standards set within the law. There is a regulatory framework for the regulation of private employment recruitment agencies to address overseas labour recruitment.
533. The implementation of the Convention has faced challenges such as, porous borders which make it easy for criminals to cross, proliferation of small arms and light weapons, corruption, among others. There is lack of public awareness of risks and protections available under the Conventions.

3.2.17 International Convention for the Suppression of Terrorist Bombings

534. The Convention was adopted in New York on 15th December, 1997, and it entered into force on 23rd May, 2001. Kenya acceded to it on 16th November, 2001. The Convention creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.
535. The objective of the Convention is to enhance international cooperation among States Parties in devising and adopting effective and practical measures for the prevention of the acts of terrorism, and for the prosecution and punishment of the perpetrators.
536. States Parties are required to establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention, to extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences, and to assist each other in connection with criminal proceedings under the Convention. The offences referred to in the Convention are deemed to be extraditable offences between States Parties under existing extradition treaties and the Convention itself.
537. To implement this Convention, the Government enacted the Prevention of Terrorism Act, No. 30 of 2012, that provides measures for the detection and prevention of terrorist activities. The Government also intends to amend the Extradition (Commonwealth Countries) Act, Cap. 77 and the Extradition (Contiguous and Foreign Countries) Act, Cap 76.
538. The Government has established the Anti-Terrorism Police Unit (ATPU) under the Directorate of Criminal Investigations (DCI) in the National Police Service (NPS) to undertake investigations on terrorism. Further, a National Counter-Terrorism Centre (NCTC) was created following approval by the Cabinet in 2004 and enactment of the Security Law Amendment Act, 2014, to coordinate national counter-terrorism efforts in order to detect, deter and disrupt terrorism acts.
539. The Government has progressively improved its preparedness to respond to terrorist threats through acquisition of modern and specialized equipment, employment and training of the security forces and coordinated multi-agency approach; and exchange of intelligence between and among countries. There is increased public awareness on security through the *Nyumba*

¹⁶ Data sourced from Ministry of Labour and Social Protection

Kumi Initiative, de-radicalization and public *barazas*. However, terrorism remains a complex and dynamic problem that requires continuous vigilance.

3.2.18 International Convention for the Suppression of Acts of Nuclear Terrorism

540. The Convention was adopted on 13th April, 2005, in New York and entered into force on 7th July, 2007. Kenya signed it on 15th September, 2005, and ratified on 13th April, 2006. The Convention aims to criminalize acts of nuclear terrorism with the recognition that nuclear terrorist acts may result in the gravest consequences and threat to international peace and security.
541. The Convention covers a broad range of nuclear terrorism acts and possible targets, including nuclear power plants and nuclear reactors. It covers threats and attempts to commit such crimes or to participate as an accomplice. It further stipulates that the offenders shall either be extradited or prosecuted; encourages member states to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings and assists member states to deal with both crisis and post-crisis situations.
542. The Government enacted the Prevention of Terrorism Act, No. 30 of 2012, that provides measures for the detection and prevention of terrorist activities. The Government has also established the Anti-Terrorism Police Unit (ATPU) in the National Police Service and the National Counter-Terrorism Centre (NCTC) to co-ordinate national counter-terrorism efforts.

3.2.19 International Convention for the Suppression of the Financing of Terrorism

543. The Convention was adopted on 9th December, 1999, in New York and entered into force on 10th April, 2002. Kenya signed it on 4th December, 2001, and ratified it on 27th June, 2003.
544. The Convention requires State Parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or firearms trafficking. It commits State Parties to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other State Parties on a case-by-case basis. Banks are obliged to report both suspicious transactions and those that are beyond the set threshold.
545. The Convention aims at enhancing international co-operation among State Parties in devising and adopting effective measures for the prevention of the financing of terrorism, and its suppression through the prosecution and punishment of its perpetrators. The speed and ease with which funds can be moved within the international financial system allows terrorists to move funds efficiently and effectively and without detection between jurisdictions. Thus, continuous monitoring of financial transactions and scrutiny of the sources of funds is critical to identifying and establishing patterns that may indicate possible financing of terrorism.
546. The Government has enacted the Proceeds of Crime and Anti-Money Laundering Act, 2009. Section 21 of the Act establishes the Financial Reporting Centre (FRC), Kenya's Financial Intelligence Unit (FIU). The FRC is an independent body whose principal objective is to assist in the identification of the proceeds of crime and combating money laundering and terrorism financing.
547. The Prevention of Terrorism Act, 2012, mandates the FRC to assist in combating terrorist financing by requiring financial institutions to report to the FRC information on property or accounts owned or controlled by or on behalf of a terrorist group or specified entity.
548. The core mandate of the FRC is to receive and analyze Suspicious Transaction Reports (STRs). Since its operationalization in 2012, the FRC has seen a steady rise in the number of STRs

from Reporting Institutions from a low of 34 STRs in 2012, to 2662 STRs in 2017. The increase in STRs is attributed to, amongst others, increased awareness and compliance by reporting entities following measures instituted by the FRC including, training of compliance officers, holding of sensitization seminars with both reporting institutions and regulatory bodies.

549. The Financial Action Task Force (FATF) is a global body that is universally recognized as the international standard setter for anti-money laundering and combating the financing of terrorism policies and standards. The international standards are referred to as the 40 Recommendations on Anti-Money Laundering, Combating the Financing of Terrorism and Proliferation. Kenya's FIU is established pursuant to FATF Recommendation 29 which requires countries to establish a Financial Intelligence Unit (FIU) which shall be a central, national agency responsible for receiving, analyzing and disseminating disclosures of financial information.
550. The FATF Recommendation 29 also requires Financial Intelligence Units (FIUs) to be members of the Egmont Group of FIUs. The FRC in meeting this requirement and as part of its efforts in becoming a world class financial intelligence unit meeting the international standards, has applied for Egmont membership.
551. The Central Bank of Kenya (CBK) has issued guidelines to commercial banks aimed at detecting and stopping finances to terrorist organizations and activities. The NGO Coordination Board continues to monitor the NGO sector compliance with the law.

3.2.20 International Convention against Taking of Hostages

552. The Convention was adopted on 17th December, 1979, in New York and entered into force on 3rd June, 1983. Kenya acceded to it on 8th December, 1981.
553. The Convention aims at developing international co-operation between State Parties in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism. It applies to the offense of direct involvement or complicity in the seizure or detention of, and threat to kill, injure, or continue to detain a hostage, whether actual or attempted, in order to compel a member state, an international inter-governmental organization, a person, or a group of persons to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.
554. The Prevention of Terrorism Act, 2012, criminalizes kidnapping and hostage taking. Under the Act, the Government has established the National Counter-Terrorism Centre (NCTC) and the Anti-Terrorism Police Unit (ATPU) to, among other things, detect, deter and disrupt kidnapping and taking of hostages.
555. A multi-agency approach among security agencies to prepare and respond to terrorist threats has enhanced Government action to terrorism. Continuous capacity building is being undertaken within the security sector to improve response to terrorist threats.

3.2.21 OAU Convention on the Prevention and Combating of Terrorism

556. The Convention was adopted on 1st July, 1999 and entered into force on 6th December, 2002. Kenya signed it on 10th December, 2001, ratified it on 28th November, 2001, and deposited the Instrument of Ratification on 10th December, 2001.
557. A Protocol to the OAU Convention was adopted on 1st July, 2004. Kenya signed the Protocol on 28th June, 2008. The objective of the Protocol is to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol relating to the Establishment of the Peace and Security Council of the African Union, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

558. The Convention requires member states to review their national laws and criminalize terrorist acts and make such acts punishable by deterrent penalties. It also obligates member states to consider, as a matter of priority, the signing or ratification of, or accession to, international instruments relating to terrorism which have not yet been signed, ratified or acceded to. Member states are obligated to notify the Chairperson of the African Union of all the legislative measures taken and the penalties imposed on terrorist acts. The AU Peace and Security Council oversees the implementation of the Convention.
559. The Prevention of Terrorism Act, No. 30 of 2012, provides for measures to detect and prevent terrorist activities. It establishes jurisdiction over terrorist acts committed in Kenya as well as conspiracy to commit terrorist acts outside Kenya by Kenyan nationals or vessels flying the Kenyan flag. The Government established the National Counter Terrorism Centre and an Anti-Terrorism Police Unit which are responsible for coordination of national counter terrorism efforts in order to detect, deter and disrupt terrorism acts.
560. The National Treasury Gazetted a Task Force on 22nd March, 2019, to carry out a National Risk Assessment (NRA) on money laundering and terrorism financing. This involves making judgement on money laundering and terrorism financing, vulnerabilities and consequences. The aim of conducting the NRA is to identify the high risk activities, people, products, services, transactions and geographic areas and the foundation for the implementation of effective anti-money laundering and countering of financing of terrorism regime.

3.2.22 East African Community Protocol on Peace and Security

561. The Protocol was adopted by the EAC Partner States in Nairobi on 30th November, 2012. Kenya signed the Protocol on 15th February, 2013, and ratified it on 23rd March, 2017. Pursuant to Article 124 of the EAC Treaty, the Protocol was developed to promote peace, security, stability and good neighborliness among the EAC Partner States.
562. The Protocol identifies over twenty (20) objectives for fostering regional peace and security. These include: combating terrorism and piracy; peace support operations; prevention of genocide; disaster management and crisis response; management of refugees; control of proliferation of small arms and light weapons; and combating transnational and cross-border crimes.
563. In implementing the Protocol, the Government has: established and operationalized the National Counter-Terrorism Centre and Anti-Terrorism Police Unit; undertaken modernization of the National Police Service through purchase of modern equipment and machinery; and undertaken capacity building and employment of additional security personnel.
564. The Government enacted the National Drought Management Authority Act, 2016. The Act established the National Drought Management Authority which is mandated to exercise overall coordination on matters relating to drought risk management in the country. Establishment of a National Drought Emergency Fund will improve the effectiveness and efficiency of drought risk management in the country. Additionally, the Ending Drought Emergencies (EDE) Strategy has been integrated in the sector plans to ensure drought does not reach emergency levels.

3.2.23 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

565. The Convention was adopted in New York on 14th December, 1973, and entered into force on 20th February, 1977. Kenya acceded to it on 16th November, 2001.
566. The Convention recognizes that crimes against diplomatic agents and other internationally protected persons jeopardize the safety of these persons and creates a serious threat to the maintenance of normal international relations which are necessary for co-operation among States.

567. The Convention defines an “internationally protected person” as a Head of State, Minister for Foreign Affairs, representative or official of a State Party or international organization who is entitled to special protection in a foreign State, and his/her family; and requires State Parties to criminalize and make punishable “by appropriate penalties which take into account their grave nature” the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act “constituting participation as an accomplice”.
568. State Parties are required to take measures to establish offences outlined in the Convention in their territory or jurisdiction, promote international cooperation to prevent such crimes, accord each other international assistance relating to criminal proceedings instituted to punish such acts, among others.
569. The Government has enacted penal laws to domesticate offences in the Convention through the Penal Code, Cap. 63 Laws of Kenya. The Mutual Legal Assistance Act, 2011, provides a framework to facilitate international assistance between States in investigations and criminal proceedings.

3.2.24 Convention on the Safety of United Nations and Associated Personnel

570. The Convention was adopted in New York on 9th December, 1994, and entered into force on 15th January, 1999. Kenya acceded to the Convention on 19th October, 2004.
571. The Convention applies to UN, associated personnel and UN operations except UN operations authorized by the UN Security Council as an enforcement action under Chapter VII of the Charter of the United Nations. It recognizes that there have been many deaths and injuries from deliberate attacks against UN and associated personnel that have been unjustified and unacceptable.
572. The Convention establishes crimes against UN and associated personnel. State Parties are required to take measures to establish jurisdiction over the crimes committed in their territory, prosecute or extradite offenders, accord each other mutual assistance in the criminal proceedings for such offences and promote international cooperation to prevent the commission of crimes against UN and associated personnel.
573. The Government is implementing penal laws to domesticate offences in the Convention through the Penal Code, Cap. 63 Laws of Kenya. The Mutual Legal Assistance Act, 2011, provides a framework to facilitate international assistance between States in investigations and criminal proceedings. The Mutual Legal Assistance Act, 2011, is the legal framework to facilitate international assistance between States in investigations and criminal proceedings. The Extradition (Commonwealth Countries) Act and the Extradition (Contiguous and Foreign Countries) Act facilitate cooperation between Kenya and other States in extradition matters.

3.2.25 Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment to the Convention on the Physical Protection of Nuclear Material

574. The Convention was adopted and opened for signature on 3rd March, 1980, and it entered into force on 8th February, 1987. Kenya acceded to it on 11th February, 2002. The Convention contributes towards combating nuclear terrorism. It is designed to prevent, detect and respond to criminal and other unauthorized acts involving or directed to nuclear or other radioactive materials and associated facilities or activities.
575. The Convention establishes physical protection measures to be applied to nuclear material in international transport, as well as measures relating to criminal offences related to nuclear material. It envisages forms of international cooperation among State Parties to promote the objectives of the Convention.

576. The Convention criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial damage to property.
577. On 1st August, 2007, Kenya accepted the Amendment to the CPPNM that was adopted on 8th July, 2005. The Amendment entered into force on 8th May, 2016. The Amendment makes it legally binding for State Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

3.2.26 The Nairobi Protocol for the Prevention, Control and Reduction of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa

578. The Protocol was adopted on 21st April, 2004. Kenya signed it on the same date and ratified it on 6th September, 2005. Within the framework of the International Conference on the Great Lakes Region (ICGLR), Kenya is engaged and supports peace, security and stability in the Great Lakes region. The Protocol establishes a Regional Centre on Small Arms (RECSA) which has its headquarters in Nairobi.
579. The Protocol was adopted to prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region; prevent the excessive and destabilizing accumulation of small arms and light weapons in the sub region; promote and facilitate information sharing and cooperation between the Governments in the sub-region, as well as between Governments, inter-Governmental Organizations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons; promote cooperation at the sub-regional level as well as in international fora to effectively combat proliferation of small arms and light weapons.
580. In addition, the Protocol encourages collaboration and accountability of partners, law enforcement and the efficient control and management of small arms and light weapons held by State Parties and civilians.
581. Kenya is a part of the UN Programme of Action on Small Arms and Light Weapons (SALW) 2001, and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). These efforts are aimed at transforming the region into a peaceful zone to realize development.
582. The national process of marking firearms is on-going and a Policy on Small Arms and Light Weapons is currently being developed. The Government has established a Kenya National Focal Point on Small Arms and Light Weapons to coordinate action and the control and management of small arms and light weapons in the country.
583. The Government has also established the Firearms Licensing Board under the Firearms Act, Cap. 114 whose mandate is to oversee and regulate the issuance of Firearms to civilians. Other measures include: procurement of Border Entry and Exit Points scanners; metal detectors and screening facilities including canine sniffers and dog handlers is envisioned in the long term. These activities are overseen by the Directorate of Immigration in the Ministry of Interior and Co-ordination of National Government.
584. The Government destroyed 8,745¹⁷ illegal firearms at Magadi GSU Training College on 19th November, 2019.

¹⁷ Data sourced from the Ministry of Interior and Coordination of National Government.

3.2.27 Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (CEWARN)

585. The Protocol was adopted on 9th January, 2002. It entered into force on 1st August, 2003, for all member states of IGAD. The objective of the Protocol is to promote regional peace, security and stability. It creates mechanisms for the prevention, management and resolution of inter and intra-state conflicts through dialogue, regional co-operation, and elimination of all forms of threats thereto.
586. Kenya is obligated to contribute resources to CEWARN and disseminate information to the authorized networks.
587. CEWARN was established in 2002, to receive and share information concerning potential violent conflicts, their outbreak and escalation in the IGAD region; undertake and share analyses of that information; develop case scenarios and formulate options for response; share and communicate information analyses and response options; carry out studies on specific types and areas of conflict in the IGAD region.
588. Through the CEWARN, Kenya has benefited from exchange of information between member states on conflicts in the region. This information assists member states to respond and address security issues within the region in a timely manner and promote dialogue between the conflicting parties.
589. CEWARN also undertakes livelihood projects to enhance communal resilience and to promote peace along border areas of Kenya and the Horn of Africa countries. To promote peace, cooperation and improve livelihoods along the Kenya/Uganda border, both countries signed an MOU [Kenya (Turkana/West Pokot), Uganda (Karamoja) Cross Border Programme for Sustainable Peace and Development] on 12th September, 2019, in Moroto, Uganda.

3.2.28 Protocol on Combating Drug Trafficking in the East African Region

590. The Protocol was adopted and signed by Kenya on 13th January, 2001. The Protocol seeks to combat drug trafficking and eradicate the use of narcotic drugs and psychotropic substances in the East African Community region. As a party, Kenya is obligated to promulgate enabling domestic legislation to eradicate narcotic drugs and psychotropic substances and offer mutual legal assistance to other member states in the investigation and prosecution of illicit drug trafficking.
591. Kenya has established institutions to implement the provisions of the Protocol such as the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), the Pharmacy and Poisons Board, the Anti-Narcotics Police Unit, among others. The Government has enacted laws to combat drug trafficking, alcohol and substance abuse such as, the Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994, Alcoholic Drinks Control Act, 2010, Compounding of Portable Spirits Act, (Cap. 123), Tobacco Control Act, 2007, The Use of Poisonous Substances Act, (Cap. 245), and the Pharmacy and Poisons Act, (Cap. 244). The Alcoholic Drinks Control Act, 2010 is being reviewed.
592. The Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994, makes provision with respect to the control of the possession of, and trafficking in narcotic drugs and psychotropic substances and cultivation of plants including providing for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances. It has legislative provisions for rendering and requesting international assistance in drug investigations and proceedings.
593. NACADA is a State Corporation established by the NACADA Act, No. 14 of 2012, to coordinate a multi-sectoral effort aimed at preventing, controlling and mitigating alcohol and drug abuse in Kenya. NACADA works with different local and international partners and stakeholders through campaigns to enhance awareness on drug and substance abuse. Although

NACADA's main focus is on demand reduction, it also contributes to supply reduction efforts with other institutions in the criminal justice system to control the production, trafficking and sale of alcohol and drugs.

594. The Government has established an inter-agency Task Force on control of potable spirit and combat of illicit brews, through a Gazette Notice No. 5069 of 10th July, 2015. It is mandated to inspect all the premises manufacturing alcoholic drinks and recommend measures of control including the closure of production premises.
595. Kenya has undertaken other measures to implement the Protocol such as identification, prosecution and extradition of drug offenders; acquisition of modern equipment e.g. scanners, metallic x-rays and state-of-the-art laboratories; and building the capacity of security and other relevant personnel.
596. The EAC Partner States have developed Standard Operating Procedures for jointly combating transnational organized crime for the EAC Peace and Security sector targeting Human and Drug Trafficking amongst other serious crimes. The first set of procedures developed relate to Stop, Search, Arrest and Detention Procedures. Implementation of the Protocol is hampered by lack of harmonization of Partner States legislation relating to drugs and narcotics abuse, porous borders and corruption.

3.2.29 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

597. The Treaty was opened for signature on 5th August, 1963, in Moscow and it entered into force on 10th October, 1963. Kenya acceded to the Treaty by depositing the Instrument of Accession to the Government of the United States of America on 11th June, 1965; to the Government of the United Kingdom on 10th June, 1965; and to the Government of the USSR on 30th June, 1965, the depositaries of the Treaty.
598. The Treaty prohibits, prevents, and requires State Parties to abstain from carrying out nuclear tests and explosions in the atmosphere, in outer space, under water, or in any other environment if such explosions cause radioactive debris to be present outside the territorial limits of the State that conducts an explosion. It also requires State Parties to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the above-described environments.
599. Kenya hosts two certified stations that are part of the International Monitoring System (IMS) global network of facilities to monitor the underground, the oceans and the atmosphere for evidence of a nuclear explosion or nuclear test. These are certified Seismic (Primary) PS24 station in Kilimambogo and certified Infrasound station IS32 in Karura, Nairobi.

3.2.30 Search and Rescue Agreement for Co-operation in Infrastructure and Services (Security).

600. The Search and Rescue Agreement (SAR) on co-operation in infrastructure and services was adopted on 13th September, 2003, by the EAC. Kenya signed the agreement on 21st April, 2001. The objective of the agreement is to ensure cooperation in the activities of interstate search and rescue services.
601. The Government has adopted the road map for the operationalization of the EAC Search and Rescue Agreement. The Government is also considering a proposed EAC SAR Joint Technical Committee which is composed of the five (5) National SAR Co-ordinators one from each of the EAC Partner States. Challenges include slow implementation process. It is recommended that Partner States fast track the implementation process of the Agreement.

3.3 HUMAN RIGHTS AND SOCIAL PROTECTION

3.3.1 Universal Periodic Review (UPR)

602. The UPR is a unique process that involves a peer review of the human rights records of all UN Member States. As a state-driven process, under the Human Rights Council, it provides the opportunity for each member state to improve the human rights situation in their country and to fulfil their human rights obligations.
603. Kenya has been reviewed thrice under the Universal Periodic Review Process. The first and second reviews were undertaken in May, 2010, and January, 2015 respectively. Kenya was reviewed during its 3rd Cycle Review from 20th to 31st January, 2020, where it presented the 3rd National Report on progress made in realization and protection of human rights
604. The UPR process involved the submission of a country report to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva; constructive dialogue with the Government delegation during the presentation of the country report with the UPR Working Group established for that purpose; submission of the UPR Working Group Review report to the Human Rights Council for adoption and a national process of follow up.

3.3.2 Universal Declaration on Human Rights (UDHR)

605. The UDHR sets out fundamental human rights to be protected. It was adopted by the UN General Assembly on 10th December, 1948. UDHR has been translated into over five hundred (500) languages. Adopted as a General Assembly resolution 217A, the UDHR is applicable to all UN Member States. It elaborates the human rights and fundamental freedoms to be guaranteed to all human beings in the world.
606. UN Member States are to ensure that everyone is entitled to all the human rights and fundamental freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
607. Additionally, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs. UN Member States have committed to undertake measures to secure the universal and effective recognition, observance, promotion and protection of the human rights and fundamental freedoms of their people as set out in the Declaration.
608. Chapter Four of the Constitution of Kenya, 2010, provides for the Bill of Rights based on the principles of international human rights law and other international human rights instruments such as the Universal Declaration of Human Rights (UDHR), International Convention on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The Constitution of Kenya, 2010, recognizes that all human beings are born free and equal in dignity and rights.
609. The Constitution of Kenya, 2010, establishes the Judiciary as an arm of Government and institutions such as Kenya National Commission on Human Rights (KNCHR), the National Gender and Equality Commission (NGEC), and the Commission on Administrative Justice (CAJ) to promote and protect human rights. It also recognizes the role of Non-Governmental Organizations which champion respect for human rights.
610. The Government is implementing the National Policy and Action Plan on Human Rights, Sessional Paper No. 3 of 2014, in recognition of its primary responsibility to observe, respect, protect, promote and fulfil the human rights and fundamental freedoms in accordance with the Constitution of Kenya, 2010. The goal of the policy is to provide a framework for the integration and mainstreaming of human rights in development planning, implementation and evaluation in all sectors in order to fully implement the Constitution.

611. Kenya National Social Protection Policy, 2011, that takes care of the social protection rights is under review. The National Policy on Gender and Development, 2019, and the National Policy on the Eradication of Female Genital Mutilation, 2019, are in place.

3.3.3 The International Covenant on Civil and Political Rights (ICCPR)

612. The International Covenant on Civil and Political Rights (ICCPR) adopted by the UN General Assembly on 16th December, 1966, entered into force on 23rd March, 1976. Kenya ratified the ICCPR on 1st May, 1972.
613. The objective of the Covenant is to ensure the recognition of the inherent dignity, equality and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. It elaborates, in accordance with UDHR, civil and political rights and freedoms that are guaranteed to every human being.
614. Article 40 of the ICCPR obliges State Parties to submit periodic reports every four years to the Human Rights Committee, which is the treaty body established under the Covenant to monitor State compliance of its provisions. The periodic reports detail the legislative, policy, judicial, administrative and other measures taken by a state party to fulfil its obligations under the Covenant. State reporting is a mechanism through which compliance is monitored to ensure effective implementation of the provisions of the Covenant at the national level. In this regard, the Government is able to address gaps and/or violations that may hinder the full enjoyment of human rights for its people.
615. Kenya has submitted and defended three periodic reports to the Human Rights Committee since it acceded to the Covenant. The 3rd report was submitted and defended from 17th to 18th July, 2012. The 4th Periodic state report was submitted in December, 2018, to the Human Rights Committee and is due for defence in December, 2020. The Human Rights Committee, after consideration of the reports through a constructive dialogue with the Government delegation presenting the reports, will issue Concluding Observations making its analysis and offering recommendations to the Government.
616. The Constitution of Kenya, 2010, guarantees civil and political rights through an elaborate legal, policy and institutional framework to protect and promote civil and political rights.
617. In a landmark ruling dated 14th December, 2017, the Supreme Court, in *Petition No. 15 of 2015 as consolidated with petition No. 16 of 2015, Francis Kariuki Muruatetu and Wilson Thirumbu Mwangi Vs Republic of Kenya and 5 Others*, declared unconstitutional the mandatory nature of Section 204 of the Penal Code which provides that “any person convicted of murder shall be sentenced to death”.
618. A Task Force was established to prepare a detailed professional review with regard to the death penalty in the context of the Judgment and Order, set up a legal framework to deal with resentencing of capital offenders, formulate parameters of what ought to constitute life imprisonment, review the legislative framework on death penalty in Kenya with a view to formulating amendments, and proposing law to give effect to the Judgment.
619. The Taskforce submitted a preliminary report to the Chief Justice and the Attorney General on 6th December, 2018. The report made recommendations on the appropriate framework to deal with resentence hearing cases, parameters of life imprisonment and proposed legislative amendments.
620. To facilitate the design of a comprehensive, structured and evidence-based resentence hearing framework, the Attorney General directed that an audit be undertaken of all offenders currently incarcerated who have been sentenced to the death penalty, including those whose sentence has been commuted to life imprisonment, which data would assist in the prioritization and scheduling of offenders eligible for resentencing.

621. The Final Report was submitted to the Attorney General in October, 2019. It includes a fifth chapter incorporating the results of the audit and recommendations for the design of a comprehensive framework for resentence hearings.
622. The Government is reviewing the legislation to align them with the Constitution and the respective international human rights standards. The pieces of legislation include: The Persons with Disability (Amendment) Bill, 2019; which seeks to amend the Persons with Disability Act, 2003; the Mental Health (Amendment) Bill, 2018; which seeks to amend the Mental Health Act, (Cap. 248); to align it with the Health Act, 2017; and the Children's Bill, 2017; which seeks to repeal the current Children Act, 2001 and The Mental Health Policy that has been adopted and is currently under review to align it with the Health Act, 2017.
623. The training curriculum for National Police Service has been reviewed to include management, research methodology, judicial procedure, information security management, psychology, cybercrime, customer care, human rights, security and safety and policing within a cultural context.
624. The Government has developed the policy on intersex persons by the Taskforce on Legal, Policy, Institutional and Administrative Reforms regarding Intersex Persons in Kenya that was constituted by the Hon. Attorney-General in May, 2017. Intersex persons were included during the 2019 Kenya Population and Housing Census.
625. The Government has taken steps to realize the rights in the Convention at the national level through policy, legislative, administrative and other measures. These include the March, 2018 handshake of the political competitors of the August, 2017 General Election. This ushered in a new era in the country and formation of the Building Bridges Initiative (BBI) Task Force to promote national reconciliation and unity, leading to peace and stability of the country.

3.3.4 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

626. The ICESCR was adopted by the UN General Assembly on the 16th December, 1966, and entered into force on the 3rd January, 1976. Kenya ratified the ICESCR on the 1st May, 1972. The Covenant, in accordance with UDHR, guarantees human beings economic, social and cultural rights so that all can enjoy freedom from fear and want.
627. Article 16 of the Covenant obliges all State Parties to submit periodic reports to the UN Committee on Economic, Social and Cultural Rights; the treaty body established under the Covenant to monitor State compliance with its provisions, on the measures taken or adopted and progress made in observing the rights under the Covenant. The 6th State periodic report is due in March, 2021. The Committee, after consideration of the reports through a constructive dialogue with the Government delegation presenting the reports, will issue Concluding Observations making its analysis and offering recommendations to the Government.
628. The Constitution of Kenya, 2010, recognizes the Bill of Rights as an integral part of Kenya's democratic State. Article 43 of the Constitution forms the framework for Economic, Cultural and Social rights. It guarantees access to health care, adequate and affordable housing, food, water, education and social security for all citizens. The Government has enacted several Acts: the Health Act, 2017; Water Act, 2016; NSSF Act, 2013; Food, Drugs and Chemical Substances Act (Cap. 254); and the Basic Education Act (No. 14 of 2013).
629. Kenya has undertaken policy, legislative, judicial and administrative measures to progressively implement the rights recognized under the Covenant. These include its commitment to the Big Four Agenda to achieve Universal Health Coverage, affordable and decent housing, food security and manufacturing. The Government is also committed to compulsory free primary education and free day secondary education.
630. The Government has identified housing as one of the four agendas to be implemented between 2017 and 2022 to ensure delivery of 500,000 affordable housing to low income earners. To

- promote housing rights the Government has embarked on construction of social houses in selected informal settlements in Nairobi, this will be followed by formalization of land tenure rights in the settlements. The State Department of Housing and Urban Development is mandated to ensure that the same has been achieved.
631. To achieve Universal Health Coverage, the Government has developed; a draft Social Health Insurance Policy which amongst others seeks to establish social health protection; A draft National Public Health Institute Bill, 2019, has been developed to establish an Institute to address disease prevention programmes and provision of primary healthcare. In addition, the Government has also developed the Kenya Food and Drug Authority Bill, 2019, whose purpose is to provide for the regulation and management of food, drugs and chemical substances.
 632. The Government has established an Expert Task Force on Transformation and Repositioning of the NHIF as a strategic purchaser of health services. The Task Force has submitted its Report.
 633. The Government runs a flagship National Safety Net Program (NSNP) dubbed *Inua Jamii* which disburses cash transfer to poor and vulnerable populations. NSNP consists of four programs: Cash Transfer to Orphans and Vulnerable Children (CT-OVC) for 352,000¹⁸ households; Older Persons Cash Transfer (OPCT) for 833,000¹⁹ persons; and Persons with Severe Disabilities Cash Transfer (PWSO-CT) for 47,000²⁰ persons. The payment for the Programs is KSh. 4000 bi-monthly. The Government also supports 101,640²¹ households in four ASAL Counties namely Marsabit, Mandera, Turkana and Wajir. The payment is KSh. 5,400 bi-monthly. In addition, the Government pays NHIF premiums for all the *Inua Jamii* beneficiaries under the “Health Insurance Subsidy Programme”.
 634. Poverty eradication has been prioritized under Kenya’s Long-Term Development Blueprint, Vision 2030 and its Medium-Term Plans. The youth, women and Persons With Disabilities have been empowered through Affirmative Action funds such as Youth Enterprise and Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reserving 30 percent of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative.
 635. A Task Force was launched on 4th September, 2019, with the objective of creating a digital platform for provisions of relief assistance in form of cash to vulnerable Kenyans affected by drought and other disasters.
 636. To enhance food production at household level, the Government in 2018, constructed 8,835²² water pans under the Household Irrigation Water Storage Project. The pans will store 12,000,000 cubic meters of water, placing an additional 11,000 acres under irrigation across twenty three (23) counties.
 637. To address the perennial challenges in the sugar subsector, the Government set up the Task Force of Sugar Industry Stakeholders which completed its mandate and submitted a report in 2019.
 638. The Street Families’ Rehabilitation Trust Fund is in place to address the concerns of all homeless, destitute and vulnerable persons in urban areas. In addition, a census for street children was conducted in February, 2018, to enhance better planning for this vulnerable population.

¹⁸ Data sourced from Ministry of Labour and Social Protection.

¹⁹ *Ibid* at note 18.

²⁰ *Ibid* at note 19.

²¹ *Ibid* at note 20.

²² *Ibid* at note 21.

639. The Government is upscaling the Enhancing Community Resilience against Drought (ECORAD II) Programme. A pre-feasibility and stakeholder participation meeting in April, 2019, was undertaken in six (6) counties of West Pokot, Baringo, Marasabit, Isiolo, Samburu and Elgeyo Marakwet.
640. The National Drought Management Authority (NDMA) is mandated to exercise overall coordination on all matters relating to drought risk management mechanism with stakeholders to End Drought Emergency (EDE). NDMA deals with drought response and resilience building through its Hunger Safety Net Programme (HSNP). Under the Programme 101,640²³ households in Wajir, Turkana, Mandera and Garissa benefit. The Government is in the process of establishing the National Drought Emergency Fund.
641. The Governments of Kenya and Uganda signed a Memorandum of Understanding (MoU) “The Kenya (Turkana/West Pokot)—Uganda (Karamoja) Cross Border Programme for Sustainable Peace and Development.” The MoU was signed on 12th September, 2019, in Moroto, Uganda. This will accord Cross Border communities opportunities for better cooperation, peaceful co-existence and bridging isolation gaps to improve their livelihoods. A similar agreement was signed with Ethiopia in 2015.
642. The implementation of this Covenant has largely been hindered by financial constraints to enable the progressive actualization of economic, social and cultural rights. There is disaggregated data to effectively monitor how these rights are implemented.

3.3.5 The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

643. The ICERD was adopted by the UN General Assembly on 7th March, 1966, and entered into force on 4th January, 1969. Kenya acceded to the Convention on 13th September, 2001. The Convention provides that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the human rights and fundamental freedoms set out in the Convention without distinction of any kind, in particular as to race, colour, or national origin.
644. Article 9 of the ICERD obliges State Parties to submit periodic reports every two years to the Committee on the Elimination of Racial Discrimination, the treaty body established under the Convention to monitor State compliance of its provisions, on the policy, legislative, judicial, administrative or other measures adopted to give effect to the provisions of this Convention.
645. Kenya submitted its combined 5th to 7th periodic reports to the Committee from 10th to 11th May, 2017. The Committee, after consideration of the reports through a constructive dialogue with the Government delegation presenting the reports, issues Concluding Observations making its analysis and offering recommendations to the Government. The 8th to 9th state report is due for submission in October, 2020, covering the period from 2015–2018.
646. The Representation of Special Interest Groups Laws (Amendment) Bill, 2019, was introduced in the National Assembly in July, 2019. The Bill seeks to amend various laws to give effect to Article 100 of the Constitution and to promote the representation of women, persons with disabilities, youth and ethnic and other minorities in parliament.
647. The National Cohesion and Integration Commission (NCIC) continues to promote national identity, mitigate ethno-political competition and ethnically-motivated violence, eliminates discrimination and marginalization on ethnic, racial and religious basis, and promote national reconciliation and healing. In addition, the Ministry of Interior and Coordination of National Government, is mandated to promote national cohesion and integration and national values and Principles of Governance.

²³ Data sourced from Ministry of Labour and Social Protection

648. There are strategies in Kenya Vision 2030 aimed at achieving substantive equality through support to marginalized regions and groups in the country. The Government has operationalized the Equalization Fund that benefits these areas. Legislative measures such as the enactment of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012; and Legal Aid Act, 2016; promote the rights guaranteed in the Convention.

3.3.6 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

649. The Convention was adopted by the UN General Assembly on 10th December, 1984, and entered into force on 26th June, 1987. Kenya acceded to the Convention on 21st February, 1997. The purpose of the Convention is to prevent torture and other cruel, inhuman or degrading treatment or punishment. State Parties are obliged to promote universal respect for, and observance of human rights and fundamental freedoms and ensure that no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment in their territory.

650. Article 19 of the Convention requires all State Parties to submit periodic reports initially after one year upon the entry into force of the Convention for the State party and thereafter every four (4) years on the measures taken to give effect to Convention at the national level. The periodic reports are submitted to the UN Committee against Torture, the treaty body established under the Convention to monitor State compliance of its provisions. Kenya has submitted three (3) periodic country reports to the Committee.

651. The Committee, after consideration of the first two (2) periodic reports through a constructive dialogue with the Government delegation presenting the reports, issued Concluding Observations making its analysis and offering recommendations to the Government. The 3rd report on the UNCAT will be presented and defended before the Committee against Torture in April, 2020. After this presentation, Kenya will receive concluding recommendations and timelines for when the 4th report will be due.

652. Article 25 of the Constitution of Kenya, 2010, guarantees freedom from torture and other cruel, inhuman or degrading treatment or punishment as an absolute and fundamental human right which cannot be derogated from by the State under any circumstances. The Prevention of Torture Act, No.12 of 2017, provides the definition of torture in accordance with the Convention. The Act provides stiff penalties for those convicted of offences established under the Act and seeks to establish institutional mechanisms for the support and assistance of victims of torture.

653. The Government has reviewed legislations such as the Penal Code, Cap. 63; National Police Service Act, No. 11A of 2012; and Prisons Act, Cap. 90 in order to implement the Convention. The Government has also put in place mechanisms to educate and sensitize law enforcement and other public officers on the absolute prohibition against torture and other cruel, inhuman and degrading treatment or punishment.

654. The National Police Service and Kenya Prisons Service provide continuous training to officers and have mainstreamed human rights training in their curricula.

3.3.7 The United Nations Convention on the Rights of the Child (UNCRC)

655. The Convention was adopted on 20th November, 1989, and entered into force on 2nd September, 1990. Kenya signed the Convention on 26th January, 1990, and ratified it on 30th July, 1990. The Convention ensures that children enjoy the rights guaranteed by the Convention without discrimination of any kind, in respect of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, ensuring the best interest of the child principle in all matters affecting children.

656. State Parties are obligated to take appropriate measures to ensure that the child is protected against all forms of discrimination or punishment. The Convention together with the African Charter on the Rights and Welfare of the Child (ACRWC) recognize a child as any person under the age of eighteen (18) years. It provides that the child has rights as any other human being on issues concerning a child and upholds the “Best Interests of the Child” as the key principle while dealing with matters affecting children. Children enjoy human rights that include survival, protection, development and participation.
657. The Convention obliges all State parties to submit periodic reports to the UN Committee on the Rights of the Child, the treaty body established under the Convention to monitor State compliance of its provisions, on the measures taken to realize the rights of the child guaranteed under the Convention. In that regard, the Government submitted the combined 3rd to 5th periodic report to the Committee and presented it on 21st January, 2016. The Committee, after consideration of the periodic reports through a constructive dialogue with the Government delegation presenting the reports, issued Concluding Observations making its analysis and offering recommendations to the Government.
658. Provisions of the Convention are entrenched under the Constitution, the Children’s Act, 2001, and other legislations such as: Sexual Offences Act, 2006; Employment Act, 2007; Counter Trafficking in Persons Act, 2010; and Basic Education Act, 2013, which protect the rights and welfare of children. The Employment Act, 2007, prohibits any form of child labour including worst forms of child labour.
659. Under the Children Act, 2001, the penalty for acts of torture and other forms of ill-treatment of children are not commensurate with the gravity of the crimes as it provides for a penalty of imprisonment not exceeding twelve (12) months or a fine of fifty thousand Kenya shillings or both. The Children’s Act, 2001, provides for child rights and protection that includes protection from harmful cultural practices, child abuse and neglect, child labour and free basic education as provided for under the Basic Education Act, 2013.
660. The Government has placed 352,000²⁴ households under the cash transfer program for Orphans and Vulnerable Children (CT-OVC). This is meant to cushion the children against poverty and to protect their rights.
661. The Government has introduced a nutritional improvement program through Cash and Health Education known as NICHE. The program aims at improving nutrition outcomes for children under two years, pregnant and lactating mothers. The target is for CT-OVC beneficiaries. The cash top up for NICHE beneficiaries is a minimum of KSh. 500 and a maximum of 1000 per household. The program was piloted in Kitui and has been upscaled in four more counties namely Marsabit, West Pokot, Turkana and Kilifi. Implementation period is from 2019 to 2023.
662. Under the Presidential Bursary Fund, the Government is paying school fees for 22,000²⁵ secondary school children who are orphaned and from poor families in 2019. The Government has awarded 9000²⁶ students joining form one with the Elimu Scholarships. Further, the Government has increased capitation grants to public schools and in particular special schools.
663. Annually, Kenya joins the International Community to celebrate the World Orphans Day, International Day of the Girl Child, World Adoption Month and the Day of the African Child in line with the Convention. The Day of the African Child was celebrated in Hola, Tana River County on 16th June, 2019. International Day of the Girl Child was celebrated on 11th October, 2019. National celebrations of the World Orphans Day are done every year in May.

²⁴ Data sourced from the Ministry of Labour and Social Protection.

²⁵ Ibid at note 24.

²⁶ Ibid at note 25.

664. Kenya Children Assemblies (KCA) have been established and operationalized in all the counties and sub-counties to enable children voice their concerns and articulate children's issues with the three arms of Government. This is to enhance child participation as enshrined under the Convention. The composition of the Assembly is gender-balanced and includes children with disabilities.
665. The Government has developed the National Plan of Action for Children in Kenya (2015–2022) to coordinate and strengthen efforts by stakeholders in the children sector at all levels of governance in the country.
666. To provide comprehensive services to victims of child abuse, the Department of Children Services established Child Protection Centres (CPCs) in Malindi, Nairobi, Nakuru, Kakamega, Garissa and Siaya. The Department of Children Services has recruited approximately 500 Volunteer Children Officers (VCOs) to strengthen child protection at the community level. The National Police Service has established twenty-three (23) Child Protection Units to handle cases involving children separately. The Government ensures children matters are heard in the court chambers or in camera and prohibits participation of the public or press.
667. To inform policy decisions and planning, the Government has established Child Protection Information Management System (CPIMS) to capture disaggregated data into thirty-six (36) different case categories including sex, disability, geographical location, family earning and parental status. The system has been rolled out in fifteen (15) counties and plans are underway to roll out to the remaining thirty-two (32) counties. To further enhance child protection in the country, the Department of Children Services has developed a Child Protection Costing Model.
668. The development of guidelines for Child Protection in Emergencies is ongoing with the aim of coordinating, supervising, networking and directing children issues such as defilement, child labour, child trafficking and separation from families, amongst others. A multi-sectoral technical working group has been formed to deliberate on children issues during emergencies.
669. In petition No. 8 of 2012, at the High Court at Meru in CK (a child) through *Ripples International (as her guardian and next of kin) & 11 others versus Commissioner of Police/Inspector General of National Police Service & 3 others (2013) eKLR*, the Court upheld the Best Interest of the Child principle in accordance with the UDHR, UNCRC, ACRWC and ACHPR.
670. The Government is reviewing the Children Act, 2001, to enhance child rights and protection.
671. Kenya celebrated the 30th Anniversary of the United Convention on the Rights of the Child. The national event was marked at the Kenyatta International Convention Centre (KICC) in Nairobi on 20th November, 2019. On the same day, Kenya signed on to the Global Pledge by UNICEF titled "For every child a right" as a commitment to continue protecting the rights of children. A report by the National Council on the Administration of Justice on the Status of Children in the Justice system in Kenya was also launched.

3.3.8 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

672. The Optional Protocol was adopted on 25th May, 2000. Kenya signed the Protocol on 8th September, 2008. The Convention requires state parties to have in place measures that ensure prohibition of the sale of children, child prostitution and child pornography. The signing of a code of conduct for hoteliers has been done to protect children and curb child prostitution. The National Plan of Action against Sexual Exploitation of Children in Kenya (2018–2022) is being implemented.
673. The Directorate of Criminal Investigations (DCI) in collaboration with Department of Children Services, the Communications Authority of Kenya and other partners have established a child online protection system to protect Kenyan children against online child abuse. The DCI has

established an Anti-Child Sexual Exploitation and Abuse (CSEA) Unit which investigates, advises and monitors CSEA reported cases. Guidelines are being developed on the same.

674. The Computer Misuse and Cyber Crimes Act, No.5 of 2018, provide for offences relating to computer systems; to enable timely and effective detection, prohibition, prevention, response, investigation and prosecution of computer and cybercrimes. This will facilitate international cooperation in dealing with computer and cybercrime matters.
675. To address the root causes of sexual exploitation, the Government is implementing policies and projects that promote rural development, poverty alleviation and reduction of rural to urban migration.

3.3.9 African Charter on the Rights and Welfare of the Child (ACRWC)

676. The African Charter was adopted in 1990, and entered into force on 29th November, 1999. Kenya acceded to the charter on 25th July, 2000. The African Charter is intended to address the specific and peculiar conditions of children in Africa such as poverty, internal conflicts, displacement and harmful cultural practices.
677. The African Charter recognizes a child as any human being under the age of 18 years. It upholds the “Best Interests of the Child” principle and provides that the child has rights as any other human being. State Parties shall respect and ensure the rights guaranteed in the UNCRC and the ACRWC without discrimination on any of the grounds including the legal status of the child or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property and disability.
678. The African Charter obliges all State parties to submit periodic reports to the African Committee of Experts on the Rights and Welfare of the Child, the treaty body established under the Charter to monitor State compliance of its provisions, on the measures taken to realize the rights in the Charter at the national level. In that regard, Kenya submitted its report on November, 2018 to the Committee which issued its Concluding Observations following a constructive dialogue with the Government delegation that presented the report.
679. Several laws and policies have been developed and are being implemented by the Government to protect children such as: Children Act, 2001; Employment Act, 2007; National Children's Policy; National Policy on Human Rights; Sexual Offences Act, 2006; Counter-Trafficking in Persons Act, 2010; and Marriage Act, 2014. Children are thus able to enjoy the right to free and compulsory basic education and develop their full potential.
680. The Best Interest of the Child which is an international human rights principle on the rights and welfare of the child is the basis upon which the Kenyan Courts make decisions on any petitions on children.
681. Other measures by the Government include celebration of the Day of the African Child on 16th June, every year. In 2019, the National celebration was held in Hola, Tana River County.
682. The National Plan of Action for Children in Kenya (2015–2022) is being implemented. Children offices have been established across the country. Area Advisory Councils (AAC) in all the 47 counties and 270 sub-counties have been operationalized. Toll free 24-hour child helplines (116 and 1195) have been established and awareness on their existence created. Child Protection Centres (CPCs), Child Protection Units (CPUs), Rescue Centres (RC) and Gender Violence Recovery Centres (GVRC) have been established across the country. The Government has also established child help desks in police stations and Child Protection Units as well as establishment of more Children's Courts across the country.
683. The Government has increased the capitation grants to all public schools particularly special needs schools to enhance the rights of a child to free and compulsory basic education. The Government has introduced school feeding programmes in Arid and Semi-Arid (ASAL) areas and free sanitary towels to all public primary schools countrywide to retain girls in school. In

2018, the Government distributed 16.8 million sanitary towels to 3.7 million girls countrywide. Day wing classes have been introduced to enhance 100 percent transition from primary to secondary schools. The Government has streamlined the procurement of textbooks for schools to ensure that the book to child ratio of 1:1 is achieved.

684. Incorporation of anti-female genital mutilation content in the school curriculum and establishment of Anti FGM and Child Marriage Prosecution Units to fast-track the prosecution of FGM and child marriage cases with the Office of the DPP. The Teachers' Service Commission has been working with teachers as champions (Beacon teachers) on prevention of Sexual and Gender Based Violence in various counties including Mombasa, Nairobi, Kisumu, Kwale, Kilifi, Kajiado, Machakos, Meru, Nakuru and Baringo.
685. The Government has developed guidelines on admission of refugees to institutions of basic education and training. It has also allowed the use of Kenya curriculum, Kenya National Examinations and disbursement of early grade material in refugee schools. The Government has introduced de-worming and immunization programme and NHIF Cover for students in public secondary schools in all basic education institutions countrywide. The Government has also provided free access to health/medical services for children under the age of five years in public medical facilities.
686. Establishment of the National Legal Aid Service to facilitate access to justice and provide for legal aid to children in conflict and in contact with the law either as witnesses or victims. ODPP has created a Children Victims and Witness Support Division which handles prosecution and diversion of children and juveniles who have committed offences under the Sexual Offences Act, Penal Code and other laws.
687. The Street Family Rehabilitation Trust Fund (SFRTF) Board of Trustees through its Secretariat has continued to coordinate rehabilitation activities for street families and children.

3.3.10 United Nations Convention on the Rights of Persons with Disabilities

688. The Convention was adopted on 13th December, 2006, and entered into force on 3rd May, 2008. Kenya signed the Convention on 30th March, 2007, and ratified it on 19th May, 2008. The Convention obliges state parties to ensure and promote the full realization of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.
689. The Convention provides that all state parties submit periodic reports on the measures taken to realize the rights in the Convention at the national level. Kenya submitted the initial periodic report on the national implementation of the Convention in August, 2015, for review by the Committee of Experts on the Rights of Persons with Disabilities in Geneva, the treaty body established under the Convention to monitor State compliance of its provisions.
690. The Concluding Observations issued following constructive dialogue with the Government delegation which presented the report incorporates the Committee's recommendations that are being implemented through a National Action Plan that has been developed.
691. In November, 2018, a team from the International Disability Alliance (IDA) and representatives of the Committee of Experts visited Kenya on a monitoring visit. A Standing Committee comprising key stakeholders is in place to monitor the implementation of the National Action Plan. The Standing Committee is still operational and recently submitted their findings.
692. Kenya enacted the Persons with Disability Act, 2003, which came into force in June, 2004. The Act provides a legislative framework for access of services and inclusion of persons with disabilities in all facets of life. It provides for equalization of opportunities by prohibiting discrimination in employment, education and health, among others. It promotes accessibility of

- physical structures and to information as well as establishes structures for the provision of services to persons with disabilities.
693. The Act also establishes the National Council for Persons with Disabilities. The Council formulates and develops measures and policies designed to achieve equal opportunities for PWDs, recommend measures to prevent discrimination against PWDs, register persons with disabilities and institutions and Organizations giving services to PWDs and raises public awareness on disability.
 694. The Convention is also being implemented through the National Policy on Disability to ensure that persons with various types of disabilities are not discriminated and have access to public services. The Policy has been reviewed and aligned to the Constitution and Convention and is awaiting approval by Cabinet. A National Action Plan on the Rights of Persons with Disabilities (2015–2022) has been developed and a Standing Committee comprising key stakeholders put in place to monitor the implementation.
 695. The Persons with Disability (PWD) Act, 2003, has also been reviewed aligning it to the Convention and has been approved by Cabinet and is awaiting approval by Parliament. The Persons with Disability Amendment Act is before the Senate having undergone the 1st Reading on 12th September, 2019.
 696. The Government has in place a Cash Transfer Programme for PWDs to ensure support for people living with disabilities through the Social Assistance Program. Currently, 47,000 persons with severe disabilities continue to receive cash transfers from the Programme. Mainstreaming of disability in various spheres of life is being undertaken.
 697. The Convention is also being implemented through the policy of reserving 30 percent of Government procurement for PWDs, Women and Youth. The Government has put in place affirmative action measures to cater for the welfare of persons with disability. These include tax exemptions on income, extension of retirement age up to 65 years, amongst others.
 698. The Convention is also being implemented through programmes in Vocational Rehabilitation Centres. Annually, the country also observes the International Day of Persons with Disabilities on 3rd December.
 699. Besides the low awareness on the rights of persons with disabilities, mainstreaming of disability is slow due to the weak institutional frameworks and partnerships for effective management of disability issues.
 700. The Government of Kenya, the Government of the United Kingdom and the International Disability Alliance co-hosted in the Global Disability Summit held in the United Kingdom in July, 2018. At the Summit, Kenya made commitments to address gaps identified in implementing disability programs in the country. The gaps to be addressed entail the inclusion of Persons with Disabilities in all spheres of life through the implementation of the Convention. Kenya recently adopted an Education sector policy for learners and trainees with disabilities which will enhance inclusive education in Kenya. Kenya participated in the Global Disability Summit 2019 hosted by Argentina from June 6th to 8th, 2019.
 701. The National Council of Persons with albinism has registered 3,156²⁷ persons with albinism in the sun screen program. Further, the 2019 Kenya Population and Housing Census included a specific question that enabled to collect data on albinism separately from the other disabilities outlined in the six domains namely: visual, hearing, speech, physical, mental and self-care.

²⁷ Data sourced from the Ministry of Labour and Social Protection

3.3.11 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

702. The Convention was adopted by the UN General Assembly on 18th December, 1979, and it entered into force on 3rd September, 1981. Kenya acceded to it on 9th March, 1984.
703. The Convention obliges state parties to incorporate the principle of equality in their legal system, abolish all discriminatory laws and adopt appropriate laws prohibiting discrimination against women. The Convention also requires the establishment of national public institutions to ensure effective protection of women against discrimination and ensure elimination of all acts of discrimination against women by persons, institutions, organizations or enterprises.
704. The Convention defines discrimination against women as any distinction or exclusion or restriction made on the basis of gender which has the effect or purpose of impairing the enjoyment or exercise of women rights irrespective of their marital status, on the basis of equality of men and women, and of human rights and fundamental freedoms in the political, economic, social, civil or any other field.
705. The Convention obliges all state parties to submit periodic reports every four years to the UN CEDAW Committee on the measures taken to realize the rights in the Convention at the national level. The UN CEDAW Committee is the treaty body established under the Convention to monitor state compliance of its provisions. In that regard, the Government submitted the 8th periodic report to the Committee in 2015 and considered on 2nd November, 2017. The Committee, after consideration of the periodic report through a constructive dialogue with the Government delegation presenting the report, issued Concluding Observations making its analysis and offering recommendations to the Government. The 9th periodic report is due in 2021.
706. The Government has put in place policy, legislative, judicial and administrative measures to domesticate the Convention at the national level such as the Constitution of Kenya, 2010; the National Gender and Equality Commission Act, 2011; Matrimonial Property Act, 2013; the Marriage Act, 2014; the Land Act, 2012; the Land Registration Act, 2012; Counter-Trafficking in Persons Act, 2010; the Prohibition of Female Genital Mutilation (FGM) Act, 2011; the Sexual Offences Act, 2006 (*Rev.* 2012); the Kenya Citizenship and Immigration Act, 2011 and review of the Law of Succession Act, 2010 (*Rev.* 2018). The Government has also developed the National Policy on Gender and Development, 2019, the National Policy on Eradication of Female Genital Mutilation, 2019, as well as the National Policy on Menstrual Hygiene, 2019.
707. Kenya has initiated the process of amending Article 20 of the Convention which limits the Committee Meetings to two weeks.
708. Kenya reports annually to the United Nations Security Council on implementation of Resolution No. 1325 on Women, Peace and Security. The Government is developing the 2nd National Action Plan on Resolution No. 1325.
709. The National Gender and Equality Commission continues to monitor gender inequalities and the discrimination against all women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities.
710. Mainstreaming, monitoring and evaluation of gender programs is progressively being implemented by all MDAs to facilitate promotion of equality between men and women and equal opportunities in, political and public life, as well as education, health and employment. To this end, all Government agencies have established a data bank of their activities on gender and report on regular basis to the National Gender and Equality Commission and the State Department responsible for Gender Affairs.
711. The representation of Special Interest Groups Laws (Amendment) Bill, 2019, was introduced to the National Assembly in July, 2019. The Bill seeks to amend various laws to give effect to

- Article 100 of the Constitution to promote the representation of women, persons with disabilities, youth and ethnic and other minorities in Parliament.
712. In collaboration with the County Assemblies Forum, the National Gender and Equality Commission developed a training curriculum for women members of the County Assemblies to enhance their representation role, oversight, budgeting and legislative functions. The curriculum was designated to all forty-seven (47) counties.
 713. Other measures undertaken include: mechanisms to increase the number of women in elective positions and reservation of 30 percent of all government procurement opportunities for Women, Youth and Persons with Disability through the Access to Government Procurement Opportunity (AGPO) initiative. Mainstreaming of one-third gender rule in recruitment and appointment in the public service and government appointments is ongoing.
 714. The Government established Affirmative Action Funds to promote women economic empowerment such as the Women Enterprise Fund (WEF), UWEZO Fund and the National Government Affirmative Action Funds (NGAAF) to support socio-economic empowerment projects and programmes for women, youth and persons with disabilities in all the forty-seven (47) Counties. These initiatives have enhanced access to finance by youth, women and persons with disabilities and increased investment opportunities for them.
 715. To date the WEF has disbursed KSh. 16,654,170,580²⁸ to 1,679,456²⁹ beneficiaries from 102,170³⁰ group with a repayment rate of 97 percent. The UWEZO fund has disbursed KSh. 6 billion to 66,389³¹ groups (41,824 women; 22,762 youth and 1,910 Persons with Disabilities) while National Government Affirmative Action Fund (NGAAF) disbursed a total of over KSh. 5.607³² Billion to support Affirmative Action Groups, socio-economic projects and programmes in all the 47 counties.
 716. The Government has also facilitated the formation of women owned SACCOS through which women are able to purchase land and own property through SACCO housing schemes among other benefits. The Government has made regulatory framework for women civil servants access mortgage financing for a maximum of two houses irrespective of whether the spouse is also a civil servant.
 717. The Women Enterprise Fund has facilitated formation of 157 women owned SACCOs which have been registered countrywide. The National Government Affirmative Action Fund has supported 8,309 Women groups and 128 Women-owned SACCOs for table banking and revolving funds under Women Economic Empowerment; 95,296 vulnerable students and 28,258 vocational trainees through provision of bursary and scholarships; 107,689 needy school girls supported with Sanitary Towels and mentorship programmes; 8,296 groups (all affirmative action groups) provided with funds to up-scale various value addition income generating initiatives and 3,973,765 community members reached through Civic Education which entails training of members of the community and potential groups for funding.
 718. In order to strengthen financial inclusion, the Government has continued to implement the Access to Government Procurement Opportunities (AGPO): Article 55 on Affirmative action and the Public Procurement and Asset Disposal Act, 2015, which is founded on Article 227 of the Constitution on the fair, equitable, transparent and cost-effective public procurement of goods and services.
 719. The AGPO program ensures that 30 percent of public procurement in every financial year is allocated to women, youth and persons with disabilities. As of April, 2019, beneficiaries have received KSh. 32.2 billion since its inception. The Government has also developed the

²⁸ Data sourced from Ministry of Public Service and Gender Affairs.

²⁹ *Ibid* at note 28.

³⁰ *Ibid* at note 29.

³¹ *Ibid* at note 30.

³² *Ibid* at note 31.

- Women’s Economic Empowerment Strategy aimed at building women’s entrepreneurship and at the same time, initiated development of a Women’s Economic Empowerment Policy.
720. Kenya as a member of the EAC is participating in the 50 Million African Women Speak. This is in accordance with Articles 121 and 122 of The East African Community (EAC) Treaty. The Articles recognize the role of women in the wellbeing and development of society; and, gender equality and gender equity as non-negotiable prerequisites to attaining sustainable and inclusive development respectively. In providing for the enhancement of the role of women through socio- economic empowerment, the EAC has developed a 50 Million Women Speak.
 721. The Government has developed a Women’s Economic Empowerment Strategy, 2018, and a National Strategy to enhance Women’s representation in public and political life. The Government has also undertaken a National Country Assessment on gender statistics to establish the production, access and utilization of gender data for evidence-based policy formulation, planning and budgeting in 2018.
 722. Health outcomes for women continue to be improved through Linda Mama formerly Free Maternity Services programme provides a package of basic health services accessed by all in the targeted population on the basis of need and not ability to pay, positioning Kenya on the pathway to UHC. Linda Mama covers all the forty-seven (47) counties, 2400 public health facilities serving 400,000 pregnant women. Significant progress has been realized.
 723. Maternal utilization and delivery uptake increased from 52 to 60 percent while skilled delivery increased from 62 to 74 percent. The Ministry of Health has also issued “Standards and Guidelines for reducing morbidity and mortality from unsafe abortion. Gender Based Violence Recovery Centres have also been established in all Level 5 public hospitals.
 724. Education reforms have contributed to increased enrolment of boys and girls in primary and secondary schools and is almost at par with 49.1 and 47.3 percent of girls accounting for total enrolment respectively. In Adult Education, female adult learners accounted for 69.2 percent in 2018. The Government has enforced the re-entry policy to address dropout cases of young mothers who conceived while in school.
 725. The Government is developing a National Curriculum on Women’s leadership and has initiated the Trailblazers Programme for Women Achievers and Annual Award.
 726. Kenya commemorates the following International Days: International Women’s Day (8th March), International Day on Zero tolerance to FGM (6th February), International Widows Day (23rd June) and 16 Days of Activism against GBV (25th November–10th December).
 727. Harmful cultural practices such as Female Genital Mutilation (FGM), widow inheritance, disinheritance of widows and orphans of their property, early and forced marriages, “beading”, and others have continued to deny girls and women opportunities for the realization of their full potential. Therefore, there is need to mobilize additional resources to sensitize and create awareness of the existing policies and laws against such harmful cultural practices.
 728. For the first time, Kenya celebrated the International Men’s Day in South C, Nairobi on 19th November, 2019.

3.3.12 The African Charter on Human and Peoples’ Rights (ACHPR)

729. The African Charter on Human and Peoples’ Rights was adopted by the OAU Heads of State and Government on 27th June, 1981. It entered into force on 21st October, 1986. Kenya became a State Party to the African Charter on 23rd January, 1992.
730. The African Commission on Human and Peoples’ Rights is responsible for monitoring the implementation of the African Charter in member states. The African Commission was inaugurated on 2nd November, 1987, in Addis Ababa, Ethiopia. The Commission’s Secretariat

is located in Banjul, the Gambia. One of the eleven (11) Commissioners currently serving in the African Commission is a Kenyan national.

731. The African Commission is a quasi-judicial treaty body of the African Union with a protective mandate. It receives communications from states parties, individuals and NGOs containing complaints of alleged violations of the rights guaranteed by the African Charter. Over the years, the African Commission has been seized with communications against states parties including Kenya and has issued its Decisions.
732. The African Commission also receives periodic reports from states parties to the African Charter pursuant to Article 62 of the Charter which requires states parties to submit every two years from the time of ratification, a report on the legislative and other measures taken to give effect to the rights as recognized by the Charter. Kenya's 8th to 11th combined periodic reports were submitted to the African Commission on 18th November, 2015, and the African Commission thereafter issued its Concluding Observations following consideration of the reports. The reports detail the measures taken by the Government to implement the rights guaranteed in the African Charter at the national level. The 12th and 13th State report is undergoing stakeholder consultation and is scheduled to be submitted to the AU Commission in April, 2020.
733. In 2018, the Government developed a legislative handbook on Principles of Equality and non-discrimination which guide legislators at the National and County levels in the review of policy and legislation and in overseeing the formulation and implementation by state and non-state agencies of appropriate programmes, plans and actions towards full realization of gender equality and inclusion of special interest groups in the society.

3.3.13 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

734. The Maputo Protocol on the Rights of Women in Africa was adopted on 1st July, 2003, and entered into force on 25th November, 2005. Kenya signed the Protocol on 17th December, 2003, and ratified it on 6th October, 2010, with Reservations on Article. 10 (3) on the right to peace and Article. 14 (c) on health and reproductive rights.
735. The Protocol obliges all state parties to eliminate all forms of discrimination against women through development and implementation of appropriate policies and laws, establishment of institutions and other measures to entrench the principle of equality between men and women, integrate gender perspective in policy decisions, laws, development plans, programmes and activities in all other spheres of life.
736. The Government is under an obligation to periodically report to the African Commission on Human and Peoples' Rights, the treaty body established under the African Charter on Human and Peoples' Rights, on the measures taken to implement the provisions of the Protocol at the national level as it reports periodically on measures taken to implement the rights in the African Charter.
737. The Government has taken policy, legislative, judicial and administrative measures to domesticate the Convention at the national level such as the Constitution of Kenya, 2010; the National Gender and Equality Commission Act, 2011; Matrimonial Property Act, 2013; the Marriage Act, 2014; the Land Act, 2012; the Land Registration Act, 2012; Counter-Trafficking in Persons Act, 2010; the Prohibition of Female Genital Mutilation (FGM) Act, 2011; the Sexual Offences Act, 2006 (*Rev.* 2012); the Kenya Citizenship and Immigration Act, 2011; and review of the Law of Succession Act, 2010 (*Rev.* 2018). The Government has also reviewed the National Policy on Gender and Development, 2019, as well as the National Policy on Eradication of Female Genital Mutilation, 2019.
738. The Government has also established the National Gender and Equality Commission and the Anti-Female Genital Mutilation Board. The Anti-FGM Prosecution Unit in the Office of the

- Director of Public Prosecution and the Anti-FGM Board created a comprehensive FGM case tracking tool. The tool aims at promoting accountability in reporting, investigation, and prosecutorial phases of cases, while also providing authorities with the ability to track success stories where the girls have been protected from FGM due to proactive judicial mechanisms and alternatives to criminal prosecution.
739. On 17th April, 2019, the Anti FGM Board in collaboration with UNFPA and other stakeholders held an “*end FGM Cross Border Inter-Ministerial meeting*” that involved Kenya, Uganda, Ethiopia and Somalia culminating in the signing of a landmark declaration to end cross border FGM. A Regional Action Plan to end cross border FGM was developed for state and non-state actors to enhance capacity for prevention and response programming. The Board also trained duty bearers from twenty (20) FGM hotspot counties in Kenya. As a result, 4,530 duty bearers have been trained on the prohibition of FGM and its effects, as at May, 2019.
740. The Anti-FGM Board in collaboration with the Kenya Institute of Curriculum Development has developed and included Anti-FGM content, Alternative to Rites of Passage (ARP) guidelines in the basic school programmes and also a simplified version of the Anti- FGM law in English and Kiswahili. The booklet targets girls, teachers, chiefs, police, parents, medical practitioners and the general public to encourage them to protect, prevent and report the practice of FGM. It also includes information on the Gender Based Violence hotline (Dial 1195) where the public can report Sexual and Gender Based Violence related matters and link girls and other victims to rescue centers where they can receive assistance.
741. On 8th November, 2019, the Government committed to end FGM by 2022, during a meeting with county-based traditional leaders from twenty-two (22) counties and reiterated the same commitment during the ICPD 25 that took place in Nairobi from 12th to 14th November, 2019.
742. The Government has disbursed a total of KSh. 16 Billion³³ under the Women Enterprise Fund to 1.6 Million beneficiaries that include women groups and individuals; the UWEZO fund disbursed KSh. 6 Billion to 66, 389³⁴ groups since inception in 2013; the National Government Affirmative Action Fund (NGAAF) has supported 8,309³⁵ Women groups and 128³⁶ Women-owned SACCOs for table banking and revolving funds under Women Economic Empowerment; and AGPO beneficiaries have received KSh. 32.2 Billion³⁷ in payment as at April, 2019.
743. The reluctance to abandon harmful and retrogressive cultural and traditional practices hampers progress in the elimination of discrimination against girls and women. It is recommended that resource mobilization, community dialogue, sensitization and creation of awareness, building of partnerships between states and CSOs approaches be used to enhance protection and empowerment of girls and women.
744. The representation of Special Interest Groups Laws (Amendment) Bill, 2019, was introduced to the National Assembly in July, 2019. The Bill is currently at its 2nd Reading and has been forwarded to the Committee. The Bill seeks to amend various laws to give effect to Article 100 of the Constitution to promote the representation of women, persons with disabilities, youth and ethnic and other minorities in Parliament.
745. In collaboration with the County Assemblies Forum, the National Gender and Equality Commission developed a training curriculum for women members of the County Assemblies to enhance their representation role, oversight, budgeting and legislative functions. The curriculum was designated to all forty-seven (47) counties.

³³ Data sourced from the Ministry of Public Service and Gender

³⁴ *Ibid* at note 33.

³⁵ *Ibid* at note 34.

³⁶ *Ibid* at note 35.

³⁷ *Ibid* at note 36.

3.3.14 Great Lakes Protocol on the Prevention and Suppression of Sexual Violence against Women and Children

746. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by Heads of State and Government of the Great Lakes Region. It entered into force in June, 2008.
747. The Great Lakes Protocol recognizes the need to prevent sexual violence and the exploitation of women and girls. It obligates member states to put in place mechanisms to provide legal, medical, material and social assistance, including counselling and compensation to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.
748. Member states are under an obligation to submit a report to the Council of Ministers of Gender in the Great Lakes Region once a year on the measures taken to implement the Protocol.
749. Kenya has taken steps to facilitate the implementation of the Protocol such as criminalizing all forms of sexual violence against women and children including FGM through: Sexual Offences Act, 2006; Children Act, 2001; Penal Code, Cap. 63; Prohibition of FGM Act, 2011, among others. The Government has established Gender Based Violence (GBV) Recovery and Child Protection Centers, operationalized the GBV Referral System and conducted capacity building of prosecutors, judges, police, administration and care givers on SGBV issues including launching of GBV prevention campaigns.
750. On ending gender-based violence, the free hotline (Dial 1195) that was relaunched in March, 2017, continues to address needs of survivors. This initiative is operated by Healthcare Assistance Kenya (HAK) and is domiciled in the State Department for Gender. It is supported by various telecom agents such as Safaricom and Airtel. The goal of the hotline and the call up centre is to involve community members and survivors in the fight against sexual violence, FGM and other social ills meted on women and children by ensuring early reporting of all the cases within the recommended 72-hour window period.
751. County governments have also prioritized cases of medical attention to survivors of SGBV by providing facilities with dedicated staff and units where SGBV survivors are treated as an emergency response. Capacity building on standard operating procedures for Gender-based Violence Recovery Centre committees in the counties has been undertaken to strengthen efforts of both county governments and health systems to respond to SGBV.
752. The Government also facilitated development of Model Legislative Framework on Sexual and Gender Based Violence for county governments and key partners. As a result, Meru was the first County to launch a Sexual and Gender Based Violence Policy in April, 2019.
753. A research titled Gender Based Violence in Kenya: the Cost of providing services: A Projection on selected Service Delivery Points, 2016, undertaken on the estimated costs of providing GBV services in Kenya from a health systems perspective indicated that the mean cost of providing a minimum package of GBV services as defined in the one stop model in a first referral public hospital (county referral hospital) is KSh. 44,717 (USD 502) per survivor while the medium cost is KSh. 43,769 (USD 492). Establishing GBV centres in forty-seven (47) counties would cost a total aggregate of KSh.10,798,520,644 (USD 121,331,692.6). Findings from the study are expected to guide national and county governments in planning, budgeting for, and investing in prevention and treatment programmes towards the elimination of GBV in Kenya.
754. Other initiatives include the creation of a national information system to capture and feed SGBV data in various sectors such as: Health, National Police Service, Office of Director of Public Prosecution (ODPP) and the Judiciary.

755. The Government in collaboration with United Nations (Kenya office) is implementing a four year programme on GBV which will enhance prevention, strengthen protection of GBV survivors, ensure expeditious prosecution of GBV cases; establish and implement strong sustainable programmes that are well resourced; and implemented through partnership with non-state actors, development partners, county and national governments through strong coordination mechanisms at national and county level.
756. The National Gender Based Violence (GBV) Technical Working Group has been cascaded in twenty-five (25) counties however public sensitization, programme implementation, monitoring and evaluation have been constrained due to inadequate resources. It is recommended that adequate resources be availed to support programmes on prevention and suppression of sexual violence against women and girls.

3.3.15 The Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons (IDPs)

757. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by Heads of State and Government of the Great Lakes Region. It entered into force in June, 2008.
758. The Great Lakes Protocol on Internally Displaced Persons (IDPs) is a legal framework for the protection of IDPs through incorporation of the Guiding Principles into domestic law, providing measures aimed at protecting the physical safety and material needs of the displaced, and creating obligations to prevent and address the root causes of displacement. One of its main objectives is to create lasting conditions for security, stability, sustainable development and reconstruction in the region as a whole. The Protocol reinforces Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict to ensure freedom of movement and facilitate family reunification.
759. Kenya implements the Great Lakes Protocol on IDPs through the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012, that recognizes the rights of internally displaced persons. The Act establishes a National Consultative Co-ordination Committee on Internally Displaced Persons to handle funds allocated for the resettlement and reintegration of IDPs, and also provides for preventative and protective measures as well. The Act follows the Great Lakes Protocol on internally displaced persons as a guiding principle.

3.3.16 The African Youth Charter

760. The African Youth Charter was adopted during the 7th Ordinary Session of the Assembly of African Union Heads of State and Government held on 2nd July, 2006, in Banjul, Gambia. It entered into force on 8th August, 2009. Kenya signed the Charter on 28th June, 2008, and ratified it on 23rd January, 2014.
761. The objective of the African Youth Charter is to ensure constructive involvement of youth in the development agenda of Africa, their effective participation in the debates and decision making processes about the development of the continent and empowerment of youth in key strategic areas that would not only provide the youth with necessary tools for livelihood but also stem the flow of Africa's most important resource to other parts of the world. It also outlines the responsibilities of youth to their own development, countries and continent.
762. The African Youth Charter, provides Governments, youth, civil society and international partners with a continental framework which underlines the rights, duties and freedoms of youth with the aim of paving the way for the development of national programmes and strategic plans for their empowerment.

763. The realization of Kenya's Vision 2030, the Africa Agenda 2063 and the Sustainable Development Goals (SDGs) critically depend on the degree of inclusion of the youth in the development agenda.
764. Kenya is in the process of reviewing the National Youth Council Act, No.10 of 2009, to align it to the Constitution and to incorporate emerging issues. This will enhance the voice of the youth and increase their participation in decision making, youth empowerment, mainstreaming and development. In addition, the Government has developed the Kenya National Youth Policy, 2019, to align it to the Constitution, incorporate emerging issues and provide a coordinated framework for the stakeholders involved in Youth work.
765. The Government has also established Affirmative Action Funds such as the Youth Enterprise Development Fund (YEDF); Women Enterprise Fund (WEF); National Government Affirmative Action Fund (NGAAF); and UWEZO Fund which continue to disburse funds to the youth. The Funds have given credit to youth groups, women and Persons with Disabilities in all the 47 counties for economic empowerment, development programmes and projects to enhance an entrepreneurial culture among them and to create wealth and employment among them.
766. Over the last 12 years, Youth Enterprise and Development Fund (YEDF) has disbursed KSh. 12.8 billion to 1,159,393³⁸ youth and the repayment rate was at 88 percent as at the end of 2018–2019, financial year.
767. Through Access to Government Procurement Opportunities (AGPO), youth, women and Persons with Disabilities have been trained on entrepreneurial skills and generated incomes from Government tenders. Government has carried out training and awareness creation on AGPO to over 74,000³⁹ youths in Kakamega, Garissa, Kirinyaga, Mombasa and other parts of the country.
768. The Government is implementing the Kenya Youth Employment and Opportunities Project (KYEOP) which aims to increase youth employability during the period 2016–2021. Under Component 1 of the project, formal training providers and master craftsmen have been identified and contracted to carry out the training and apprenticeship that targets 70,000⁴⁰ youth in the country and 35,000 youths with on-the-job-skills who lack documentation on their competency who will be assessed and given certificates.
769. Cycle 3 of KYEOP commenced in January, 2019, there are seventeen (17) Counties participating namely Nairobi, Kiambu, Nyandarua, Kakamega, Kilifi, Kisumu, Kitui, Kwale, Mandera, Migori, Mombasa, Nakuru, Wajir, Machakos, Kisii, Bungoma and Turkana. In Cycle 3, 104,858⁴¹ applications were received successfully through the interim Management Information System (MIS) and after screening, 71,280⁴² were eligible and were presented for randomization. During the randomization exercise in the seventeen (17) implementing counties that took place in February, 2019, 21,584⁴³ beneficiaries were selected, that is 16,180⁴⁴ for internship and training and 5,404⁴⁵ for Component 2. This was inclusive of 20 to 40 percent attrition per county.
770. The Cycle 4 of the Project started on 4th June, 2019, targeting 30,000 youth for training, internship and provision of business grants. A total of 20,000 youth aged 18–29 years were selected through randomisation for training and internship and the remaining 10,000 up to 35 years of age were identified to be provided with business grants in order to engage in

³⁸ Ministry of Public Service, Youth and Gender

³⁹ Ministry of Public Service, Youth and Gender

⁴⁰ Ministry of Public Service, Youth and Gender

⁴¹ *Ibid*

⁴² *Ibid*

⁴³ *Ibid*

⁴⁴ *Ibid*

⁴⁵ *Ibid*

- entrepreneurship. The initial Life Skills Training (LST) for the 20,000 youth selected for training and internship took place between 7th and 28th October, 2019, in the seventeen (17) implementing Counties.
771. In response to the challenge of youth unemployment in Kenya, the Government and the World Bank have launched the *MbeleNaBiz* Business Plan Competition, which ran between June and September, 2019, and will award 750 successful applications from all the forty-seven (47) counties with grants of either KSh. 900,000 or KSh. 3,600,000. The Business Plan Competition is in its final stages involving the scoring of the scripts. The tentative date of conferring awards is in June, 2020.
772. Once fully operationalized by the end date in 2021, KYEOP will enhance knowledge and skills (technical capacity) to the youth to engage in productive sectors of the economy such as agriculture, ICT industry among others and the provision of employment thus resulting in increased incomes. Further, the project will enhance civil awareness and empowerment among Vulnerable and Marginalized Groups (VMGs) key among them the youth thus enabling them to know their rights and entitlements.
773. To date, 760 youth have been equipped with skills and seed capital to carry out business. A total of 5,360 youth were engaged in the ‘Planting Our Future’ program in the 47 counties whose objective is to plant medicinal, commercial and environmental-friendly trees. A total of 10,000 youth have been trained on principles of governance to enhance the fight against corruption. In 2019, fruit and medicinal trees to bolster food security were planted in ten regions nationally as follows: 8,000 at the Coast Region; 61,083 seedlings in the North Rift; 52,769 in the South Rift; 24,500 in the Lower Eastern; 4,387 seedlings in Upper Eastern; 4,000 in Nyanza; 68,822 in Central Region; and 1,707 in North Eastern region.
774. Under Component 3 of KYEOP, the Labour Market Information System and Database for unemployed youth is being developed and strategies for implementation of programmes have been put in place in the Ministry of Public Service, Youth and Gender in collaboration with the Ministry of Labour and Social Protection.
775. The National Youth Service (NYS) recruited 11,724 servicemen and women who included 8,620 servicemen and 3,104 service women. Among them were 31 persons living with disabilities; 19 servicemen and 12 servicewomen recruits. Over the year 2019, a total of 5,503 have joined NYS Vocational Training Institutions and 8,321 have been sponsored to study in other Technical and Vocational Education and Training Institutions (TVETs) across the country.
776. Under the Big Four Agenda, on enhancing manufacturing, 300 acres of cotton were planted in Lambwe (Homa Bay County), under food security and nutrition pillar, 1,743,148 tree seedlings were planted in various NYS units in Lamu. Further, through the Universal Health Coverage (UHC) pillar 22,541⁴⁶ NYS service men and women were registered under the National Hospital Insurance Fund (NHIF). In addition, 2,000 servicemen and women were registered as Volunteer Health Community (VHCs) workers. Under Affordable Housing, NYS service men and women have been producing inter-locking bricks for use in construction of houses in NYS camps. NYS releases more than 3,000 graduates equipped with skills and knowledge to job market annually.
777. The Kenya School of Government (KSG) has continued to provide training to the youth on leadership, especially at the University level in the areas of decision making, governance and leadership in accordance with Article 10 of the Charter.

⁴⁶ National Youth Service (NYS).

778. A leading hypermarket in the world, Carrefour, has recruited 600⁴⁷ NYS graduates and Tribus, a branch of Centum has recruited and trained 167⁴⁸ servicemen/women to form the operational Tribus Private Security as staff.
779. The NYS has established the second biggest potato seedlings project in Africa after Rwanda where one plant is producing an average of 70⁴⁹ tubers. First harvest has been done and 15,000⁵⁰ tubers have been planted in year 2019.
780. The Government continues to profile Youth Serving Organizations to coordinate and enhance youth empowerment programmes in the country. The establishment of the youth enterprise economy and architecture is under implementation by the National Youth Service (NYS) under the Youth Empowerment Program—Youth SACCOs Project. Over KSh. 1.5 billion has been saved and is being accessed by youth cohorts in various counties.
781. The National Youth Service Act, 2018, has been enacted to transform the NYS into a Semi-Autonomous Government Agency (SAGA). The NYS Regulations 2018, were developed to operationalize the Act.
782. Partnerships geared towards the refurbishment of the existing Youth Empowerment Centres in Kenya have been established with UN-Habitat among other Organizations to provide indoor and outdoor games, computers, internet connectivity and furniture.
783. Challenges experienced include: inadequate funds, infrastructure and technical human resources to roll out the programs in all the counties and constituencies to reach out to more youth who constitute 35 percent of Kenya’s population.

3.3.17 Conventions on the Status of Refugees

784. Kenya acceded to the 1951 United Nations Convention Relating to the Status of Refugees on 16th May, 1966, and its 1967, Protocol on 13th November, 1981. The Convention was adopted on 28th July, 1951, and entered into force on 22nd April, 1954.
785. Kenya is a State party to the 1969, OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Kenya signed the OAU Convention on 10th September, 1969, and ratified it on 23rd June, 1992. The OAU Convention was registered with the UN Secretariat on 31st March, 1976.
786. States Parties to the UN Refugee Convention and its Protocol relating to the status of refugees are required to cooperate with the UNHCR in the exercise of its functions. States Parties are also obliged to inform the UN Secretary General about the laws and regulations adopted to ensure application of the Convention.
787. Kenya is one of the 10 developing countries hosting 86 percent of the world’s 22 million forced migrants, refugees and asylum-seekers. The principle of *non-refoulement* takes no account of the potential financial, social, political and environmental impact on the receiving country and the Convention places no requirement on burden sharing between States.
788. Kenya has domesticated the Conventions through the Refugee Act, No. 13 of 2006, which makes provision for the recognition, protection and management of refugees. The Act establishes the Department of Refugee Affairs (DRA), headed by a Commissioner for Refugee Affairs. The Refugee Affairs Secretariat is responsible for all administrative matters concerning refugees in Kenya and coordinates activities and programs relating to refugees.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

789. The Government has reviewed the Refugee Act, No.13 of 2006, which was republished by the National Assembly, underwent the requisite public participation process and is currently with the relevant Parliamentary Committee for further deliberations.
790. A Refugee Affairs Committee is established under the Act, comprised of representatives of relevant Government MDAs, assists the Commissioner for Refugees in the recognition of persons as refugees under the Act. A Refugee Appeals Board established under the Act hears any appeals of persons aggrieved by the refugee determination status made by the Commissioner.
791. The large number of refugees in Kenya has caused challenges to the country such as heavy financial burden, health and security threats. Kenya is also experiencing overwhelming difficulty in continuing to host more refugees and asylum-seekers.
792. In 2015, Somalia, Kenya and the UNHCR concluded and signed a Tripartite Agreement for the Repatriation of Somali refugees back to Somalia. In order to facilitate the repatriation of the refugees, the Government announced the closure of Dadaab Refugee Camp. The Government established a National Multi-Agency Refugee Repatriation Team (NMARRT) to monitor and oversee the process of repatriation. 80,700 refugees have been repatriated voluntarily. It is noteworthy that the process of repatriation continues to be conducted in a voluntary, humane, safe and dignified manner in accordance with international law. However, the United Nations and the international community at large need to upscale their support to refugee host countries.

3.3.18 The Rome Statute of the International Criminal Court (ICC)

793. The Rome Statute was adopted on 17th July, 1998, in Rome, Italy and entered into force on 1st July, 2002. Kenya signed the Rome Statute on 11th August, 1999, and ratified it on 15th March, 2005. The Rome Statute establishes the ICC which has jurisdiction to try war crimes, genocide, crimes against humanity and the crime of aggression. Kenya enacted the International Crimes Act in 2008 which domesticated the Statute.
794. States Parties to the Rome Statute are required to punish perpetrators of international crimes. The Government has created an International and Organized Crimes Division within the High Court to deal with International Crimes.
795. The Government is providing the necessary cooperation and assistance to the Court in line with the obligations of Part IX of the Rome Statute. Kenya has been assisting and co-operating with the ICC whenever called upon to do so. The Government facilitated the ICC to establish a Field Office in Kenya to enhance cooperation and assistance regarding the situation in Kenya.
796. There are Kenyans who have been nominated and elected to serve in subsidiary organs of the Assembly of Parties (ASP) to the Rome Statute. Presentation of these candidatures by the Government is consistent with the national position that Kenya values its membership of the ICC and is ready to chart a better relationship with the Court. Ms. Margaret Shava, a Kenyan was elected to the Committee on Budget and Finance during the 16th ASP held in 2017. Ms. Lucy Kambuni, a Kenyan was elected to the Advisory Committee on Nominations during the 17th ASP held in 2018. Committee members serve for three (3) years.

3.3.19 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

797. The Convention was adopted by the UN General Assembly on 26th November, 1968, and entered into force on 11th November, 1970. Kenya acceded to the Convention on 1st May, 1972.

798. The Convention provides that no signatory State may apply statutory limitations to war crimes and crimes against humanity as they are defined in the Charter of the Nuremberg International Military Tribunal of 8th August 1945.

3.3.20 Great Lakes Protocol on Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination

799. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by Heads of State and Government of the Great Lakes Region. It entered into force in June, 2008.

800. The Protocol requires state parties to establish National Committees on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination. Kenya's National Committee was launched in March, 2002, under the Ministry of Foreign Affairs.

801. The National Committee derives its mandate from Article 38 of the Protocol and is required to undertake nationwide public education, sensitization and awareness creation campaigns, aimed at preventing the crime of genocide, war crimes, crimes against humanity and all forms of discrimination; and to recommend measures to fight impunity as well as advise and formulate policies to guarantee the rights of victims of these crimes.

802. Membership to the National Committee is drawn from relevant MDAs with the Ministry of Foreign Affairs serving as Chair and Secretariat. The National Committee has the support of inter-governmental and non-governmental bodies such as the Office of the Special Representative of the Secretary General of the United Nations on the Prevention of Genocide and the Kenya Red Cross Society.

803. The Constitution of Kenya prohibits all forms of discrimination. There is also an International and Organized Crimes Division within the High Court to deal with International Crimes. The International Crimes Act, 2008, criminalizes genocide, war crimes, crimes against humanity and all forms of discrimination which are gross violations of human rights, and grave breaches of international humanitarian law.

804. The Kenya National Commission on Human Rights (KNCHR), continues to promote and protect human rights in the country and acts as the Government watchdog on human rights observance and compliance. The National Gender and Equality Commission (NGEC) continues to promote gender equality and freedom from all forms of discrimination in the country.

3.3.21 International Convention for the Protection of all Persons from Enforced Disappearance

805. The Convention was adopted on 20th December, 2006, and entered into force on 23rd December, 2010. Kenya signed the Convention on 6th February, 2007. However, Kenya is yet to ratify the Convention which has 59 state parties and forty-nine (49) state signatories to date.

806. The Convention addresses the concerns of missing and disappeared persons. It defines enforced disappearance as a human rights violation and prohibits it. It further defines "enforced disappearance" as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state, or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. In order to prohibit enforced disappearance, the Convention has four main aspects: combating impunity, prevention, rights of victims and enforcement.

807. The Convention places an obligation on states to investigate acts of enforced disappearance and to bring those responsible to justice. In order to reduce the likelihood that people will go missing, it contains other obligations of a preventive measure: people deprived of their liberty

have a right to be kept in an official place, to be registered and to communicate with their family and counsel.

808. The Convention also recognizes the right of families to know the truth regarding the circumstances and fate of the disappeared person, as well as the right of victims to reparation for the wrong that was done to them. The Convention establishes an international committee of ten independent experts to monitor the implementation of the rights and obligations agreed upon by states.
809. In a landmark ruling in Nairobi High Court Petition Constitutional and Human Rights Division CPT No. 311 of 2016, *The Law Society of Kenya, Brian Nzenze and Erickson Alunda Mambo Versus the Attorney General, the Director of Public Prosecutions and the Inspector General of the National Police Service* it was decided that if Police Officers were to arrest persons for whatever reasons only for them to subsequently disappear and the Police to deny ever arresting such persons, they are therefore to be held personally liable in a criminal process for their offences.

3.3.22 UN Standard Minimum Rules for the Treatment of Prisoners—Mandela Rules

810. The Standard Minimum Rules (SMR) were first adopted on 30th August, 1955. The rules were revised through a consultative and participatory process involving state and non-state actors and adopted by the UN General Assembly in New York in December, 2015, and named the Nelson Mandela Rules in honour of the legacy of late President Nelson Mandela.
811. The Mandela Rules are the universally acknowledged minimum standards for the management of prison facilities and the treatment of prisoners based on international human rights standards. They provide that the state should ensure that the rights of prisoners are upheld, namely; the right to life, liberty, security, protection against torture and any form of mistreatment, right to make complaints, right to food, right to adequate health care, among others. It further provides that rights for specific categories of prisoners such as female prisoners, prisoners awaiting trial, juveniles, civil prisoners, prisoners facing death penalty, aged, disabled, and prisoners with HIV/AIDS are upheld.
812. The Rules enable the Government to evaluate policies, laws and practices relating to prison management and treatment to identify areas of improvement. It further provides guidance to the Government to take policy, legislative and administrative measures to give effect to the human rights and fundamental freedoms recognised and guaranteed by the Rules. The Government through the State Department for Correctional Services (the Kenya Prisons Service (KPS) and the Probation and Aftercare Services) is tasked with the management of correctional services.
813. State Department for Correctional Services continues to undertake institutional reforms. Since the year 2000, an open door policy of the Kenya Prisons Service (KPS) has been in place. KPS embraced the global paradigm shift from punitive to rehabilitative approach in the management and treatment of prisoners. This gave the public an opportunity to see what happens in prisons. Prisoners are visited on regular basis by their family, friends and lawyers. The open door policy has also enabled KPS to address many challenges including prison overcrowding through decongestion, human rights, access to justice and improvement of the living conditions of Prison Staff due to support from various stakeholders. KPS in liaison with stakeholders also provides legal aid clinics and seminars to those still facing trial and appellants.
814. Expansion of accommodation facilities of inmates and efforts to alleviate congestion in affected prisons are among obligations imposed on KPS by the Rules. The KPS has embraced human rights standards in its reform program. Human Rights issues are integrated in the training curriculum at the Prisons Staff Training College (PSTC) and has led to the subsequent human rights training of prison officers.

815. In 2009, a Directorate of Legal and Human Rights was established in the KPS with the mandate to oversee respect and observance of human rights, including provision of legal aid to prison inmates who lack the ability to engage legal representation. A Legal and Human Rights Office has also been established in all the major prisons in the country and hired additional Legal Personnel. A Departmental Human Rights Committee has been set up at the Prisons Headquarters to monitor human rights compliance.
816. The KPS collaborates with the Kenya National Commission of Human Rights (KNCHR) and other human rights organizations to monitor the implementation of human rights standards in prisons. The Probation and Aftercare Services have also mainstreamed a human rights approach in their work and established a unit and forums for sharing best practices in offender management.
817. The enactment of the Persons Deprived of Liberty Act, 2014, and Transfer of Prisoners Act, No. 22 of 2015, enabled Kenya to enter into bilateral arrangements for transfer of prisoners to serve sentences in their home countries.
818. The review of The Prisons Act, Cap. 90 and The Borstal Institutions Act, Cap. 92 to align them with the Constitution of Kenya is ongoing. The State Department for Correctional Services is in the process of developing the Kenya National Correctional Policy, Aftercare Policy and Aftercare Bill to address post penal needs of prisoners and to facilitate reintegration and resettlement of ex-offenders.
819. Progress in staff development and welfare in the KPS has been made in the following areas: Scheme of Service for Uniformed Personnel in the Service was approved by the Public Service Commission in October, 2014, and it is currently being implemented; recruitment and capacity building to provide for Officer Cadets, Regulars, and officers with specialized training and skills; Salary and other remuneration are continually reviewed for improvement alongside other civil servants and to date four hundred and twenty (420) staff houses have been completed countrywide.
820. The KPS plays an important role in National Security. It also has an obligation to offer support to post-conflict States with the main purpose of assisting them restructure and observe universal standards for treatment of offenders. This is done through mentoring, advising and planning. Many KPS and Probation and Aftercare Services officers have served in UN Peace Keeping and Support Missions around the world. These Missions include Liberia, Sudan, South Sudan, Somalia and DR Congo.
821. KPS is a member of the African Correctional Services Association (ACSA) and International Corrections and Prisons Association (ICPA). These forums offer opportunity for Kenya prisons officers to share experiences in best practice with other countries. KPS also participates in the EAC Sectoral Council on Peace and Security, and participates in the Northern Corridor Integration Projects (NCIP) under Peace and Security Cluster.

3.3.23 United Nations Minimum Rules for the Administration of Juvenile Justice (1985) (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990) and the United Nations Guidelines for the Prevention of Juvenile Delinquency

822. The Beijing Rules were adopted by the UN General Assembly on 29th November, 1985, while the Riyadh Guidelines and the other Rules were adopted by the UN General Assembly on 14th December, 1990.
823. The Rules and Guidelines constitute the universally acknowledged minimum standards for the administration of juvenile justice, protection of juveniles in prison or other correctional facilities and prevention of juvenile delinquency based on international human rights standards. The standards are intended to provide guidance to prison officials and administrators on what is the universally accepted minimum for the protection of juveniles deprived of their liberty in

all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

824. The standards provide that the juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Further, they provide that juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these standards. The standards also provide that deprivation of the liberty of a juvenile should be a last resort and for the minimum necessary period and should be limited to exceptional cases.
825. These standards should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.
826. The KPS Borstal Institutions contain and train young offenders. The young offenders are held separately from adults. The Government amended the Borstal Institutions Act, Cap. 92 to uphold children's rights under the Children Act, 2001, and provide rehabilitation facilities for them. The Kamae Girls Borstal Institution at Kamiti Prison for rehabilitation of young female offenders (15–17 years) is complete and operational.
827. The Department of Children Services through the Children Act, established rehabilitation schools to provide rehabilitation services for children aged between 10 and 14 years. There are ten rehabilitation schools, eight for boys and two for girls. The maximum duration is three years. Additionally, there are fourteen children remand homes for those children whose cases are before the courts of law.
828. The Department has introduced formal and informal education for young offenders. However, inadequate facilities to hold young offenders and delays in expansion of the infrastructure hamper implementation. There is need for increased funding to expand facilities and further training of officers on how to handle and treat young offenders. A Borstal Institutions Bill, 2019, was drafted by the Office of the Attorney General and the Department of Justice to review the Borstal Institutions Act, Cap. 92.

3.3.24 United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)

829. The Tokyo Rules were adopted on 14th December, 1990. The Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
830. The Tokyo Rules set out the internationally accepted standards on non-custodial sentencing. The Rules offer guidelines to member states on the standards to be adopted on non-custodial sentencing.
831. Kenya has instituted policy, legislative and administrative measures to implement the Rules. Section 34 of the Judicature Act, No. 1 of 2011, establishes the National Council for the Administration of Justice to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. The Community Service Order Act, No. 10 of 1998, promotes non-custodial sentences for petty offenders. Kenya has a Bail and Bond Policy Guidelines, 2015, and the Sentencing Policy Guidelines, 2016.
832. Some of the challenges persist as majority of the judicial officers continue to grant custodial sentences to petty offenders instead of utilizing the non-custodial sentences. This has in turn

led to congestion of prisons. There is need for the judiciary to enhance utilization of non-custodial sentences in the administration of justice.

3.3.25 Body of Principles for the Protection of Persons under any Form of Detention or Imprisonment

833. The Principles were adopted by the UN General Assembly on 9th December, 1988. The Principles set out the internationally accepted standards for the protection of persons in detention or imprisonment. They offer guidance to states for the adoption of appropriate policies and practices in places of detention and prisons based on international human rights standards.
834. The obligation of the Government includes undertaking the absolute prohibition against torture or cruel, inhuman or degrading treatment or punishment. Article 25 of the constitution provides for freedom from torture and cruel, inhuman or degrading treatment or punishment. Kenya has enacted the Persons Deprived of Liberty Act, 2014, which upholds the rights of persons under imprisonment and the Prevention of Torture Act, No. 11 of 2017, that prohibits and establishes offences against any form of torture, cruel, inhuman or degrading treatment or punishment by any person in places of detention or imprisonment.

3.3.26 The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption

835. The Convention came into force on 1st of May, 1993. Kenya ratified the Convention on 1st June, 2007. State parties are to ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.
836. The Children's Act, 2001, has been enacted and the implementation of the Children (Adoption) Regulations 2005, is ongoing. Further, Guidelines for the Alternative Family Care of Children in Kenya 2014, are being disseminated. Piloting of the said Guidelines is ongoing in Kisumu County and scale up is being done in Nyamira, Kiambu and Kilifi counties. Further, the Government formed the National Adoption Committee in 2006. The Fourth Adoption Committee was Gazetted in March, 2016.
837. Celebrations for the World Adoption Month are held in November every year. The 2019, Celebrations were held at county level .
838. The Government has initiated the process of de-institutionalization of children in order to reintegrate them back to the family setup and community at large. In 2018, a Technical Working Group was put in place to oversee the process of de-institutionalization.
839. On 12th September, 2019, the Government imposed a total ban on Intercountry and Foreign Resident Adoptions.
840. Challenges associated with adoption of children in Kenya include stigma and high costs of the process. The Government is undertaking awareness campaigns and engagements of stakeholders.

3.3.27 Madrid International Plan of Ageing, 2002

841. The Madrid Plan of Action on Ageing was adopted during the Second World Assembly on Ageing in April, 2002. UN Member States are required to provide enabling and supportive environments for older persons with a view to ensuring their well-being into old age.
842. The Madrid Plan follows up on the commitments made by UN Member States during the First World Assembly on Ageing held in Vienna, Austria in 1982. The Plan requires states to take specific steps to ensure realization of the UN principles stipulating the rights of older persons to independence, participation, care, self-fulfilment and dignity.

843. Older persons represent a large and the fastest growing segment of the growing population. By 2050⁵¹, there will be older persons than children under the age of fifteen (15) years and it is projected that the number of older persons will be more than double from 900 million⁵² currently to nearly 2 billion.⁵³ A demographic transformation of such magnitude has far reaching implications for society at all levels. The group of persons aged 80 and over, which currently accounts for 14 percent will grow to 21 percent in 2050.⁵⁴
844. The National Policy on Older Persons and Ageing was approved by the Cabinet on 11th October, 2018. It provides for an environment that recognizes, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity. The Kenya National Social Protection Policy aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development.
845. The National Policy on Older Persons and Ageing is being implemented through the NSSF Act and NHIF Act which provide for social protection and assistance, and welfare of old people and other vulnerable members of society. The finalization of the National Social Protection Bill to provide effective institutional and legal framework for social protection needs to be fast tracked. More resources should be made available to ensure that more deserving persons benefit from the social assistance programmes.
846. The Government runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the Ministry of Labour and Social Protection.
847. Some of the challenges in realizing the rights of older persons include the fact that service providers are far from beneficiaries who have to rely on third parties to get their money. In January, 2018, the program was made universal for all older persons who are seventy (70) years and above.
848. The Constitution of Kenya, 2010, recognizes the family as the natural and fundamental unit of society and the necessary basis of social order and should therefore enjoy the recognition and protection of the state. The National Family Promotion and Protection Policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons.
849. The Draft Older Persons Bill, 2018, seeks to give effect to Article 57 of the Constitution of Kenya that guarantees and recognizes the rights of older persons by establishing a framework aimed at empowering and protecting the rights of older members of society.
850. The country also observes the International Day of Older Persons on 1st of October every year. The celebrations give an opportunity to highlight the important contributions that older people make to society, raise awareness and take stock on measures taken to realize the rights of older persons in the country. On 1st October, 2019, the Day of Older Persons was celebrated in Embakasi, Nairobi County. This is an opportunity to raise awareness on the issues and challenges of aging in today's world.
851. Guidelines on establishment and management of institutions of older persons were launched in June, 2018, and are being disseminated to stakeholders. This will provide a bench mark of good practice upon which institutions for older persons will be established and managed to ensure that the constitutional provision on reasonable care is realized. Construction of a model centre at Mwea Community Capacity Support Centre in Kirinyaga County is ongoing and is expected to provide long term care for the vulnerable older persons.

⁵¹ Political Declaration and Madrid Internal Plan of Action on Ageing, 2002

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

852. World Elder Abuse Awareness Day is observed annually on the 15th of June, as a UN designated day and the 2019 celebrations of the day were observed in Thogoto Kikuyu, Kiambu County. The objectives of the day are namely to: provide an opportunity for communities in Kenya to promote a better understanding of abuse and neglect of older persons; raise awareness of the cultural, social, economic and demographic processes affecting older persons and resorting to elder abuse and neglect; create awareness on elder abuse in Kenya and the world; initiate process to mobilize resources to address elder abuse and to curb the vice in Kenya.
853. Kenya is implementing the New Urban Agenda under UN Habitat to facilitate easy access of old persons to cities and facilitate their urban operations.

3.4 INTERNATIONAL TRADE AND INVESTMENT

3.4.1 Protocol Amending the Marrakech Agreement Establishing the World Trade Organization

854. The Protocol was adopted in Geneva, Switzerland on 27th November, 2014. Kenya signed it on 3rd December, 2015, and acceded to it on 10th December, 2015. The Protocol incorporates the Trade Facilitation Agreement into the WTO Agreements which aims at simplifying, harmonizing, and automation of custom procedures with the view to expediting the movement, release and clearance of goods including goods in transit and thereby reducing the cost of doing business.

3.4.2 General Agreement on Tariffs and Trade 1994 (GATT 1994)

855. GATT 1994 was adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (excluding the Protocol of Provisional Application) in October, 1947. Kenya became a member on 1st January, 1995 upon accession to the WTO.

856. The GATT is one of the Multilateral Agreements annexed to the WTO Agreement. It is concerned with liberalization of trade in goods through reduction of tariffs and other trade barriers and discrimination. It outlines the general rules regarding General Agreement on Tariffs and Trade; Balance-of-Payments; Waivers of Obligations; and Most-Favoured-Nation Treatment (MFN).

857. Kenya submitted its Goods Schedule during accession to the WTO and the same was reviewed when the EAC started implementing the Customs Union to reflect and implement the Common External Tariff.

3.4.3 General Agreement on Trade and Services (GATS)

858. The GATS is one of the Multilateral Agreements annexed to the WTO Agreement which seeks to facilitate liberalization of trade in services. Kenya became a member on 1st January, 1995, upon accession to the WTO.

859. The creation of the GATS was one of the landmark achievements of the Uruguay Round, whose results entered into force in January, 1995. The GATS was inspired by essentially the same objectives as its counterpart in merchandise trade, the General Agreement on Tariffs and Trade (GATT): creating a credible and reliable system of international trade rules; ensuring fair and equitable treatment of all participants (principle of non-discrimination); stimulating economic activity through guaranteed policy bindings; and promoting trade and development through progressive liberalization of services.

860. Obligations contained in the GATS are categorized into two (2) broad groups: General obligations, which apply directly and automatically to all Members and services sectors, as well as commitments concerning market access and national treatment in specifically designated sectors. Such commitments are laid down in individual country schedules whose scope may vary widely between members. Kenya has submitted its Goods Schedule to the WTO at the time of accession which is in line with the EAC Common Market principles and objectives.

861. Members States who are signatory to GATS are obligated to annually inform the Council for Trade in Services of the introduction of any new, or any changes to existing laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under this Agreement. Kenya is currently reviewing the Services Schedules under the EAC Common Market framework.

3.4.4 The WTO Trade Facilitation Agreement (TFA)

862. The WTO Trade Facilitation Agreement was adopted in Bali in 2013, and entered into force on 22nd February, 2017. Kenya ratified the TFA on 10th December, 2015. The Agreement aims at improving customs procedures and transparency with a view to accelerating cross-border movement of goods. It creates a common set of standards for member states and is expected to reduce bureaucracy, ease and harmonize customs formalities. The Agreement is significant especially for Small and Medium Sized Enterprises (SMEs) including those in Kenya that are looking at connecting to and moving up value chains and participating in the global economy. Kenya has undertaken the National Needs Assessment on Trade Facilitation.
863. The TFA categorizes trade facilitation measures into three (3) areas namely Category A, B & C. Category A outlines measures that a member state can implement following the entry into force of the Agreement or in the case of a Least-Developed Country (LDC) Member within one year. Category B outlines measures that a member state will implement after a transitional period. Category C outlines the measures that a member state will implement on a date after a transitional period following the entry into force of the Agreement and where assistance or support for capacity building is required.
864. All members are required to notify to the WTO the categorization of their measures and more importantly the developing countries and LDC members in order to benefit from Special and Differential Treatment (SDT).
865. In April, 2015, Kenya notified its Category A measures to the WTO. Notification for Category B & C has been undertaken. The notification paves way for Kenya to start benefitting from the Trade Facilitation Agreement Facility (TFA).
866. Kenya is implementing the TFA through laws such as the Standards Act, Cap. 496; Kenya Plant Health Inspectorate Service Act, No. 54 of 2012; East Africa Customs Management Act, 2004, to ensure compliance with international standards on quality, technical regulations, safety in goods and plant health.
867. Kenya has installed scanners and smart gates at the port of Mombasa and Malaba to allow for faster release of goods.
868. Kenya has established a National Trade Facilitation Committee (Gazette Notice No. 7319 of 16th September, 2016) and National Trade Negotiation Council (Gazette Notice No. 887 of 15th September, 2017) whose mandate is to implement the Trade Facilitation Agreement and trade negotiations, respectively. Kenya has operationalized the Electronic Single Window System to facilitate international trade by reducing delays and lowering costs associated with clearing of goods at the Kenyan border. Kenya has entered into and is implementing various trade facilitation Memorandums of Understanding (MoUs) with various member states of the WTO.
869. Kenya has established the Kenya Trade Portal to link investors to trade opportunities and facilitate ease of doing business. Inadequate awareness on the existence of the Kenya Trade Portal hampers ease of conducting business and as such, awareness of the Portal should be enhanced. To further facilitate ease of doing business, Kenya has presence on the www.TradeBarriers.org Portal which allows Government to address Non-Tariff Barriers (NTB) queries reported by traders.
870. Establishment of One-Stop Border Posts (OSBPs) to harmonize transit clearance and inspection of goods has also taken place at: the Kenya/Tanzania (Holili/Taveta and Namanga; Isebania/Sirare; Lunga Lunga border posts) and Kenya/Uganda (Busia border posts) and Kenya/Ethiopia (Moyale border post is awaiting commissioning). In order to address the challenge of mistrust among member states which hampers cross border trade, representatives of each member state have been stationed at OSBPs to facilitate the movement of goods and services.

871. The Directorate of Veterinary Services is recognized as a standard implementing and border agency in implementing the WTO Bali Trade Facilitation Agreement and is a member of the National Trade Facilitation/Negotiation Committee. It is also the implementing agency and technical reference point of the sanitary aspects (animal health and zoonosis) of the Sanitary and Phyto-Sanitary (SPS) Agreement of the WTO in Kenya and is also a member of the National SPS Committee. The Directorate processes stakeholders' import/export documents through the KenTrade Single Window System and has published the general and specific requirements for trade in live animals, products and by-products in the Kenya Trade Portal.

3.4.5 World Trade Organization Technical Barriers to Trade (WTO/ TBT) Agreement

872. The WTO Technical Barriers to Trade (WTO/ TBT) Agreement was renegotiated during the Uruguay Round of the General Agreement on Tariffs and Trade with its present form entering into force with the establishment of the WTO in 1995, binding all WTO Members. The Agreement aims to ensure technical regulations, standards and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade.

873. The Kenya Bureau of Standards (KEBS) is the designated WTO/TBT National Enquiry Point (NEP) which is an obligation under the WTO/TBT Agreement. The NEP seeks to address trade barriers for Kenyan producers to enhance access to international markets.

874. The WTO/TBT Agreement ensures that Kenyan stakeholders in the public and private sectors have continued access to relevant international market information relating to standards and technical regulations and requirements. The TBT Agreement ensures that member states implement measures in the form of technical regulations, standards and conformity assessment procedures based on international standards so as to facilitate rather than restrict trade.

875. The Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT" in July, 2014. Through the system, KEBS is able to inform WTO Member States and stakeholders of new technical regulations and standards.

876. The KEBS TBT National Enquiry Point has been disseminating WTO TBT notifications through a bi-monthly publication. The system has improved the efficiency of KEBS National Enquiry Point significantly by reducing the time between receipts of notifications from WTO from 15 days to real time.

877. Kenya has adopted a total of 1428 standards: 507 are indigenous designated as East African Standards; and 921 are international standards.

878. Kenya has acceded to the EAC Elimination of Non-Tariff Barriers Act, 2017, which seeks to address the elimination of Non-Tariff Barriers (NTBs) within the EAC.

3.4.6 World Trade Organization Agreement on Trade Related Investment Measures (TRIMS)

879. The WTO Agreement on Trade Related Investment Measures was concluded in 1994, and entered into force in 1995. The Agreement establishing TRIMS was negotiated in the Uruguay Round to deal with trade-restrictive and trade-distorting effects of investment measures on trade. The objectives of TRIMS include the expansion and progressive liberalization of world trade. It facilitates investment across international frontiers to increase the economic growth of all trading partners, particularly developing member states, while ensuring free competition.

880. TRIMS focuses on investment measures that infringe GATT Articles III and XI that discriminate between imported and exported products and/or create import or export restrictions. TRIMS prohibit local content requirements and trade balancing rules that were used to promote the interests of domestic industries and promote unfair competition. TRIMS prohibits trade related investment measures that are discriminatory. The rules restrict preference of domestic firms and discourage international firms to operate easily with domestic firms in the same market.

881. Kenya as a developing country is permitted to retain TRIMS that constitute a violation of GATT Article III or XI provided these measures meet the conditions of GATT Article XVIII which allows specified derogation from these provisions by virtue of their economic development needs.

3.4.7 World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

882. The TRIPS Agreement came into effect on 1st January, 1995. The objectives of TRIPS are to reduce distortions and impediments to international trade; promotion of effective and adequate protection of intellectual property (IP) rights; and ensuring that measures and procedures to enforce IP rights do not inhibit legitimate trade. It sets out minimum standards that allow member states to provide more extensive protection of intellectual property. It gives member states a free choice to determine the appropriate method of implementation within their own legal systems and practice.

883. The Government has enacted laws such as: Industrial Property Act, 2001; Copyright Act, No. 12 of 2001; and Trademarks Act, No.7 of 2007 to comply and conform to TRIPS and regional instruments. It has also enacted the Protection of Traditional Knowledge and Cultural Expressions Act, 2016, which provides that every community shall have the exclusive right to authorize the exploitation of their traditional knowledge and prevent any person from exploiting it without their prior informed consent.

884. Under TRIPS, Developing and Least Developed Countries (LDCs) have had difficulties in importation of cheap generic drugs to manage HIV/AIDS. Multinational drug manufacturers pursued conclusion of TRIPS which provides for stringent conditions that are imposed when a country wants to import generic drugs or manufacture the same under license.

3.4.8 Protocol Amending the TRIPS Agreement

885. The Protocol was adopted in Geneva, Switzerland on 6th December, 2005. Kenya signed the Protocol on 7th July, 2015, and ratified it on 21st July, 2015. The Protocol entered into force on 23rd February, 2017.

886. This Protocol is the first multilateral treaty amendment agreed by WTO Members since the WTO Agreement came into force in 1995. It serves to permanently incorporate into the TRIPS Agreement additional flexibilities to grant special compulsory licenses for the export of medicines, commonly referred to as the “Paragraph 6 System”.

887. The Protocol has facilitated access to affordable versions of patented medicines needed to address public health problems such as HIV/AIDS, malaria and other epidemic by Least Developed Countries and Developing Countries. The Protocol establishes a mechanism for pharmaceutical products manufactured under compulsory license to be exported to eligible member states under certain circumstances.

3.4.9 The World Trade Organization Dispute Settlement System

888. The WTO established a Dispute Settlement Understanding (DSU) mechanism as an outcome of the Uruguay Round Negotiations. It is quasi-judicial in nature with a single set of rules applicable to all disputes. Its objective is to secure compliance with all the WTO multilateral agreements.

889. Kenya, or any other member state can initiate a dispute settlement process on any trade dispute she may have with another country. However, the dispute settlement mechanism is complex and costly for developing countries and LDCs. This has resulted in limited access to the DSU as compared to developed countries. There are also delays in the relief granted by the system that may result in irreparable damage to Kenya’s economy.

890. Kenya seeks to enhance domestic legal capability to handle the dispute settlement process nationally and to recommend initiatives to the General Council for improvement in the dispute settlement process. In this context, the Trade Remedies Act, No. 32 of 2017, was enacted to provide for the establishment of the Kenya Trade Remedies Agency, and for the investigation and imposition of anti-dumping, countervailing and trade safeguard measures.

3.4.10 WTO/SPS WTO Agreement on the Application of Sanitary and Phyto-sanitary Measures (SPS Agreement)

891. The WTO Agreement on the Application of Sanitary and Phyto-sanitary Measures (SPS Agreement) was adopted on 15th April, 1994. Kenya ratified the SPS Agreement on 1st January, 1995, and it entered into force on 1st January, 1995.
892. The Agreement sets out the basic rules for human, animal and plant life to ensure safe trade. These standards are embedded in national legislation and sector policies to protect Kenya's trade on both animal and plant products. The Directorate of Veterinary Services is the technical reference point for animal health and zoonoses and the Kenya Plant Health Inspectorate Service (KEPHIS) for Phyto-sanitary issues. There is in place a National SPS Committee to monitor implementation of the Agreement.
893. Kenya participates in the work of the international standard setting bodies i.e. OIE, IPPC, OECD and also notifies on measures taken to comply with standards.

3.4.11 East African Community Protocol on Sanitary and Phyto-sanitary measures

894. The Protocol was concluded on 12th July, 2013 and ratified by Kenya in June 2016. The Protocol aims at promoting safe trade in animal and plant products and strengthen the application of a harmonized approach for implementation of SPS measures and activities within the partner states.
895. Implementation of the Protocol will guarantee food safety measures, plant protection and animal health as well as improve mitigation of risks arising from pests and diseases, to improve competitiveness of produce originating from the EAC in external markets. Further, implementation of the Protocol will facilitate the implementation of the objectives of the Common Market in the EAC.
896. Three partner states have ratified the Protocol namely Kenya, Uganda and Rwanda. However, the Protocol is not operational due to delays in ratification by some partner states.

3.4.12 EAC Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income

897. The Agreement was adopted on 30th November, 2011, and Kenya signed it on the same date. Kenya ratified the agreement in February, 2015. The objective of the Agreement is to facilitate co-operation of EAC Partner States in monetary and financial matters and ensure that the systems cater for taxation matters to avoid instances of double taxation and the prevention of fiscal evasion with respect to taxes on income.
898. However, two partner states are yet to ratify the Agreement, delaying its entry into force and implementation citing revenue concerns.

3.4.13 Cotonou Partnership Agreement (ACP-EU Partnership Agreement)

899. The Cotonou Partnership Agreement (ACP-EU Partnership Agreement) was signed on 13th June, 2000, by the African Caribbean and Pacific Group of States (ACP) and the European Union (EU) in Cotonou, Benin.
900. The Cotonou Partnership Agreement provides the framework through which ACP countries draw development support as well as duty and quota free access to the European market.

Following the expiry of the Agreement in February, 2020, negotiations are on-going between the two partners on the future of the ACP-EU relationship post-2020.

901. While the ACP recognizes the significance of the past partnership with the EU, the Group must ensure that any new agreement represents a shift from donor-recipient approaches to an accord that inculcates a spirit of equality and mutual respect. The European Development Fund (EDF) is likely to be scrapped. The ACP Group must, however, insist on the principle of co-management of, as well as long-term predictable funding for future thematic and regional programmes.
902. The ACP-EU Post-Cotonou negotiations started on 18th October, 2018, pursuant to the inaugural meeting of the ACP Ministerial Central Negotiating Group (CNG-M) held on 30th May, 2018, in Lomé, Togo. The negotiations are anchored on three key pillars namely: Trade, investment, industrialization and services; Development cooperation, technology, science, innovation and research; and Political dialogue and advocacy.
903. The new partnership agreement will be more ambitious with new opportunities covering strategic priorities that define cooperation between the two (2) parties. The negotiations are guided by the single undertaking principle of one agreement based on equality and inclusivity with three regional Protocols (Africa, Caribbean and Pacific regions). They address an array of issues including human rights, equality, peace and security, education, health, food security and nutrition, water and sanitation. Other priorities include environmental sustainability, and migration and mobility.
904. The framework helps promote and expedite the economic, cultural and social development of the ACP States and contributes to peace and security as well as promotes a stable and democratic political environment.

3.4.14 East African Community (EAC)/European Union (EU) Economic Partnership Agreements (EPAs)

905. Kenya together with other East African Community (EAC) Partner States concluded EPA Negotiations with the European Union (EU) on 16th October, 2014. Kenya signed the EAC/EPA Agreement on 1st September, 2016, and ratified it on 20th September, 2016.
906. Kenya as a member of the African, Caribbean and Pacific (ACP) group has benefitted over the years from preferential market access to the EU. The preferential access and trade with the EU were based on the Lomé Conventions of 1975–2000 and the Cotonou Partnership Agreement of 2000–2007 and under the Market Access Regulation (MAR) 1528/2007 of 31st December, 2007.
907. The final agreement has been signed by the EU on the one hand and two EAC Partner States (Kenya and Rwanda) on the other. Failure by the other EAC Partner States to ratify the EAC/EPA Agreement may lead to conclusion of a separate arrangement between Kenya and the EU for continued market access to the EU. Kenya should therefore continue to engage with other EAC Partner States to convince them to ratify the Agreement.
908. The objectives of the Agreement are to: contribute to economic growth and development through the establishment of a strengthened and strategic trade and development partnership consistent with the objective of sustainable development; promote regional integration, economic cooperation and good governance in the EAC; promote the gradual integration of the EAC into the world economy, in conformity with its political choices and development priorities; foster the structural transformation of EAC economies, and their diversification and competitiveness by enhancing their production, supply and trading capacity; improve EAC capacity in trade policy and trade-related issues; establish and implement an effective, predictable and transparent regional regulatory framework for trade and investment in the EAC Partner States, thus supporting the conditions for increasing investment, and private sector

initiative; and Strengthen the existing relations between the Parties on the basis of solidarity and mutual interest.

909. To this end, consistent with their WTO rights and obligations, this Agreement shall enhance commercial and economic relations, support a new trading dynamic between the parties by means of the progressive, asymmetrical liberalization of trade between them.
910. One of the key motivating factors for Kenya in the negotiation of the EPA was to safeguard the country's market interest in the EU, where Kenya exports have enjoyed duty free market access for over 30 years. Full benefits of the EPA, beyond the duty free market access that has been assured through Market Access Regulation (MAR) 1528/2007, will be realized once the EPA enters into force. According to the Agreement, this will be in the second month after EAC and the EU notify each other of having completed the process of ratification.
911. The benefits that are not available currently under MAR 1528/2007 include: access to flexible and enabling Rules of Origin that are only available under the EPA; opportunity to spearhead industrial development through the cumulative provision of the Rules of Origin; enabling trade facilitation framework touching on sensitive issues as SPS and standards, where the EPA has included a transparent structure for policing the SPS and standards issues; opportunity to exploit the provisions of the fisheries chapter of the EPA in stimulating manufacture of marine fisheries products targeting the multibillion Euro market and Trade related development assistance that is provided for in the development chapter of the EPA.

3.4.15 Protocol on the Establishment of the East African Community Common Market

912. The Protocol was adopted on 20th November, 2009, and it entered into force on 1st July, 2010. Kenya ratified the Protocol in 2010. The Protocol's objective is to widen and deepen cooperation in economic and social fields for the benefit of partner states and the citizen's growth. The Protocol provides for five Freedoms and two Rights; Free Movement of Goods, Persons, Labour, Services, Capital, Right of Establishment and Residence.
913. The Protocol has ensured that goods produced in Kenya are able to move across East Africa's borders with minimal restrictions. Intra-EAC traded goods are also cleared through the Single Customs Territory (SCT) and the system was rolled out in December, 2017, to cover the imported goods. The EAC Partner States have operationalized the Integrated Customs Management System (ICMS). However, persistent NTBs have continued to affect intra-EAC trade. Consequently EAC Partner States have enacted the EAC Elimination of Non-Tariff Barriers Act, 2017 to address Non-Tariff Barriers (NTBs).
914. Kenyans are also able to enter, leave or stay in any of the East Africa Partner States with minimal restrictions as the travel documents have now been standardized for all the EAC Partner States. Currently, Kenyans only require a national identification card to travel to the EAC Partner States of Uganda and Rwanda. Kenya launched the EAC e-Passport on 31st August, 2017. The construction of six (6) One-Stop Border Posts (OSBP) along the Kenyan borders have been completed and four (4) i.e. Taveta, Namanga, Busia and Malaba are fully operational, as OSBPs. The Isebania OSBP is fully operational and set to be commissioned in the upcoming summit of Heads of State by the end of the year.
915. The EAC Partner States have undertaken to liberalize services as a measure of facilitating the Free Movement of Services in the implementation of the Protocol. Kenya has increased her liberalized sub-sectors from fifty-two (52) to eight-six (86). Currently, the EAC Partner States are reviewing the Schedule of Services under the Common Market Protocol to facilitate the liberalization of more services. The draft Schedule of Services is undergoing legal scrutiny by the Attorney Generals.
916. The EAC Partner States have also concluded various Mutual Recognition Agreements (MRAs) for Accountants, Architects and Engineers which are operational. The MRAs for Land Surveyors and Advocates have been finalized and are awaiting signature. Negotiation of the

MRA for Pharmacists has commenced. However, giving legal effect to the MRAs requires a legal instrument to anchor them under the Common Market Protocol and this has resulted in the amendment of Annex VII by the legal experts. The draft amendment of Annex VII is undergoing approval process.

917. Under the Free Movement of Labour, Kenyans are allowed to work in any of the EAC Partner States and receive the same treatment offered to citizens of the host partner state in terms of employment, professional fees, salary wages and any other conditions of work and employment.
918. The Protocol grants Free Movement of Services supplied by East African nationals and East African Service suppliers in cross border trade and consumption abroad. Several Kenyan companies have established a commercial presence in the other partner states and free movement of natural persons.
919. Under the Protocol, Partner States agreed to remove all barriers and restrictions on the movement, sale, investment and payment of capital. Kenya, Rwanda and Uganda have already opened up their capital accounts which eliminate discrimination based on nationality, place of residence of persons or place where capital is invested. The Protocol provides for the Right of Establishment where self-employed persons who would like to establish themselves in another East African country and legal persons are able to work and establish commercial presence in any of the East African Countries in accordance with the host country's national laws.
920. Under the Right of Residence, a person who intends to reside in another East African country is provided with a residence permit at a reduced cost. However, the Protocol is experiencing several implementation challenges due to different legal systems, national sovereignty concerns and protectionism which has limited liberalization of commitment in certain areas. Kenya participated in the 20th EAC *Jua Kali/Nguvu Kazi* exhibition from 13th to 22nd December, 2019 in Rwanda.

3.4.16 Protocol on the Establishment of the East African Community Customs Union

921. The Protocol was adopted on 2nd March, 2004 and entered into force on 2nd March, 2004. Kenya ratified the Protocol in April, 2004. The Protocol is implemented through the East African Community Customs Management Act, 2006.
922. The Protocol established a Free Trade Area (or zero duty imposed) on goods and services traded amongst EAC Partner States, and agreed on Common External Tariff (CET), whereby imports from countries outside the EAC are subjected to the same tariff when sold to any EAC Partner State. Kenya is participating in the review of the CET which is aimed at addressing global trade/technological dynamics, new products in the market and to encourage value-addition and boost industrialization in the EAC region.
923. A Single Customs Territory (SCT) has been established in EAC to facilitate faster clearance and movement of cargo from the port of entry to the destination. The ports of Mombasa and Dar-es-Salaam have operationalized the SCT, respectively.
924. The framework has led to increased trade, enhanced interconnectivity of custom systems, upgrading and integration of customs system, establishment of the EAC Competition Authority, East African Standards Committee, amongst others.
925. Multiple memberships to other regional blocs results in an overlap of responsibilities in the implementation of the Customs Union, particularly the EAC Customs Management Act, 2006 (EACMA). Kenya is participating in the Amendment of EACMA.
926. Lack of reliable ICT interconnectivity is a challenge in the implementation of Single Customs Territory (SCT). Implementation of the Protocol has also been hampered by Non-Tariff Barriers (NTBs) which hinder the movement of goods. There have been efforts through bilateral meetings to resolve NTBs imposed on goods exported by Kenya to other EAC Partner

States. EAC Heads of State and Government assented to the Elimination of Non-Tariff Barriers Act, 2017, to address the issue of NTBs. However, there have been challenges in operationalization of the Act resulting in the review of the Act and Regulations.

3.4.17 Protocol on the Establishment of the East African Community Monetary Union

927. The Protocol was adopted on 30th November, 2013, and it entered into force on 30th November, 2013. Kenya ratified the Protocol on 28th November, 2014. The Protocol seeks to establish a single currency in the Community by 2024. In order to support the establishment of the Monetary Union, five regional institutions are envisaged to be established. The institutions are: East African Monetary Institute; East African Statistics Bureau; East African Surveillance Compliance; and Enforcement Commission; East African Finance Service Commission; and East African Central Bank. Kenya's obligation under the Protocol relate to providing financial contribution towards the financing of the five institutions to be established to support the Monetary Union.
928. The 20th Ordinary Summit of Heads of State held on 1st February, 2019, assented to the East African Monetary Institute Act, 2019, which seeks to establish the East African Monetary Institute. EALA has passed the East African Statistics Bureau Bill, 2017, and the Bill is undergoing assent process by the partner states. The Draft Bills for the East African Surveillance Compliance and Enforcement Commission, East African Finance Service Commission and East African Central Bank have been finalized and are awaiting approval by the Organs of the Community. Once the Bills are adopted, they will be presented to the East African Legislative Assembly for consideration and thereafter forwarded to the EAC Heads of State and Government for assent.
929. The finalization of these Bills and the setting up of these institutions will be crucial in the achievement of the Monetary Union. Currently, partner states are seeking to ensure that the Bills are fast tracked and the institutions constituted. However, there has been an overall delay due to bureaucracy within the decision-making process of the EAC. The National Treasury in consultation with the State Department for EAC Integration has been coordinating Kenya's participation in the activities relating to the Monetary Union. The National Treasuries are responsible for implementation of the road map of the Monetary Union through the East African Monitoring System (EAMS).
930. Funding accessibility has delayed implementation of some activities. There is need for partner states to increase funding to the Community due to additional responsibilities arising from the Protocol. In addition, there is need for goodwill from all the partner states in order to effectively implement the Protocol.

3.5 STANDARDIZATION

3.5.1 The Metre Convention

931. The Convention was adopted on 20th May, 1875, in Paris, France. Kenya became a member state in 2010, and was previously an associate member since 2002.
932. The Convention of the Metre (Convention du Metre) is a Treaty that created the International Bureau of Weights and Measures (BIPM), an inter-governmental organization under the authority of the General Conference on Weights and Measures (CGPM) and the supervision of the International Committee for Weights and Measures (CIPM). The BIPM acts in matters of world metrology, particularly concerning the demand for measurement standards of ever increasing accuracy, range and diversity, and the need to demonstrate equivalence between national measurement standards. The Convention's objective is to establish the degree of equivalence of national measurement standards thereby providing governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs.
933. Kenya's membership has led to international recognition of our national measurement system. Kenya also supports the national programme on Ease of Doing Business by eliminating measurement related Technical Barriers to Trade (TBTs). The BIPM provides member states with a collaborative forum that multiplies the investment in their national metrology programmes through synergy with the national metrology efforts of the other member states.
934. The BIPM also serves as a liaison between its member states and other inter-governmental organizations and international bodies concerned with international coordination of various aspects of science, technology, and commercial quality infrastructure (e.g. OIML, ISO, ILAC, IAEA, UNIDO, IERS, ITU, IEC, IAF, WMO). In this role, the BIPM ensures that metrology is properly introduced in international accords in order to help eliminate technical barriers to trade that might derive from metrology-related issues, a role that no country can achieve independently.
935. Kenya has ensured that weights and measurements of all products for import and export comply with the agreed international standards.

3.5.2 East Africa Community Protocol on Standardization, Quality Assurance Metrology and Testing (EAC SQMT)

936. The Protocol was concluded in 2010 and ratified by all partner states. The partner states are required to formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the Community. The partner states are also required to apply a common policy on the relationship of the EAC Bureau of Standards with regional, international and other organizations and institutions concerned with standardization, quality assurance, and metrology and testing. The partner states are further required to evolve and apply a common policy in the development of activities in standardization, quality assurance, metrology and testing.
937. The EAC has harmonized a total of 1,428 standards. Of these standards, 507 are indigenous, designated as East African Standards and 921 are international standards agreed upon and endorsed for adoption by the partner states. Kenya as at 2019, had adopted 1,062 out of the total harmonized EAC standards.
938. The East African Accreditation Board (EAAB) was established in the year 2007 under Section 10 of the East African Community Standardization Quality Assurance, Metrology and Testing Act, 2006 (EAC SQMT Act, 2006). It facilitates cooperation and coordinates accreditation activities in order to avoid duplication of functions of the national accreditation bodies and focal points.

939. Currently, the EAC is undertaking a review of the EAC SQMT Act, 2006, and has developed a Draft EAC Metrology Bill, 2019, and draft Standards, Assessment and Conformity Assurance Bill, 2019. The Bills seek to separate matters of Metrology from Standards and Quality Assessment. To facilitate the operations of EAC Bureau of Standards, Quality Assurance, Metrology and Testing, the EAC Secretariat has also drafted the EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2019.
940. In Kenya, the Protocol is being implemented by KEBS and the Directorate of Weights and Measures under the Ministry of Trade, Industry and Cooperatives, which participate in standards, quality assurance, metrology, testing and other conformity assessment activities to ensure that Kenyan products are not barred from accessing regional markets.
941. Kenya's membership to the EAAB has contributed to the deepening of the EAC integration process. This increases the volume of its exports of goods and services to the EAC and COMESA regions and SADC.
942. Kenya's trade has been enhanced through mutual recognition of accredited conformity assessment results of products accompanied by inspection reports, test reports or certificates based on EAC harmonized standards. This enables products gain access to the EAC markets without the need for retesting, re-inspection or re-certification. This enables faster movement of products in the national markets and across borders besides reducing the cost of doing business to the business community. Kenya participates in standards harmonization technical committees and its Secretariat to various Sectoral Committees of the EAC.

3.6 INTELLECTUAL PROPERTY

3.6.1 Paris Convention for the Protection of Industrial Property

943. The Paris Convention was adopted in 1883. Kenya joined the Paris Convention on 14th June, 1965, and joined the Stockholm Act, of 1967 that amended the Paris Convention on 26th October, 1971.
944. The Paris Convention applies to industrial property in the widest sense, including patents, trademarks, industrial designs, utility models, service marks, trade names, geographical indications and the repression of unfair competition. This international agreement was the first major step taken to help creators or inventors to ensure that their intellectual works were protected in other countries during trade.
945. The substantive provisions of the Paris Convention fall into three main categories: national treatment, right of priority and common rules. All member states are to provide national treatment to all the industrial applications from the other member states for protection of industrial property rights.
946. The Paris Union, established by the Convention, has an Assembly and an Executive Committee. Every state that is a member of the Union and has adhered to at least the administrative and final provisions of the Stockholm Act, 1967, is a member of the Assembly. The Treaty is being implemented by the Kenya Industrial Property Institute (KIPI).

3.6.2 Berne Convention for the Protection of Artistic and Literary Works

947. The Berne Convention was adopted on 9th September, 1886, for the protection of Literary and Artistic Works. Kenya acceded to the Berne Convention on 11th March, 1993.
948. The Berne Convention deals with the protection of works and the rights of their authors. It provides creators such as authors, musicians, poets, and painters, among others, with the means to control how their works are used, by whom, and on what terms. It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted, as well as special provisions available to developing countries that want to make use of them.
949. It requires its signatories to recognize the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognizes the copyright of its own nationals, that is, the national treatment which is an obligation agreed to by Kenya.
950. The Copyright Act, Cap. 130 (*Rev. 2014, 2018*) implements the Convention through Kenya Copyright Board (KeCoBo). One of the challenges that Kenya has encountered in trying to meet the objectives of the Convention is inadequate awareness and understanding of copyright and related rights. The Kenya Copyright Board continues to create public awareness on copyright and related rights.

3.6.3 Madrid Agreement Concerning the International Registration of Marks (Madrid, 1891)

951. The Madrid System for the International Registration of Marks is governed by the Madrid Agreement, concluded in 1891, and the Protocol relating to that Agreement, concluded in 1989. The Madrid System makes it possible to protect a mark in a large number of countries by obtaining an international registration that has effect in each of the designated contracting parties. Kenya became a party to the Madrid Agreement and its Protocol on 26th March, 1998. The Government is under an obligation to protect and register trademarks.
952. The objective of this Agreement is to ensure that nationals of contracting states secure protection for their marks applicable to goods or services by filing the said marks at the

International Bureau of Intellectual Property through the intermediary of the office of the country of origin.

953. The Agreement has enhanced the protection of trademarks in Kenya as it provides for the processing of a single trademark application that seeks protection from other countries to be processed through a Designation System. Under a Designation System an applicant designates all countries where the trademark will be applicable for protection.
954. The Trademark Act, Cap. 506, governs the registration of trademarks in the country. The Act established the Office of the Registrar of Trademarks which administers the Act. Implementation of the Agreement for developing countries is a challenge given its very technical nature and owing to inadequate financial resources. This necessitates capacity building of officers and provision of the adequate financial resources to ensure its effective and efficient implementation.

3.6.4 Patent Co-operation Treaty (PCT)

955. The Patent Cooperation Treaty (PCT) was adopted in Washington, D.C, USA in 1970, and is open to contracting parties to the Paris Convention of 1883. Kenya acceded to the PCT on 8th March, 1994.
956. The PCT makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an “international” patent application. Such an application may be filed by anyone who is a national or resident of a PCT Contracting State. It may be filed with the national patent office of the contracting state of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva.
957. The Treaty regulates in detail the formal requirements with which international applications must comply. The main objective of this Treaty is thus the mainstreaming of patent application, filing and the procedures for applicants wishing to obtain patent protection in a wide number of countries around the world.
958. The Government has an obligation to protect and facilitate the registration of patents. It protects and registers the patents through KIPRI. The PCT has enabled the protection of national innovations through registration of patents abroad hence promoting the innovation and consequently the financial benefits derived. However, the system is expensive and there is need for publicity and creating public awareness of the regime.

3.6.5 Singapore Treaty on the Law of Trademarks

959. The Treaty was adopted on 27th March, 2006 and entered into force in 2009. Kenya signed the Treaty on 28th March, 2006 and is yet to ratify. To date the Treaty has forty-seven (47) contracting parties and is open to member states of WIPO.
960. The objective of the Singapore Treaty is to create a modern and dynamic international framework for the harmonization of administrative trademark registration procedures. Building on the Trademark Law Treaty of 1994 (TLT), the Singapore Treaty has a wider scope of application and addresses more recent developments in the field of communication technologies. The Treaty establishes common standards for procedural aspects of trademark registration and licensing.
961. The obligation of the Government is to ensure protection and registration of trademarks in accordance with its provisions. The Registrar of Trademarks has the mandate to ensure the implementation of the Treaty at the national level taking into account recent developments in communication technologies.

3.6.6 Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

962. The Brussels or Satellites Convention is a WIPO-administered Treaty that was adopted in 1974. Kenya signed the Convention on 21st May, 1974, and ratified it on 6th January, 1976. It has thirty-eight (38) contracting states to date. The Convention provides for the obligation of each contracting state to take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite.
963. A distribution is considered unauthorized if it has not been authorized by the organization, typically a broadcasting organization that decided on the programme's content. The obligation exists in respect of organizations that are nationals of a contracting state. The Convention permits certain limitations on protection. The provisions of this Convention are not applicable where the distribution of signals is made from a direct broadcasting satellite.
964. The Convention does not provide for the institution of a governing body or budget. It is open to any state member of the United Nations or of any of the agencies belonging to the United Nations system of organizations.

3.6.7 Marrakech Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled

965. The Convention was adopted in Marrakech, Morocco on 27th June, 2013, and entered into force on 30th September, 2016. Kenya signed the Convention on 28th June, 2013, and ratified on 2nd June, 2017. It forms part of the body of international copyright treaties administered by WIPO. It has a humanitarian and social development dimension and its main goal is to create a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired, and otherwise print disabled.
966. It requires contracting parties to introduce a set of limitations and exceptions to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to Visually Impaired Persons (VIPs), and to permit exchange of these works across borders by organizations that serve those beneficiaries. The Copyright Act, Cap. 130 (Rev. 2014, 2018) implements the Convention.

3.6.8 Beijing Treaty on Audio-visual Performances

967. The Treaty was adopted on 24th June, 2012. Kenya signed on 26th June, 2012, in Beijing and ratified on 15th November, 2019. The Treaty is open to Member States of WIPO though it has not yet entered into force as it requires thirty (30) States to have ratified or acceded. It deals with IPRs of performers in audiovisual performances by granting performers four kinds of economic rights for their performances fixed on audiovisual fixations such as motion pictures: the right of reproduction, the right of distribution, the right of rental and the right of making available.
968. The Treaty grants performers the right to be claimed and identified as the performer and the right to object to any distortion, mutilation or other modification that would be prejudicial to the performers reputation, taking into account the nature of the audiovisual fixations.
969. The Treaty establishes an Assembly of the contracting parties whose main task is to address matters concerning the maintenance and development of the Treaty. It entrusts to the Secretariat of WIPO the administrative tasks concerning the Treaty. The Act is implemented under the Copyright Act, No. 12 of 2001.

3.6.9 Nairobi Treaty on the Protection of the Olympic Symbol

970. The Treaty was adopted in 1981. Kenya signed it on 24th October, 1981, and ratified it on 18th November, 1981. All state parties to the Nairobi Treaty are under the obligation to protect the Olympic symbol (five interlaced rings) against use for commercial purposes (in

advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee (IOC).

971. The International Olympic Committee grants authorization to use the Olympic symbol in a state party to the Treaty. The National Olympic Committee of that state is entitled to a part in any revenue the International Olympic Committee obtains for granting the said authorization.
972. The Treaty is administered by WIPO and does not create a governing body or budget and is open to WIPO Member States, UN Member States or State Parties to the Paris Convention of 1883.

3.6.10 Patent Law Treaty (PLT)

973. The PLT was adopted in 2000 and entered into force in 2005. Kenya signed the PLT on 2nd June, 2000, and is yet to ratify the Treaty. To date, the Treaty has four (4) contracting parties and is open to WIPO Member States and/or State Parties to the Paris Convention of 1883.
974. The aim of the Patent Law Treaty (PLT) is to harmonize and streamline formal procedures in respect of national and regional patent applications and patents thus making such procedures more user friendly. With the significant exception of filing date requirements, the PLT provides the maximum sets of requirements the office of a contracting party may apply. Kenya Industrial Property Institute (KIPI) ensures implementation of the Treaty.

3.6.11 Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, 1971

975. The Convention was adopted in 1971 in Geneva. Kenya signed on 4th April, 1972, and ratified on 6th January, 1976. To date, the Geneva Convention has seventy-nine (79) contracting parties. This Convention is administered jointly by WIPO, ILO and UNESCO.
976. The Phonograms Convention or Geneva Convention provides for the obligation of each contracting state to protect a producer of phonograms who is a national of another contracting state against the making of duplicates without that producer's consent; against the importation of such duplicates, where the making or importation is for the purpose of distribution to the public; and against the distribution of such duplicates to the public. "Phonogram" means an exclusively aural fixation. The Act is implemented under the Copyright Act, No. 12 of 2001 by the Kenya Copyright Board.

3.6.12 Trademark Law Treaty (TLT)

977. The TLT was concluded in 1994 and Kenya signed the treaty on 28th October, 1994, and is yet to ratify. The aim of the Trademark Law Treaty (TLT) is to standardize and streamline national and regional trademark registration procedures. This is achieved through the simplification and harmonization of certain features of those procedures, thus making trademark applications and the administration of trademark registrations in multiple jurisdictions less complex and more predictable.
978. The provisions of the TLT outline the prerequisite procedures to be complied with before a trademark office. The procedures are divided into three main phases: Application for registration; changes after registration; and renewal. The rules concerning each phase are constructed so as to clearly define the requirements for an application or a specific request.
979. The Government has an obligation to ensure registration of trademarks in accordance with the Treaty. The Treaty is domesticated under the Trademarks Act, Cap. 506, and is implemented by Kenya Industrial Property Institute (KIPI).

3.6.13 WIPO Copyright Treaty (WCT)

980. The WCT was concluded in 1996 and entered into force in 2002. Kenya signed the Treaty on 20th December, 1996. The Treaty has ninety-nine (99) contracting parties to date.
981. The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention that deals with the protection of works and the rights of their authors in the digital environment. Any contracting party (even if it is not bound by the Berne Convention) must comply with the substantive provisions of the 1971 (Paris) Act of the Berne Convention for the Protection of Literary and Artistic Works (1886).
982. The WCT provides for two subject matters to be protected by copyright, that is, (i) computer programs, whatever the mode or form of their expression; and, (ii) compilations of data or other material (databases), in any form, which, by reason of the selection or arrangement of their contents, constitute intellectual creations.
983. Kenya enacted the Copyright Act, Cap. 130 (*Rev. 2014, 2018*) Laws of Kenya which establishes the Kenya Copyright Board (KeCoBo) to implement the Convention.

3.6.14 WIPO Performances and Phonograms Treaty (WPPT)

984. The Treaty was concluded in 1996 and entered into force in 2002. Kenya signed on 20th December, 1996, and is yet to ratify. To date, the Treaty has ninety-nine (99) Contracting Parties.
985. The WIPO Performances and Phonograms Treaty (WPPT) deals with the rights of two kinds of beneficiaries: (i) performers (actors, singers, musicians, etc.); and (ii) producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds).
986. The Treaty establishes an Assembly of the Contracting Parties whose main task is to address matters concerning the maintenance and development of the Treaty. It entrusts to the Secretariat of WIPO the administrative tasks concerning the Treaty. The Act is implemented under the Copyright Act, No. 12 of 2001, by the Kenya Copyright Board.

3.6.15 Locarno Agreement establishing an International Classification for Industrial Designs

987. The Locarno Agreement, concluded at Locarno, Italy in 1968 and amended in 1979, establishes a classification for industrial designs (the Locarno Classification). Kenya signed the Agreement on 8th October, 1968, and has not yet ratified. To date, the Locarno Agreement has fifty-six (56) Contracting Parties.
988. The Locarno Agreement establishes a classification for industrial designs (the Locarno Classification). The competent offices of the contracting states must indicate in official documents reflecting the deposit or registration of industrial designs and the numbers of the classes and sub-classes of the classification to which the goods incorporating the designs belong. This must also be done in any publication the offices issue in respect of the deposit or registration of industrial designs.
989. The Treaty is implemented through the Kenya Industrial Property Institute (KIPI) established under the Industrial Property Act, No. 3 of 2001.

3.7 ENERGY

3.7.1 The Energy Charter Treaty

990. The Energy Charter Treaty is an international agreement that establishes a multilateral framework for cross-border cooperation in the energy industry. Kenya signed the treaty on 20th March, 2017, but is yet to ratify.
991. The treaty covers all aspects of commercial energy activities including trade, transit, investments and energy efficiency.
992. The International Energy Charter is a declaration of political intention aimed at strengthening energy cooperation between the signatory states and which does not bear any legally binding obligation or financial commitment. It maps out common principles for international cooperation in the field of energy.
993. The fourth fact-finding mission of 2018, for the Energy Charter Secretariat's Energy Investment Risk Assessment (EIRA) project took place in Nairobi, Kenya from 25th to 27th April, 2018. Kenya is also in the process of finalizing Energy Investment Risk Assessment (EIRA) Country Profile. The EIRA will assist the Government in monitoring the performance of its energy sector and eliminate specific risks in the regulatory and legal environment. Kenya enacted the Energy Act, 2019.
994. The Kenya Investment Policy was launched by the Government on 6th November, 2019, to address some of the challenges caused by the traditional International Investment Agreements (IIAs).
995. Some of the considerations prior to ratification of the Treaty include wider negotiations on the non-discrimination principle enshrined in the ECT which is more towards investor protection as opposed to state protection. This will ensure ratification does not dilute the State's sovereignty over her own natural resources by creating legally binding obligations to "answer" to foreign investors in the event their interests are compromised.

3.8 EDUCATION, SCIENCE AND TECHNOLOGY

3.8.1 Dakar Framework for Action, Education for All (EFA) Agreement

996. Kenya is a party to the Dakar Framework for Action, Education for All (EFA), in the World Education Forum held in Dakar, Senegal in 2000. One hundred and eighty-eight (188) countries endorsed the Jomtien goals. Under the Agreement, Kenya committed to provide quality basic education for all children, youth and adults. In order to achieve the EFA objectives, six goals were developed. These are:

Goal 1: Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.

Goal 2: Ensuring that by 2015, all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;

Goal 3: Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skill programmes;

Goal 4: Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;

Goal 5: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus to ensuring girls' full and equal access to and achievement in basic education of good quality;

Goal 6: Improving all aspects of the quality of education and ensuring excellence for all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

997. The Government has developed a new educational curriculum known as the Competency Based Curriculum (CBC) to replace the 8-4-4 system, has been implemented for Grade 1- 4.

998. Kenya has developed several policies and legislations in the education sector to ensure that education is accessible to all. These include: Sessional Paper No. 1 of 2019, known as The Policy Framework for Reforming Education and Training for sustainable development in Kenya; The Education Sector Policy for learners and trainers with disabilities, 2018; National Pre-Primary Education Policy, 2018; National Curriculum Policy of 2019; Free Primary Education Policy, 2003.

999. Others include: The Kenya Literature Bureau Act, Cap. 209; Science, Technology and Innovations Act, No. 28 of 2013; Universities Act, No. 42 of 2012; Higher Education Loan Board Act, No. 6 of 2005; Kenya National Examinations Council Act and the Basic Education Act, No. 14 of 2013; Technical and Vocational Education and Training Act, 2013. The Free Primary Education Fund, 2003 (FPEF) was introduced to cover Primary Education and Free Day Secondary Education Program, 2008 (FDEP) to cover Secondary Education.

1000. The 2008, Global Campaign for Education ranked Kenya third (3rd) in Africa and position forty-seven (47) globally for its efforts to attain the Education for All (EFA) by 2015, a target set in Dakar in 2000. Each of the EFA goals had definite targets with clear timelines to be achieved.

1001. Several changes have been made in the education sector to ensure compliance with the agreement. Some of which include: Restructuring of the school calendar, waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education (in 2019 there was 100 percent transition of students from Primary to Secondary level), improvement of infrastructure in public schools, introduction of e-learning in public schools, audit of schools and universities for transparency and accountability, increased allocation to the Higher Education Loans Board (HELB) to cater for needy students, reform of

the Kenya National Examination Council and established the Free Primary Education Fund (FPEF) in 2003, the Free Day Secondary Education (FSDE) Programme in 2008 and provision of sanitary towels to school going teenage girls.

1002. The Partnership for skills in Applied Sciences, Engineering and Technology (PASET) has established the Regional Scholarship and Innovation Fund (RSIF) to contribute towards the training of critical mass of PhD and post-doctoral candidates and support research and innovation in priority areas like Energy, ICT, Minerals and Mining Engineering and Food Security among others. RSIF provides scholarships for PhD training, and grant innovation. It is funded by contributions from African Governments. Kenya contributed 2 million USD. The World Bank as well as South Korea are supporting the RSIF through a 6-year grant of USD 15 and USD 9 million respectively. The World Bank is looking for more partners to mobilize more funds for the initiative.
1003. Kenya has received support and about 300 undergraduate and post-graduate scholarships have been awarded from Hungary, India, China, United Kingdom and Eastern Europe mainly Slovakia and The Czech Republic. Between 2017 and 2019, Kenya has an agreement with Germany (DAAD) and under the programme 50 Students are undertaking Doctoral and Masters studies under the scholarship. Out of these 13 students attained the scholarships in October, 2019. *Further details of this cooperation are detailed in Paragraphs 302 to 305 above.*

3.8.2 The Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States

1004. The Djibouti Declaration was adopted on 14th December, 2017. Kenya acceded to the Declaration on 14th December, 2017. Member states are meant to ensure that every refugee, returnee, and members of host communities have access to quality education in a safe learning environment within our respective countries without discrimination; adopt and implement the accompanying Action Plan on education of refugees and returnees and members of host communities in IGAD region; establish an IGAD regional Experts and Ministerial committee of Education to oversee the proper implementation of all agreed standards policy instruments and frameworks for education for all including refugees, returnees and members of host communities; and integrate refugees into national education policies strategies, programs and plans of action in our respective countries.
1005. The Djibouti Declaration is implemented through the Refugee Act, 2006, and the Government of Kenya is developing the Education and Training Policy on the inclusion of refugees and Asylum seekers. As at 2019, a total of 150, 214 refugee children were enrolled in schools. 22,634 refugee children enrolled in pre-primary; 103,778 enrolled in primary and 23,802 enrolled in secondary schools in Kenya.

3.8.3 Protocol on the Establishment of the Inter-University Council for East Africa (IUCEA)

1006. The Protocol was signed in September, 2002, between Kenya, Tanzania and Uganda but the other Partner States ratified it later. The Protocol establishes an Inter-University Council to implement the objectives of the Protocol. The Council's functions are to coordinate interuniversity cooperation in East Africa; facilitate the strategic development of member universities; and to promote internationally comparable higher education standards and systems for sustainable regional development.
1007. The mandate of the Council includes: advising the EAC Partner States on higher education matters, and to contribute towards meeting national and regional developmental needs; developing quality assurance to enhance teaching, learning and research in the region achieve and maintain international standards; assisting member universities and other higher education institutions to identify and implement good practices in institutional management and use of resources; developing human resource capacity in all disciplines of higher education in the

Community; and promoting equal opportunities for all higher education students in East Africa, including those with special needs.

1008. The EAC Secretariat has developed a draft bill to repeal the Inter-University Council for East Africa Act, 2009. The draft bill seeks to effectively mainstream IUCEA into EAC. The proposal to revise the Act is as a result of operationalization challenges under the IUCEA Act, 2009. The Act has a number of inconsistencies, shortfalls, anomalies and errors in several sections.
1009. Some sections of the Act are inconsistent with the Treaty for the Establishment of the East African Community and the institutional position of IUCEA in the Community, as well as with new developments in the provision of higher education. A process to amend the Protocol was initiated and approved by the Sectoral Council for Education, Science and Technology, Culture and Sports. However, this process has been slow due to the consultative nature of the process.

3.8.4 Protocol on the establishment of the East African Kiswahili Commission

1010. The Protocol was concluded on 18th April, 2007. Kenya was the first partner state to ratify the Protocol in 2010. All partner states have ratified the Protocol. The objective of this Protocol is to establish the East African Kiswahili Commission as a tool for providing advice to the partner states on all matters relating to Kiswahili research, teaching, learning and development. This is being implemented through policy formulation, knowledge generation, curriculum review, standardization of terminology and promotion of Kiswahili as a lingua franca of the partner states.
1011. The Commission has so far developed multilateral collaboration framework for furthering the EAKC agenda which has resulted in establishment of National Kiswahili Council in all the partner states. The Commission is implementing the Staff-Student Exchange and Mentorship programme in and beyond the EAC.
1012. To implement the Protocol, the Government has developed a National Kiswahili Council of Kenya Bill, 2019, which seeks to establish the National Kiswahili Council of Kenya to promote the development of Kiswahili as a lingua franca of the partner states. Implementation of the Commission's work has been delayed due to inadequate resources. Commission is planning to undertake annual Kiswahili International Conferences from 2018, with a view to promoting the use of Kiswahili in the region. Cabinet approved the establishment of the National Kiswahili Council and the draft bill is currently being developed. There is a budget for the Council and nomination of members has been proposed.

3.8.5 Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB)

1013. ICGEB is an inter-governmental Organization established as a special project of UNIDO in 1983, but became fully autonomous in 1994. Kenya acceded to the Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB) on 29th August, 2010.
1014. The objectives of the Statutes of the (ICGEB) are to promote the development, production and wide application of biotechnology in the interest of developing countries; promote the transfer of technology to member countries and overcome difficulties encountered by developing countries in fostering innovation, ownership and in-house application in line with ICGEB statutory mandate.
1015. The obligation of the Government is to participate in decision making of ICGEB Board of Governors, recommend scientists and students for ICGEB training, encourage scientists to organize and request for funding for ICGEB training. The National Commission for Science, Technology and Innovation (NACOSTI) is the national focal point institution for the ICGEB. The Government is developing a Bio-Science Framework and a Bill to fully implement the provisions of the Science, Technology and Innovations Act, 2013.

1016. Kenya is a member of the ICGEB Governing Board that oversees the operations of three centres at Trieste in Italy, New Delhi in India and CapeTown in South Africa. As a member of ICGEB Kenya scientists and research institutions have access to the training and funding programmes implemented by the centre as well as interactive scientific network building.
1017. Kenya has been training Doctor in Philosophy (PhD) students through ICGEB funds. There has also been capacity building in the areas of biomedicine-crop improvement, environmental protection/remediation and biopharmaceuticals and bio pesticide production through ICGEB funds. However, minimal resource provision for sensitization at the county level and limited opportunities under ICGEB slow down progress. Kenya has benefited over the years in training, fellowships, outreach and scientific meetings besides scientists, get access to and use the state-of-the-art laboratories belonging to ICGEB. As a result, Kenyan Researchers have been linked with those of South Africa in 2013 to promote partnership. From 2018 to date, sixteen (16) Kenyans have received support for the Doctoral PhD, Post-Doctoral and Graduate fellowships from ICGEB. In the same period, a further eighty three (83) Kenyans have been trained in short courses and seminars organized by the Center. In total USD 280,580 from ICEB has been awarded in support of these activities.
1018. Payment of annual subscription has delayed since 2016. Efforts are currently underway to ensure payment of arrears and future prompt payment. Payment of subscriptions have been centralized to National Treasury.
1019. The University of Nairobi is among the universities that collaborates with the ICGEB through NACOSTI.

3.8.6 Protocol on the Establishment of the East African Science and Technology Commission

1020. The Protocol was adopted on 18th April, 2007, and entered into force on 1st July, 2014. The Commission is based in Rwanda and its main objective is to establish the East African Science and Technology Commission as an apex body to promote and co-ordinate the development, management and application of science and technology in the EAC. It seeks to promote regional research in science and technology. The Governing Board for the Commission was inaugurated in Entebbe, Uganda from 20th to 21st June, 2017.
1021. The Commission is established as a regional body to spearhead research in science and technology development; and acquisition of reliable data to guide decision making in science and technology matters. Through its membership, Kenya can improve its research capacity through co-operation with other partner states in the EAC.
1022. The EAC has developed and adopted the EASTECO Strategic Plan 2017/18–2021/22 in Kigali, Rwanda on 13th October, 2017, and Kenya participated in the development of the EASTECO Strategic Plan. The EAC also organized for the Regional Workshops to build capacity in technology transfer and support innovation and economic development. The East African Regional workshop on Knowledge and Technology Transfer to support innovation and economic development was held on the 19th June, 2017, in Entebbe, Uganda.
1023. Kenya trained innovators in science and technology through the support of NEWTON Utafiti Funds (UK). Three Kenyan universities namely: Jaramogi Oginga Odinga University of Science and Technology, Egerton and Moi Universities, have benefited from the African Centre of Excellence (ACE), a programme under the World Bank, which encourages innovation. The current challenges experienced by the Commission relate to delay in asymmetrical development of Science and Innovation in Partner States. This impacts negatively on the seamless implementation of relevant programmes and projects across the region. In addition, there is lack of adequate funding to support science and innovation projects.

3.8.7 The Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA)

1024. Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA) is an Inter-Governmental Agreement established by African member states to strengthen and enlarge the contribution of nuclear science and technology to socio-economic development on the African continent. The scope of AFRA activities covers a wide range of peaceful applications of nuclear techniques that contributes towards their achievement of national and regional development goals. Kenya became a member of AFRA in 1991.
1025. The Fifth Extension of AFRA Agreement was concluded on 4th April, 2015, and Kenya accepted on 4th February, 2016. The International Atomic Energy Agency (IAEA) provides technical expertise and secretariat services for AFRA activities. The National Commission for Science, Technology and Innovation (NACOSTI) is the AFRA National Coordinator.
1026. AFRA activities cover a wide range of peaceful applications of nuclear techniques that contribute towards the achievement of national and regional development goals. These activities include: peaceful application of nuclear science and technology in areas of agriculture, human health, industry, water, energy and radiation protection.
1027. AFRA seeks to accelerate movement towards self-sufficiency in scientific disciplines and appropriate technologies by coordinating and disseminating innovative methods and practices in a cost-effective manner. These technologies will assist the country in economic development. Kenya is obligated to promote cooperative research, development and training in nuclear science and technology.
1028. AFRA benefits the country through technical assistance, support and capacity building in areas of peaceful uses of nuclear science and technology for socio-economic development. Kenya also hosts various AFRA meetings in the country. Kenya has benefitted immensely from AFRA programmes in terms of capacity building and equipment donation in the fields of nuclear science and technology.
1029. AFRA has played an integral role in strengthening infrastructure and capacity building in the field of nuclear science and technology in Kenya. Kenya participates in nineteen (19) AFRA projects that promote peaceful application of nuclear science and technology in such sectors as food and agriculture, health, energy, industrial applications, water management, radiation protection and human resource development. AFRA Projects have positively impacted society in terms of improving crop yields and animal production, cancer treatment, energy planning for nuclear power and destructive testing in industrial application, training for human resource development and radio isotope technics in water management. Through the AFRA Initiative, several International Nuclear Information System (INIS) centres have been upgraded with equipment. In addition, over 200 professionals and young scientists have acquired core skills in nuclear science and technology.

3.9 OUTER SPACE

3.9.1. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

1030. The Convention was adopted by the UN General Assembly on 19th December, 1966, and opened for signature on 27th January, 1967. It entered into force on 10th October, 1967. Kenya acceded to the Convention on 19th January, 1984. The Convention provides for international regulation of outer space activities and is the international legal regime of outer space and celestial bodies.
1031. Since 1973, Kenya is a member of the UN Committee on the Peaceful Uses of Outer Space (COPUOUS), a Committee established by the UN General Assembly in 1959, to promote international cooperation in the peaceful use of outer space. The Committee also serves as a forum to monitor and discuss developments in the exploration and use of outer space which evolves over time due to technological advancements, geopolitical changes and the use of space science and technology for sustainable development. COPUOUS has two main subcommittees namely; the Legal Subcommittee and the Scientific and Technical Subcommittee. Kenya regularly participates in their meetings convened in Vienna, Austria.
1032. The peaceful applications of space science and technology have a central place to contribute to the attainment of national development goals. Some of these peaceful applications include: disaster management; human health (telemedicine); communications; weather forecasting; natural resources management; agriculture; urban planning; and security, among others.
1033. The Government of Kenya entered into a Protocol on 13th September, 1995, between the European Space Agency (ESA) and the Government of Italy on the setting up and operation of European Space Agency equipment within the perimeter of the San Marco Satellites Tracking and Launching Station in Malindi, and on the cooperation between the Government and ESA for peaceful purposes. The Protocol is registered with UNOOSA.
1034. Since 1964, Kenya hosts the Luigi Broglio Space Centre in Malindi following a bilateral agreement entered between the Government of Kenya and the Government of Italy. This bilateral agreement was negotiated and signed on 24th October, 2016, and is awaiting ratification by Parliaments of both governments. The Malindi Space Centre undertakes, among other things; satellite launching, tracking, navigation, positioning and data acquisition, and earth observation.
1035. Kenya hosts the Regional Centre for Mapping of Resources for Development (RCMRD) established by the United Nations Economic Commission for Africa (UNECA) and the African Union (AU) in Nairobi, Kenya. RCMRD is an inter-governmental organization and currently has twenty (20) member states in the Eastern and Southern Africa regions. Besides offering Satellite based services, RCMRD provides training to its member states on the following Space-related disciplines: Remote Sensing (RS) & Satellite Image Processing/Interpretation; Geographic Information Systems (GIS) & Global Positioning/Navigation Systems (GPS); Geo-spatial database development and management; Integrated Water Resources Management; and Land Information Management Systems.
1036. The Government established a Kenya Space Agency, as a state corporation, in the Ministry of Defence through the Kenya Space Agency Order, Legal Notice No. 22 of 2017, under the State Corporations Act, Cap. 446 to, among other things, co-ordinate and regulate space related activities in the country and implement the Kenya Space Policy and related programmes. The Kenya Space Board was launched in September, 2018, to coordinate research and development in outer space.
1037. The Government hosted in 2018, an International Space Forum (African Chapter) organized by the International Astronautical Federation (IAF), the Italian Space Agency (ASI) and the Kenya Space Agency (KSA). The Forum brought together African Ministers of Education,

Science and Research, Heads of Space Agencies, representatives of Universities and Academia involved in space activities as well as members of International Space Organizations. The aim of the Forum was to promote the discussion on how space education and technology can support the exploitation of space for the Africa's socio-economic development. The key themes of the forum were: capacity development, environmental sustainability and space partnerships.

1038. The Forum proposed that the Malindi Space Centre hosts the International Centre for Space Education in Africa. The Italian Space Agency in collaboration with the Kenya Space Agency supported by the United Nations Office for Outer Space Affairs launched a course on Remote Sensing, Space Science and Space Policy from 9th to 13th December, 2019, for African Countries at the Centre.
1039. Between 26th and 30th June, 2016, the Government hosted together with the UN Office for Outer Space Affairs (UNOOSA), a UN-Kenya Conference on Space Technology and Wildlife Management at the United Nations Office in Nairobi.
1040. The Government launched the 1 KUNS (1st University Nanosatellite Precursor Flight) on 11th May, 2018, as the first small satellite developed by an African country. It was launched for KiboCUBE module on the International Space Station (ISS). In 2016, during the development phase, UNOOSA/Japanese Space Agency (JAXA) launched the KiboCUBE initiative to offer an opportunity for developing countries to launch cubesat from JAXA's KiboCUBE module on ISS.
1041. The Square Kilometer Array (SKA) is an international project that was initiated in the 1990s to establish certain scientific fundamentals of astronomy. The Partnership Programme involves nine African Countries (Botswana, Ghana, Kenya, Madagascar, Mauritius, Mozambique, Namibia, Zambia and South Africa). The project seeks to build the world's largest Radio Telescope for use in outer space observation and astrophysics research with up to one square kilometer information collecting area, representing one of the largest scientific endeavors in history. The SKA Project seeks to develop the Kenyan node of the global radio telescope under the Partnership with the nine African Countries and Australia.
1042. The SKA radio telescope will be co-located in the project Partner Countries, connected through a dedicated Very Long Baseline Interferometry Network (VBIN). In addition to the radio telescope, the project will develop High Performance Computing (HPC) infrastructure for the analysis of 'Big Data' including geo-spatial data to support urban planning and national resource management thereby contributing to two of the four critical pillars of the Big Four Agenda namely Housing and Food Security. The SKA project is identified as a Flagship Project in the Second and Third Medium Term Plans of the Kenya Vision 2030.
1043. Within the SKA Framework Kenya has recorded the following benefits: Participation in the training programmes supported by the South African Radio Astronomy Organization (SARAO) and the Development of Africa through Radio Astronomy (DARA) Programme. Over twenty five (25) students were trained in Masters and PhDs in South Africa and forty (40) undergraduates have been trained in local universities namely University of Nairobi and Kenyatta University.
1044. Additionally, the delivery and receipt of High-Performance Computing (HPC) servers 2 HPC Stampede racks from the HPC Centre in Cape Town. The servers were received at NACOSTI in January, 2019. Kenyatta University has acquired two 7.2. meter dishes that are being assessed for conversion into an interferometer for research and training purposes. The Kenya Optical Telescope Initiative (KOTI) was launched in February, 2019. This is an example of multiwave-length collaborations between South Africa and Kenya.
1045. SKA as a Flagship Project has enormous potential to benefit science development in the country and requires enhanced financial and technical support. The National Commission for

Science Technology and Innovation (NACOSTI) is finalizing modalities for the acquisition of the Telkom Earth Station in Longonot, Nakuru County and is seeking funds to acquire the Longonot Satellite for conversion of the Satellite Dish into a radio telescope for use under the SKA partnership project.

1046. There has been a bursary programme since 2008, to build capacity in Astronomy. The University of Nairobi conducts training in astronomy and astrophysics at the undergraduate level. Kenyan students have been undergoing training in South Africa, United Kingdom (UK) and Canada in various fields of Astronomy Engineering and Big Data management under different programmes supported by SKA programme.
1047. Kenyan researchers and scholars have benefited from the SKA Human Capital Development Programme through grants for studies in astronomy, engineering and training programmes for technicians. Astronomy courses are being taught in universities in Kenya under the SKA project.
1048. Kenya needs to build its capacity on all space science disciplines in order to reap maximum benefits of space science and technology. In this regard, capacity building and building of strategic collaborative partnerships with space-faring nations in space education and training is one of the main priorities of the Kenya Space Agency.

3.9.2. Convention on International Liability for Damage caused by Space Objects (Liability Convention)

1049. The Convention was adopted by the UN General Assembly on 29th November, 1971, and opened for signature on 29th March, 1972. It entered into force on 1st September, 1972. Kenya acceded to the Convention on 25th September, 1975. The Convention provides that States shall bear international liability and responsibility for all space objects that are launched within their territory.
1050. The Liability Convention provides that a launching State shall be absolutely liable to pay compensation for damage caused by its space objects on the surface of the Earth or to aircraft, and liable for damage due to its faults in space. The Convention also provides for procedures for the settlement of claims for damages.
1051. The Government has undertaken the development of Space Science Technology Policy and Space Bill which is ongoing.
1052. It is recommended that capacity building on space science is undertaken alongside enhancement of public awareness.

3.9.3. Agreement on the African Resource and Environment Management Satellite Constellation Initiative (ARMC)

1053. In the recognition of its strategic location at the Equator and its history of space science and technology, Kenya teamed up with South Africa, Nigeria and Algeria to form a consortium, that is, the African Resource and Environment Management Satellite Constellation Initiative (ARMC). The main objective of the Initiative is to establish African Satellite Management Constellation for Monitoring Management of African Resources and Environment. The collaborating countries signed the Agreement in Algiers, Algeria on 7th December, 2009.
1054. The objective of the Organization is aimed at designing, constructing and launching into low Earth orbit a set of microsatellites for Africa and ensures collection of Earth observation data on Africa on a continuous basis for various applications including food security, early warning and disaster risk management.
1055. Through the data sharing policy, Kenya can access data from other members' satellites in the following fields: disaster risk management; food security; public health; infrastructure; land use;

and water resource management. It would thus support activities such as urban development, land use monitoring, and mapping for the surveillance of effects of climate change.

1056. Under this Agreement, the Government is expected to make the necessary budgetary provision for this activity. The National Commission for Science Technology and Innovation (NACOSTI) is developing a National Science Technology and Innovation Policy that will have strategies to address issues emanating from the Agreement.

3.10 PLANNING AND STATISTICS

3.10.1 The African Charter on Statistics

1057. The Charter came into force on 8th February, 2015, thirty (30) days after the deposit of the instruments of ratification by fifteen (15) member states. Kenya signed the Charter on 25th January, 2010, and is in the process of ratifying. The African Charter on Statistics is a legal instrument to regulate statistical activity and also acts as a tool for advocacy and the development of statistics in Africa.
1058. The Charter was adopted by the Assembly of Heads of State and Government in February, 2009 in Addis Ababa, Ethiopia. The African Charter on Statistics pursues, inter alia, the following objectives: serves as policy framework and advocacy tool for the development of statistics in Africa; ensures improved quality and comparability of the statistics; strengthens the coordination of statistical activities and facilitate the harmonisation of development partners' interventions in order to avoid duplications in the implementation of statistical programmes; promotes compliance with the fundamental principles of public statistics in Africa and a culture of evidence-based policymaking; and builds up the institutional capacity of African statistical authorities by ensuring their autonomy in operations, while paying attention to adequacy of human, material and financial resources.
1059. In July, 2009, the Assembly of Heads of State and Government of the African Union in Sirte, Libya, mandated the African Union Commission (AUC) in collaboration with the United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB) and members of the African Statistical System (ASS), to develop a Strategy for the Harmonization of Statistics in Africa (SHaSA). This was envisioned to support the African integration agenda and enhance coordination and collaboration with National Statistical Offices (NSOs), regional and continental statistical organizations, as well as development partners.
1060. The Strategy for the Harmonisation of Statistics in Africa (SHaSA) was developed to support the African integration agenda and enhance coordination and collaboration with National Statistical Offices (NSOs), Regional and continental statistical Organizations as well as development partners. The main purpose of the SHaSA is to enable the Africa Statistical System (ASS) to generate timely, reliable and harmonized statistical information, covering all aspects of political, economic, social and cultural integration for Africa.
1061. Kenya has initiated the process of developing a National Strategy for Development of Statistics (NSDS). The NSDS is a framework to strengthen statistical capacity across the National Statistical System in Kenya. The Kenya National Bureau of Statistics is the implementing agency for this Charter.
1062. The Economic Commission for Africa carries out peer reviews on National Statistical Offices to ensure that good practices are shared among countries, based on first-hand experience of peers, to help accelerate the change processes in reforming statistical systems. The peer reviews advice on a number of processes that may include coordination, governance, advocacy, financing, human resource development and management of the national statistical system. The Government undertook the 2019 National Population and Housing Census in the month of August.

3.11. HEALTH

3.11.1. WHO Framework Convention on Tobacco Control (FCTC)

1063. The FCTC was the first Treaty to be negotiated under the auspices of the WHO in response to the globalization of the tobacco epidemic. The Treaty uses demand reduction strategies to address tobacco addiction. The FCTC was adopted during the 56th World Health Assembly in Geneva on 21st May, 2003 and opened for signature from 16th to 22nd June, 2003 in Geneva. It entered into force on 27th February, 2005. Kenya signed and ratified the FCTC on 25th June, 2004.
1064. Tobacco is a major cause of diseases, disability and death in the world and it is estimated that annually, over 6 million deaths in the world are attributed to tobacco. Out of these deaths, 600,000 occur as a result of exposure to Second-Hand Tobacco Smoke (SHS) including among non-smokers and children. Cognizant of the growing evidence on the harmfulness of tobacco and the aggressiveness of tobacco industry to proliferate its consumption, the member states of the World Health Organization (WHO) developed, negotiated and adopted the Framework Convention on Tobacco Control (FCTC). The FCTC is the first public health Treaty currently with 181 Parties covering 90 percent of the world's population. State Parties are obligated to implement the provisions of the Treaty and provide biannual reports to the Conference of Parties.
1065. Kenya has comprehensively domesticated the FCTC through the Tobacco Control Act, No. 4 of 2007. The Act aims to control the production, manufacture, sale, labelling, advertising, promotion and sponsorship of tobacco products, to provide for the Tobacco Control Board and to regulate smoking in specified areas.
1066. Kenya implements the FCTC through best practices in legislation, elimination of illicit trade in tobacco products, taxation, smoke-free policies, ban on advertising, promotion and sponsorship, mitigating tobacco industry interference and international policy development.
1067. Kenya continues to participate in activities of the FCTC Secretariat and attends the Conference of the Parties to the Convention. Kenya has representation in the WHO Africa Regional Office Expert Group formed under Article 9 and 10 of the FCTC.

3.11.2. Protocol to Eliminate Illicit Trade in Tobacco Products (ITP)

1068. The Protocol to Eliminate Illicit Trade in Tobacco Products was adopted in Seoul, Korea on 12th November, 2012, and opened for signature from 10th January, 2013, to 9th January, 2014. The Protocol entered into force on 25th September, 2018. Kenya signed the Protocol on 29th May, 2013. The Instrument of Ratification was signed by the Cabinet Secretary of the Ministry of Foreign Affairs on 15th July, 2019.
1069. The development of the Protocol is in response to the growing illegal trade in tobacco products, often across borders which poses a serious threat to public health.
1070. The Protocol is based on Article 15 of the WHO FCTC which refers to the threats posed by the illicit trade and measures countries should take to prevent it. The objective of the Protocol is to eliminate all forms of illicit trade in tobacco products through a package of measures to be taken by countries acting in cooperation with each other.
1071. Illicit trade in tobacco products poses a serious threat to public health because it increases access to cheaper tobacco products, thus fueling the tobacco epidemic and undermining tobacco control policies. It also causes substantial losses in Government revenues, and at the same time contributes to the funding of international criminal activities. Kenya implements the Protocol through the Tobacco Control Act, 2007.

3.11.3. The Single Convention on Narcotic Drugs, 1961

1072. The Single Convention on Narcotic Drugs, 1961, was amended by the Protocol amending the Single Convention on Narcotic Drugs on 25th March, 1972. This Convention, as amended, was adopted and entered into force on 8th August, 1975. Kenya ratified the Convention on 9th February, 1973. The Convention establishes strict controls on the cultivation of opium poppy, coca bush, cannabis plant and their products, which in the Convention, are described as “narcotic drugs”.
1073. This Convention aims to combat drug abuse through coordinated international action. There are two forms of intervention and control that work together. First, it seeks to limit the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international cooperation to deter and discourage drug traffickers.
1074. Kenya is a member of the Commission on Narcotic Drugs (CND), a Functional Commission of the United Nations Economic and Social Council (ECOSOC). The CND reviews and analyses the global drug situation, considering the interrelated issues of prevention of drug abuse, rehabilitation of drug users and supply and trafficking in illicit drugs. It takes action through resolutions and decisions. The CND has important normative functions under the international drug control conventions. It is authorized to consider all matters pertaining to the aims of the Conventions and see to their implementation.
1075. As a treaty organ under the Single Convention on Narcotic Drugs (1961) and the Convention on Psychotropic Substances (1971), the Commission on Narcotic Drugs (CND) decides, on the basis of recommendations by the World Health Organization (WHO), to place narcotic drugs and psychotropic substances under international control.
1076. Kenya has intensified efforts in prevention, early intervention, treatment, care, harm reduction, recovery, rehabilitation and social reintegration of drug use disorders and associated comorbidities. The Government launched the National Substance Use Management Technical Co-ordinating Committee in March, 2016, mandated to coordinate and harmonize multi-sectoral activities on substance use, management, monitoring, evaluating and review progress as well as address challenges in substance use management.
1077. The National Substance Use Disorder Treatment Protocol, 2016, gives guidelines for pharmacological as well as psychosocial treatment of Substance Use Disorders at the Outreach level, Outpatient level and Inpatient level. It also gives guidelines for recovery management. Kenya has model general substance use disorder treatment outpatient clinics (CSAT) as well as inpatient treatment facilities.
1078. With regard to Heroin Use Disorder Treatment, the Government has ensured availability of Methadone in licensed centers. Kenya has six (6) Medically Assisted Therapy clinics, three in the coastal region: in Kisauni, Shimo la Tewa Hospital, Mombasa County Referral Hospital and Malindi Sub-county Hospital; two in Nairobi, Ngara Clinic and Mathari National Teaching and Referral Hospital, Karuri Hospital (opened in September, 2019) and Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu.
1079. The Government has an obligation to enact laws to curb possession, trafficking and cultivation of certain plants used as narcotics and psychotropic substances. The Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994 domesticates the Single Convention on Narcotic Drugs, 1961 and the 1972 Protocol.
1080. The Government established the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), the Pharmacy and Poisons Board, the Anti-Narcotics Police Unit among others, to implement the Convention at the national level. NACADA was established by the NACADA Act, of 2012 (Cap. 121B) of the Laws of Kenya to coordinate multi-sectoral efforts aimed at preventing, controlling and mitigating alcohol and drug abuse in Kenya.

1081. The Pharmacy and Poisons Board regulates the practice of pharmacy and the manufacture and trade in drugs and poisons. This is to achieve the highest standards of safety, efficacy and quality for all drugs, chemical substances and medical devices that are locally manufactured, imported, exported, distributed, sold, or used to ensure the protection of the consumer as envisaged by the laws regulating drugs in force in Kenya.
1082. The Government has designated The Registrar, Pharmacy and Poisons Board in the Ministry of Health as the National Competent Authority (NCA) under the Convention. The Pharmacy and Poisons Board, submits periodic quarterly and annual reports under the Convention to the International Narcotics Control Board (INCB), a quasi-judicial monitoring UN organ based in Vienna, Austria, that monitors and supports State compliance under the international drug control treaties.

3.11.4. The Convention on Psychotropic Substances, 1971

1083. This Convention was adopted in Vienna on 21st February, 1971, and entered into force on 16th August, 1976. Kenya acceded to it on 18th October, 2000. The Convention establishes an international control system for psychotropic substances. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic or medical value on the other.
1084. Kenya is a member of the Commission on Narcotic Drugs (CND). The CND considers all matters pertaining to the aims of the Convention and its implementation. The Commission assists the Economic and Social Council (ECOSOC) in supervising the application of the international drug control treaties. It also advises the Council on all matters pertaining to the control of narcotic drugs, psychotropic substances and their precursors.
1085. As a treaty organ under the Single Convention on Narcotic Drugs (1961) and the Convention on Psychotropic Substances (1971), the Commission on Narcotic Drugs (CND) decides, on the basis of recommendations by the World Health Organization (WHO), to place narcotic drugs and psychotropic substances under international control. The Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994 domesticates the Convention on Psychotropic Substances, 1971. The Government has designated the Chief Executive Officer (CEO) Pharmacy and Poisons Board in the Ministry of Health as the National Competent Authority (NCA) under the Convention.
1086. The Government is under an obligation to report to the INCB on changes in its laws and regulations concerning psychotropic substances; notify of the names and addresses of the Governmental authorities dealing with psychotropic substances; inform on developments in the abuse of and the illicit traffic in psychotropic substances within its territory; furnish to the Board annual statistical reports on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers.
1087. The Government, through the Pharmacy and Poisons Board, submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB). The Government is under an obligation to report to the UN Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic.

3.11.5. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

1088. This Convention was adopted on 20th December, 1988, and entered into force on 11th November, 1990. Kenya acceded to the Convention on 19th October, 1992. The Convention provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It provides for international cooperation

through, for example, extradition of drug traffickers, controlled deliveries and transfer of criminal proceedings.

1089. Kenya is a member of the Commission on Narcotic Drugs (CND). The CND considers all matters pertaining to the aims of the Convention and its implementation. The Commission assists the Economic and Social Council (ECOSOC) in supervising the application of the international drug control treaties.
1090. The Convention is domesticated by the Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994 which makes provision with respect to the control of the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants. It also provides for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances and for connected purposes. The Act establishes offences for possession, cultivating, trafficking or other acts related to narcotic drugs and psychotropic substances including forfeiture of land used in the cultivation of prohibited plants.
1091. NACADA, the Pharmacy and Poisons Board and the Anti-Narcotics Police Unit of the National Police Service combat drug trafficking in the country.

3.11.6. Protocol for the Establishment of the East African Health Research Commission (EAHRC)

1092. The Protocol was signed by the Heads of State of the EAC Partner States on 13th September, 2008, which marked a new era of close cooperation on health research in the region. The partner states are currently amending the Protocol to address issues of the Governing Board and to provide clarity in the mandate of the Commission.
1093. The EAHRC Headquarters has been set up and operationalized in Bujumbura, Burundi. Kenya Medical Research Institute (KEMRI) is the national focal point institution for coordination and implementation of Protocol.
1094. EAHRC is established as the principal advisory institution of the community on all matters of health research and development. To achieve this objective, the Commission undertakes research and findings that are necessary for knowledge generation, technological development, policy formulation, practice, and other related matters. KEMRI co-ordinates collaboration and participation in the activities of the Commission.
1095. The EAC has developed legal and operational frameworks to address the emerging issues in the EAC region, institutionalized the digital regional EAC health initiative to integrate technology in all health initiatives to improve health outcomes across the region, and developed the Strategic Plan 2016–2021 with a focus on improvement of health care in the region.
1096. The EAC has also developed the East African Health Research and East African Health Science Journals and is currently mobilizing renowned scholars and scientists from all partner states to publish articles in the journals. The journals will be used to disseminate research findings on health for improved health care in the region and provide a resource material for university students and other research institutions.
1097. The EAC has also developed the East Africa Web portal for Health information. The Portal will serve as a one stop shop for generation, capture, synthesize, assessment, sharing, dissemination and utilization of health-related information in the region. It also provides information on opportunities for employment, collaboration and disease surveillance. Implementation of the Protocol has been hampered by lack of adequate funds for activities of the Commission.
1098. Kenya hosted the 2nd EAC Joint Ministerial, Development Partners and Investors Roundtable on investment in Health in November, 2019. The purpose was to promote investment in health which is critical for ensuring human and social development in East Africa. The EAC partner

States have also put in place precautionary measures to stop the spread of Ebola Virus Disease into the region due to an outbreak in the Democratic Republic of Congo which shares a border with most of the EAC Partner States. The precautionary measures put in place include vaccinating frontline health workers, screening all travelers at points of entry and training the first responders in the case of an outbreak.

3.12. TRANSPORT

3.12.1. Air Transport

3.12.1.1 Convention on International Civil Aviation (1944 Chicago Convention)

1099. The Convention was adopted on 7th December, 1944, and entered into force on 4th April, 1947. Kenya acceded to the Convention on 1st May, 1964. The Convention aims to ensure the safe and orderly development of international civil aviation throughout the world; encourage the arts of aircraft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation, amongst others.
1100. The Convention establishes the International Civil Aviation Organization (ICAO) which is the specialized UN agency for civil aviation matters. The Convention has nineteen (19) Annexes through which ICAO has developed Standards and Recommended Practices (SARPs) to govern and standardize the conduct of civil aviation amongst States. ICAO conducts safety and security audits on States based on its Standards and Recommended Practices to establish the level of effective implementation.
1101. Kenya was first elected to the ICAO Council in 2013, and served its first term from 2013 to 2016. Kenya was re-elected to serve its second term which ended in November, 2019.
1102. The Government formulates policies and regulations that govern civil aviation, implements programs including ratification, annual subscriptions and active participation at ICAO meetings on adoption and implementation of international civil aviation instruments.
1103. In implementing the Convention, Kenya has enacted the Civil Aviation Act, No. 23 of 2013. The Government has further developed Civil Aviation Regulations under the Act as the main instruments of implementation of the Convention. The Act establishes the Kenya Civil Aviation Authority (KCAA), a state corporation, for the management of aviation safety in Kenya. Kenya makes reports to ICAO which also conducts regular Audits.
1104. KCAA faces the challenge of attracting and retaining qualified technical staff due to the wide disparities in remuneration within the industry. It is recommended that the Government should enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.
1105. The benefits to Kenya in being a State Party are a safe and orderly civil aviation industry in the country, tapping into international civil aviation best practices, thereby allowing the growth of the industry and enabling operators to thrive. Other benefits include: Co-operation with other States; technical assistance on aviation training and equipment; development of laws and regulations; and domestication and assessments in ensuring safe and secure civil aviation.
1106. In 2017, Kenya was granted Category 1 Safety Standard rate after complying with ICAO International Aviation Safety Assessment (IASA) Standards. This is the prerequisite requirement for direct flights from Nairobi to the United States. The inaugural Kenya Airways (KQ) direct flight from Nairobi to New York was launched on 28th October, 2018. Since then, Kenya Airways flies five times a week up from three times a week from Nairobi to New York, and occasionally daily. The airline also introduced the following new routes: Geneva; Rome and Mogadishu. It also resumed its flights to Malindi which it had previously discontinued.
1107. Kenya was also amongst a select group of nations chosen by ICAO for the EU/ICAO Assistance Project that will measure the carbon emission and reduction in order to meet Kenya's carbon footprint. "Solar-at-Gate" Project was implemented at Moi International Airport in Mombasa and the project was inaugurated on 11th December, 2018.

1108. Kenya hosted the International Civil Aviation Organization Air Services Negotiation Conference (ICAN), in December, 2018, in Nairobi in which high level delegation of States and ICAO officials attended.

3.12.1.2 Convention for the Unification of Certain Rules of International Carriage by Air (1999 Montreal Convention)

1109. The Convention was adopted on 28th May, 1999, and entered into force on 4th November, 2003. Kenya signed the Convention on 28th May, 1999, and ratified it on 7th January, 2002.

1110. The Convention aims to re-establish uniformity and predictability of rules relating to the international carriage of passengers, airline liability in the case of death, injury or delay to passengers or in cases of delay, damage or loss of baggage and cargo whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime).

1111. The Convention protects passengers by introducing a two-tier liability system that eliminates the previous requirement of proving willful neglect by the air carrier to obtain more than USD 75,000 in damages. This should help in eliminating or reducing protracted litigation.

1112. Airlines world-wide have a challenge when dealing with damages and lost baggage, due to human emotions, and the amounts of compensation especially when relating to aircraft accidents and subsequent litigation. Kenya Civil Aviation Authority (KCAA) has established a consumer protection unit to address claims for damage and loss of baggage. Further, KCAA has developed draft regulations (Consumer Protection Regulations, 2017). Under the Yamoussoukro Decision (YD), the African Civil Aviation Commission Consumer Protection Regulations were adopted by Heads of State and Government in January, 2018.

1113. Ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage. The Airline operators in Kenya participate in the Airline Operators Committee to address issues relating to damaged and lost baggage and compensation to passengers relating to the same.

1114. The Government formed a committee to deal with the issue of compensation of the families of the Ethiopian Airline Crash Boeing 737 Max on 10th March, 2019, and the Committee is being coordinated by the Ministry of Foreign Affairs. The families of the victims are expected to receive KSh.15 Million each in compensation from Boeing. The compensation will come from a USD 50 Million fund announced by Boeing.

3.12.1.3 Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 Montreal)

1115. The Convention was adopted on 1st March, 1991, and entered into force on 21st June, 1998. Kenya acceded to the Convention on 22nd October, 2002. The Convention is a multilateral and Anti-Terrorism Treaty that aims to prohibit and prevent the manufacture or storage of unmarked plastic explosives. The Convention notes the implications of acts of terrorism for international security and the fact that plastic explosives have been used for terrorist acts aimed at destruction of aircraft, other means of transport and other targets. It further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts.

1116. The Convention is designed to control and limit the use of unmarked and undetectable plastic explosives. State Parties are obligated in their respective territories to ensure effective control over 'unmarked' plastic explosive i.e. those that do not contain one of the detection agents described in the Technical Annex to the treaty. The Convention establishes an International Explosives Technical Commission, which is composed of experts in the field of explosives.

1117. Each State Party must, inter alia: take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic

explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

1118. A State that ratifies the Convention agrees to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in its territory. Kenya is not a producer of plastic explosives.
1119. The Government has enacted the Prevention of Terrorism Act, No. 30 of 2012, Explosives Act, 2009 (*Rev.* 2012). Anti-Terrorism Police Units (ATPUs) have been established in all airports. Terrorism is a challenge to States and Government is taking measures to combat it. It is recommended that there be continuous surveillance to prohibit the manufacture, storage, transport or entry of unmarked plastic explosives in Kenya. Implementation of the framework reduces the ability and risk of terrorists utilizing plastic explosives within Kenya.

3.12.1.4 Convention on International Interests in Mobile Equipment (Cape Town Convention) and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment

1120. The Convention and the Protocol were adopted on 16th November, 2001, and entered into force on 1st March, 2006. Kenya signed the Convention and the Protocol on 16th November, 2001, and ratified them on 13th October, 2006. The Convention and its Protocol recognizes the need to acquire and use mobile equipment of high value or particular economic significance to facilitate the financing of the acquisition and use of such equipment in an efficient manner.
1121. The Convention and its Protocol emphasizes on: the advantages of asset-based financing and leasing for this purpose and facilitates these types of transactions by establishing clear rules to govern them; the need to ensure that interests in such equipment are recognized and protected universally; to provide broad and mutual economic benefits for all interested parties; takes cognizance that such rules must reflect the principles underlying asset-based financing and leasing and promote the autonomy of the parties necessary in these transactions; and the need to establish a legal framework for international interests in such equipment and for that purpose to create an international registration system for their protection.
1122. Kenya has domesticated and is implementing the Convention and Protocol through the enactment of the International Interests in Aircraft Equipment Act, 2013. The benefits to Kenya are that local airlines are able to acquire aircraft at a discount due to assurance to the sellers, that their interests in such equipment are recognized and protected.

3.12.1.5 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971 Montreal Convention)

1123. The Convention was adopted on 23rd September, 1971, and entered into force on 26th January, 1973. Kenya acceded to the Convention on 11th January, 1977. The Convention recognizes that unlawful acts of seizure or exercise of control of aircraft in flight jeopardizes the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts.
1124. The Convention makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be

an accomplice of a person who performs or attempts to perform such acts. It requires state parties to make offences punishable by “severe penalties” and requires state parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

1125. Ratification of the Convention by the Government demonstrates its commitment towards ensuring that acts of unlawful interference are eliminated. The Civil Aviation Act, No. 42 of 2016, recognizes acts of unlawful interference as a crime. Kenya prohibits and punishes behaviour which may threaten safety of civil aviation. Kenya’s security agencies continue to undertake surveillance and have been strengthened to promote and enhance deterrence.

3.12.1.6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988 Montreal)

1126. The Protocol was adopted on 24th February, 1988, and entered into force on 6th August, 1989. Kenya acceded to it on 5th October, 1995. The Protocol recognizes the unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports, undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all states.
1127. The Protocol extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation. The Civil Aviation Act, No. 42 of 2016, recognizes and addresses unlawful acts of violence at the airport serving international civil aviation.
1128. It is recommended that Kenya’s security agencies undertake continuous surveillance and be strengthened to ensure that security is maintained at our airports. This will prohibit and punish behavior which may threaten safety of civil aviation.

3.12.1.7 Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1952 Rome Convention)

1129. The Convention was adopted on 7th October, 1952, and entered into force on 4th February, 1958. Kenya acceded to the Convention on 5th July, 1999. The Convention aims to ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft, while limiting in a reasonable manner the extent of the liabilities incurred for such damage in order not to hinder the development of international civil air transport.
1130. Ratification of the Convention demonstrates Kenya’s commitment towards compensation to those who may suffer damage caused by foreign aircraft.
1131. The challenge is the inadequacy of compensation especially when relating to aircraft accidents which lead to litigation.

3.12.1.8 Protocol to amend the Rome Convention of 1952 on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1978 Montreal)

1132. The Protocol was adopted on 23rd September, 1978, and Kenya acceded to the Protocol on 25th July, 2002. The Protocol addresses compensation relating to damage caused by the international flights on the ground. The ratification of the Protocol demonstrates the Government’s commitment towards adequate compensation to those who suffer damage caused by an aircraft on the ground.
1133. Inadequacy of compensation especially when relating to aircraft accidents leads to litigation. The benefit of the Convention is that it standardizes compensation relating to damage suffered.

3.12.1.9 Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA)

1134. The Protocol was adopted and entered into force on 18th April, 2007. Kenya became a state party on the same date. The Protocol established the Civil Aviation Safety and Security

Oversight Agency (CASSOA). The ratification of the Protocol by the Government demonstrates its commitment towards aviation safety in the region.

1135. The Protocol seeks to promote a safe and secure environment in the development of civil aviation within and outside the partner states. It assists the partner states in meeting their safety and security oversight obligations and responsibilities under the Chicago Convention and its annexes. It also provides the partner states with an appropriate forum and structure to discuss, plan and implement common measures required for achieving the safe and orderly development of civil aviation through the implementation of international standards and recommended practices relating to the safety and security of civil aviation. The CASSOA has developed several regulations to facilitate the operations and implementation of the Protocol.
1136. Conformity with the Protocol will improve aviation safety in the region. Kenya is set to host the EAC Centre of Aviation Medicine at the Kenya Civil Aviation Authority (KCAA) Headquarters once the Host Country Agreement is completed.

3.12.1.10 Search and Rescue Agreement Co-operation in Air Accident Investigations

1137. The Agreement was adopted on 13th September, 2003. Kenya signed it on 13th September, 2003. The purpose of the Agreement is to assist partner states in cooperating in the activities of Interstate Search and Rescue Services.
1138. The EAC has adopted an updated roadmap for the operationalization of the EAC Search and Rescue Agreement. The EAC has also considered and adopted the proposed EAC SAR Joint Technical Committee composed of the 5 National SAR Coordinators, one from each of the EAC Partner States to participate in coordination activities.

3.12.1.11 Convention on the International Recognition of Rights in Aircraft (1948 Geneva Convention)

1139. The Convention was adopted on 19th June, 1948, and Kenya acceded to the Convention on 15th January, 1997. The spirit of the Convention is to encourage investors to make financial assistance possible for the purchase of new aircrafts to be used internationally.
1140. Accession of the Convention demonstrates Kenya's commitment to international commercial sale and leasing of aircrafts. Kenya is implementing the Civil Aviation (Licensing of Air Services) Regulations, 2018. Kenya submits annual reports to ICAO.

3.12.1.12 Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 Warsaw)

1141. The Convention was adopted on 12th October, 1929, and Kenya acceded to it on 7th October, 1964, but with a validity or effective date for the Convention as 12th December, 1963. The objective of the Convention is to ensure compensation for death or injury of a flight passenger and damage or loss of luggage or goods. The accession of the Convention demonstrates the Government's commitment towards compensation for death or injury of passengers on board flights.
1142. The Kenya Civil Aviation Authority established a Consumer Protection Unit (CPU) in 2004, to address claims for damage and loss of baggage. Implementation of the Convention enhances passengers' confidence.
1143. The functions of Consumer protection Unit include: empowerment of air transport travellers (consumers) with information on their rights; development and enforcement of consumer protection rules and regulations; service charter development and its implementation; complaints management emanating from air travellers; conducting consumer satisfaction surveys and receipt of feedback; access to information and implementation of relevant Acts and Policies; stakeholder collaboration on consumer protection; and provision of consumer protection information to the public on their rights.

1144. Draft Consumer Protection Regulations have been developed. Currently there are no regulations to guide on compensation in the event of loss or damage claim. Passengers launch their complaints directly to the airline and where the airline does not resolve the issue, passengers seek recourse from the Kenya Civil Aviation Authority (KCAA).

3.12.1.13 Protocol to amend the Convention for the Unification of certain Rules relating to international carriage by air (1955 Hague Protocol)

1145. The Protocol was adopted on 28th September, 1955. Kenya became a state party to the Protocol on 6th July, 1999. The Protocol improved compensation of international carriage of persons, luggage and goods. Ratification of this Protocol demonstrates Kenya's commitment to consumer protection.

1146. Kenya has undertaken various measures under the protocol such as ensuring that operators adjust their compensation amounts to be in line with the minimum compensation levels prescribed by Montreal Convention, 1999.

3.12.1.14 Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 Tokyo)

1147. The Convention was adopted on 14th September, 1963, and entered into force on 4th December, 1969. Kenya acceded to it on 22nd June, 1970. The Convention is applicable to offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft. Accession of the Convention demonstrates Government commitment to fighting terrorism and punishment of offenders on board aircraft.

1148. The Convention applies to acts affecting in-flight safety; authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and requires contracting states to take custody of offenders and to return control of the aircraft to the lawful commander.

1149. Jeopardizing the safety of persons or property on board civilian aircrafts is now an offence under the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences. There is improved security of persons on board aircrafts as a result of the various anti-terrorism measures the Government has put in place.

3.12.1.15 Convention for the Suppression of Unlawful Seizure of Aircraft (1970 Hague)

1150. The Convention was adopted on 16th December, 1970 and entered into force on 14th October, 1971. Kenya acceded to the Convention on 11th January, 1977. The Convention provides for the punishment of offenders to deter unlawful seizure or exercise of control of aircraft in flight. Accession of this Convention demonstrates the Government's commitment to fighting terrorism. Reporting is made to the International Civil Aviation Organization (ICAO).

1151. The Convention makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, to seize or exercise control of that aircraft" or to attempt to do so. It requires state parties to the Convention to make hijackings punishable by "severe penalties" and requires state parties that have custody of offenders to either extradite the offender or submit the case for prosecution. It also requires state parties to assist each other in connection with criminal proceedings brought under the Convention.

1152. Kenya has incorporated the punishment of offenders for this crime of unlawful seizure or exercise of control of aircraft in flight under the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012. There is improved security of persons on board aircrafts as a result of the various anti-terrorism measures the Government has put in place.

3.12.2. Road Transport

3.12.2.1 Geneva Convention on Road Traffic Accident

1153. The Convention entered into force on 19th September, 1949, and Kenya became a state party on 21st May, 1977. It mandates State Parties to develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally. State Parties have agreed to: Establish nationwide emergency response system; equip emergency providers with adequate means for safety evacuation of casualties; improve health facility capacity to respond to casualties of road traffic; crashes and enhance data management on road traffic injuries. This Convention is implemented through the National Transport and Safety Authority Act, No. 33 of 2012 and the Traffic Act (Cap. 403).
1154. The Government has established a National Transport and Safety Authority (NTSA) whose objective is to harmonize the operations of the key road transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes. NTSA is now domiciled in the State Department of Interior as per Executive Order No. 2 of 2019 ‘Management and Co-ordination of National Transport and Safety’.
1155. The Government has also established the Transport Licencing Appeals Board (TLAB), under the National Transport and Safety Authority Act, No. 33 of 2012, which is domiciled in the Judiciary. TLAB is a quasi-judicial body that hears appeals on matters under the NTSA Act.
1156. The Government has enacted measures aimed at reducing road carnages which stands at approximately 3000 deaths per year. All public service vehicles are required to belong to a Savings and Credit Co-operative Society (SACCO) which has self-regulating mechanisms. Bus companies are now required to employ two qualified drivers for night travels. Fleet owners are now tasked to manage the speed limits of their vehicles using a fleet management system capable of recording speed and locating the vehicle at any time. As from October, 2017 all vehicles including private vehicles are required to have an ownership sticker and undergo inspection.
1157. In a bid to reduce drunk driving- related accidents, breathalyzers have been deployed throughout the country. Licensing of individual Matatu owners was stopped and instead only owners of a minimum of 30 vehicles are licensed to operate Public Service Vehicles (PSVs).
1158. The Government has developed a new Standardized Curriculum for driver training and testing for use in all driving schools in Kenya. This has ensured standardized training and testing of all driver trainees in the country. In addition, digital driving license with demerit points, supported by the Transport Information Management System (TIMS), was rolled out in mid-2016 to enhance monitoring performance of all drivers.
1159. Secondly, a number of county governments have contracted Red Cross teams and Ambulances to provide emergency and evacuation services in the counties. The challenges faced in implementing this convention include inadequate resources, inadequate capacity and conflict of roles amongst the various implementing Partners.
1160. The Government has also established The Nairobi Metropolitan Area Transport Authority (NAMATA) through Legal Notice No. 18 of 2017, under the State Corporations Act. The NAMATA covers Nairobi, Machakos, Kajiabo, Kiambu and Muranga counties with an objective of providing an integrated sustainable and efficient public transport.

3.12.2.2 The Northern Corridor Transit and Transport Agreement, 2007

1161. The new Northern Corridor Transit and Transport Agreement (NCTTA) was signed on 18th November, 1995, and revised on 7th October, 2007, between the Governments of Burundi, Democratic Republic of the Congo, Kenya, Rwanda and Uganda. It entered into force on 6th December, 2012. The Republic of South Sudan acceded to the Agreement as the sixth Member

State on 7th March, 2013. The Agreement extends the mandate and scope of the 1985 Agreement.

1162. Obligations under the agreement include: ratification, Implementation to ensure freedom of transit on the member states, safeguard right to access to/from the sea for landlocked countries, develop and integrate the regional transport facilities and services, facilitate inter-state and transit trade, and yearly subscriptions.
1163. The Government has established the Northern Corridor Transit and Transport Co-ordination Authority (NCTTCA) to co-ordinate implementation of the Agreement and to carry out decisions and resolutions reached by policy organs of the Authority.
1164. The Agreement mandates NCTTCA to promote co-operative transport policies and foster an efficient and cost-effective transit transport system within the Corridor. The treaty has contributed significantly to improved corridor performance, and has brought member States together, facilitating trade and commerce, cooperation and bilateral agreements between member States of funding for the rehabilitation of major highways along the Corridor. The rehabilitation of major highways has led to the reduction of transit time between Mombasa in Kenya, and Bujumbura in Burundi, by half, from over 30 days to about 15 days, as a result of transit facilitation measures undertaken. Some unnecessary border formalities along the Corridor have been removed.
1165. Kenya has completed the following road projects under the Northern Corridor Agreement: Bachuma Gate–Maji ya Chumvi (reconstruction, 53 km); Timboroa–Eldoret (reconstruction, 80km); Eldoret–Webuye–Malaba (reconstruction, 160 km); Mau Summit–Kericho–Kisumu–Kisian (reconstruction, 160km); capacity enhancement Miritini–Kipevu (new dual carriageway, 11km); Nairobi Southern Bypass (new dual carriageway, 26km); Grade separated interchanges in Nakuru county at Nyahururu Turnoff, Njoro Turnoff and Mau Summit; Construction of two way weighbridges at Mariakani and Athi River including weigh in motion Construction of one stop border post at Malaba Construction of one stop border post at Busia.
1166. There are also on-going projects including Performance Based Maintenance Contracts on the following routes: Mombasa–Malaba; Mau Summit–Busia; Isebania–Ahero–Kakamega–Kitale–Lokichar–Nadapal; Voi–Taveta; Athi River–Namanga.

3.12.2.3 Regional Customs Transit Guarantee (RCTG) Agreement

1167. The Regional Customs Transit Guarantee (RCTG) scheme is a system designed to facilitate efficient movement of goods in transit in the COMESA Region under a system of secure seals and motor vehicles, standardized declaration documents. It also provides a reliable guarantee mechanism that protects the interest of all stakeholders. The RCTG provides a uniform basis for movement of goods in transit throughout the region.

3.12.2.4 1993 COMESA Protocol for the Establishment of Third-Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation

1168. This Protocol was adopted in 1993. As a requirement under Article 85 of the COMESA Treaty, the Third-Party Motor Vehicle Insurance (Yellow Card) Protocol, seeks to provide minimum guarantees for vehicles transiting through member states. The objective of the Protocol is to recognize the validity of the Yellow Card in member states' territory and enact laws and regulations for the establishment of the Card Scheme, particularly for the designation of the National Bureau. In Kenya, it is a mandatory minimum for motorists to have a Third Party (motor vehicle risks) insurance cover.

3.12.2.5 Tripartite Agreement on Road Transport between the Government of the Republic of Kenya, the Government of the Republic of Uganda and the Government of the United Republic of Tanzania

1169. The Agreement entered into force on 29th November, 2001, to harmonize policies with respect to trade, customs, transport, communications, agriculture, and natural resources; and promotion of free movement of goods, services and people. The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at the port of Mombasa, and is also aggressively seeking to enhance the link between the port and Northern Corridor land transport routes. In addition, KPA is developing a second international trade port in Lamu along Kenya's North Eastern coast.

3.12.3 Rail Transport

3.12.3.1 Protocol for the Development and Operation of the Standard Gauge Railway

1170. The Protocol was signed by Kenya, Uganda, South Sudan and Rwanda in May, 2014. The aim of the Protocol is to enable development and operationalization of a seamless railway network from Mombasa to Kampala, Kigali and Juba. The Tripartite Agreement on the creation of the Standard Gauge Railway which aims to address infrastructure development, energy, trade facilitation and regional integration within the countries was signed on 28th August, 2013.

1171. The SGR is meant to reduce the cost of doing business in the region and improve competitiveness in investment through: Reduced freight transportation tariff charges on average by 41.5 percent per tonne-kilometre; reduced transit time by freight trains on average by 26.6 percent; increased rail transport share in the Northern corridor; and reduced damage to the roads on the Northern Corridor.

1172. Phase 1 of the SGR (Mombasa to Nairobi section—485 km) is complete and operational for both passenger and freight services. The Government launched passenger and freight operations of Phase 2A Standard Gauge Railway of the Nairobi–Naivasha section on 16th October, 2019. The section covers 120km of the railway line.

1173. The Government has also created a Railway Development Fund supported by a 1.5 percent levy on the cost of all imports to support the railway development. Construction of the SGR has enhanced transfer of technology and capacity building for locals.

1174. Kenya and Uganda signed a joint communique in March, 2018, agreeing to jointly mobilize resources for harmonized construction of the Naivasha–Kisumu–Malaba and the Malaba–Kampala SGR sections. Kenya is reviewing the feasibility study for Naivasha–Kisumu sections with a view to secure funding from development partners.

3.13. LAW OF THE SEA

3.13.1. United Nations Convention on the Law of the Sea (UNCLOS)

1175. The Convention, often described as a “constitution of the oceans” was adopted on 10th December, 1982 and entered into force on 16th November, 1994. Kenya signed the Convention on 10th December, 1982 and ratified it on 2nd March, 1989. UNCLOS allows countries to engage in bilateral and multilateral arrangements regarding the control and management of the maritime zones.
1176. The Convention defines the rights and responsibilities of nations in their use of the world’s oceans. Its outlaw’s militarization of the sea and lays out rules for delimitation of maritime zones, safeguarding the marine environment and protecting freedom of scientific research on the high seas; and mineral resource exploitation in deep seabed Area beyond national jurisdiction through the International Seabed Authority (ISA).
1177. The ISA was established to organize, regulate and control all mineral-related activities in the Area, beyond the limits of national jurisdiction. Kenya became a member of ISA on 29th July, 1994. Currently member states are developing regulations on deep sea bed mining.
1178. Kenya continues to participate in the International Sea Bed Authority meetings. The Council and Assembly meetings were held in July, 2019. The meeting considered the draft exploitation regulations that are key to the implementation of the Convention’s provisions. Member states were required to provide additional comments by 15th October, 2019. The draft regulations are expected to come into force in the year 2020.
1179. The Assembly marked its 25th Anniversary of the Authority and acknowledged efforts made by Kenyan diplomats in playing the critical role in the development on UNCLOS Seabed Mining regime. The meeting discussed the draft High-Level Action Plan 2019–2023 and adopted the same with nine strategy directions.
1180. During the meeting, Kenya called for the establishment of a Regional Centre of the Authority in Africa and urged operationalization of the Enterprise for the benefit of developing countries.
1181. The Convention elaborates the common heritage of mankind principle; regulates maritime safety and security; provides for the transfer of marine technology and spells out dispute settlement procedures. It emphasizes the orderly and stable regulation of the uses of the oceans without compromising the security and welfare of any state.
1182. The Convention is implemented through the following laws: The Maritime Zones Act, 1989, Cap. 371; and the Fisheries Management and Development Act, 2016, which establish several new institutions, namely; The Kenya Fisheries Service, the Kenya Fisheries Marketing Authority; and the Fisheries Advisory Council. UNCLOS is also implemented through the Kenya Coast Guard Service Act, 2018.
1183. The Executive Order No. 1 of 2018 expands the mandate to the State Department for Fisheries to include Blue Economy. Kenya is a member of the FAO Blue Growth Initiative and ascribes to the UN Sustainable Development Goals that recognises the importance of oceans, seas, lakes and rivers in socio-economic development.
1184. The major challenges in implementation include weak co-ordination and/or ineffective command and control of the maritime zones; rampant Illegal, Unreported and Unregulated fishing (IUU); piracy and lack of technological capacity to exploit the resources of the deep seabed.
1185. There is need for enhanced awareness creation in the Area and a further review of the legal framework to ensure that the provisions of UNCLOS can be implemented to the fullest extent.

1186. The Court of Appeal in Nairobi pronounced itself in Civil Appeal No. 113 of 2011 *AG versus Mohammed Mohammed Hashi & Others* when the issue of whether Kenya had jurisdiction to try persons in respect of Piracy *Jure Gentium* committed in the High Seas. The Court was clear that Kenya has relied on the piracy provisions in UNCLOS to interpret its own domestic criminal code proscribing general piracy.

3.13.2. Maritime Transport

3.13.2.1. Maritime Labour Convention (MLC), 2006 as amended

1187. The Maritime Labour Convention, (MLC), 2006 is a comprehensive international labour Convention that was adopted by the International Labour Conference of the International Labour Organization (ILO), in February, 2006 in Geneva, Switzerland. Kenya ratified the MLC, 2006 on 31st July, 2014. Kenya is yet to submit a declaration of acceptance in respect of the 2014 amendments to the MLC, 2006.

1188. Kenya further signed a declaration of acceptance in respect of the 2016 amendments to the MLC, 2006. The 2018 amendments to the MLC, 2006 is equally under consideration. The MLC 2006 is considered the fourth pillar of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO) such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), the International Convention on Standards of Training, Certification and Watch keeping, 1978, as amended (STCW) and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL).

1189. The MLC 2006 seeks to be “firm on rights and flexible on implementation”. The Convention sets out the basic rights of seafarers to decent working and living conditions while on board ships. It further seeks to protect seafarers from unfair competition on the part of substandard ships.

1190. The Government ensures that ships flying its flag are duly inspected and certified in accordance with international standards set out in the MLC 2006 in terms of decent working and living conditions for seafarers. The Government further ensures that Kenyan seafarers are apprised of their rights set out in the MLC 2006 while on-board ships flying a flag of a member state.

1191. Pertinent provisions of the MLC 2006 have been entrenched in the Kenya Maritime Authority Act, 2006, and Merchant Shipping Act, 2009. The Government is in the process of concluding regulations to give full effect to the MLC 2006 namely: draft amendments to the Kenya Maritime Authority Act, 2006, and draft amendments to the Merchant Shipping Act, 2009, in line with various IMO amendments to mandatory instruments and to provide for the MARPOL Convention.

1192. The Government has further established a section within the regulator, Kenya Maritime Authority to provide various services as set out in the MLC 2006. The Government has in coordination with International agencies and other Governments, secured the repatriation of stranded Kenyan seafarers who have been abandoned in other jurisdictions. Various events have been carried out to apprise seafarers of their rights, obligations and duties.

3.13.2.2. International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974)⁵⁵

1193. This Convention was adopted on 1st November, 1974, and Kenya acceded to the Convention on 21st July, 1999. The main objective of the SOLAS 1974 Convention is to specify minimum

⁵⁵ 1981, 1983, 1987, 1988, 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017

standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. Control provisions also allow Governments to inspect ships registered in other jurisdiction if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention, commonly referred to as exercising Port State Control functions.

1194. Applicable provisions of the SOLAS 1974 Convention have been entrenched in the Kenya Maritime Authority Act, 2006, and Merchant Shipping Act, 2009. The Government is reviewing regulations to give full effect to the SOLAS 1974 Convention. Kenya has also established a section within Kenya Maritime Authority to provide various services as set out in the SOLAS 1974 Convention. Such services include inspection and registration of ships, certification of ships licensed and/or registered within the Republic of Kenya, Port State Control inspections of ships flying the flag of foreign jurisdictions among many others.
1195. During the period under review, Port State Control inspectors carried out 368 inspections at the port of Mombasa. The criteria for inspection was reviewed to enable officers undertake quality inspections of high risk ships. The Government has in close coordination with various agencies and other Governments entered into several agreements to enhance efficiency in exercising these functions.
1196. Challenges experienced in implementation of the SOLAS 1974 Convention include shortage of human and financial resources.

3.13.2.3. Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea 1974 as amended⁵⁶ (SOLAS PROT., 78)

1197. SOLAS PROTOCOL 1978 was adopted on 1st November, 1978, and entered into force on 25th May, 1980. Kenya acceded to the SOLAS PROTOCOL on 7th March, 1994. The SOLAS PROTOCOL 1978 made important changes to the SOLAS 1974 Convention by introducing unscheduled inspections and/or mandatory annual surveys thus strengthening Port State Control inspections.
1198. Some of the provisions of the SOLAS PROTOCOL 78 have been entrenched in the Merchant Shipping Act, 2009, and its subsidiary regulations. The Government is reviewing these regulations to give full effect to the Protocol. The Government has also established a section within Kenya Maritime Authority to provide various services as set out in the Protocol. The Protocol is important to Kenya considering that approximately fifty (50) ships of various types voyage through the major shipping lanes off the Kenyan coastline at any given time.

3.13.2.4. Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974 as amended⁵⁷ (SOLAS PROT., 1988)

1199. The SOLAS PROT., 1988 was adopted on 11th November, 1988, and later entered into force on 3rd February, 2000. Kenya acceded to the SOLAS PROT., 1988 on 7th July, 2015.
1200. SOLAS PROT., 1988 introduced a new coordinated system of surveys and certification. It Harmonized Ship Survey and Certification (HSSC) as provided in the Load lines 1966 Convention and MARPOL 73/78 as well as with various codes dealing with construction and equipment of ships carrying hazardous chemicals in bulk to which Kenya is a party.
1201. The aim of SOLAS PROT., 1988 is to alleviate the difficulty caused by the varying requirements in the three instruments. Ships may be obliged to go into dry-dock for a survey required by one Convention shortly after being surveyed in connection with another.

⁵⁶ 1981, 1988, 2012, 2015

⁵⁷ 2000, 2002, 2004, 2006, 2007, 2008, 2009, 2010, 2012, 2015

1202. Some of the provisions of the SOLAS PROT., 1988 have been entrenched in the Merchant Shipping Act, 2009. The Government is developing regulations to give full effect to the Protocol. The Government has further established a section within Kenya Maritime Authority, to provide various services as set out in the Protocol.
1203. Implementation of the Protocol will ensure ship and crew safety, and protection of the marine environment from pollution by ships. Apart from ensuring that unseaworthy vessels do not call at Kenyan ports, the surveys and inspections will enhance revenue generation for the country.

3.13.2.5. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 as amended⁵⁸ (MARPOL/MARPOL PROT., 1997)

1204. The MARPOL Convention was adopted on 2nd November, 1973, and entered into force on 2nd October, 1983 (Annexes I-III). The MARPOL PROT., Adopted on 26th September, 1997, and entered into force on 19th May, 2005 (Annexes IV-VI). Kenya ratified MARPOL and acceded to Annexes I-V on 15th December, 1992. Kenya acceded to the MARPOL PROT., 1997 on 14th January, 2008.
1205. The Convention is aimed at preventing and minimizing pollution from routine operations and/or accidents caused by ships. The Convention seeks to control and/or minimize pollution by oil from operational measures, provide a discharge criteria including the need for reception facilities, measures of handling and carriage of harmful substances that pose a risk to the marine environment, disposal of garbage from ships and prevention of air pollution from ships.
1206. Some of the provisions of the MARPOL/MARPOL PROT., Convention have been entrenched in the Kenya Maritime Authority Act, 2006, Merchant Shipping Act, 2009, Environmental Management and Coordination (Amendment) Act, 2015, and regulations thereunder. The Government is reviewing the regulations to give full effect to the MARPOL Convention. Some of the coordinating roles in terms of prevention and preservation of the marine environment are undertaken in collaboration with the National Environment Management Authority (NEMA).
1207. The Government is overseeing the establishment of reception facilities within the port inspection of ships to ensure that they are compliant with provisions of MARPOL in terms of prevention of pollution from ships into the marine environment.
1208. The Kenya Coast Guard Service Act, 2018, established the Kenya Coast Guard Service which is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders. The Kenya Coast Guard Service also guards the country's territorial waters against illegal fishing. The Service has powers to stop, enter, and board, search and inspect any structure, place, vessel or aircraft.
1209. Pursuant to support from International fora, Kenya Maritime Authority (KMA) as the regulator in partnership with Jomo Kenyatta University of Agriculture and Technology and Kenya Ports Authority is implementing climate change mitigation from shipping industry. The project has established a regional Maritime Technical Cooperation Centre (MTCC Africa). The Centre gives effect to MARPOL Annex VI through providing assistance for reduction of greenhouse gases and other emissions in the maritime shipping industry.
1210. The regulator has further proposed and prepared agreements with National Environment Management Authority and Energy Regulatory Authority to enhance implementation of the Convention in terms of inspection of waste reception facilities within the port and inspection and certification of oil tankers respectively.

⁵⁸ 1984, 1985, 1987, 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017

1211. The implementation of the MARPOL Convention has experienced challenges which include inadequate human, technical and financial resources; inadequate legal framework; and lack of clarity on roles and responsibilities of agencies.
1212. The regulator oversees prevention of marine pollution from ships and offshore installations with potential to pollute Kenyan navigable waters for safe navigation and protection of the marine environment. To reduce the risk of marine pollution from ships, the regulator provides technical assistance regarding implementation, monitoring, development and evolution of relevant Kenyan and international legislations.

3.13.2.6. International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as amended⁵⁹ (STCW 1978)

1213. STCW 1978 was adopted on 7th July, 1978, and entered into force on 28th April, 1984, Kenya acceded to STCW, 1978 on 21st July, 1999. STCW 1978 was the first Convention to establish basic requirements on training, certification and watch keeping for seafarers on an international level. Previously, these standards were developed by individual Governments, usually without reference to practices in other countries. As a result, standards and procedures varied widely. The STCW 1978 therefore prescribes minimum standards for countries in relation to training, certification and watch keeping for seafarers.
1214. Some of the provisions of the STCW 1978 Convention have been domesticated in the Kenya Maritime Authority Act, 2006, Merchant Shipping Act, 2009, and the subsidiary regulations thereunder.
1215. Some of the services provided by the regulator towards implementation of the STCW 1978 include: issuance of STCW certificates of competency in the engine section and nautical section; issuance of basic and advanced STCW certificates of proficiency; course approval or recognition; vetting of trainers; approval of medical examiners and endorsement of medical certificates and in partnership with Kenya Institute of Curriculum Development formulate and review syllabi in line with the STCW 1978. The regulator in close coordination with other agencies undertakes awareness campaigns to the seafaring community and members of the public.
1216. The Government has signed agreements with maritime administrations in foreign jurisdictions on mutual recognition of STCW certification, for example, an Agreement between the Government of Panama and the Government of Kenya. The Government is now in the process of preparing similar agreements with other maritime jurisdictions and extend the application of agreement to include shipboard training opportunities. In 2019, the Government initiated negotiations with Jamaica on recognition of Kenyan STCW certificates.
1217. Implementation of the STCW 1978 Convention faces challenges such as inadequate human, technical and financial resources, insufficient procedures and limited opportunities for sea time training. Notwithstanding the above, the Government is in the 'whitelist' in terms of implementation of the STCW 1978 Convention.

3.13.2.7. International Convention on Load Lines, 1966 (LL 1966) as amended by the 1988 Protocol to the Load Lines Convention (1988 Protocol)⁶⁰

1218. The LL 1966 was adopted on 5th April, 1966, and entered into force on 21st July, 1968. The 1988 Protocol was adopted in November, 1988, and entered into force on 3rd February, 2000. Kenya acceded to the LL 1966 on 12th September, 1975, and the 1988 Protocol on 7th July, 2015.

⁵⁹ 1991, 1994, 1995, 1997, 1998, 2004, 2006, 2010, 2014, 2015, 2016

⁶⁰ 1971, 1975, 1979, 1983, 1995, 2003, 2004, 2005, 2006, 2008, 2012, 2013, 2014, 2016

1219. The Convention recognizes that loading of a ship significantly contributes to the safety of navigation of any vessel. The purpose of the Convention is to ensure stability and avoid excessive stress on the ship's hull as a result of overloading. The Convention takes into account the potential hazards present in different zones and different seasons. It provides for safety measures concerning doors, freeing ports, hatchways and other items. The main purpose of these measures is to ensure watertight integrity of ships' hulls below the freeboard deck. The Convention helps in determining the freeboard of ships by subdivision and damage stability calculations for safety, hence preventing loss of lives/ships/cargo and prevention of marine pollution from ships.
1220. Applicable provisions of the LL 1966 and the 1988 Protocol have been domesticated in the Merchant Shipping Act, 2009. Some of the services provided in terms of implementation of the Convention include carrying out Port State inspections of the ship and certificates. Various challenges are experienced in implementation of the LL 1966 and 1988 Protocol including inadequate human, technical and financial resources and inadequate legal framework. The regulator is in the process of reviewing the current legal framework to enhance implementation of the Convention.

3.13.2.8. International Convention on Tonnage Measurement of Ships, 1969 as amended (TONNAGE 1969)⁶¹

1221. The Tonnage 1969 was adopted on 23rd June, 1969, and entered into force on 18th July, 1982. Kenya acceded to the Tonnage 1969 on 15th December, 1992. The Convention introduced a universal tonnage measurement system. The Convention provides for gross and net tonnages, both of which are calculated independently. The tonnage measurement is used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics and limitations of liability. Some of the provisions of Tonnage 1969, have been domesticated in the Merchant Shipping Act, 2009.
1222. The Government carries out Port State inspections of ships against the certificates. Various challenges are experienced in implementation of Tonnage 1969, including inadequate human, technical and financial resources and inadequate legal framework. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

3.13.2.9. Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended⁶² (COLREG 1972)

1223. The COLREG 1972 was adopted on 20th October, 1972, and entered into force on 15th July, 1977. Kenya acceded to COLREG 1972 on 15th December, 1992. The aim of the Convention is to establish minimum standards for acceptable forms of navigational aids. In addition, the Convention emphasizes on the need of Governments to establish mandatory traffic separation schemes for ship navigation to avoid collisions and enhance safety in navigation.
1224. The 1972 Convention was designed to update and replace the Collision Regulations of 1960, which were adopted at the same time as the 1960 SOLAS Convention. One of the most important innovations in the 1972 COLREGs was the recognition given to traffic separation schemes. It gives guidance in determining safe speed, the risk of collision and the conduct of vessels operating in or near traffic separation schemes. The first such traffic separation scheme was established in the Dover Strait in 1967. It was operated on a voluntary basis at first but in 1971 the IMO Assembly adopted a resolution stating that observance of all traffic separation schemes be made mandatory and the COLREGs make this obligation clear.
1225. Applicable provisions of the COLREG 1972 have been domesticated in the Merchant Shipping Act, 2009, the Kenya Ports Authority Act, 1978, Survey Act, Cap. 299 (that is under review),

⁶¹2013

⁶² 1981, 1987, 1989, 1993, 2001, 2007, 2013

and the Physical and Land Use Planning Act, 2019, and subsidiary regulations thereunder. Some of the services provided by the Government towards implementation of the COLREG 1972 include: establishing and maintaining navigational aids; procuring pertinent aids to navigation; carrying out inspections in terms of maintenance of navigational aids; approving construction and/or erection of navigational aids; directing on maintenance and demolition/destruction on obstructive structures interfering with navigational aids.

1226. KMA in coordination with agencies have entered into agreements to enhance efficiency and effective implementation of the COLREG 1972 e.g. Memorandum of Understanding between Kenya Maritime Authority and Kenya Ports Authority. The regulator has further prepared agreements to be executed with other agencies exercising other functions related to implementation of the COLREG 1972.
1227. Various challenges are experienced in implementation of COLREG 1972 including inadequate human, technical and financial resources and inadequate legal framework. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

3.13.2.10. International Convention for Safe Containers⁶³ (CSC), 1972

1228. The CSC 1972 was adopted on 2nd December, 1972, and entered into force on 6th September, 1977. Kenya acceded to the CSC 1972 on 2nd February, 2000. The main goal of the convention is to maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.
1229. The Convention further seeks to facilitate international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. This avoids the proliferation of divergent national safety regulations.
1230. KMA in coordination with KPA has entered into agreements to enhance efficiency and effective implementation of the Convention. Various challenges are experienced in implementation of the Convention including inadequate human, technical and financial resource and inadequate legal framework. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

3.13.2.11. International Convention on Maritime Search and Rescue (SAR) 1979 as amended⁶⁴

1231. The SAR 1979 was adopted on 27th April, 1979, and entered into force on 22nd June, 1985. Kenya acceded to SAR 1979 on 15th December, 1992. The aim of the Convention was to develop an international search and rescue plan so that no matter where accidents occur, the rescue of persons in distress at sea is coordinated by a Search and Rescue Organization and, when necessary, by co-operation between neighbouring Search and Rescue Organizations.
1232. The Mombasa Regional Coordination Centre currently based at the Port of Mombasa is a regional centre in charge of coordination of Search and Rescue incidents within the region. The Centre was officially opened by the Secretary General of the International Maritime Organization (IMO).
1233. Some of the provisions of SAR 1979 have been entrenched in the Merchant Shipping Act, 2009, and the Kenya Ports Authority Act, 1978, Kenya Defence Forces Act, 2012; Kenya Civil Aviation Act, 2002, and subsidiary regulations thereunder.
1234. Some of the services provided by the Government towards implementation of the SAR 1979 include: establishing and maintaining equipment to enhance coordination of Search and Rescues; providing 24 hour personnel; establishing and reviewing the National Plan for Search and Rescue operations; registering of Emergency Position Indicating Radio Beacon (EPIRB),

⁶³ 1981, 1983, 1991, 1993, 2010, 2013

⁶⁴ 1998, 2004

Personal Locator Beacon (PLB), Emergency Locator Transmitter (ELT), and Search and Rescue Transponder (SART).

1235. KMA in coordination with agencies have entered into agreements to enhance efficiency and effective implementation of SAR 1979 including a Memorandum of Understanding between Kenya Maritime Authority and Kenya Civil Aviation Authority; Agreement on Coordination and Cooperation of Search and Rescue incidents between Governments of the Member States of the Indian Ocean Rim Association; National Aeronautical and Maritime Search and Rescue Plan; East African Community Search and Rescue Framework and the Regional Search and Rescue Framework; Regional agreement with Tanzania and Seychelles on Search and Rescue; Agreement on establishment of a Multinational Lake Victoria Basin Communication System to enhance search and rescue operations within Lake Victoria.
1236. The Kenya Coast Guard Service Act, 2018, established the Kenya Coast Guard Service which is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders. The Kenya Coast Guard Service also guards the territorial waters against Illegal, Unreported and Unregulated (IUU) fishing. The Service has powers to stop, enter, and board, search and inspect any structure, place, vessel or aircraft. The Coast Guard Service is commissioned and operationalized.
1237. The Government has initiated measures to improve on ferry services and safety where it plans to build a bridge over the Likoni Channel and installation of Cable Car across the channel.
1238. Some challenges are experienced in implementation of SAR 1979, including inadequate human, technical and financial resources and the need to review the Merchant Act, 2009. There have been a reduced number of reported deaths, a rise in the number of survivors rescued and a drop in the number of reported pirate attacks. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

3.13.2.12. Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL 1965)⁶⁵

1239. The FAL 1965 was adopted on 9th April, 1965, and entered into force on 5th March, 1967. Kenya acceded to FAL 1965 on 10th November, 2006. The Convention is aimed to prevent unnecessary delays in maritime traffic, to aid co-operation between Governments, and to secure the highest practicable degree of uniformity in formalities and other procedures. Of interest is the reduction in the number of declarations which can be required by public authorities. Implementation of the Convention will therefore enhance efficiency in clearance procedures in terms of cargo, passengers, crew and ship.
1240. Some of the provisions of FAL 1965 have been domesticated in the Kenya Maritime Authority Act, 2006, Merchant Shipping Act, 2009, and Executive Order establishing KenTrade dated 14th January, 2011, vide Legal Notice No. 6 of 2011 on 28th January, 2011. Some of the services provided by the Government of Kenya towards implementation of the FAL 1965 include: clearing of cargo under the national single window system hosted by KenTrade; expanding of the national single window system to accommodate a national maritime single window system to enhance efficiency; reviewing of documentation for clearance processes and awareness creation to both public and private sector working on maritime matters.
1241. FAL 1965 mandates all member states to be on board and electronically exchange information on clearance of cargo, passengers, crew and ship on or from 9th April, 2019. The project is underway and there is need for inter-sectoral commitments towards the project.
1242. Kenya through KenTrade has developed and implemented the Kenya National Electronic Single Window System (Kenya TradeNet system). Kenya TradeNet automates the cargo

⁶⁵ 1969, 1973, 1977, 1986, 1987, 1990, 1992, 1993, 1996, 1999, 2002, 2005, 2009, 2016

documentation processes by integrating systems of all key trade stakeholders involved in cargo clearance through Kenya seaports, international airports and land border posts.

1243. There are forty-two (42) stakeholder organizations including 36 Partner Government Agencies (PGAs) that interact with the Kenya TradeNet. The Kenya TradeNet system allows parties involved in international trade to lodge standardized information and documents using a single entry point to fulfil all imports, exports and transit related regulatory requirements
1244. KenTrade and Kenya Maritime Authority are working with industry stakeholders on the implementation of a Maritime Single Window System (MSWS). The MSWS will be inbuilt in the Kenya TradeNet System to provide an end-to-end electronic platform for clearance of ships, crew, passengers and cargo.
1245. The MSW project implementation team has identified different levels of training needs ranging from technical capacity building for the project implementation team, system users and FAL stakeholders. The Government intends to implement the MSWS in 2020. Other aspects of implementation is through working with the National Committee on Trade Facilitation established by the Government in September, 2016.
1246. Kenya has initiated the process of seeking a uniform and standardized implementation of the FAL Convention with member countries under the East African Community who are signatories to the FAL Convention to ensure that no one is left behind.

3.13.2.13. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972, as amended by the London Protocol (London Convention 1972)⁶⁶

1247. The London Convention 1972 was adopted on 13th November, 1972, and entered into force on 30th August, 1975. The London Protocol on the other hand was adopted on 7th November, 1996 and entered into force on 24th March, 2006. Kenya acceded to the London Convention 1972 on 7th January, 1976, and to the London Protocol on 14th January, 2008.
1248. The Convention establishes a global legal framework to protect the marine environment from human activities. It aims to contribute to the international control and prevention of marine pollution by prohibiting the dumping of certain hazardous materials.
1249. The Convention does not prohibit ocean dumping and with the exception of certain limited wastes, almost any material can be dumped at sea under certain circumstances and with the requirement for it to be authorized through the grant of permits issued by national authorities of contracting parties.
1250. The 1996, London Protocol is a modern and comprehensive waste management legal regime that places greater emphasis on marine protection as it is more restrictive. Further, it phased out the dumping of industrial wastes by 31st December, 1995, and banned the incineration at sea of industrial wastes. Some of the provisions of London Convention 1972, have been entrenched in the Kenya Maritime Authority Act, 2006, and in the Environmental Management and Co-ordination (Amendment) Act, 2015.
1251. KMA has entered into agreements with KEBS, KPA, KEPHIS and KMFRI to enhance efficiency and effective implementation of the London Convention 1972. Challenges in implementation of the Convention include cooperation and support from the public sector, clarity in roles of institutions to avoid overreaching, shortage in human, technical and financial resource and the need to review legal framework. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

⁶⁶ 2006, 2009, 2013

3.13.2.14. Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992)⁶⁷

1252. The 1992 CLC Protocol was adopted on 27th November, 1992, and entered into force on 30th May, 1996. Kenya acceded to the Protocol on 2nd February, 2000. The Protocol ensures that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships. It exclusively applies to pollution damage caused by oil that is carried on board a ship. The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. It imposes strict liability on the ship owner for any pollution damage caused by his ship as a result of an incident.
1253. The Protocol widened the scope of the Convention to cover pollution damage caused in the Exclusive Economic Zone (EEZ) or equivalent area of a state party. It covers pollution damage but environmental damage compensation is limited to costs incurred for reasonable measures to reinstate the contaminated environment. It also allows expenses incurred for preventive measures to be recovered even when no spill of oil occurs, provided there was grave and imminent threat of pollution damage.
1254. The Convention requires ships covered by it to maintain insurance or other financial security in sum equivalent to the owner's total liability for one incident. There is need for the Protocol to be sufficiently domesticated in the Laws of Kenya other than its limited application under article 2 (6) of the Constitution of Kenya, 2010, and the applicability of taking out local insurance for any business conducted in Kenya in accordance with the Insurance Act, Cap. 487.
1255. Challenges in implementation of the Protocol include inadequate cooperation and support from the private sector, inadequate human, technical and financial resources. The Government is in the process of reviewing the Merchant Shipping Act, 2009.

3.13.2.15. Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT., 1992)⁶⁸

1256. The FUND PROT., was adopted on 27th November, 1992, and entered into force on 30th May, 1996. Kenya ratified on 2nd February, 2000. The purpose of the Protocol is to provide compensation for pollution damage and give relief to ship owners in respect of the additional financial burden imposed on them by the 1992 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions.
1257. The Authority is working closely with Energy and Petroleum Regulatory Authority (EPRA) in implementation of the Protocol. Each Oil Importing Company is required to obtain IOPC Fund clearance letter from the Authority before issued import License by EPRA. Oil companies importing more than 150,000 tonnes of crude and/or heavy fuel oil are required to subscribe to IOPC Fund.
1258. Kenya submits annual oil reports to the Fund Secretariat. Kenya submitted its oil reports for the year 2018 in April, 2019, as required by the IOPC Funds oil reports submission guidelines. For the year 2018 no oil marketer attained the required threshold for IOPC Levy payment. The 2019 report will be submitted to IOPC by April, 2020, as required in the IOPC oil reporting guidelines. Currently, there is no oil marketer who has any pending IOPC levy for payment to the IOPC Funds.
1259. Challenges in implementation of the Protocol include inadequate cooperation and support from the sector, inadequate human, technical and financial resources.

⁶⁷ 2000

⁶⁸ 2000, 2003

3.13.2.16. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation as amended by the Protocol for the Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, 1988 (SUA 1988 & SUA PROT); Protocol of 2005 to the Convention for the Suppression of unlawful acts against the safety of Maritime navigation (SUA 2005) as amended by Protocol of 2005 to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, (SUA PROT., 2005)

1260. The SUA was adopted on 10th March, 1988, and entered into force on 1st March, 1992. The SUA PROT., 2005 was adopted on 14th October, 2005, and entered into force on 28th July, 2010. Kenya acceded to the SUA & SUA PROT., 1988 on 21st January, 2002, but not the 2005 SUA Protocols.
1261. The purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include: the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or cause damage.
1262. The Convention establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.
1263. Some of the provisions of the Convention have been domesticated in the Kenya Maritime Authority Act, 2006; Merchant Shipping Act, 2009, and subsidiary regulations thereto. Provisions of the Convention have been invoked in terms of prosecution of criminal offences such as piracy or attempted piracy off the coast of Somalia and kidnapping for ransom.
1264. The Kenya Coast Guard Service Act, 2018, established the Kenya Coast Guard Service which is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders. The Kenya Coast Guard Service also guards the territorial waters against Illegal, Unlawful and Unreported (IUU) fishing. The Service has powers to stop, enter, and board, search and inspect any structure, place, vessel or aircraft. The Kenya Coast Guard Service was commissioned and operationalized.

3.13.2.17. International Convention on Salvage, 1989 (Salvage 1989)

1265. The Salvage 1989 was adopted on 28th April, 1989, and entered into force on 14th July, 1996. Kenya acceded to the Salvage 1989 on 21st July, 1999. The purpose of the Salvage 1989 is to establish a reward mechanism for salvors who engage in work in the nature of salvage operations in the event a ship is involved in an incident or an accident.
1266. It sets out the standard and reward procedures for salvage operations by salvors, taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment. The Convention provides that if a salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward at least equivalent to the special compensation assessable in accordance with the criteria given in the Convention, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as defined in the Convention. The Salvage 1989 modified the convention on the law of salvage which incorporated the “no-cure, no-pay” principle under which a salvor is only rewarded for services if the operation is successful.
1267. It introduces a concept of an “enhanced salvage award”, which may be awarded by an arbitrator or a tribunal if the salvor took effective action to prevent or minimize environmental damage but nevertheless failed to salvage the ship or its cargo. The Salvage Convention 1989 made several changes to the law which was relevant to the environment. The first was to add to

the nine criteria for assessing a salvage award, an additional factor “the skill and effort of the salvor in preventing or minimizing damage to the environment”. And the second was to introduce a new concept—Special Compensation, which was designed to ameliorate the harshness of the traditional “no-cure, no-pay” rule by providing a salvor would at least recover his expenses whenever there was a threat of damage to the environment.

1268. Applicable provisions of the Convention have been implemented through the Merchant Shipping Act, 2009. There is need for awareness creation on salvage and review of the existing legal framework.

3.13.2.18. International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990)

1269. The OPRC 1990 was adopted on 30th November, 1990, and entered into force on 13th May, 1995. Kenya acceded to the OPRC 1990 on 21st July, 1999. The purpose of the Convention is to provide a global framework for international co-operation in combating major incidents or threats of marine pollution. In addition, thereto, governments are required to put in place measures for dealing with pollution incidents, either nationally or in co-operation with other countries.
1270. The Convention requires governments to prepare and plan by developing national emergency response structures and by maintaining adequate capacity and resources to address oil pollution emergencies.
1271. Operators of offshore units under the jurisdiction of parties are also required to have oil pollution emergency plans or similar arrangements which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the Convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents.
1272. Parties to the Convention are required to provide assistance to other parties in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided. The IMO is obliged to co-ordinate.
1273. Some of the provisions of the Convention have been domesticated in the Kenya Maritime Authority Act, 2006, and the Merchant Shipping Act, 2009. The Kenya Coast Guard Service Act, 2018, establishes the Kenya Coast Guard Service which is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders.
1274. Kenya is committed to protection of the marine environment and has put in place measures for dealing with pollution incidents, nationally and in collaboration with other countries. In this regard, a National Oil Spill Response Contingency Plan is in place (Sensitivity Mapping and Dispersants Use Policy); Stock pile of equipment and facilities is undertaken in co-operation with oil industry (OSMAG); an Oil Spill Response centre and team (KPA) are in place; two training workshops were organized where approximately one hundred (100) participants were trained and public awareness campaigns were undertaken in conjunction with enhanced safety campaigns where more than two hundred (200) participants in various regions were trained.

3.13.2.19. International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM 2004)

1275. The BWM 2004 was adopted on 13th February, 2004, and entered into force on 8th September, 2017. Kenya acceded to it on 14th January, 2008.
1276. The BWM 2004 aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships’ ballast water and sediments.

1277. The Kenya Coast Guard Service Act, 2018, establishes the Kenya Coast Guard Service which is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders. The Kenya Coast Guard Service was commissioned on 19th November, 2018.

3.13.2.20. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers 2001)

1278. The Bunkers 2001 was adopted on 23rd March, 2001, and entered into force on 21st November, 2008. Kenya acceded to Bunkers 2001 on 7th July, 2015. The purpose of the Bunkers 2001 is to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. Compensation is in respect of damage caused on the territory, including the territorial sea, and exclusive economic zones of state parties.

1279. The Convention is modelled on the CLC; as in the CLC, the Bunkers Convention provides that the registered owner must maintain compulsory insurance cover, provides for the right of direct action. This would allow a claim for compensation for pollution damage to be brought directly against an insurer and also provides that it does not affect any right of limitation of liability which may be available to the ship owner.

1280. The Kenya Coast Guard Service Act, 2018, established the Kenya Coast Guard Service. The Kenya Coast Guard Service was commissioned on 19th November, 2018, and is responsible for enforcing maritime security, pollution control and sanitation measures and prosecuting offenders. There is need to create public awareness amongst stakeholders on oil pollution.

3.13.2.21. Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC PROT., 1996)

1281. The LLMC PROT., 1996 sought to amend the LLMC 1976 and was adopted on 2nd May, 1996, and entered into force on 13th May, 2004. Kenya acceded to the LLMC PROT., 1996 on 7th July, 2015. The purpose of the Convention is to provide a mechanism where ship owners and salvors may limit their liability, except where it is proved that the loss resulted from a personal act or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result.

1282. The 1996 LLMC Protocol drastically increased the limits of liability originally established by the LLMC Convention. However, the Protocol was not restricted to increasing the aforesaid limits of liability, but also provided for a simplified revision and amendment procedure modelled on previous particular liability regimes.

1283. Applicable provisions of the Convention are domesticated through the Merchant Shipping Act, 2009. The LLMC PROT., 1996 enables Kenyan importers to draw increased amounts in compensation in case of an incident where their property is lost at sea. Further, Kenyans who serve in the ships as seafarers are to be adequately compensated in case of personal injury or loss of life, to the tune of 2 million Special Drawing Rights equivalent to USD 3.17 million if they were serving in a ship whose gross tonnage does not exceed 2,000 tonnes. There is need to create public awareness on limitation of liability for maritime claims.

3.13.2.22. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)

1284. The AFS, 2001 was adopted on 5th October, 2001, and entered into force on 17th September, 2008. Kenya acceded to AFS 2001 on 7th July, 2015. The purpose of AFS 2001, prohibits the use of harmful organotin in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. Antifouling paints are used to coat the bottoms of ships to prevent sea-life such as algae and

molluscs attaching themselves to the hull, thereby slowing down the ship and increasing fuel consumption.

1285. Kenya is required to prohibit and/or restrict the use of harmful anti-fouling system on ships flying its flag, ships not entitled to fly its flag but operate under its authority and all ships entering a port, shipyard or offshore terminal in Kenya. There is need to create awareness amongst stakeholders.

3.13.2.23. African Maritime Transport Charter, 2010 (Rev. 2014)

1286. The African Maritime Transport Charter was adopted on 26th July, 2010. Kenya ratified the revised African Maritime Charter on 23rd April, 2014. The purpose of the Charter is to cooperate in the implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the maritime environment and maritime labour.
1287. The Government of Kenya submitted an instrument of acceptance of membership dated 19th February, 2018, to the Association of African Maritime Administration.

3.13.2.24. Nairobi International Convention on Removal of Wrecks, 2007 (NAIROBI WRC 2007)

1288. The NAIROBI WRC 2007 was adopted on 18th May, 2007, and entered into force on 14th April, 2015. Kenya ratified the Convention on 14th April, 2015. The Convention provides an international legal framework aimed at ensuring prompt and effective removal of wrecks located beyond the territorial sea.
1289. Wrecks pose a hazard to the safety of navigation or to the marine and coastal environment or both, hence the regime obliges coastal states to remove or have hazards removed from their coastlines. It makes ship owners financially liable and requires them to take out insurance or provide other financial security to cover the costs of wreck removal. It also provides states with a right of direct action against insurers.
1290. Applicable provisions of the Convention have been domesticated in the Kenya Maritime Authority Act, 2006, and Merchant Shipping Act, 2009. There is need for awareness creation, review of the legal framework, and improve coordination amongst stakeholders.

3.13.3. Fisheries

3.13.3.1 United Nations Fish Stock Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)

1291. This Convention was adopted on 4th August, 1995, and entered into force on 11th December, 2001. Kenya ratified the Agreement on 13th July, 2004. The Agreement is domesticated through: Fisheries Management and Development Act, 2016; Maritime Zones Act, Cap. 371; and Legal Notices on Foreign Fishing Fleets. The State Department for Fisheries and Aquaculture and the Blue Economy is the focal institution in implementing the Agreement.
1292. Kenya has also subscribed as a member to the Regional Fisheries Organizations for a coordinated management of the migratory fish such as the Indian Ocean Tuna Commission (IOTC), South West Indian Ocean Commission (SWIOFC) 2005 and Lake Victoria Fisheries Organization (LVFO) 1994.
1293. Based on the UNCLOS framework, the main objective of the UNFSA is to enhance international co-operation in the management of fisheries resources that span wide areas and are of economic and environmental concern to more than one nation. Kenya has the straddling and migratory tuna and tuna-like fish species, which need protection from over exploitation. Kenya implements various programmes aimed at international conservation, management and development of fisheries resources.

1294. To enhance protection of marine resources, Kenya acquired an offshore Patrol Vessel in August 2017, and established The Kenya Coast Guard Service in November, 2018. Arrangements are being made to undertake a fisheries stock assessment in the marine waters targeting both the Southeast and Northeast Monsoon Seasons. However, there has been an increase in the number of fishing ships calling in at the designated Fishing Port in Liwatoni, Mombasa. As at 31st December, 2019, twenty-three (23) Distant Fishing Vessels had called at Port and landed 1,139 MT of fish. This has been attributed to the surveillance measures put in place since the acquisition of the Patrol Vessel, PV Doria.
1295. The Blue Economy Committee was established through Executive Order No. 3 of 2016, which focuses on the development of Kenya's Blue Economy. The State Department for Fisheries, Aquaculture and the Blue Economy has developed draft Marine and Inland Fisheries Regulations, and public consultations took place from 20th to 24th January, 2020.
1296. The challenges faced in implementation include, low capacity for offshore enforcement not only by Kenya but all the Member States within the West Indian Ocean Region. The Regional Fisheries Management Organizations (RFMOs) are at their infancy and lack the capacity to support the States to conduct joint enforcements.

3.13.3.2 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

1297. The Agreement was adopted on 22nd November, 2009. Kenya signed and ratified the Agreement on 19th November, 2010, and 1st August, 2017, respectively. The purpose of the Agreement is to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing. Kenya is also a signatory to the Code of Conduct for Responsible Fisheries (CCRF) which encourages states to form Regional Fisheries Management Organizations (RFMOs).
1298. The Agreement obligates states parties to establish an inter-agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU. The Agreement has been domesticated in the Fisheries Management and Development Act, 2016. The Act created an inter-agency Monitoring Control and Surveillance (MCS) unit composed of members of a variety of agencies under the national government.
1299. Kenya participates in the technical and scientific Committee meetings and capacity building activities. Kenya enacted the Kenya Coast Guard Service Act, 2018, which established the Kenya Coast Guard Service to deter IUU fishing. The Government has designated the Liwatoni Fisheries Complex as a Fish Port in adherence to the Port State Measures Agreement and has undertaken refurbishing works on the Jetty and cold storage facilities at the Port. The two facilities are now operational.

3.13.3.3 International Convention for Regulation of Whaling, 1946

1300. The Convention was adopted on 2nd December, 1946, in Washington and entered into force on 10th November, 1948. Kenya signed the Convention on 1st January, 1970, and ratified it on 2nd December, 1981.
1301. The objective of the Convention is conservation of world whale stocks, to promote orderly development of the whaling industry. The Convention established the International Whaling Commission (IWC) to provide for a continuing review of the condition of whale stocks and for such additions to/or modifications of the agreed conservation measures as might appear desirable.
1302. Kenya domesticated the Convention through the Fisheries Management and Development Act, 2016, and the Maritime Zones Act, Cap. 371. Kenya joined the IWC to manage her whale stocks, and benefit from IWC programmes aimed at shark conservation. Kenya is required to closely monitor the whale stocks and effectively regulate trade in endangered shark species,

and to participate in meetings which review the condition of whale stocks as well as modify conservation measures when appropriate.

1303. The Convention is implemented through the State Department for Fisheries and Aqua-culture and the Blue Economy and Kenya Wildlife Service. Kenya co-hosted with the IWC, the 2019 Annual Scientific Committee of the International Whaling Commission in Nairobi on 10th to 22nd May, 2019. Kenya has also co-hosted with Canada and Japan the first global Sustainable Blue Economy Conference on Sustainable Use of Marine Resources from 26th to 28th November, 2018. Kenya will co-host the 2nd UN Oceans Conference with Portugal in June, 2020 in Lisbon.
1304. There is need to address the issue of Marine Parks bearing in mind they cover less than 1 percent against International Standards of 10 percent. There is also a challenge in establishing conservancies in the marine context because of trans-boundary movement hence the need to come up with Integrated Coastal Zone Management (ICZM) Policy and Action Plan. Lamu is the most important nesting site for turtles.
1305. The ICZM Policy, 2014, is implemented through five year Action Plans and domiciled with NEMA. The Action Plan 2018–2022 achievements include training of local fishers to venture into deep-sea fishing expeditions in November, 2019, covering Kilifi and Lamu Counties. Further, the State Department drafted Community Managed Areas (CMAs) guidelines that have been subjected to public participation.
1306. The Government shall ensure measures are put in place to mitigate the effect of operationalization of the Lamu Port on Marine Conservation bearing in mind the area is an important site for turtles breeding and blue whale and dugong sites for feeding.

3.13.3.4 FAO Code of Conduct for Responsible Fisheries (CCRF)

1307. The FAO Code of Conduct for Responsible Fisheries was adopted on 1st November, 1995 and entered into force on 11th December, 2001. Kenya signed the Agreement in 1995. The objective of FAO-CCRF is to promote a long-term conservation and sustainable use of fisheries through the ecosystem approach and Rights Based Fisheries Management. CCRF is domesticated through the Fisheries Management and Development Act, 2016.
1308. Kenya participates in the Technical and Scientific Committee Meetings and capacity building activities. Participation at the meetings is geared to share achievements of nations on responsible conservation, management and development of fisheries, the contribution of fisheries to food security and quality as well as promotion of fish and fishery products trade.

3.13.3.5 UN 1993 FAO Fishing Vessel Compliance Agreement

1309. The UN 1993 FAO Compliance Agreement was adopted on 24th November, 1993 and entered into force on 11th December, 2001. The Agreement seeks to address the threat to international fisheries management posed by vessels that do not abide by fishing rules. Kenya is expected to manage flag states, develop a legal framework to manage its distant water fishing vessels.
1310. The Agreement is domesticated through the Fisheries Management and Development Act, 2016, the Kenya Coast Guard Service Act, 2018, and the Maritime Zones Act, Cap. 371. Stakeholder consultations on the Draft Marine and Inland Fisheries Regulations were held on 20th–24th January, 2020. Further, an Authorization to Fish (ATF) in High Seas and Areas beyond Kenya’s jurisdiction developed and deposited with Indian Ocean Tuna Commission (IOTC). Also, the Vessel Monitoring System (VMS) installed at Monitoring, Control and Surveillance Centre, Mombasa to monitor fishing vessels in the High Seas.

3.13.3.6 UN 2009 FAO Port State Measures Agreement

1311. The UN 2009 FAO Port State Measures Agreement was adopted in November, 2010 and Kenya ratified it on 2nd August, 2017. The objective of the agreement is to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing.
1312. The Agreement is domesticated through the Fisheries Management and Development Act, 2016, the Kenya Coast Guard Service Act, 2018 and the Maritime Zones Act, Cap. 371. Some of the challenges faced in implementation of the agreement include limited capacity in terms of staff and equipment.

3.13.3.7 The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS)

1313. Kenya became a signatory to the COMESA Fisheries Strategy in 2008, and participates in its programmes under the Comprehensive Africa Agriculture Development Programme (CAADP).
1314. The objective of the programme is to restore agricultural growth, food security, reducing poverty and promoting rural development in partner states and Africa as a whole.
1315. Kenya has benefited from this Agreement through development and implementation of common regional agricultural and fisheries policies and investments across the entire value chain.

3.13.3.8 The Convention for the Establishment of the Lake Victoria Fisheries Organization (LVFO)

1316. The Convention for its establishment was adopted on 30th June, 1994, and signed by Kenya on the same date. Kenya ratified the Convention on 24th May, 1996, and it entered into force on the same date. The Convention was amended on 28th February, 2016, to open membership to all partner states.
1317. The Convention establishes the Lake Victoria Fisheries Organization (LVFO) as an EAC Institution to harmonize fisheries conservation, management, and development initiatives for the sustainable utilization of living resources of the Lake. The Organization serves as the depository for fisheries data. Kenya participates in meetings of the Technical and Scientific Committee, Regional Policy Steering Committees, Council of Ministers of the LVFO and capacity building initiatives.
1318. Kenya is participating in the review of the Convention which seeks to change the name from LVFO to East African Fisheries Organization (EAFO), to harmonize the legislative and implementation framework under the Convention with the EAC Treaty and to extend the scope and the mandate of the organization.
1319. Kenya has reviewed and harmonized the following: The Manual on Standard Operating Procedures on Fish Quality Assurance in Kenya, 2015; Fisheries (Fish Safety and Fish feed) Regulations, 2007; The National Oceans and Fisheries Policy, 2008; Fisheries Management Measures; EAC Sanitary and Phyto-sanitary Standard Operating Procedures and Protocols.
1320. Lake Victoria Fisheries Research Project I and II, Implementation of a Fisheries Management Project (IFMP) for Lake Victoria and the Lake Victoria Environmental Management Projects I and II have been successfully implemented.

3.14. ENVIRONMENT AND FORESTRY

3.14.1 United Nations Framework Convention on Climate Change (UNFCCC)

1321. The United Nations Framework Convention on Climate Change (UNFCCC) was adopted on 9th May, 1992. Kenya ratified the Convention on 30th August, 1994, and it entered in force on 30th August, 1994. The objective of the Treaty is to prevent dangerous anthropogenic interference with the climate system to stabilize greenhouse gas concentrations in the atmosphere.
1322. Kenya participates in all convention meetings for negotiating multilateral responses to climate change and participated in the UNFCCC/COP 25 in December, 2019.
1323. The UNFCCC requires parties to report bi-annually to the Conference of the Parties (COP) informing them of greenhouse gases not controlled by the Montreal Protocol (greenhouse gas inventories); national or, where appropriate, regional programmes containing measures to mitigate, and to facilitate adequate adaptation to climate change.

3.14.2 The Kyoto Protocol to the United Nations Framework Convention on Climate Change

1324. The Kyoto Protocol was adopted on 11th December, 1997, and entered into force on 16th February, 2005. Kenya acceded to the Protocol on 25th February, 2005. The objective of the Protocol is to stabilize greenhouse concentrations in the atmosphere. It sets mandatory and binding greenhouse emissions limitation or reduction targets for industrialized countries and economies in transition.
1325. The Protocol requires parties to regulate levels of greenhouse gas concentration in the atmosphere. Kenya has initiated several clean development mechanisms, the projects including; Lake Turkana 310 MW Wind Power Project, Nairobi River Basin Biogas Project and Restoration of Degraded Land through Reforestation in Mau Forest Complex; promotion of green energy in housing development. The projects have significantly reduced greenhouse gas emissions contributing to the global goal.
1326. Kenya has also developed a five-year National Climate Change Action Plan (NCCAP 2018–2022). The plan is derived from Climate Change Act, No. 11 of 2016, which requires the Government to develop an Action Plan to guide the mainstreaming of climate change into sector functions. Measures taken in line with the action plan include; constitutional recognition of social economic rights, sustainable development and public participation in environment decision making. Developed Kenya Climate Smart Agriculture Strategy and Kenya Climate Smart Agriculture Implementation Framework and the Kenya Climate Smart Agriculture Project (KCSAP) is ongoing.
1327. The Government has also sponsored the concept of green economy by fostering innovation in the financial sector by developing domestic green bond markets in collaboration with various players in the private sector. Kenya's first green bond in December, 2019 raised KSh. 4.3 billion to build environment friendly student accommodation in public educational institutions.

3.14.3 Paris Agreement on Climate Change

1328. The Paris Agreement on Climate Change (Paris Agreement) was adopted on 12th December, 2015, and entered into force on 4th November, 2016. Kenya signed on 22nd April, 2016 and became party to the Agreement on 28th December, 2016. The objective of the Paris Agreement is to re-affirm the goal of limiting global temperature increase well below 2 degrees celsius, while encouraging efforts to limit the increase to 1.5 degrees celsius.
1329. The Paris Agreement enhances the implementation of the UNFCCC, including its objectives and aims to strengthen the global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty.

1330. Kenya has developed the Kenya Climate Change Knowledge Portal to provide easy access to all information pertaining to climate change to the public.
1331. Parties to the Paris Agreement are also parties to the UNFCCC. Kenya submits to the UNFCCC Secretariat her Nationally Determined Contributions (NDCs) for the implementation of the Agreement. The NDCs have been mainstreamed into sector planning of both national and county governments.
1332. The Climate Change Act, 2016, establishes the National Climate Change Council which is chaired by the President. The Council provides an overarching National Climate Change Coordination Mechanism among other functions.

3.14.4 United Nations Convention to Combat Desertification (UNCCD)

1333. The Convention was adopted on 17th June, 1994. Kenya signed on 14th October, 1994, and ratified on 24th June, 1997. The obligation of the Government under this convention is to combat desertification and mitigate the effects of drought in the country, through effective action at all levels supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in those areas.
1334. Kenya has participated and prepared position paper for COP 14 hosted in New Delhi, India from 2nd to 13th September, 2019.
1335. Kenya has aligned the National Action Plan (NAP) to the UNCCD through the development of a 10-year Strategy “National Climate Change Action Plan” (NCCAP) 2013–2017 and 2018–2022. Further, Kenya has been participating in COPs and other UNCCD international engagements besides hosting the UNCCD Committee in Nairobi in October, 2016.
1336. The Government through Executive Order No. 1 of 2018, expanded the mandate of the State Department for Irrigation to include the function of Land Reclamation to reverse Land Degradation and ensure Land Degradation Neutrality. In November, 2018, the Government committed 5.1 Million Hectares of land under afforestation to reclaim degraded forested land under the Pan African Action Agenda on Eco-system restoration. In June, 2018, the Head of Public Service issued a circular to all ministries on the inclusion of tree planting in Corporate Social Responsibility (CSR) activities.
1337. The Government has developed the Land Degradation Neutrality (LDN) Targets Report following the twelfth session of the conference of parties (COP), held in Ankara, Turkey in October, 2015, where parties agreed to move towards neutrality.
1338. The Government has formulated the ASAL Development Policy, 2019, to guide coordinated development of ASALs; formulated National Irrigation Policy, 2017 and enacted Irrigation Act, 2019 to promote development, management and regulation of irrigation; initiated formulation of Draft Land Reclamation Policy, 2018; and the Land Reclamation Bill, 2018. The Land Reclamation Policy and Bill formulation are ongoing concurrently. The draft policy is at the regional consultative stage and will be submitted to the Cabinet alongside the bill thereafter.
1339. The Government institutionalized Drought Management by enacting the National Drought Management Act, 2016, creating the National Drought Management Authority to coordinate and manage drought in the country. In addition, the State Department for Development of ASALs is undertaking programmes to enhance community resilience against drought through sustainable resource management of Natural Resources and livelihood diversification. The Government has integrated Ending Drought Emergencies (EDE) in National Development Plans through the EDE Sector Plans for MTP III 2018–2022.

1340. The Government has also conducted public awareness campaigns on Land Desertification, Land Degradation and Drought (DLDD) issues. The Annual World Day to Combat Desertification and Drought was celebrated in Makueni County in June, 2019.

3.14.5 Convention on Biological Diversity (CBD)

1341. The Convention entered into force on 29th December, 1993. Kenya signed the Convention on 11th June, 1992 and acceded to it on 26th July, 1994. The objectives of the Convention are conservation, sustainable utilization, fair and equitable sharing of benefits accruing from access to genetic resource and associated knowledge.

1342. The Government is reviewing the National Biodiversity Strategy and Action Plan together with legislation and regulations for enhanced conservation and management of wild biological diversity. Kenya's Natural Capital Atlas documents the natural wealth and how it is to be sustainably used in the context of poverty alleviation and food security for development.

1343. The National Government in collaboration with the county governments is creating awareness on the value of biological diversity and ecosystem services to agriculture and achievement of food security.

1344. Kenya continues to improve on its ex-situ conservation systems for example the National Museums and the Gene Bank at Kenya Agriculture and Livestock Research Organization (KALRO). The Government reports on progress to the CBD Secretariat in Montreal, Canada. There is the National Reporting which is submitted to the CBD Secretariat after every four (4) years and the Conference of Parties Report which is submitted after every two (2) years. Currently, the National Biodiversity Strategic Action Plan is under review.

3.14.6 The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity

1345. The Protocol was adopted by the Conference of Parties to the CBD at its 10th meeting (COP 10) on 29th October, 2010, and Kenya ratified it on 7th April, 2014. It entered into force on 12th October, 2014. The Protocol provides for access and equitable benefits sharing of genetic resources under the Convention on the Conservation of Bio-Diversity.

1346. The Ministry of Environment and Forestry is the focal point organization and NEMA is the competent National Authority, Clearing-House and publishing authority for access and benefits sharing. The designated check-points are: Kenya Wildlife Service, Kenya Forest Service, Kenya Plant Health Inspectorate Services (KEPHIS), NACOSTI, State Department of Immigration and Kenya Industrial Property Institute (KIPI). Since ratification, the Government has issued one hundred and thirty (130) access permits for research and development.

1347. Kenya is in the process of preparing regulations for conservation on biodiversity, access to genetic resources and benefit sharing to be aligned with the provisions of the Protocol.

1348. The Government has put in place an Access and Benefit Sharing (ABS) Committee that reviews and determines the approval of applications for research and development related to utilization of biological resources. It has also initiated capacity building and awareness programmes in the counties for enhanced sharing of benefits arising from utilization of genetic resources and associated traditional knowledge.

1349. Challenges faced in the implementation of the Protocol are; low awareness and inadequate capacity at both national and county levels, inadequate legislation to domesticate the Convention and harmonization of the benefit sharing regulations with the provisions of the Convention.

3.14.7 The Cartagena Protocol on Biosafety

1350. The Cartagena Protocol of the CBD is an International Agreement on bio safety which aims to ensure the safe handling, transport and use of Living Modified Organisms (LMOs), also referred to as Genetically Modified Organisms (GMOs) resulting from modern biotechnology that may have adverse effect on biological diversity, taking also into account risks to human health. Kenya signed the Protocol in the year 2000 and ratified it in 2013.
1351. The Protocol obliges member states to establish Competent Authorities which act as the National Focal Point for the Protocol and serve as the Biosafety Clearing House (BCH) for the purpose of providing international linkages and exchanges of information. Member states are also obliged to pay an annual subscription fee determined during Conventions of the CBD.
1352. Kenya enacted the Biosafety Act, 2009, which established the National Bio Safety Authority (NBA) to manage bio safety issues and also serve as the national focal point for the BCH. The Government has met and continues to meet her obligations under the Protocol through the National Competent Authority.
1353. The Government has also put in place the Whistle Blowing Policy which aims at providing an avenue for employees, stakeholders and customers to raise concerns and reassurance that they will be protected from reprisals or victimization.

3.14.8 Vienna Convention for the Protection of the Ozone layer

1354. The Vienna Convention for the Protection of the Ozone Layer was adopted on 2nd March, 1985 and entered into force on 22nd September, 1988. Kenya acceded to the Convention on 9th November, 1988. In 2009, the Vienna Convention became the first Convention of any kind to achieve universal ratification.
1355. The Ozone Layer shields the earth from harmful ultra-violet radiation (UV-B) emanating from the sun, causing; skin cancer, eye cataracts, reduced plant and animal productivity, poor air quality, damage to plastics and impacts on climate.
1356. The Vienna Convention for the Protection of the Ozone Layer is often called a framework convention, because it served as a framework for efforts to protect the globe's ozone layer. The objectives of the Convention were for Parties to promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on it.
1357. Kenya has adopted the use of friendly chemicals that promote protection of the ozone; replaced equipment that depended on ozone depleting chemicals with friendly ones; companies and agricultural enterprises are being encouraged to adopt ozone friendly alternatives and technologies. Kenya has phased out the use of methyl bromide in soil fumigation in the agricultural sector.

3.14.9 Montreal Protocol on Substances that Deplete the Ozone Layer

1358. The Montreal Protocol on substances that deplete the Ozone layer sets out a framework for mitigating depletion of the Ozone layer. The Protocol was adopted on 16th September, 1987 and Kenya signed on 16th September, 1987. Kenya ratified it on 9th November, 1988 and the Protocol entered into force on 26th August, 1989. Kenya has ratified 4 Amendments to the Montreal Protocol, namely: the London Amendment of 1990, Copenhagen Amendment of 1992, Montreal Amendment of 1997 and Beijing Amendment of 1999.
1359. Kenya participates in meetings of the Conference of Parties and annually commemorates the International Day for the Preservation of the Ozone Layer on 16th September to enhance public awareness on ozone protection issues.

1360. The Government has been promoting adoption of ozone friendly technologies to replace ozone depleting substances (ODS) and 80 percent of these substances have been phased out. The Government in collaboration with training institutions has trained Refrigeration and Air Conditioning (RAC) technicians dealing with refrigeration services on good practices during repair and maintenance of refrigeration and air conditioning equipment.
1361. Kenya is also in the process of ratifying the Kigali Amendment to the Montreal protocol on substances that deplete the ozone layer.

3.14.10 Minamata Convention on Mercury

1362. The Convention was adopted in Geneva, Switzerland in January, 2013. Kenya signed the Convention on 10th October, 2013. The Convention entered into force on 16th August, 2017 and Kenya is yet to accede to it. The object of the Convention is to protect human health and environment from adverse effects of mercury.
1363. Kenya has aligned the National Action Plan (NAP) to the UNCCD through the development of a 10-year Strategy “National Climate Change Action Plan” (NCCAP) 2013–2017 and 2018–2022. The plan is geared towards putting in place measures to domesticate the Convention.
1364. Kenya needs to enhance mechanisms on compliance, enforcement, monitoring and evaluation on the use of mercury, and is in the process of acceding to the Minamata Convention.

3.14.11 The Basel Convention on the Control of Trans-boundary Movement of Hazardous Waste and their Disposal

1365. The Convention was adopted on 22nd March, 1989, and entered into force on 5th May, 1992. Kenya acceded to the Convention on 1st June, 2000. Under the Convention, states are to ensure environmentally sound management and trans-boundary movement of hazardous waste.
1366. Kenya has participated in all its Conference of the Parties (COP) Meetings and its Technical Working Groups and in addition continually monitored hazardous waste at key entry points and has exported several tonnes of hazardous waste for environmentally sound disposal. Kenya has also formulated waste guidelines, regulations, and strategies.
1367. The BRS Secretariat held its bi-annual meeting in Geneva Switzerland between 29th April and 10th May, 2019. The meeting was the fourteenth Conference of Parties to the Basel Convention and the ninth for both COPs of the Rotterdam and Stockholm Convention.
1368. The outcome of the Conference was as follows: Under the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade COP9 a new annex was established to set out procedures and mechanisms committee to facilitate compliance to the Convention. Additionally, Annex III of the Convention was amended to recommend the listing of two severely hazardous pesticide formulations (SHPFs) fenthion and paraguat as well as the chemicals acetochlor hexabromocyclododecane (HBCD), phorate, carbosultan and chrysotile asbestos which shall be subject to the prior informed consent procedure between exporting and importing countries.
1369. Under the Stockholm Convention on Persistent Organic Pollutants COP9, it was agreed upon that there shall be a reduction in the number of exemptions and acceptable purposes to continue production and use of perfluorooctane sultonic acid (PFOS), its salts, and perfluorooctane sulfonyl fluoride (PFOSF). Delegates also adopted a decision to list perfluorooctanic acid (PFOA, its salt and PFOA related compounds in Annex A (elimination) of the Convention.
1370. The Basel Convention on the control of Transboundary Movements of Hazardous Waste and their Disposal clarified the scope of plastic wastes in Annex VIII presumed to be hazardous and therefore subject to the PIC procedure. Parties to the Convention also adopted technical guidelines on environmental sound management of electrical and electronic wastes (e-wastes).

3.14.12 Stockholm Convention on Persistent Organic Pollutants (POPS)

1371. Kenya signed the Convention on 23rd May, 2001. The Convention entered into force on 17th May, 2004 and Kenya ratified it on 24th September, 2004. The Convention aims at restricting the production and use of Persistent Organic Polluters (POPS) to protect human health and the environment.
1372. In pursuant to the Convention, the National Implementation Plan (NIP); Supporting Policy Guidelines on Air Pollution Regulations for hazardous industrial chemicals; and a Roadmap for chemical management are in place. A Chemical Policy is being developed.
1373. Kenya needs to enhance mechanisms on compliance, enforcement, monitoring and evaluation on Persistent Organic Pollutants (POPs).

3.14.13 Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

1374. The Convention was adopted on 10th September, 1988 and entered into force on 24th February, 2004. Kenya ratified the convention on 3rd February, 2005. The State's obligations under the Convention is to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals. This is in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use by: facilitating information exchange about their characteristics, providing for national decision-making process on their import and export and disseminating these decisions to parties.
1375. The Draft Environmental Management and Co-ordination (e-Waste Management) Regulations, 2013, to restrict the prior informed consent chemicals are under consideration. Through NEMA, Kenya monitors chemical and hazardous facilities on their impact on human health and environment.

3.14.14 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

1376. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was adopted on 3rd March, 1973, in Washington DC and entered into force on 1st July, 1975. Kenya ratified it on 13th December, 1978, and it entered into force for Kenya on 13th March, 1979. The object of CITES is to regulate international trade in endangered species to ensure that such species are not extinct. Kenya is obligated to co-operate with other parties and regulate international trade in the CITES listed species of wild fauna and flora.
1377. Kenya has designated the Kenya Wildlife Service (KWS) as CITES Management Authority and the National Museums of Kenya as the CITES Scientific Authority as required by the Convention.
1378. The Wildlife Conservation and Management Act, 2013; The East African Customs and Management Act, 2004 (*Rev.* 2008); EMCA, 2015; are among the key legislation for penalties, seizures and confiscation, and permitting.
1379. In 2014, the Government enhanced the penalties under the Wildlife Conservation and Management Act, 2013, to curb the illegal trade in endangered species. The National Wildlife Strategy 2030 launched in June, 2018, forms the blueprint for wildlife conservation and management in the country. In order to have a comprehensive and coordinated policy framework, the Government is reviewing the 1975 Wildlife Policy.
1380. The Government submitted twenty (20) proposals at COP 18 in Geneva, Switzerland, 2019, 19 of which successfully went through. The proposal to restrict trade in elephant ivory and rhino horns among other species which were considered at COP 18 in Geneva in August, 2019. The proposed revisions aimed at strengthening the language in the Resolution 10.10 on elephants and in Resolution 9.14 on rhinoceroses to restrict any ivory and rhino horn trade, by ensuring

all domestic ivory markets across the globe are closed; enhanced management by parties of ivory and rhino horn stock piles to ensure such stocks do not leak from Government stores into the illegal markets; and in Resolution 11.20 to restrict trade in live elephants to only apply for purposes of promoting conservation of the species only in-situ respectively. The proposal further aimed at countering proposals to trade in rhino and rhino horns.

1381. COP 18 approved the proposed changes. In adopting the changes in Resolution 11.20 the COP approved a near complete ban on capturing and sending African elephants from their natural habitats to zoos and other captive facilities abroad.
1382. COP 18 Proposal thirty-seven (37) was a proposal to transfer Pancake Tortoise from Appendix II to Appendix I to prohibit trade in specimens of Pancake Tortoise collected from the wild and control illegal trade in specimens of other species. Nearly all proposals to COP 18 on reptiles and amphibians including Kenya's proposal on Pancake Tortoise were adopted.
1383. Kenya's proposals forty-four (44) and forty-five (45) for inclusion of White-Spotted Wedge Fish and Teat Fish, respectively, to regulate trade through CITES permits and certificates were approved. Proposal 5 to include Giraffe in Appendix II was accepted overwhelmingly.
1384. Decisions adopted at the CITES COP 18 entered into force on 26th November, 2019, for implementation. However, the decision on the listing of the Teat Fish in Appendix II will enter into force in November, 2020.
1385. Kenya's participation to and adequate representation at COP 18 was instrumental in the realization of the following conservation milestones: The rejection by CITES of lifting the international ivory trade ban means that the international trade ban in ivory and rhino horns remains; stringent regulation on live elephant trade to only allow any transfer of live elephants to appropriate and acceptable destinations within the elephant's natural range; strict and time bound compliance requirements for those countries that still have domestic ivory markets to work towards closing such markets and report to CITES on a regular basis the efforts being made to achieve the measure and to ensure their trade do not contribute to poaching and illegal ivory trade.
1386. Other milestones include: Listing of Giraffes, Wedge Fish Shark and Teat Fish in CITES Appendix II, thus bringing under regulation trade specimens of the listed species; Trade in Giraffe, Wedge Fish Shark and Teat Fish will now be regulated under the CITES permitting and certification systems to ensure the trade is not detrimental to the survival in the wild; and, Listing the Pancake Tortoise in Appendix I to prohibit any trade in wild caught specimens and strictly regulate trade in specimens of the species to only allow specimens bred in captivity and only from those captive facilities that have been entered in the CITES Register for captive breeding of Appendix listed species for commercial purposes.
1387. Kenya's influence on the position the COP would take on a number of controversial agenda items was monumental. Such positions included on issues of engagement of rural communities in CITES processes and how issues of CITES and livelihoods should be considered under the CITES framework, enhances law enforcement to protect species such as the East African Sandalwood, Pangolins and Cheetah whose populations continue to decline as a result of Illegal Wildlife Trade.

3.14.15 Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) (CMS)

1388. The Convention was concluded on 26th March, 1979, in Bonn, Germany and entered into force on 1st November, 1983. Kenya acceded to the Convention on 26th February, 1999. It provides for the protection and conservation of migratory species, their habitats and migratory routes.
1389. CMS brings together the states through which migratory animals pass, the range states, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range. Kenya has signed and ratified several agreements and MOUs under the CMS.

These include the African Eurasian Water Birds Agreement (AEWA) and MoUs on Migratory Sharks, Sea Turtles, Raptors and Dugongs.

1390. The KWS is the focal point institution that coordinates and implements Kenya's obligations under the Convention. In 2018, the KWS implemented action plans and the strategies for recovering and managing of species covered under the convention, agreements and MoUs.
1391. There is need to address habitat loss and the disparities in national laws across various jurisdictions that are range States for the migratory species.
1392. There is more focus on "Charismatic" Species such as elephant and rhinos at the expense of other species of conservation priority such as vultures as compared to elephant, thus the need to change perception of Kenyans. There is need to find a way of profiling other species.
1393. There is lack of proper coordination among relevant agencies in planning and implementation of the needed interventions to address threats to the raptors. Further, there is need to consolidate efforts and enhance international cooperation towards the conservation of raptors across their range. Further, there is limited domestication of decisions of CMS at National Level.

3.14.16 Convention on Wetlands of International importance especially as Waterfowl Habitats (RAMSAR Convention)

1394. The Convention is an inter-Governmental treaty adopted on 2nd February, 1971, in Ramsar, Iran. Kenya ratified it on 5th October, 1990, and it came into force on 5th October, 1990.
1395. The first obligation under the Convention is for a party to designate at least one wetland at the time of accession for inclusion in the List of Wetlands of international importance in accordance with Article 2 (4) (The Ramsar List) and to promote its conservation. The contracting parties commit to work towards the sustainable use of all their wetlands and designate suitable wetlands for the List of Wetlands of international importance (The Ramsar List) and ensure the effective management and co-operate internationally. Kenya is required to have an inventory of all the wetlands and update their conservation status.
1396. Kenya has six wetlands in the RAMSAR list: Lake Naivasha, Lake Baringo, Lake Bogoria, Lake Elementaita, Lake Nakuru and Tana River Delta. The process of listing more wetlands in RAMSAR site is underway to include sites such as Lake Ol Bolossat in Nyandarua county.
1397. Kenya Wildlife Service (KWS) is designated as the Convention's implementing authority and National Focal Point. Focal points for other aspects are NEMA and the National Museums of Kenya.
1398. The Government raises awareness on wise use of wetlands under the World Wetlands Day Programme observed annually on 2nd February. Limited enforcement of laws governing use of wetlands and lack of coordinated approach towards implementation and lack of a structured feedback mechanism from COPs to site hinders implementation of the objectives of the Convention.

3.14.17 Convention on the Law of the Non-Navigational Uses of International Watercourses (1997 UN Watercourses Convention)

1399. The 1997 UN Watercourses Convention is a multilateral framework developed by the International Law Commission (ILC) and adopted by the UN on 21st May, 1997. The Convention entered into force on 17th August, 2014. The Convention contains principles for the use and protection of shared water resources.
1400. Kenya is committed to co-operate internationally with regard to equitable utilization and protection of shared water resources and has initiated measures to ratify the Convention. The Government with the assistance of UNEP is coordinating the sustainable development of Lake Turkana and its Basin.

3.14.18 Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention) and its Protocols

1401. The Convention was adopted on 21st June, 1985, and entered into force on 11th September, 1990. The obligation of the states is to protect and manage the marine environment of the coastal areas of Western Indian Ocean.
1402. Kenya participated in the 4th negotiation meeting from 25th to 27th March, 2019 for the draft Integrated Coastal Zone Management (ICZM) Protocol and Amendment of Nairobi Convention held in Dar es Salaam, Tanzania.
1403. Kenya observes the World Oceans Day on 8th June annually and participates in various programs including the Western Indian Ocean Strategic Action Program. (WIOSAP).
1404. To enhance implementation of the Convention, The West Indian Ocean Strategic Action Plan for the protection of West Indian Ocean from Land-based sources and activities (WIOSAP) is supporting the implementation of Waste Treatment Plant at Shimo la Tewa Prisons.

3.14.19 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

1405. The Lusaka Agreement (LA) was adopted on 10th December, 1996 in Lusaka, Zambia to facilitate cooperation among Party States to deter illegal trade in wild fauna and flora. Kenya signed the Agreement on 9th September, 1994 and it entered into force on 10th December, 1996. Kenya ratified the LA on 17th January, 1997.
1406. Kenya hosts the Secretariat (LATF) established under the Agreement. The Secretariat is run by law enforcement officers seconded from the wildlife authorities of the signatory states and coordinates with the National wildlife authorities of signatory states and other law enforcement agencies to control cross-border illegal wildlife trade in member states.
1407. Through the Agreement the country has strived to control poaching and trafficking of wildlife especially of ivory and rhino horns. The Wildlife Conservation and Management Act, 2013 and The East African Community Customs Management Act, 2004 (*Rev.* 2008) implement the Lusaka Agreement.
1408. At the 12th Meeting of the Governing Council held in Kenya from 28th to 30th May, 2018, Kenya raised concern regarding low membership to the LA and non-payment of assessed contributions by majority of LA state parties. Also, the issue of dwindling donor support mainly towards enforcement operations & capacity building and slow response to request for data. Consequently, in 2018 Kenya proposed to the Governing Council measures for consideration towards strengthening the Agreement and its institution. This includes review of the Agreement to restructure the Secretariat and its operations.
1409. In a meeting of the Governing Council from 7th to 8th May, 2019, in Brazzaville, Congo various decisions were presented for further consideration by the Bureau of the 12th Governing Council. It was agreed that parties including Kenya should have settled the assessed contributions for the Financial Year of 2018/2019 by 31st December, 2019.

3.14.20 Revised African Convention on the Conservation of Nature and Natural Resources. (The Algiers Convention)

1410. The African Convention for the Conservation of Nature and Natural Resources of 1968 (the “Algiers Convention”) was adopted on 15th September, 1968 and came into force on 16th June, 1969. Kenya signed the Convention on 15th September, 1968 and ratified on 12th May, 1969. The Convention was revised, renamed and adopted on 11th July, 2003 and entered into force on 23rd July, 2016. Kenya signed on 17th December, 2003.
1411. The objects of the Convention are: to enhance environmental protection; foster the conservation and sustainable use of natural resources and harmonize and coordinate policies in

this field with a view to achieving ecologically rational, sound and socially acceptable development policies and programmes.

1412. Parties are required to increase vegetation cover, promote traditional rights of local communities and traditional knowledge, and participate in meetings for the conservation and rehabilitation of shared natural resources for future generations. At the United Nations General Assembly in September, 2019, Kenya set targets to increase its forest cover from the current 7 to 15 percent by 2022.
1413. In May, 2019, the following Presidential Directives were issued under National Strategy for Achieving and Maintaining Over 10 percent Tree Cover By 2022: Accelerated attainment of 10 percent national tree cover by 2022; Commitment at One Planet Summit during the UNEA4 Conference to achieve and surpass Constitutional target of 10 percent National tree cover by 2022; Review of teaching curriculum to include sustainable forest management ; All Chiefs to revive Chief's tree nurseries; and Allocation of 10 percent CSR budget for tree growing by all Ministries, Department and Agencies (MDAs).

3.14.21 East Africa Community Protocol on Environment and Natural Resources Management

1414. The Protocol was adopted and signed on 26th June, 2017, and Kenya ratified the Protocol on 26th June, 2017. The Protocol is yet to enter into force as some partner states have not ratified it. The objective of the Protocol is to co-ordinate parties to adopt a common vision in addressing the challenges of achieving sustainable development at the local, national and regional levels through sound environment and natural resources management.
1415. Partner states are currently re-negotiating the Protocol to streamline certain aspects with respect to use and protection of natural resources in the East Africa Community (EAC).

3.14.22 East African Community Protocol on Cooperation in Meteorological Services

1416. Kenya signed the Protocol in 2016 and ratified it in May, 2019. The objective of the Protocol is to promote cooperation in the provision of meteorological services within the Community. EAC Partner States are obliged to cooperate in the planning, designing and development of weather and climate observation networks and meteorological telecommunication systems; processing and analysis of data and sharing of meteorological information; and the development of early warning systems.
1417. The Protocol recognizes that the partner states are members of the World Meteorological Organization (WMO).

3.14.23 The 2010 Nile Basin Cooperative Framework Agreement (CFA)

1418. The Nile River Basin negotiations started in 1997, to come up with the Nile River Basin Cooperative Framework which was opened for signature on 19th May, 2010. Kenya signed on 19th May, 2010. Uganda, Tanzania, Rwanda, Burundi and Ethiopia have also signed the agreement. The framework gives the riparian states of the river equal opportunity to have equitable and reasonable access to water resources of the Nile River.
1419. Kenya has a keen interest in the conclusion of the CFA given its rising water demands and hence the need to fully utilize the potential of the Nile River Basin as an important and indispensable water resource to her people. Moreover, the main water towers that are the source of the rivers that feed into Lake Victoria are in Kenya. The Cabinet and the National Assembly approved the ratification process of the instrument.
1420. Kenya participated in the launch of Angololo Water Resource Development Project. The objective of the project is to contribute towards Uganda's Vision 2040 and Kenya's Vision 2030, which both include improvement in modernized and commercial agriculture.
1421. Kenya hosted the 27th Nile Council of Ministers meeting in Nairobi on 29th November, 2019, to review status of ratification of the CFA by 10 member countries and review progress made towards earlier resolutions.

1422. During the 27th Council of Ministers meeting Kenya ascended to the chairmanship of the Nile River Basin Corporative Framework Agreement. The 27th Nile Council of Ministers also tasked Kenya to spearhead operations of the CFA. Further, Kenya is to establish Nile Basin Commission by lobbying member countries to meet the six member countries ratification threshold as per the conditions of the CFA.

3.14.24 East Africa Community Protocol for the Sustainable Development of Lake Victoria Basin

1423. The Protocol was concluded on 29th November, 2003, and entered into force on 1st December, 2004. Kenya signed it on 30th November, 2004. The Protocol provides a framework for cooperation among the Partner States in the conservation and sustainable utilization of the resources in the Lake Victoria Basin. EAC partner states and stakeholders are obliged to protect, conserve, and where necessary rehabilitate Lake Victoria Basin and its ecosystems; and to develop programmes to reduce environmental degradation within the Lake Victoria Basin and explore means of having coordinated implementation of programmes on the Lake's basin by different institutions.

1424. The Protocol establishes the Lake Victoria Basin Commission (LVBC) with its headquarters based in Kisumu, Kenya. Currently, the EAC has allocated funds to construct the headquarters of LVBC in the land allocated by the Government of Kenya. The objectives and broad functions of the Secretariat is to promote, co-ordinate and facilitate development initiatives within the Lake Victoria Basin.

1425. As a party, Kenya co-operates in the sustainable management and development of Lake Victoria Basin and is involved in the development and implementation of measures to enhance safety of life, navigation and preservation of aquatic life. The National Focal Point is Ministry of Environment and Forestry while the Ministry of Water, Sanitation and Irrigation coordinates Kenya's implementation of the Protocol.

1426. LVEMP is a regional project under EAC implemented in phases by partner states and coordinated by the LVBC. The project is meant to improve collaborative management of the trans-boundary natural resources of the Lake Victoria Basin among the partner states. Secondly, to improve environmental management of targeted pollution hotspots and selected degraded sub-catchments for the benefit of communities that depend on the natural resources of the Lake Victoria Basin. LVEMP I and II are complete whereas preparations for LVEMP III are on-going.

1427. Programmes and Projects being implemented in the basin include the strategy to manage water hyacinth, improved sanitation across the basin, rehabilitation of catchments, community development projects, among others implemented by LVBC is the Lake Victoria Environmental Management Program LVEMP I, II and III as well as the Lake Victoria Water and Sanitation (LVWATSAN) I and II Project, under the Focal Point Ministry.

1428. The East African Community has designated Lake Victoria and its Basin as an area of common economic interest and a regional economic growth zone to be developed jointly by the partner states. Accordingly, a joint programme has been developed for the overall management and rational utilization of the shared resources of the Lake. Benefits include, the development of infrastructure and revamping the transport system on and around the Lake. LVBC has completed the following development projects in Kenya under LVWATSAN II Keroka Water Supply; Homa Bay Sewerage Treatment; Kisumu Sewerage Treatment and Kisumu Water Quality Laboratories.

3.15. AGRICULTURE

3.15.1 International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

1429. The Treaty was adopted on 9th November, 2001. Kenya became party on 27th May, 2003. The Treaty entered into force on 29th June, 2004. The ITPGRFA aims at guaranteeing food security through the fair and equitable benefit sharing from the use of the world's genetic plant resources.
1430. The Treaty recognizes the enormous contribution of local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, make to the conservation and development of plant genetic resources, as a basis of food and agriculture production throughout the world.
1431. Article 9 of the Treaty obliges states to take responsibility for realizing farmers' rights, relating to plant genetic resources for food and agriculture. Farmers are to freely access genetic resources without intellectual property rights restrictions particularly the right to use, save, sell and exchange seeds that they have produced on their farms.
1432. Kenya ratified the Treaty to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture in conformity with Article 43(1) (c) of the Constitution, which provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.

3.15.2 Phyto-sanitary Convention for Africa

1433. The Convention was adopted in Kinshasa, DRC, on 13th September, 1967. It was reviewed in 1997. The Convention entered into force on 6th October, 1992. Kenya has neither signed nor ratified the Convention but has been implementing it since 7th May, 1974, and abides by the Revised Convention (1997). In addition, Kenya is bound by the Convention by virtue of membership to the Inter African Phyto-sanitary Council.
1434. The Treaty obliges Kenya to take measures of quarantine, certification and inspection or such other measures as may be considered necessary in respect of any living organisms, animal, plants, plant material, seeds, soil, compost or packing material (including containers) and any other article the importation of which is considered to constitute a threat to agriculture in any part of Africa, to minimize threats to the agricultural industry. The implementation of the Convention helps minimize the introduction and spread of diseases.
1435. Kenya is a major producer and exporter of agricultural commodities and adherence to the Convention helps the country protect its plants and animal resources against pests and diseases.
1436. KEPHIS, as the secretariat to The Kenya Standing Technical Committee on Imports and Exports (KSTCIE), facilitates the process of risk assessment before introduction of live organisms as per Guidelines for Introduction and Use of Bio Products, biological control agents and related products. Applications for importation of GMOs are considered by Kenya National Biosafety Committee (NBC) which draws experts from NACOSTI, Ministry of Agriculture, KEPHIS, local universities, environmental pressure groups, local and international research institutes.

3.15.3 International Convention for the Protection of New Varieties of Plants (UPOV)

1437. The International Convention for the Protection of New Varieties of Plants was adopted on 2nd December, 1961, to recognize the rights of plant breeders internationally. Kenya acceded to UPOV under the 1978 Convention on 13th May, 1999. UPOV Convention was revised in 1991. Kenya acceded to the 1991 Convention on 3rd March, 2014. The Convention is implemented by Kenya Plant Health Inspectorate Service (KEPHIS).
1438. The UPOV Convention provides a unique form of intellectual property protection, specifically adapted for the process of plant breeding, and developed with the aim of encouraging breeders to develop new varieties of plants.

1439. UPOV membership offers mechanisms for stimulating research, enables access to technology, promotes enterprise growth, and increases potential for further agricultural development.
1440. Kenya enacted the Seeds and Plant Varieties Act, (Cap. 326) of 1972, which became operational in 1975. Regulations to guide seed operations were made in 1977, revised in 1991, and in 2012. The Plant Breeder's Rights (PBR) Regulations published in 1994, were reviewed in 2019.
1441. Kenya participates in formulation and implementation of regional and international policy and law on plant variety protection and, besides the UPOV Convention, is party to the Lusaka Agreement and therefore a member of ARIPO.
1442. Kenya revised the Seeds and Plant Varieties Act, (Cap. 326) in 2012. Regulations to guide seed operations made in 1977 and revised in 1991 were revised in 2016.
1443. The Government has continued to improve its plant variety protection system including amendment of the Seeds and Plant Varieties Act, 1972 in 2013, to incorporate aspects of the 1991 Act of the UPOV Convention. The process of acceding to the 1991 Act of the UPOV Convention has been initiated. Review of the official regulations to guide implementation of the Seeds and Plant Varieties Act, 1972 in 2013, is currently underway.
1444. Challenges include slow progress in improving the performance of traditional plant varieties and inadequate infrastructure for undertaking technical activities.

3.15.4 International Grains Agreement

1445. The Agreement was adopted on 7th December, 1994, and came into force on 1st July, 1995. Kenya became party to the Agreement in 1994. The objective of the Agreement is to further international co-operation in all aspects of trade in grains.
1446. The Agreement has two components namely; Grain Trade Convention (GTC) and Food Aid Convention (FAC). The GTC's aim is to provide for information-sharing, analysis and consultations on grain market and policy developments. The FAC creates a forum where donor countries pledge to provide annually, specified amounts of food aid in cash or kind.
1447. Kenya is obliged to facilitate the sector with the necessary legal and policy framework to enable its farmers have easier and better access to the world market and learn best practices for crop production. The Cereals Policy, 2013, is currently under review to provide an enabling legal and regulatory framework that addresses constraints in: technology development; input accessibility; adoption of technologies; marketing systems; products quality and infrastructure for the development of the subsector along the cereal commodity value chains.
1448. The Warehouse Receipt System Act, 2019, and its Regulations have been enacted to support the cereal value chain improvement.
1449. The Strategic Grain Reserve was converted to the Strategic Food Reserve in 2013 to expand the food basket to include non-grain foods. The purpose was to ensure food security by purchasing excess foods during surplus and glut and protect consumers during shortage by releasing food into the market thereby ensuring price stability.

3.15.5 International Sugar Agreement 1969 (ISA)

1450. The Agreement was adopted on 1st January, 1992, by United Nations Convention on Trade and Development. It entered into force in 1993. Kenya acceded to the Agreement on 6th November, 1995. The objective is to ensure enhanced international cooperation in connection with the world sugar matters, provide a forum for developmental consultations on sugar so as to improve the world sugar economy, facilitate trade by collecting and providing information in the world sugar market and to encourage increased demand for sugar particularly for non-traditional uses.
1451. Under the COMESA Safeguard, the Government has put in place mechanisms to revitalize the sugar sector through privatization of the public owned sugar mills to make them more efficient

and profitable. The sugar factories are Nzoia, Miwani, Chemilil, Muhoroni and Sony. The privatization will be 51 percent strategic partner, 24 percent out growers and 25 percent Government of Kenya. The Privatization process is expected to be complete by 2021.

1452. The restructuring will involve improved payment based on sucrose content, improved cane productivity through high yielding twenty one (21) new cane varieties and co-generation process in all the sugar factories.

3.15.6 International Coffee Agreement (ICA)

1453. The Agreement was adopted in 1962. It was reviewed and approved on 28th September, 2007, by Member States. It entered into force on 2nd February, 2011. The main objective of the Agreement is to offer a forum for intergovernmental consultations, facilitation of international trade through increased transparency and access to relevant information, and promotion of a sustainable coffee economy for the benefit of all stakeholders and particularly of small-scale farmers in coffee producing countries.
1454. Certificates of Origin are important sources of information in coffee trade. The Coffee Directorate is responsible for the proper issuing and use of Certificates of Origin to Kenyan coffee exporters.
1455. Kenya, therefore, furnishes regular and accurate information on re-exports, in the form and manner determined by the Council. Participation has led to improvement of coffee prices in the international market and increased earnings for coffee farmers.
1456. The Government formed a task force in 2019 which presented its report on coffee improvement. The Government has also set aside KSh. 3 Billion to revamp the coffee subsector for credit support to the farmer. Nonetheless, the challenge of middlemen in the trade requires to be addressed.
1457. The Government has revived the Kenya Planters Cooperative Union (KPCU) in order to improve the milling efficiency, remove the middlemen and streamline marketing. This is expected to improve small scale coffee farmers income. The Government has also started the Coffee Cherry Advance Scheme for the payment of small scale farmer. The scheme is managed by the State Department for Cooperatives. Kenya hosted the International Coffee Organization Council Conference on 25th to 29th March, 2019.

3.15.7 Convention on the African Migratory Locust

1458. The Convention on the African Migratory Locust aims to eliminate the trans-boundary pest which is very destructive to all kinds of vegetation. It was adopted on 25th May, 1962, and entered into force on 13th April, 1963. Kenya became State party on 29th November, 1963.
1459. Contracting governments are required to facilitate the construction, on their own territory, buildings necessary for the operation of the organization when necessary, give assistance requested by the organization for the destruction of incipient swarms.
1460. Kenya has put in place the necessary infrastructure at the Wilson Airport's Plant Protection Unit manned by a team of officers trained to control the migratory pest including continuous surveillance of the pests. The team works directly with the Locust Control Organization (LCO).
1461. Through its desert locust control organization for eastern Africa (DLCO-EA) the Locust Control Organization (LCO) is currently battling to control the locust outbreak in parts of Kenya.

3.16. ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

3.16.1 East African Community Protocol on Information, Communications and Technology

1462. The Protocol's objective is to promote ICT services in the EAC Common Market Protocol through e-commerce, harmonize ICT policies and establish and manage technology networks across the bloc. It was adopted and signed by Kenya on 30th June, 2013. Kenya ratified the Protocol in November, 2019.
1463. In 2018, under the Northern Corridor Initiative, the three partner states; Kenya, Uganda and Rwanda, implemented one area mobile network capping voice, SMS and internet roaming charges to KSh. 10. Kenya has continued with the implementation and Compliance with the one area Network initiative based on the agreement.
1464. To further the regional Cross-Border Connectivity under Northern Corridor, Kenya has continued with the deployment of Backbone Fiber Network under the National Optic Fiber Network Backbone Infrastructure (NOFBI across the border. So far, additional 2500km of network have been completed, while rehabilitation of the 300km fiber network from Kajiado to Namaga border which was destroyed during road construction is ongoing. Further, Kenya is currently constructing 350km of Fiber Network from Eldoret to Nandapal Southern Sudan is on-going to promote trade between the partner States.

3.16.2 Dubai Convention on International Telecommunication Regulations, 2012

1465. ITU was founded in Paris in 1865 as the International Telegraph and later renamed International Telecommunication Union Specialized Agency of the United Nations. Although its first area of expertise was the telegraph, the work of ITU now covers the whole ICT sector, from digital broadcasting to the internet, and from mobile technologies to 3D TV. ITU is headquartered in Geneva, Switzerland, and has twelve regional and area offices around the world.
1466. The mandate of the organization is to strengthen the human and institutional capacity of developing countries to adapt to an evolving ICT and telecommunication sector.
1467. Kenya has established policy, legal and institutional frameworks necessary for the development of ICT industry. The Kenya Information and Communication Act, 2010 (*Rev. 2012*) provides various regulations to support the sector. The Communication Authority established under the Act, as an independent body, is mandated to regulate the telecommunication industry; broadcasting; cybersecurity; multimedia; electronic commerce; postal and courier services.
1468. Kenya enacted the Data Protection Act, No. 24 of 2019, to establish the Data Protection Commission to make provision for regulation of the processing of personal data to provide for the rights of data subject and obligations of data controllers and processors and for connected purposes.
1469. Kenya has continued with the deployment of digital migration transmitters to underserved areas and has since covered 62 percent of the landmass through installation of 20 transmitters out of targeted 32. The total population covered is 85 percent. The installation of the remaining 12 transmitters is ongoing. This in line with ITU resolution on digital Migration.
1470. Kenya has deployed over 8600km of National Fibre Backbone infrastructure to complement the undersea cables namely SEACOM, Lion, TEAMS and Eassy to the border post to enhance cross border connectivity with the neighbouring countries Uganda, Tanzania and Southern Sudan under the EAC declaration. currently the government is laying 600km of fibre from Eldoret to Nandapal, Southern Sudan Border, to promote ease of doing business.

3.17. ETHICS, INTEGRITY AND PUBLIC ADMINISTRATION

3.17.1 United Nations Convention against Corruption (UNCAC)

1471. The Convention was adopted on 31st October, 2003. Kenya signed and ratified the Convention on 9th December, 2003. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. The Convention requires state parties to formulate and implement anti-corruption measures.
1472. Kenya derives several benefits from being a state party to UNCAC notably technical assistance and support towards implementing the Convention at the national level, capacity building and training of Kenyan officials in integrity and anti-corruption measures, such as: judicial officers; investigators; prosecutors and other public officers; expert advice on model laws, policies and strategies for promoting integrity and anti-corruption measures; and enhanced opportunities for provision of Mutual Legal Assistance and mutual assistance to Kenya and Kenyan institutions by other UNCAC State Parties or their anti-corruption bodies. Kenya has stepped up the fight against corruption and recovering the proceeds of corruption.
1473. Kenya has domesticated UNCAC through enactment of laws: Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65); Public Officer Ethics Act (Cap. 183); Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); Leadership and Integrity Act, 2012 (No. 19 of 2012); Mutual Legal Assistance Act, No. 36 of 2011; Proceeds of Crime and Anti-Money Laundering Act, the Witness Protection Act, 2010; and Bribery Act, (No. 47 of 2016). There is currently a review process for anti-corruption laws which has resulted in the Anti-Corruption Laws (Amendment) Bill, 2017.
1474. In January, 2019, the Government together with Partners launched the Open Government Partnership National Action Plan III. Open Government Partnership presents an opportunity for the Government to ensure transparency and accountability for the Big Four Agenda to ensure citizen's participation, to facilitate cost efficient delivery and use of digital solutions to achieve desirable outcome.
1475. Institutional measures include establishment of: The Ethics and Anti-Corruption Commission; Assets Recovery Agency; the Office of the Director of Public Prosecutions, National Police Service/Directorate of Criminal Investigations, Anti-Corruption and Economic Crimes Division of the High Court, Financial Reporting Centre, National Anti-Corruption Steering Committee and the Kenya Leadership and Integrity Forum. The Government has recently established the Kenya Integrity Academy that will build skills, competencies and enhance knowledge in the public and private sectors in ethics, integrity and anti-corruption matters.
1476. Administrative measures include establishment of anti-corruption institutions, public education, sensitization and awareness campaigns and other administrative and policy measures across all Government Ministries, Departments and Agencies (MDAs) including counties and the general public.
1477. Kenya underwent the first UNCAC review process covering Chapter III (Criminalization and Law Enforcement) and Chapter IV (International Cooperation) between 2013 and 2015, which review was undertaken by Cape Verde and Papua New Guinea. Kenya is currently undergoing a second UNCAC review process covering Chapter II (Prevention of Corruption) and Chapter V (Asset Recovery) of the Convention. A country visit took place between 26th and 28th June, 2018. Kenya awaits the outcome of the second UNCAC review process.
1478. Following the first UNCAC review, a high-level Task Force on the Review of the Legal, Policy and Institutional Framework for Fighting Corruption completed its work and presented its report on 17th December, 2015. A high-level Summit on Integrity and Anti-Corruption was also convened at State House, Nairobi in 2016 to deliberate on Government anti-corruption

- efforts. A Multi-Agency Team (MAT) of key anti-corruption institutions was constituted to lead Government anti-corruption efforts in a coordinated and coherent manner.
1479. The United Nations General Assembly has designated 9th December as the International Anti-Corruption Day to be commemorated annually.
1480. The Ethics and Anti-Corruption Commission (EACC) commenced various actions to prevent and combat corruption in the 2018/2019 Financial Year. The Commission received 9,308 reports out of which 3,482 were relevant to its mandate. Under the said period, 1,593 cases came under investigation whereby 218 cases were related to breaches. 14 proactive investigations were carried out resulting in averting possible loss of public funds to the tune of approximately KSh. 14.4 million
1481. Further, the EACC administered integrity tests on 112 public officers, forwarded 25 reports to respective MDAs and carried out 188 sting and trap operations in bribery-prone areas in both the Public and Private sector.
1482. In 2019, 234 files on corruption, economic crime and ethical breaches were redirected to the Office of the Director of Public Prosecutions whereas 414 cases remained pending before court. However, 78 cases have been finalized in court, out of which 51 were convictions, 23 acquittals and 4 withdrawals.
1483. The EACC undertook the tracing of illegally acquired and unexplained assets whereby 12 asset tracing inquiries were completed. The total estimated value of the asset traced was KSh. 2,699,287,266. Additionally, 18 applications were filed for preservation of assets valued at approximately KSh. 3.8 Million; injunctive orders were granted; and 22 recovery suits involving assets of an estimated value of KSh. 4 Million were filed. Overall, the Commission recovered public assets of an estimated value of 4.5 Million during the period under review.
1484. The Commission issued 739 advisories, 50 notices and 2 cautions to public entities and persons for violation of the Leadership and Integrity Act, 2012 and 5,998 integrity verification requests were received and processed from during the reporting period.
1485. To curb corruption and unethical practices, the EACC completed and released a report on the examination into the systems, policies, procedures and practices adopted in the pricing of Pharmaceutical and Non-Pharmaceutical Supplies in the Kenya Public Health Sector. Seven (7) Corruption Risk Assessments (CRA) into the systems, policies, procedures and practices various counties were carried out and CRA reports for Taita Taveta, Homa Bay, Kisumu, Kiambu and Embu County Executives and Assemblies finalized and presented.
1486. The Commission provided technical support to nine (9) public entities in developing and implementing Codes of Conduct and Ethics for their respective Public Officers. The Commission also developed 3 (three) generic administrative procedures for Responsible Commissions namely: County Public Service Boards (CPSB), County Assembly Service Boards (CASB) and the County Powers and Privileges Committee for management and declaration of income, Assets and Liabilities for State and Public Officers.
1487. Creation of public awareness was done to an estimated 6000 members of the public in 26 hotspots across the country. Some of the hotspots targeted include: National Registration Bureau Offices, Huduma Centres, Police Stations, Immigration Offices, Public Health facilities, Markets, Law Courts and country revenue offices.
1488. The Commission also reached out to 467 institutions of learning, 209,409 learners, and 4,486 teachers, staff and school managers in these institutions and implemented radio integrity education programmes which reached approximately 3,000 schools across the country.

3.17.2 African Convention on Preventing and Combating Corruption

1489. The Convention was adopted on 1st July, 2003, and it entered into force on 5th August, 2006. Kenya signed the Convention on 17th December, 2003, and ratified it on 3rd February, 2007.

1490. State parties to the Convention are required to: criminalize various acts of corruption identified in the Convention under national law; establish independent national anti-corruption institutions; submit reports to the AU Commission on the implementation of the Convention; adopt legislative and other measures to protect witnesses of corrupt actions; adopt measures to promote education and public sensitization on ethics and integrity; adopt legislative and other measures to secure the public financial system especially public procurement, audit, accounting and tax from corrupt actions; facilitate the provision of extradition, mutual legal assistance and international co-operation in anti-corruption investigations and proceedings.
1491. Kenya has also put in place legal and institutional framework as per UNCAC. Kenya is a member of the AU Advisory Board on Corruption established under the Convention. The African Union has designated 11th July, as the Annual African Anti-Corruption Day.

3.17.3 African Charter on Values and Principles of Public Service and Administration

1492. The African Charter on Values and Principles of Public Service and Administration was adopted by the African Union Heads of State and Government on 31st January, 2011, and entered into force on 23rd July, 2016. Kenya signed on 14th May, 2011, and ratified it on 17th August, 2011. The object of the Charter is to promote principles and values of equality, capacity building, participation, improvement of work conditions and cooperation among member states.
1493. Kenya has enacted the Public Service Commission Act, 2017; Public Officers and Ethics Act, No. 4 of 2003 (*Rev.2016*); and Leadership and Integrity Act, No. 19 of 2012. The Public Service Commission holds an Annual Public Service Week to showcase its activities, and give awards for exemplary service. The Government launched the *Huduma Halisi* Public Service Campaign aimed at celebrating individuals and institutions who provide honest public services. This campaign is driven by youth and ordinary citizens through social media and other platforms.
1494. Kenya hosted the first Conference of State Parties on 12th to 13th November, 2018. The Conference was attended by fourteen (14) member states out of seventeen (17) members who have ratified the Charter. Representatives from Africa Association of Public Administration and Management (AAPAM) and the Africa Management Development Institute Network (AMDIN) were also in attendance.
1495. The Conference adopted reporting guidelines and called upon the State parties to provide adequate resources to facilitate implementation of the Charter. The AU Commission issued a *Note Verbale* to all member states to ratify and implement the Charter; facilitate creation of good governance and delivery of quality public Service of the continent; coordinate evaluation of the implementation of the Charter; establish required mechanisms and capacities for the implementation of the Charter; and undertake periodic review.
1496. Kenya hosted the 7th Continental Africa Public Service Day at the Kenyatta International Convention Centre (KICC) Nairobi, Kenya from 21st to 23rd June, 2019. The theme for the celebrations was “The intersection of Youth Empowerment and Migration: Entrenching a Culture of Good Governance, ICT and innovation for inclusive Service Delivery”.
1497. During the celebrations, the participating countries shared experiences on innovations and good practices on the various strategies that they had undertaken to make their respective public services responsive, prompt, effective, and impartial and to serve their citizens better. There was realization that a well-functioning and results-oriented public service in any country was key to the realization of her developmental agenda. The African Ministers for Public/Civil Service resolved to have 23rd June of every year as a day to recognize the work of public servants and need to create a platform for sharing experiences on best public sector practices on the continent.

3.18. LABOUR AND EMPLOYMENT

1498. The International Labour Organization (ILO) Conventions are categorised in three namely; fundamental, governance and technical Conventions. Kenya has ratified 7 out of 8 Fundamental Conventions; 3 out of 4 Governance (or Priority) Conventions, and 40 of the 177 Technical Conventions.

1499. In June, 2019, the ILO marked 100 years since it was founded and Kenya addressed the General Assembly where the Government highlighted its experiences, aspirations and vision for the next centenary.

3.18.1 Fundamental Conventions

1500. The ILO considers eight Conventions as “fundamental” which cover freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and elimination of discrimination in respect of employment and occupation. These are considered to constitute decent work. All ILO Member States are bound by the provisions of the Fundamental Conventions which are:

1. Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). Kenya is yet to ratify Convention No. 87 and has put in place measures towards its ratification.
2. Right to Organize and Collective Bargaining Convention, 1949 (No. 98).
3. Forced Labour Convention, 1930 (No. 29).
4. Abolition of Forced Labour Convention, 1957 (No. 105).
5. Minimum Age Convention, 1973 (No. 138).
6. Worst Forms of Child Labour Convention, 1999 (No. 182).
7. Equal Remuneration Convention, 1951 (No. 100).
8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

3.18.2 Governance (or Priority) Conventions

1501. The ILO’s Governing Body has also designated another four Conventions as “priority” instruments, because of their importance for the functioning of the international labour standards system. Since 2008, these Conventions are now referred to as Governance Conventions as they were identified by the ILO Declaration on Social Justice for a Fair Globalization as the standards that are the most significant from the viewpoint of governance. The Governance Conventions are:

1. Labour Inspection Convention, 1947 (No. 81)
2. Employment Policy Convention, 1964 (No. 122). Kenya has ratified all but Convention No.122.
3. Labour Inspection (Agriculture) Convention, 1969 (No. 129)
4. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

3.18.3 Technical Conventions

1502. Technical Conventions are all other Conventions that set out basic principles and rights at work.

3.18.4 Fundamental Conventions

3.18.5 Forced Labour Convention, No. 29 of 1930

1503. The Forced Labour Convention (FLC) was adopted on 28th June, 1930, entered into force on 1st May, 1932 and acceded to by Kenya on 13th January, 1964. The Convention forbids work or

service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

1504. Its provisions are entrenched in Article 30 (2) of the Constitution and in Section 4 of the Employment Act, 2007, which prohibits use or assistance to any person in recruiting, trafficking or use of forced labour.
1505. The State Department for Labour is mandated to enforce international labour standards through inspections. Sensitization and awareness-creation need to be enhanced to complement these efforts.

3.18.6 Right to Organize and Collective Bargaining Convention, No. 98 of 1949

1506. The Convention was adopted on 1st July, 1949, entered into force on 19th July, 1951, and Kenya acceded to the Convention on 13th January, 1964. This Convention covers the rights of union members to organize independently without interference by employers and requires positive creation of rights through collective bargaining. The Convention guarantees protection against anti-union acts of discrimination. It prohibits in particular, unions being dominated by employers through financial or other means.
1507. The Labour Relations Act, 2007, has domesticated the ILO Convention and enabled workers to enjoy the right to collective bargaining. The Courts in enforcing the Convention have ordered for registration of multiple trade unions in the same economic sector. From 2010 to 2019, the government registered a total of 1,829 collective bargaining agreements negotiated by workers and employers in the Public and Private Sectors. Collective bargaining has resulted in improved remuneration, work environment and welfare for workers in both Public and Private Sectors.
1508. Although the government appreciates the aforementioned improvements in public sector remuneration, it is concerned over the high wage bill accounts for a substantial fraction of overall public spending and crowds out resources which could be used for other development priorities. This also creates fiscal deficits, leads to unsustainable level of public debt and results in the loss of competitiveness of the economy, ultimately impacting negatively on growth and employment. To address this challenge the Government has identified a number of measures for redress.
1509. The Salaries Remuneration Commission (SRC) carried out a job evaluation exercise in the Public Service where it provided a rationalized, harmonized and equitable job grading structure. Implementation of these recommendations continue to be implemented in phases giving a positive outcome of reduction in the public sector wage bill from 57.3 percent of the revenue in 2013–2014 to 48.1 percent in 2018–2019. Also noted is a reduction of the Wage Bill Gross Domestic Product (GDP) ratio from 10.4 percent over the same period. Despite this achievement, the wage bill growth continues to outstrip economic and revenue growth putting pressure on development and investments.
1510. In further effort to attain a balance in the wage bill and economic growth ratio, the Government held a national wage bill conference from 27th to 29th November, 2019, under the theme “Transforming Kenya’s Economy through a Fiscally Sustainable Public Wage Bill”. The conference resolutions included: development of a comprehensive national performance management policy to streamline and standardize public sector performance at the national and county level, development of a national policy to measure productivity of the public service within the performance management implementation framework and pilot public service productivity Index in the Ministry of Health, Teachers Service Commission and selected state agencies and to thereafter roll it out to other sectors. It also recommended establishment of a framework for a Standing Sectoral Collective Bargaining Negotiation Committee to represent both national and county governments.

1511. The conference also recommended for development of a National Pensions Policy to harmonize and consolidate the public service pensions nationally. It further urged for establishment of a multi-sectoral team to oversee preparations and the Gazettement of the commencement date of the Public Service Superannuation Scheme.
1512. The Government is in the final stages of concluding development of the Decent Work Country Programme III (2020–2022) which seeks to put in place measures to enhance social dialogue, build constituent parties' capacity for negotiation and disputes resolution, help establish structures for negotiations in the public sector, review the Industrial Relations Charter and the labour laws. The government also plans to increase the number of mediators in up scaling the use of Alternative Disputes Resolution (ADR) system in labour relations.
1513. Last year, the Employment and Labour Relations Court (ELRC) put to use the mediation court annex system to assist employers and workers resolve a number of labour disputes on collective bargaining and negotiation of better terms and conditions of employment. Some of the prominent cases involved nurses, doctors, university lecturers and teachers.

3.18.7 Equal Remuneration Convention, No. 100 of 1951

1514. The Convention was adopted on 29th June, 1951, entered into force on 23rd May, 1953, and Kenya acceded on 7th May, 2001. The Convention requires labour rights for both men and women to be established without discrimination on the basis of sex. Men and women must be paid equal remuneration for work of equal value.
1515. The Constitution of Kenya, 2010 and the Employment Act, 2007, provide for the enjoyment of labour rights by both men and women without discrimination. The Labour Institutions Act, 2007, provides for establishment of the Wages Councils which determine minimum wages payable to workers.
1516. There exist different wage fixing mechanisms and criteria leading to disparities in remuneration levels. Out-dated occupational standards, subjective employment evaluation and cultural biases negatively impact on undervaluing certain jobs thereby negatively impacting on achievement of gender parity in remuneration.
1517. The Government completed a draft report on development of a National Wages and Remuneration Policy which addresses issues of outdated occupations, disparities in remuneration levels and gender across occupations. Of significance, it is also expected to maintain a policy for equal pay for work of equal value for all including those who have been excluded from the scope of the Employment Act, such as the discipline forces, police and armed forces. It also proposes a new system for review of national minimum remuneration. This draft report has been shared with the social partners, representative organizations of workers and employers. The Government intends to subject the draft Policy to public debate and to thereafter adopt it.
1518. The Salaries and Remuneration Commission (SRC) carried out a Job Evaluation exercise in the Public Service to determine the relative worth of jobs in the Public Services, provide a rationalized, harmonized and equitable job grading structure based on the job grades and salary market data. It also aimed at ensuring a consistent decision making regarding grading and rates of pay and a policy of equal pay for work of equal value.
1519. The Job Evaluation was carried out in two phases; Phase one covering State Officers and phase two, other Public Officers. Due to the scope and complexity of the Public Service, phase two was divided into seven (7) sectors: Commercial State Corporations, Service and Regulatory State Corporations; Civil Service; Constitutional Commissions, Independent Offices and Teaching Service; County Governments; Disciplined Services; and Public Universities, Research and Tertiary Institutions. In 2012 and 2013, the Commission undertook a Job Evaluation for State Officer jobs. This resulted in evaluation of eighty-eight (88) jobs. In 2015

to 2017, the Commission undertook Job Evaluation for Public Officer jobs. This resulted in evaluation of 52,047 jobs divided into 5 broad skill levels.

1520. The Employment and Labour Relations Court has continued to be guided by the ILO Convention No. 100 in bridging the pay between different groups envisaged in the law, including men and women as could be demonstrated in the case of *V M K Vs CUEA (2013) eKLR*.
1521. The Government has initiated the process of establishing Wage Councils to negotiate wages and conditions of work in the seafarers, petroleum and gas, leather and textiles sectors and which will also serve to promote equity in remuneration within the selected sectors and in relation to the economy.
1522. The Government has also initiated a phased out review of the Kenya National Occupational Classification Standards (KNOCS) to meet contemporary standards and social equity in remuneration. The exercise is focused on review and development of occupational standards in the sectors supporting implementation of the Big Four Agenda and the informal sector.

3.18.8 Abolition of Forced Labour Convention No. 105 of 1957

1523. The International Labour Organization adopted this convention on 25th January, 1957, and entered into force on 17th January, 1959. Kenya acceded to it on 13th January, 1964. The object of the convention is to cancel certain forms of forced labour which are allowed under Forced Labour Convention of 1930, such as punishments for strikes and political views. In order to implement both conventions, the ILO set up the Special Action Programme for Forced Labour. It is the ILO programme which strives to combat forced labour and related issues through evidence based policy advice, tools and services to enable its constituents take effective, coordinated and rights based action to prevent and eradicate forced labour and trafficking.
1524. The Convention has been domesticated through Section 4 of the Employment Act, which prohibits forced labour and has also applied for inclusion in the special action programme on forced labour. The Government has continued to pursue a national employment policy which rids the system of all forms of forced labour. This includes a requirement that willing and able persons are engaged on jobs that they have freely chosen and that wages are paid regularly and prohibits payment methods which deprive an employee the possibility of terminating their employment such as bondage, servitude and slavery.

3.18.9 Discrimination (Employment and Occupation) Convention No. 111 of 1958

1525. The International Labour Organization adopted the Convention 25th June, 1958, and came into force on 15th June, 1960. Kenya acceded to the Convention on 7th May, 2001. The Convention recognizes discrimination as a violation of human rights and aims to abolish it in all its forms without distinction. It affirms every person's right to pursue their material well-being and development irrespective of race, creed, sex, age, ethnicity or other extraction. All persons have the right to pursue this in conditions of freedom, human dignity, economic security and equal opportunity. The terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupation, and terms and conditions of employment.
1526. Article 27 of the Constitution guarantees equality of treatment and benefit of the law to all persons. The Government has incorporated this principle in the Employment Act and other related Acts. In order to afford all persons equal opportunity to employment and occupations the government has enunciated the principle in the Employment Policy and also put in place various administrative measures.
1527. Overtime, the government has adopted a targeted approach to build capacity of diverse categories of marginalized and disadvantaged persons in society. For example it established the Women's Enterprise Fund (WEF) in 2017 through Legal Notice No. 147 Government

Financial Management (WEF) Regulations, 2017. The objective of the Fund is to give women entrepreneurs and institutions access to credit and support services. In 2012, the National Gender Affirmative Action Fund was relaunched, having been originally set up in 2007, as Affirmative Action Social Development Fund. This was done through Legal Notice No.4 of the Public Finance Management Act, 2012. The fund sought to increase access to financial facilities and employment services to affirmative action groups at both constituency and national level.

1528. The Government also launched the Access to Government Procurement Opportunity (AGPO) programme which was launched in 2013, with the aim to empowering women, youth and persons with disability and to give them more opportunity to do business with government. The programme facilitates these groups' access to government procurement up to 30 percent of all opportunities available. The Uwezo Fund (UF) established through Legal Notice No.21 of the Public Finance Management Act, 2014 provides business mentorship opportunities.
1529. The Employment and Labour Relations Courts (ELRC) has also been firm in enforcing this principle through various judgements and rulings.

3.18.10 Minimum Age Convention, No. 138 of 1973

1530. The Convention was adopted on 6th June, 1973, entered into force on 19th June, 1976, and was acceded to by Kenya on 9th April, 1979.
1531. The objective of the Convention is to protect children against exploitation and sets the minimum age of admission to employment consistent with the fullest physical and mental development of children. The Convention provides for the minimum age for admission to work the age for completion of the compulsory schooling age. The Convention requires states to adopt measures to ensure the abolition of child labour and to raise progressively the minimum age for admission to employment or work.
1532. Kenya has domesticated the Convention through enactment of the: Children Act, 2001; the Employment Act, 2007; the Basic Education Act, 2013; and the National Policy on the Elimination of Child Labour (Sessional Paper No. 1 of 2015).
1533. Incidences of child labour have not been eradicated due to poverty, low awareness on their rights, retrogressive cultural practices and HIV/AIDS. There is need to mobilize resources to create public awareness and harmonize the existing laws.
1534. The Government is in the process of concluding development of the Third Generation Decent Work Country Programme 2020–2022 . This will aid implementation of the National Policy on Elimination of Child Labour which was adopted by Government in 2016. The intervention is anticipated to cover capacity building of state agencies responsible for combating child labour, awareness raising, resource mobilization among other measures for redress.

3.18.11 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182 of 1999

1535. The Convention was adopted on 17th June, 1999, entered into force on 19th November, 2000, and was acceded to by Kenya on 7th May, 2001. The Convention's aim is to prohibit and eliminate the worst forms of child labour with immediate action. It defines the worst forms of child labour as all types of slavery including the sale and trafficking of children, bonded labour to pay off debt and use of children in war and armed conflict. It also includes all activities which sexually exploit children such as prostitution, pornography or pornographic performance and involvement in illegal activities especially in the production or trafficking of drugs or any work which could damage the health, safety and well-being of children.
1536. The Convention has been domesticated through the Children Act, 2001, and Labour laws. The Government in collaboration with ILO and Partners such as International Programme on the

Elimination of Child Labour (IPEC) and tackling child labour through education implements various programs aimed at eliminating the worst forms of child labour targeting vulnerable populations. The Government has also developed regulations to address the Worst Forms of Child Labour.

1537. Challenges include inadequate institutional capacity, inadequate enforcement of existing laws and inadequate resources to carry out the programmes.
1538. The Government is in the process of concluding development of the Third Generation Decent Work Country Programme 2020–2022 . This will aid implementation of the National Policy on Elimination of Child Labour which was adopted by Government in 2016. The intervention is anticipated to cover capacity building of state agencies responsible for combating child labour, awareness raising, resource mobilization among other measures for redress.

3.18.12 Governance Conventions

3.18.13 Labour Inspection (Industry) Convention, No. 81 of 1947

1539. This Convention was adopted on 11th June, 1947, entered into force on 7th April, 1950, and was acceded to by Kenya on 13th January, 1964. The Convention targets enforcement of minimum labour standards through effective inspection of industrial workplaces to ensure adherence to terms and conditions of employment and safety of workers at the work place.
1540. The Convention has been domesticated in the: Work Injury Benefits Act, (WIBA), 2007; the Labour Institutions Act, 2007; and Occupational Safety and Health Act, 2007, which provide for establishment of the Labour Inspectorates. Under the Occupational Safety and Health Act, 2007, it is obligatory on employers to ensure health, safety and welfare of persons at workplace.
1541. Compliance with labour standards ensures that workers operate under reasonable conditions and this reduces likelihood of industrial unrest. Industrial harmony is vital for stability and the political, economic and social development of the country.
1542. The Government is not only improving documentation of all occupational diseases by mainstreaming basic OSH in the industries and with special focus in sectors that support delivery of the Government’s Big Four Agenda, but is also developing and establishing a regional institute for research and training in occupational safety and health. It is currently building the national Institute for OSHA.
1543. The Labour Inspectorates need to be adequately facilitated to achieve its mandate. There is need to review the law to remove dispute resolution function from the mandate of the Inspection Services.

3.18.14 Labour Inspection (Agriculture) Convention, No. 129 of 1969

1544. This Convention was adopted on 25th June, 1969, entered into force on 19th January, 1972, and acceded to by Kenya on 9th April, 1979. The object of the Convention is to protect workers engaged in agricultural undertakings and part of which include cultivation, animal husbandry including livestock production and care, forestry and horticulture. It also covers the primary processing of agricultural products by the operator of a holding or any other form of agricultural activity.
1545. The Convention has been domesticated by the Labour Institutions Act, 2007, and Occupational Safety and Health Act, 2007, which provide for establishment of the Labour Inspectorates. The Labour Institutions Act establishes the Agricultural Wages Council which develops the Regulation of Wages Order that provides the minimum standards for working hours and terms and conditions issued regularly by the Cabinet Secretary.

1546. The Government has put in place measures to boost institutional capacity of the inspectorates to enhance resource allocation and effective enforcement of laws. In collaboration with the ILO the government has implemented Work Improvement in Neighbourhood Development (WIND) in Mwea.

3.18.15 Tripartite Consultation (International Labour Standards) Convention, No. 144 of 1976

1547. This Convention was adopted on 21st June, 1976, entered into force on 16th May, 1978, and acceded to by Kenya on 6th June, 1990. It requires governments to set up procedures which ensure effective consultations, between representatives of the Government, employers and workers with respect to the matters concerning the activities of the International Labour Organization (ILO). Tripartite Consultations among representatives of the Government, employers and workers is an important pillar for harmonious industrial relations.

1548. The National Labour Board (NLB) and Wages Councils have been set up under the Labour Institutions Act, No. 12 of 2007, as advisory bodies to the Government on labour policy and the law. Additionally, the Government has appointed representative of workers and employers to Boards of State Corporations to represent their interests.

1549. Tripartite bodies face challenges in performing their duties due to low allocation of funds and limited technical expertise. The role of the Government in tripartite consultation and disputes resolution is often misunderstood which is an impediment to effective social dialogue. Hence, there is need to sensitize workers and employers on the system of social dialogue and tripartite system.

1550. Having noted the rapid changes and emerging changes in the national socio-economic processes, the National Labour Board (NLB) took a decision to review the Industrial Relations Charter (IRC) with a view to clearly define actors, their roles and ways to invigorate social dialogue and tripartite relations, maintenance of industrial peace and productivity. Employers' and workers' representatives and the Government have already begun internal consultations gathering views and opinions of members.

3.18.16 Technical Conventions

3.18.17 Unemployment Convention, No. 2 of 1919

1551. This Convention was adopted on 28th November, 1919, entered into force on 14th July, 1921, and acceded to by Kenya on 13th January, 1964. The object of the Convention is to protect against unemployment and promotes effective monitoring of unemployment and proper planning to address unemployment.

1552. The Government enacted National Employment Authority Act, 2016, which established the National Employment Authority (NEA) and has created Affirmative Funds to support Women, Youth and Persons with Disabilities.

1553. Under the Big Four Agenda pillar on enhancing manufacturing, 300 acres of cotton have been planted at Lambwe (Homa Bay County), at Lamu, and under food security and nutrition pillar, 1,743,148 tree seedlings have been planted in various NYS units. Further, through the Universal Health Coverage (UHC) pillar 22,541 NYS service men and women have been registered under the National Hospital Insurance Fund (NHIF). In addition, 2,000 servicemen and women were registered as Volunteer Health Community (VHCs) workers. The Government will facilitate in capacity building to TVETs and Community Groups in the manufacturing of inter-locking soil blocks under the Affordable Housing Programme.

1554. There is a large number of unemployed persons whose qualifications do not match the job market needs. There is need to transform Technical and Vocational Education Training (TVET) to respond to the contemporary labour market needs. Job seekers should be encouraged and supported to venture into entrepreneurship.

1555. The Government of Kenya through the State Department of Vocational and Technical Training has been equipping Public Technical Training institutions with modern equipment in science, engineering and technology in collaboration with Development Partners such as African Development Bank (ADB), The Government of Netherlands, and The Peoples Republic of China among others. The equipment is critical in the delivery of quality and relevant training in the subsector. Under the GOK/ADB Support to TVET Phase II (2016–2020), the Ministry of Education has a component on training of economically disengaged youth (Out of school and out of employment youth) where 2000 youth have been trained to date.
1556. The Technical and Vocational Education and Training Authority (TVETA) is a State Corporation under Section 6 (1) of the TVET Act, 2013. The general mandate of the Authority is to regulate and Coordinate Technical and Vocational Training (TVET) and assure quality access to relevant Technical and Vocational Education and Training. The TVETA has made great strides in the development and implementation of quality regulation standards in TVET in the country. The standards are benchmarked with international best practices meant to overcome the problem of unemployment.
1557. In collaboration with stakeholders in industry, employers, trade unions, professional regulatory bodies, government institutions and private TVET providers, TVETA has developed Fundamental Competency Based Education Training Standards. This standard is to ensure that TVET programme are designed in competency based modules from specific industry sectors. TVETA has developed manuals for accreditation of TVET institutions, programmes as well as assessment centres, programme developers, trainers, assessors and verifiers.
1558. This is aimed at improving accreditation, quality assurance, better learning outcomes and development of competent TVET graduates, better labour force and an increase in the number of accredited institutions. Currently TVETA has accredited 11 National Polytechnics, 854 technical vocational colleges and 778 vocational training centres, spread across the 47 counties.
1559. The Kenya National Qualifications Authority (KNQA) is established under the Kenya National Qualifications Act, No. 22 of 2014, to implement the Kenya National Qualification Framework. This Framework sets out clear criteria for qualifications and development of a harmonised National Accreditation, Quality Assurance assessment and examination system to ensure that the qualifications awarded in Kenya are of the highest Quality and meet national and international standards.
1560. In summary, the TVET sector has employed a number of measures in their training in order to mitigate youth unemployment: These include Competency Based Training and Approach that is meant to bringing out competencies in learners as required by industry other than traditional abstract or knowledge based learning.
1561. The industry experts developed the occupational standards (OS) for the occupations against which the curricula are developed. The learning materials, the training and assessment processes is developed so as to bring out the competencies outlined in the occupational standards as required by industry/employers.
1562. Both industry experts and TVET trainers participate in the training process, while the trainer deliver the curriculum, the industry experts bring the industry into the learning process. This is to enable the trainees be up to date with industry technology so as to prepare them for the job market.
1563. A mentorship programme for trainees has been developed by industry experts during attachment period. In the programme the industry expert or supervisor mentors the trainee through coaching, advising and counselling to prepare them for employment.
1564. The TVET curriculum has entrepreneurship and employability skills as compulsory basic courses. This meant to impart the trainees with entrepreneurial skills so as to enable them start and maintain small business after training. Employability skills equip the trainees with

essential skills like problem solving, organizational skills, adaptability and the right attitudes to enable them fit into the job market.

3.18.18 Right of Association (Agriculture) Convention, No. 11 of 1921

1565. This Convention was adopted on 12th November, 1921, entered into force on 11th May, 1923, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to secure the right of association for agricultural workers. It also requires governments to put in place policy, legislative and institutional framework to ensure workers in the agriculture sector are properly compensated through wage fixing mechanism.
1566. The Government has domesticated the Convention through the Labour Relations Act, 2007, and a number of Trade Unions are active in representing workers in the agriculture sector. There is need to raise awareness and build capacity of workers in the agricultural sector of their rights of association and representation.
1567. The Kenya Society for Agricultural Professionals (KSAP) is in place. It is responsible for registering and licensing Agricultural professionals. The Agricultural Professionals Licensing and Registration Bill, 2009, is awaiting submission and tabling in Parliament.

3.18.19 Weekly Rest (Industry) Convention, 1921

1568. The Convention was adopted on 17th November, 1921, entered into force on 19th June, 1923, and acceded to by Kenya on 13th January, 1964. The Convention requires that all workers in both public and private sectors enjoy at least one rest day in every period of seven days. The Convention is domesticated through the Employment Act, 2007.

3.18.20 Marking of Weights (Packages Transported by Vessels Convention), No. 27 of 1929

1569. The Convention was adopted on 11th November 1921, entered into force on 9th March, 1932, and acceded to by Kenya on 9th February, 1971. The Convention requires that any package or object weighing 1 Tonne and above consigned within the territory of any member state shall have its gross weight clearly marked on it before it is loaded.
1570. The Convention is domesticated under the Merchant Shipping Act, Cap. 389, the Kenya Ports Authority Act, Cap. 391 and the Occupational Safety and Health Act, 2007.
1571. Kenya Ports Authority has reviewed its training programmes at Bandari Maritime Academy which provides capacity building for equipment operators. Some of the courses offered for equipment operators include safe container handling, top loader/reach and stacker operators' forklift driving. This includes in-house training at manufacturers' premises to support use of new equipment.

3.18.21 Protection Against Accidents (Dockers) Convention (Revised), No. 32 of 1932

1572. The Convention was adopted on 27th April, 1932, entered into force on 30th April, 1934, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to protect workers (Dockers) against accidents and injuries, hazard control when loading and unloading ships.
1573. The Convention is domesticated under the Merchant Shipping Act, Cap. 389, and the Kenya Ports Authority Act, Cap. 391, and the Occupational Safety and Health Act, 2007.
1574. Kenya Ports Authority (KPA) has put in place comprehensive and effective occupational safety and health policy that ensures minimal accidents and injuries to dock workers. The Authority has put in place a coordinating mechanism that prioritizes improvement of work safety conditions, accident prevention, hazard control and preservation of health besides compliance with all relevant occupational health and safety legal and statutory instruments. It provides for induction, continuous safety training for all dock workers, personal protective equipment and

employee assistance programs, including workplace counselling, to mitigate different types of social distress.

3.18.22 Labour Clauses (Public Contracts) Convention, No. 94 of 1949

1575. The Convention was adopted on 29th June, 1949, entered into force on 20th September, 1952, and was acceded to by Kenya on 13th January, 1964. The objective of the Convention is to ensure that in contracting for the execution of public works, or supply of goods and services, public authorities should concern themselves with working conditions under which operations are carried out. It requires that all bidders respect as minimum certain locally established standards.
1576. Public procurement in Kenya is governed by the Public Procurement and Asset Disposal Act 2015, which gives effect to Article 227 of the Constitution. The law has established the Public Procurement Regulatory Authority to oversight public procurement process. The Authority is developing new bidding documents in line with the provisions of the Act, which mandates the Authority to prepare, issue and publicize standard public procurement and asset disposal documents and formats to be used by public entities and other stakeholders.
1577. The Access to Government Procurement Opportunity (AGPO) Policy introduced in 2013, set as 10 percent of government contracts to be awarded to disadvantaged groups without competition from established firms is now at 30 percent.
1578. Although the legal and regulatory framework set up for public procurement system has been strengthened there still exists weaknesses such as non-competitive procurement market in certain sectors and dominance of foreign investment in certain projects.

3.18.23 Migration for Employment Convention No. 97 of 1949

1579. The Convention was adopted on 1st July, 1949, entered into force on 22nd January, 1952, and was acceded to by Kenya on 30th November, 1965. The Convention obligates state parties to report to the ILO measures concerning migration for employment and the conditions for work and livelihood of migrant workers.
1580. In domesticating the Convention, the Government vetted and registered seventy (70) employment agencies vide Legal Notice No. 110 Labour Institutions Act, No. 12 of 2007 (Private Employment Agencies) Regulation, *Kenya Gazette* Supplement No. 92 of 17th June, 2016. A multi-agency vetting committee is in place under the Act mandated to vet employment agencies for registration.
1581. The Kenya Labour Migration Information Website was launched on 29th January, 2019, by the National Employment Authority (NEA) the website is a source of credible, factual and reliable information for prospective Kenyan migrant workers seeking employment abroad. The objective of availing this information is to promote safe, orderly and regular migration.
1582. The country hosts a large number of foreigners who are given opportunities and favourable conditions to work and invest in Kenya. Moreover, the Government has put in place measures to enhance awareness and ensure compliance with the law.
1583. In an effort to ensure a safe, orderly and regular migration process and including enhanced protection and support services to Kenyan migrants, the Government organized a Regional Conference in Nairobi from 20th to 21st January, 2020, bringing together IGAD member countries.

3.18.24 Minimum Wage Fixing Machinery (Agriculture) Convention, No. 99 of 1951

1584. The Convention was adopted on 28th June, 1951, entered into force on 23rd August, 1953, and acceded to by Kenya on 9th February, 1971. The objective of the Convention is to set a general applicable lower limit under which wages are not permitted to fall.

1585. The Government has domesticated the Convention through the enactment of Labour Institutions Act, 2007, established the Agricultural Wages Council and continues to issue the Agricultural Wages Order regularly to determine minimum wage and terms and conditions of employment in the Agricultural sector.
1586. The Government has recently shared the Draft National Wages and Remuneration Policy with workers and employer's representative organizations and other stakeholders. It is anticipated that the development will be concluded this year upon which the draft will be adopted for implementation.

3.18.25 Dock Work Convention, No. 137 of 1973

1587. The Convention was adopted on 25th June, 1973, entered into force on 24th July, 1974, and Kenya acceded to the Convention on 9th April, 1979. The objective of the Convention is to ensure member states afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port. It deals with new methods of work in the docks and their impact on employment of various dock workers occupations.
1588. The Convention is domesticated by the Merchant Shipping Act, Cap. 389, and Kenya Ports Authority Act, Cap. 391. The Kenya Ports Authority has made improvements to the Port increasing its operational efficiency in terms of transport volume, use of containers and modern technology. It has also developed training programmes to support workers to upgrade their skills.
1589. Modernization of the Port of Mombasa to make it internationally competitive has led to reduction of dock workers.

3.18.26 Migrant Workers (Supplementary Provisions) Convention, No. 143 of 1975

1590. The Convention was adopted on 24th June, 1975, entered into force on 9th December, 1978, and Kenya acceded to the Convention on 9th April, 1979. The objective of the Convention is to suppress clandestine movement of migrants for employment and illegal employment of migrants.
1591. In order to combat trafficking and assist victims of trafficking, the Government has put in place the Counter Trafficking in Persons Advisory Committee and the National Assistance Trust Fund for Victims of Trafficking in Persons and Gazetted on 28th September, 2018.
1592. The Government Gazetted Legal Notice No. 110, Labour Institutions Act, No. 12 of 2007 (Private Employment Agencies) Regulation, *Kenya Gazette* Supplement No. 92 of 17th June, 2016 to streamline recruitment of employees and to secure that of migrant labour.
1593. The guidelines on The National Referral Mechanism for assisting victims of human trafficking, were finalized and disseminated to twelve counties identified as source avenues or transit and destinations for victims of human trafficking in 2017–2018. The dissemination focused on 300 law enforcement officers who sit in court users' committees.
1594. The Government set up Labour Consulate offices in United Arab Emirates (UAE), Saudi Arabia and Qatar to look into welfare issues of Kenyan migrant labour in Middle East destinations. Negotiations to sign bilateral agreements to secure reasonable terms of employment and social protection with Bahrain, Jordan and Kuwait are underway.
1595. On 29th January, 2019, the Government launched a Kenya Labour Migration Information Website to provide relevant information on countries for prospective migrant workers and employers.

3.18.27 Workmen’s Compensation (Accidents) Convention, No. 19 of 1925

1596. This Convention was adopted on 10th June, 1925, entered into force on 1st April, 1927, and acceded to by Kenya on 13th January, 1964. The Convention is aimed at ensuring adequate compensation of workers injured or killed in the course of employment. The Convention requires member states to ensure that workers of member states who suffer injuries or death are subjected to same treatment as their own nationals.
1597. The Convention was domesticated by the Work Injury Benefits Act, 2007 (WIBA). The Act provides for compensation for employees for work-related injuries and diseases contracted in the course of their employment.

3.18.28 Minimum Wage-Fixing Machinery Convention, No. 26 of 1928

1598. This Convention was adopted on 16th June, 1928, entered into force on 14th June, 1930, and acceded to by Kenya on 13th January, 1964. The Convention requires Governments to set up and maintain machinery to fix minimum wages for the lowest paid workers (particularly in home-working trades) in which no arrangement exists for effective regulation of the wages by collective agreements or otherwise.
1599. The Labour Institutions Act, 2007, establishes sectoral Wages Councils to set minimum wages for all sectors. The National Labour Board is deliberating the request by KUDHEIHA Workers to revive the defunct Domestic Workers Wages Council. Kenya is determined to achieve universality in compliance with the Standard set in the Convention.

3.18.29 Convention Concerning Statistics of Wages and Hours of Work, No. 63 of 1938

1600. This Convention was adopted on 20th June, 1938, entered into force on 22nd June, 1940, and acceded to by Kenya on 13th January, 1964. The Government’s obligation is to collect, compile and submit statistics relating to wages and hours of work to the International Labour Office in quarterly or periodic intervals.
1601. The Convention was domesticated by the Labour Institutions Act, 2007. The Government collects and publishes data to ensure effective monitoring for compliance with labour standards.
1602. The Government launched the Kenya Labour Market Information System to improve data collection, management and dissemination to the labour market. The Government launched the Kenya Labour Market Information System (KLMIS) on 12th July, 2017. The KLMIS System is one of the Vision 2030 Flagship Projects which brings the trainers, jobseekers and potential employers into one platform.
1603. KLMIS also provides a research database for Human Resource related research. Training institutions are also able to identify the market needs and develop market driven curriculum. KLMIS repository provides reliable and strategic information for the parents, students and general public on career choices and available opportunities.

3.18.30 Employment Service Convention, No. 88 of 1948

1604. The Convention was adopted on 9th July, 1948, entered into force on 10th August, 1950, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to ensure the maintenance of a free public employment service.
1605. The Convention is implemented by the Employment Act, 2007, and the National Employment Authority Act, No. 3 of 2016. The National Employment Authority Act establishes an Authority and provides a comprehensive framework for employment management and to enhance employment promotion interventions. NEA has been instrumental in promoting employment and internship services and continues to play a key role in facilitating foreign

employment recruitment through private employment agencies. The Authority has also developed a homecare management syllabus, trainers guide and a trainers' manual.

1606. The Kenya Labour Market Information System (KLMIS) is expected to improve data collection, management for use by the labour market to enhance access to employment for youth, minorities and marginalized groups. The use of the KLMIS has been instrumental in promoting employment of Kenyans in key destination countries in the Middle East.

3.18.31 Night Work (Women) Convention (*Revised*), No. 89 of 1948

1607. The Convention was adopted on 9th July, 1948, entered into force on 27th February, 1951, and acceded to by Kenya on 30th November, 1965. The Convention requires regulation of conditions for night work for women.
1608. The Government is discussing the possibility of denouncing Convention No. 89. The Employment Act, 2007, no longer contains any general prohibition of night work in industry. Night Work is generally controlled through regulations under the Act and the various Wages Orders.

3.18.32 Equality of Treatment (Social Security) Convention, No. 118 of 1962

1609. The Convention was adopted on 28th June, 1962, and entered into force on 25th April, 1964, and Kenya acceded it on 9th February, 1971. The Convention requires member states to respect any one or more of the following branches of social security: medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment benefit and family benefit.
1610. The Convention is domesticated through the: National Social Security Fund Act, No. 45 of 2013; National Hospital Insurance Fund Act, 2012; Retirement Benefits Authority Act, Cap. 197; Work Injury Benefits Act, 2003; social assistance programmes to older persons, Orphans and Vulnerable Children (OVCs); and Persons With Disabilities (PWDs).
1611. Under the Big 4 Agenda on Universal Health Coverage, the Government mobilized citizens for NHIF registration through Huduma Mashinani Programme. In 2018, it extended registration to cover targeted groups such as NYS, all secondary school students in public schools under Edu Afya Scheme Programme and elderly persons. In 2017/2018, 50,112 members were registered. During the same period, 17,074 NYS service men and women were facilitated under the NHIF Medical Scheme.
1612. Currently, the Ministry of Health is undertaking a Universal Health Coverage Pilot Programme in four counties namely Machakos, Kisumu, Isiolo and Nyeri. The Pilot Programme has been reviewed and the findings will be used for scale up to the other 43 counties. The Government has allocated KSh. 34 Billion for the scale up programme for the financial year 2019/2020.
1613. In May, 2018, the Government in conjunction with the ILO, UN and the World Bank hosted an international conference aimed at scaling up investment in Social Protection for delivery of the SDGs.
1614. The National Wage Bill conference held by the Government in November, 2019, made three important recommendations to improve social security for public servants. These include: the need to develop a National Pensions Policy to harmonize and consolidate the public service pensions law; the publication of the commencement date for the Public Service Superannuation Scheme and to set up a multi-sectoral team to oversee the process.

3.18.33 Minimum Wage Fixing Convention, No. 131 of 1970

1615. The Convention was adopted on 22nd June, 1970 and entered into force on 29th April, 1972. Kenya acceded to the Convention on 9th April, 1979. The Convention requires Governments particularly in developing countries, to provide protection for wage earners against unduly low

wages. It is complimentary to Convention No. 26 and No. 99 of 1979. It covers all groups of wage earners.

1616. The Convention sets the elements to be taken into consideration in determining the level of minimum wages to include the needs of workers and their families, the general level of wages in the country, the cost of living, social security benefits and the relative living standards of other social groups. It also takes into account economic factors which include economic development, levels of productivity, and desirability of attaining and maintaining high level of employment. The Government has incorporated the set requirements in the Wage Guidelines.
1617. The Convention is domesticated by the Labour Institutions Act, 2007, which establishes Wage Councils for purposes of fixing wages in various sectors. This ensures reasonable terms and conditions of employment for workers in the relevant sectors.

3.18.34 Holidays with Pay Convention (Rev.) No. 132 of 1970

1618. The Convention was adopted on 24th June, 1970, and entered into force on 30th June, 1973. Kenya acceded to the Convention on 9th April, 1979. It aims at ensuring that workers shall enjoy an annual holiday with pay after period of continuous service with the same employer.
1619. The Convention is domesticated by the Employment Act, 2007, and the Public Service Commission Act, 2017. The Government formulated the Human Resource Policies and Procedures Manual for the Public Service in May, 2016, that provides for annual paid leave for the public service.

3.18.35 Workers' Representatives Convention, No. 135 of 1971

1620. The Convention was adopted on 23rd June, 1971, entered into force on 30th June, 1973, and Kenya acceded to this Convention on 9th April, 1979. Its objective is to provide for protection of workers against anti-union discrimination in respect of their employment.
1621. Member states are required to put in place mechanisms where workers' representatives enjoy effective protection against any act prejudicial to them, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.
1622. Kenya has domesticated its provisions in the Labour Relations Act, 2007. There is low public awareness on the provisions of the law protecting workers' representatives, hence the need to educate employers and workers on the same.

3.18.36 Paid Educational Leave Convention, No. 140 of 1974

1623. The Convention was adopted on 24th June, 1974, entered into force on 23rd September, 1976, and acceded to by Kenya on 9th April, 1979. The Convention aims to grant workers time off for participation in education and training programmes.
1624. Member states are required to formulate and apply policies designed to promote the granting of paid educational leave for purpose of training at any level, general, social and civic education and trade union education.
1625. The Convention is domesticated by the Labour Institutions Act, 2007, which provides for the determination of paid educational leave. The Public Service Human Resource Policies and Procedures Manual, May, 2016, also provides that an officer will continue to draw his substantive salary for the duration of courses. All Government employees are entitled to paid educational leave.
1626. The National Labour Board is yet to develop a policy for paid educational leave and is still under discussion of the tripartite.

3.18.37 Rural Workers’ Organizations’ Convention, No. 141 of 1975

1627. The Convention was adopted on 23rd June, 1975, entered into force on 24th November, 1977, and was acceded to by Kenya on 9th April, 1979. It is applicable to all types of organizations of rural workers, including organizations not restricted to, but representative of, rural workers. It is intended to ensure promotion of freedom of association for rural workers organizations and realization of labour rights.
1628. The Convention is domesticated by the Labour Relations Act, 2007. There’s low unionization of rural workers, hence the need to create awareness and develop programmes to have a wider outreach in recruitment of workers and strengthen the unions’ capacity.

3.18.38 Human Resources Development Convention, No. 142 of 1975

1629. This Convention was adopted on 23rd June, 1975, entered into force on 19th July, 1977, and was acceded to on 9th April, 1979. The object of the Convention is to ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems.
1630. The Convention is domesticated by the Industrial Training (Amendment) Act, 2011; and the Technical and Vocational Education and Training (TVET) Act, 2013, which have the mandate to ensure adequate supply of skilled manpower at all levels in industry and vocational training.
1631. The government has developed Public Service Commission Human Resource Development Policy, 2015, that has made provisions for internship programme, induction, training, development and capacity building of public servants.
1632. These policy guidelines have seen the development of the Public Service Internship Programme (PSIP), a Government initiative designed to offer the opportunity for college graduates to acquire and develop valuable technical and professional skills while gaining work experience. The programme is also aimed at inculcating in the interns values and principles of public service; and to promote ethical conduct. In 2019, the Public Service Commission offered internship opportunities in MDAs to 5,459 youths.⁶⁹
1633. The Teacher’s Service Commission developed internship guidelines in 2019, and engaged 10,000⁷⁰ teacher interns (4,300 posts for primary schools and 6,000 posts for secondary schools).
1634. Government has institutionalized vocational training through upgrading, equipping and establishing new TVET institutions in every constituency offering training and industrial attachment to equip the youth with the necessary skills to meet the current labour market demands. The Government has increased the number of trainees in national Polytechnics and Technical Training Institutes (TTI) to 220,000⁷¹ and 85,000⁷² in Vocational Training Centres (VTC). The Government has employed 3000⁷³ Trainers for TVET Institutions.
1635. The Government has established the State Department for Post Training and Skills Development which is mandated to spear head skills development.
1636. The Government has established the Integrated Human Resource Management System under the Ministry responsible for Public Service and also established the Kenya Labour Market Information System under the Ministry of Labour and Social Protection, which provides labour market indices for both public and private sectors.

⁶⁹ Public Service Commission Website www.publicservice.go.ke

⁷⁰ Teachers Service Commission website www.tsc.go.ke

⁷¹ Ministry of Education

⁷² Ministry of Education

⁷³ Ministry of Education

1637. In partnership with the World Bank, the Government is implementing the Kenya Youth Employment and Opportunities Project (KYEOP) from 2016 to 2021. The main beneficiaries of the project are youth between 18–29 years of age and are unemployed and have completed secondary level education. The age limit for direct beneficiaries (entrepreneurs receiving grants as winners of the business plan competition) is 35 years. The project aims to reach over 280,000⁷⁴ youth during the project period (2016/2021) of which 70,000⁷⁵ will benefit from technical training.

3.18.39 Nursing Personnel Convention, No. 149 of 1977

1638. The Convention was adopted on 21st June, 1977, entered into force on 11th July, 1979, and was acceded to by Kenya on 6th June, 1990. The objective of this Convention is to set minimum standards for nursing personnel and health workers and their wellbeing.

1639. State parties are required to take measures to provide nursing personnel with education and training appropriate to the exercise of their functions; and employment and working conditions, including career prospects and remuneration.

1640. The Convention is domesticated through the Nurses Act, Cap. 257 of 1983 as amended in 2011. The Act establishes the Nursing Council of Kenya (NCK). The NCK sets standards related to the education and practice of nurses. The Government has also established a Nursing Services Unit.

1641. The Nurses Association of Kenya looks after the welfare of its members and ensures that they continuously maintain and update their competencies by providing accredited Continuous Professional Development programmes that meet required standards and guidelines. Implementation of the Convention will ensure retention of qualified nurses to meet the country's needs in providing accessible and affordable health care for Kenyans.

⁷⁴ Ministry of Youth, Public Service and Gender

⁷⁵ Ministry of Youth, Public Service and Gender

3.19. SPORTS, ARTS AND CULTURE

3.19.1 The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)

1642. The Convention was adopted on 17th October, 2003, entered into force on 20th April, 2006, and acceded to by Kenya on 24th October, 2007. The Convention requires state parties to safeguard intangible cultural heritage present in their territories. Kenya is obliged to protect and promote the diversity of cultural expressions and strengthen international co-operation to achieve the purposes of the Convention.
1643. The Convention was domesticated through the Protection of Traditional Knowledge and Cultural Expressions Act, 2016. The Convention has been translated from English language to Kiswahili language version to make it accessible and well understood by a wider section of members of the public in the country.
1644. The *Isukuti* Cultural Dance has been identified, nominated and submitted to UNESCO-ICH. In 2018, the *Enkipaata*, *Eunoto* and *Olng'esherr*—three male-rites of passage of the Maasai—were inscribed into the list of intangible cultural heritage in need of urgent safeguarding. In 2019, Indigenous Knowledge of Wood carving of the Akamba; and the *Kit Mikayi* shrine of the Luo culture were submitted to UNESCO-ICH as intangible cultural heritage. Kenya through the Kenya National Commission for UNESCO submits its quarterly Report on ICH.
1645. The Government has a joint implementation programme with UNESCO on Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda. Kenya continues to participate in regional and international meetings to promote elements of UNESCO-ICH.
1646. The Government continues to face challenges from an improper channeling of funds from development partners, making monitoring and evaluation difficult. There is weak synergy among the stakeholders involved in UNESCO-ICH, absence of centralized depository, intergenerational knowledge transfers of ICH and failure to plant and maintain flora and fauna that serve as raw material for the cultural artefacts.

3.19.2 The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions

1647. The Convention was adopted 20th October, 2005, came into force on 18th March, 2007, and was acceded to by Kenya on 24th October, 2007. The objective of the Convention is to protect and promote the diversity of cultural expressions while ensuring the free flow of ideas and works.
1648. State parties are required to strengthen international co-operation, promote training and build capacity of artists. The Convention has been domesticated through the Copyright Act, 2001, and the Protection of Traditional Knowledge and Cultural Expressions Act, 2016. The Government is implementing the Cultural Diplomacy Strategy, 2017–2022.
1649. Piracy deprives artists of earnings and royalties. Negotiations and follow up for the repatriation of cultural and religious artefacts purchased as private property or not is complicated and entails substantial resource.

3.20. DELIMITATION AND DEMARCATION OF INTERNATIONAL BOUNDARIES

3.20.1 Declaration on the African Union Border Programme (AUBP)

1650. The Declaration was pronounced on 7th June, 2007, and is applicable to all African Union (AU) Member States. The aim is for African countries to agree on their common international boundaries so as to minimize border related conflicts while enhancing regional integration. AU member states are required to submit boundary surveys to the AU Commission and the UN, together with accompanying treaties.
1651. The Declaration has provided for the African Geodetic Reference Framework (AFREF) programme to facilitate the development of a common spatial reference system to unify the different geodetic reference frames of Africa. The framework will among other things facilitate cross border infrastructure development.
1652. The Government established the Kenya International Boundaries Office (KIBO) to coordinate activities and programmes in liaison with relevant MDAs to reaffirm Kenya's international boundaries. The exercise has begun with the border between Kenya and Tanzania.
1653. Kenya is in the process of becoming a full member of the International Hydrographic Organization (IHO). This will enable her to make hydrographic charts on her own. The National Assembly is in receipt of the Convention on the International Hydrographic Organization for approval for ratification by the Government of Kenya.
1654. There are no common agreed Standards of Survey within the region. Being a highly specialized technical area there is need to develop relevant technical capacity to facilitate use of modern survey equipment and harmonize the standards for enhanced implementation of the Declaration.

3.20.2 Addis Ababa Declaration on Geospatial Information Management

1655. Kenya is bound by the Declaration pronounced on 22nd April, 2016, by virtue of being a member of African Union. The Declaration is an affirmation of the importance of good land administration and management. Under AFREF, parties are required to develop a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies.
1656. National Spatial Data will facilitate sharing of geospatial data among all stakeholders dealing with and applying geospatial data. As a pillar of good governance and efficient Government to address challenges and opportunities for the 2030 agenda specifically supporting the development, fit for purpose, land administration and geospatial information particularly in developing countries.
1657. The Government has established a Kenya Geodetic Reference Frame (KENREF). Once the process is completed, the Government will begin developing Geospatial Information for the whole country. Challenges include incompatible geospatial data. There is need to create the National Spatial Data Infrastructure to collect geospatial data uniformly.

3.20.3 African Union Strategy for Enhancing Border Management in Africa, 2012

1658. This Strategy provides for co-operation and co-ordination of border management actors at all levels. It also provides for capacity building through institutional reforms, acquisition and proper use of modern technology, and continuous training of personnel based on the needs and changing nature of African borders. Inclusion and active involvement of local communities in the management of borders is also encouraged.
1659. Kenya has created a Secretariat on Border Management Control in the Ministry of Interior and Co-ordination of National Government to enhance border management along Kenya's international borders.

1660. Cross border co-operation and harmonization of policies will lead to improved vigilance on border security and reduction of cross border conflicts, territorial disputes and research on inter-territorial challenges such as the hyacinth problem in Lake Victoria. There is need for continuous internal consultation among Immigration Service, Border Police, Coast Guard Service, Customs, Armed Forces, Specialized Units and Intelligence to reduce threats related to immigration.
1661. Border Patrol, Administration and Border Survey Units have been launched and operationalized. There have also been cross border consultative meetings among security agencies, CEWARNs and National focal points. Continuous and select training of personnel at the HPSS/IPSTC on border control is being enhanced and use of development and peace initiatives along cross border areas involving community members is ongoing.
1662. Implementation of the Strategy is hampered by inadequate funding for training and equipment. There is also lack of follow-up on agreed areas of co-operation i.e. joint deployment for simultaneous sensitization and disarming. It is important to address the problem of inadequate research to inform policy on border security and other intervention by states in respect to changing nature of borders.

3.21. LANDS, HOUSING AND URBAN DEVELOPMENT

1663. The Constitution of Kenya, 2010; Vision 2030 and Sessional Paper No. 3 of 2009, on National Land Policy justify the formulation of the Sessional Paper No. 1 of 2017, on the National Land Use Policy that effectively addresses the challenges related to land use. The overall goal of the policy is to provide legal administrative institutions and technologies framework for optimal utilization and productivity of land related resources in a sustainable and desirable manner at National, County and Community level.
1664. The Policy is premised on economic productivity, social responsibility, environmental sustainability and cultural conservation. The key principles in the policy include: access to land use; information; equity; elimination of discrimination and public benefit sharing; administration; institutional and policy instruments; investment, urbanization and land tenure. The key highlight of the policy include: land and land use; land use data; land cover; land availability; agricultural development; pastoralism and livestock development; mining; petroleum; transport and infrastructure; and natural resources among others.
1665. The Government has put in place various measures in both national and county governments that include: sustainable land use practices, conservation enhancement of quality of land-based resources and proper management of demographic and health parameters. Other measures include application of efficient technology for intensification of land use, development of land use data, land cover and land use plans for national and county governments. Sectoral laws and policy framework are being reviewed and harmonized to bring them into account with the land use policy.
1666. Other measures include digitalization of land and land records transactions that include: records at the registries in national and county offices; transactions; valuation; and physical planning. The Government is finalizing the report that is going to guide the roll out on digitalization in the national and county government in 2020/2021. Numerous legislation are undergoing review to align them to the Constitution, the National Land Policy, 2009, and the National Land Use Policy, 2017. The Government is finalizing the report that is going to guide the roll out on digitization in the National and County governments. This report was finalized in 2019 and is being implemented.
1667. The Physical and Land Use Planning Act, 2019, and the Value Index Act, 2019, came into force on 5th August, 2019, and are being implemented. The Government is also implementing the Community Land Act, 2016, that concerns with bringing to registration 70 percent⁷⁶ of the Unregistered Community Land in twenty-four (24) counties in Kenya to registration. The Sessional Property Bill, 2019, and Estate Agent Bill, 2019, are in the Committee stage in the National Assembly.
1668. The key legislation under review include the Survey Act, Valuers Act, Cap. 532, Stamp Duty Act, and Section 79 of Land Registration Act Digitization of land and land records transactions that include: records at the registries in national and county offices; transactions; valuation; and physical planning.
1669. Kenya Informal Settlements Improvement Project (KISIP) I has been finalized. KISIP II has been approved by World Bank and is in progress while Phase II is undergoing tenure regularization and installation of social and physical infrastructure in informal settlements in fifteen (15) towns⁷⁷. There is need for a comprehensive legal framework to guide slum upgrading and prevention process. The Government developed the National Slum Upgrading and Prevention Policy (NSUPP) in 2017.

⁷⁶ Ministry of Lands and Physical Planning

⁷⁷ Ministry of Transport, Infrastructure, Housing and Urban Development

1670. Sessional Paper No. 3 of 2004 on National Housing Policy aims at improving access to affordable and adequate housing. Kenya Urban Support Programme funded by the World Bank where all county headquarters are facilitated to install tolling drainage systems, foot and cycle paths, roads, bus parks, markets and street lights in fifteen (15) urban centres.
1671. A Memorandum of Understanding between the national and county governments for construction of 2000⁷⁸ affordable houses in each county has been signed. Establishment of the National Housing Fund is in progress. The Government has embarked on developing affordable housing schemes in 5 county headquarters namely: Nyeri, Kakamega, Kisii, Nakuru and Meru as priority projects. Park Road affordable housing project has been completed and about 230⁷⁹ housing units are being sold to members of the public

⁷⁸ Ministry of Transport, Housing, Infrastructure and Urban Development

⁷⁹ Ministry of Transport, Housing, Infrastructure and Urban Development



PART IV

MATRIX





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2. Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC) 1997
3. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)



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10. Protocol Relating to the Establishment of the Peace and Security Council of the African Union
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7. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
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9. United Nations Convention on the Rights of Persons With Disabilities
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11. The African Charter on Human and Peoples' Rights (ACHPR)
12. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
13. Great Lakes Protocol on the Prevention and Suppression of Sexual Violence against Women and Children
14. The Great Lake Protocol on the Protection and Assistance to Internally Displaced Persons (IDPs)



15. The African Youth Charter
16. Conventions on the Status of Refugees
17. The Rome Statute of the International Criminal Court (ICC)
18. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
19. Great Lakes Protocol on Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination
20. International Convention for the Protection of all Persons from Enforced Disappearance
21. UN Standard Minimum Rules For The Treatment of Prisoners—Mandela Rules
22. United Nations Minimum Rules for the Administration of Juvenile Justice (1985) (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990) and the United Nations Guidelines for the Prevention of Juvenile Delinquency
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7. The Cartagena Protocol on Biosafety
8. Vienna Convention for the Protection of the Ozone layer and its Montreal Protocol on Substances that Deplete the Ozone Layer
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1. Declaration on the African Union Border Programme (AUBP)
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DIPLOMACY, PRIVILEGES AND IMMUNITIES			
1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND THE OPTIONAL PROTOCOL CONCERNING THE ACQUISITION OF NATIONALITY			
1.			
<p>Adopted on: 18th April, 1961 and 24th April, 1963. Entered into force on: 24th April, 1964. Kenya became a State party to the Convention on: 1st July, 1965. Obligation to Government: Adhere to the set rules on diplomatic relations in its diplomatic engagement</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	
Enactment of the Privileges and Immunities Act, (Rev. 2012) CAP. 179 Laws of Kenya.	Misuse of privileges and immunities, political interference, weak monitoring and lack of Regulations to implement CAP. 179.	Collaboration with stakeholders to enhance implementation and minimize political interference.	
94 Resident Diplomatic Missions, 36 Non-Resident Diplomatic Missions, 25 Honorary Consulates, 4 Consulates General in Mombasa. 48 UN Agencies and 113 International Organizations are accredited to Kenya.		Develop regulations to assist in monitoring foreign NGO's who use host country agreements to avoid monitoring and control under the NGOs Coordination Act, 1990.	
To expand her global outreach, Kenya has Fifty-Eight (58) diplomatic Missions abroad.		Develop regulations under CAP. 179.	
Government grants diplomatic immunity to missions and diplomats accredited to Kenya, as well as delegations to meetings and conferences in Kenya. The gesture is reciprocated to Kenyan Missions and delegations to meetings abroad.	Financial constraints.	Reintroduce Service passports.	
Facilitated state protocol, hosted numerous diplomatic conferences and meetings (ICPD 25, among others), and held quarterly briefings for the Diplomatic Corp in Kenya.		Increase budgetary allocation to the Ministry of Foreign Affairs .	
Capacity building of seventy-six (76) Foreign Service Officers in 2019 through continuous training.			
Payment of assessed contributions to various International Organizations.	Delay in transmission of payment		Follow up on payment of subscriptions

1963 VIENNA CONVENTION ON CONSULAR RELATIONS AND THE OPTIONAL PROTOCOL CONCERNING THE ACQUISITION OF NATIONALITY	
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES
RECOMMENDATIONS	
<p>Adopted on: 24th April, 1963. Entered into force on: 19th March, 1967. Kenya became a State party to the Convention on: 1st July, 1965. Obligation to Government: To adhere to the set rules on consular relations in its engagement with foreign missions in the country.</p>	
<p>Diaspora Policy developed and launched.</p> <p>Responding to public enquiries on information regarding to foreign affairs issues.</p> <p>Facilitate assistance to Kenyans in fragile situations abroad.</p> <p>Authentication of Documents.</p> <p>Outsourcing for business opportunity for Kenyan companies and businesses.</p> <p>Initiation of a skills database of the Kenyan Diaspora in four Pilot countries namely: South Africa, China, United States and the United Kingdom (UK).</p>	<p>Low awareness by the public on the existence of the Diaspora policy.</p> <p>Financial Constraints.</p>
	<p>Sensitize the public on the Diaspora policy.</p> <p>Increase budgetary allocation to the Ministry of Foreign Affairs.</p>
OPTIONAL PROTOCOL TO THE VIENNA CONVENTION ON THE COMPULSORY SETTLEMENT OF DISPUTES	
<p>Adopted on: 24th April, 1963. Entered into force on: 20th March, 1971. Kenya acceded to the Convention on: 1st July, 1965. Obligation to Government: To lodge disputes concerning the interpretation or application of the Convention that lie within the compulsory jurisdiction of the International Court of Justice (ICJ).</p>	



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Enactment of the Privileges and Immunities Act, CAP. 179 Laws of Kenya.		
4.	<p>THE 1946 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS</p> <p>Adopted on: 13th February, 1946. Entered into force for each State on date of Ratification/Accession Instrument. Kenya became a State party to the Convention on: 1st July, 1965. Obligation to Government: To grant privileges and immunities to the UN, necessary for the fulfilment of its purposes on the Kenyan territory. The Government must respect the immunity that the UN, UN officials and its representatives have from every legal process including its property and assets and the inviolability of its premises unless waived by the Secretary General.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Privileges and Immunities Act (Rev. 2012), CAP. 179 Laws of Kenya.</p> <p>Grant of privileges and immunities to the UN Office in Nairobi (UNON) and its programmes and funds.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p> <p>Collaboration with stakeholders to enhance implementation and control.</p>
	<p>Host Country Liaison Committee exists and meets regularly to discuss relations between UNON and the Government of Kenya.</p> <p>Government grants privileges and immunities to the UN, UN Officials, and Delegates attending UN meetings in Kenya.</p>	<p>Host Country Liaison Committee has been meeting on an ad hoc basis</p>	<p>Institutionalize and strengthen the Host Country Liaison Committee.</p>
5.	<p>THE 1948 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UN SPECIALISED AGENCIES.</p> <p>Adopted on: 21st November, 1947. Entered into force on: 2nd December, 1948. Kenya became a State party to the Convention on: 1st July, 1965. Obligation to Government: grant the UN Specialised Agencies privileges and immunities necessary for the fulfilment of their purposes in the Kenyan territory. The Government is to respect the immunity that the specialised agencies, their officials and representatives have from every legal process including their property and assets and the inviolability of their premises.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Enactment of the Privileges and Immunities Act (Rev. 2012), Cap. 179 Laws of Kenya. Grant of Privileges and immunities to the UN Specialized Agencies, officials and representatives.		Collaboration with stakeholders to enhance implementation, and control. Develop Regulations for the better discharge of the Act.
6.	AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW) Kenya signed on: 28 th March, 2001. Kenya ratified on: 24 th March, 2014. Entered into force on: 19 th February, 2015. Obligation to Government: To grant the OPCW, its officials and representatives privileges and immunities within the territory of Kenya to facilitate the independent exercise of their functions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Enactment of the Privileges and Immunities Act (Rev. 2012), CAP. 179 Laws of Kenya. Grant of Privileges and immunities to the OPCW officials and representatives.	CHALLENGES	RECOMMENDATIONS Collaboration with stakeholders to enhance implementation, and control. Develop Regulations for the better discharge of the Act.
7.	GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES ON THE AU (GENERAL CONVENTION) Adopted on: 25 th October, 1965. Entered into force in: 25 th October, 1965. Kenya became a State party to the Convention on: 25 th October, 1965. Obligation to Government: Member States are to grant the AU, its officials and representatives privileges and immunities within their territories for independent exercise of their functions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Government grants privileges and immunities to the AU, representatives of the AU as well as delegates attending meetings in Kenya.	CHALLENGES	RECOMMENDATIONS Collaboration of all relevant stakeholders.



8.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON FOREIGN POLICY COORDINATION</p> <p>Adopted on: 3rd December, 2010. Signed on: 3rd December, 2010. Ratified on: 20th November, 2012.</p> <p>Obligation to Government: To safeguard the common values, fundamental interests and independence of the Community. To collaborate on diplomatic and consular matters and harmonize efforts in addressing regional needs in the international fora.</p>									
	<table border="1"> <thead> <tr> <th data-bbox="507 185 611 705">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="507 705 611 958">CHALLENGES</th> <th data-bbox="507 958 611 1928">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="611 185 678 705">Protocol ratified by Kenya on 20th November, 2012.</td> <td data-bbox="611 705 678 958">Protocol yet to enter into force as one Partner State has not ratified it.</td> <td data-bbox="611 958 678 1928">The remaining Partner State to be urged to ratify the Protocol.</td> </tr> <tr> <td data-bbox="611 705 678 958">Kenya has submitted comments on the concept paper on common foreign policy coordination.</td> <td data-bbox="611 958 678 1928"></td> <td data-bbox="611 1928 678 2051"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Protocol ratified by Kenya on 20 th November, 2012.	Protocol yet to enter into force as one Partner State has not ratified it.	The remaining Partner State to be urged to ratify the Protocol.	Kenya has submitted comments on the concept paper on common foreign policy coordination.		
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Kenya has submitted comments on the concept paper on common foreign policy coordination.										
9.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON PRIVILEGES AND IMMUNITIES</p> <p>Adopted on: 30th April, 2015. Kenya ratified on: 13th June, 2018.</p> <p>Obligation to Government: The Protocol aims to accord the Community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international organizations in the territories of the Partner States.</p>									
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PEACE AND SECURITY		
1.	<p>GENEVA CONVENTIONS (CONVENTION I-IV AND ADDITIONAL PROTOCOLS I, II, AND III) Adopted on: 12th August, 1949. Entered into force on: 21st October, 1950. Kenya acceded on: 20th September, 1996.</p> <p>Additional Protocol I Adopted on: 8th June, 1977. Kenya acceded on: 23rd February, 1999. Entered into Force: 7th December, 1978.</p> <p>Additional Protocol II Adopted on: 8th June, 1977. Kenya acceded on: 23rd February, 1999. Entered into Force: 7th December, 1978.</p> <p>Additional Protocol III Adopted on: 8th December, 2005. Signed on: 30th March, 2006. Ratified on: 28th October, 2013.</p> <p>Obligation to Government: The Geneva Conventions and Protocols oblige parties to an armed conflict and combatants to conduct hostilities or armed conflict in accordance and in strict compliance with generally accepted principles and rules of International Humanitarian Law (IHL).</p>	
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	RECOMMENDATIONS
	Domesticated the Geneva Conventions and the Additional Protocols through a number of laws such as the Constitution of Kenya; Geneva Conventions Act, Cap. 198; Kenya Defence Forces Act, 2012; the International Crimes Act, 2008; Kenya Red Cross Society Act, 1965; and The National Flags, Emblems and Names Act, 1963, among others.	Conduct public awareness and sensitization on the Conventions and Additional Protocols, including regional and international co-operation.
	Enforcement of the Rules of Engagement for KDF conduct as contained in among others, Kenya's LOAC manual (1997). Employment of Military Legal Officers on application and compliance with International Humanitarian Law (IHL).	
	CHALLENGES	
	Low public awareness on the issues.	

	<p>Disciplinary measures taken against service men and women that violate IHL.</p> <p>Training of all service personnel on IHL including protection of the distinctive emblems and instruction programs incorporated in peacetime.</p> <p>Establishment of National Committee on the Implementation of International Humanitarian Law (NACOI).</p>		
2.	<p>CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CWC)</p> <p>Adopted on: 1992.</p> <p>Entered into force on: 29th April, 1997.</p> <p>Kenya signed on: 13th January, 1993.</p> <p>Kenya ratified on: 25th April, 1997.</p> <p>Obligation to Government: To prohibit the production and use of chemical weapons; To destroy all chemical weapons (including chemical weapons abandoned outside the State parties territory); To render assistance to other State Parties and the Organisation for the Prohibition of Chemical Weapons (OPCW) - OPCW is an organisation that has an inspection regime to verify States commitments; and to render international co-operation in the peaceful use of chemistry in relevant areas.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Development of the Chemical Weapons Convention Bill to domesticate the Convention.</p> <p>Capacity building through training and technical assistance to customs and police officers to enable them identify and handle weapons of mass destruction (WMD).</p> <p>Designated the Government Chemist in the Ministry of Interior and Coordination of National Government as Focal Point on the implementation of the Convention.</p> <p>Kenya is a member of the Executive Council of OPCW and participates in policy making in the Organization.</p> <p>On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to the OPCW.</p>	<p>CHALLENGES</p> <p>Slow legislation process of the Chemical Weapons Convention Bill.</p> <p>Inadequate technical capacity in the handling of the issues.</p> <p>Financial constraints.</p> <p>Lack of awareness</p>	<p>RECOMMENDATIONS</p> <p>Fast track legislation process of the Bill.</p> <p>Capacity building and training of technical personnel in this area.</p> <p>Provide adequate financial and human resources to implement the Convention.</p> <p>Enhance partnerships and cooperation with other State parties for effective implementation.</p> <p>Conduct public awareness and sensitization on the Convention.</p>



3.	<p>CONVENTION FOR THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BTWC)</p> <p>Adopted on: 16th December, 1971. Opened for signature on: 10th April, 1972. Entered into force on: 26th March, 1975. Kenya acceded to the Convention on: 7th January, 1976.</p> <p>Obligation to Government: To never under any circumstances develop, produce, stockpile or otherwise acquire or retain bacteriological or biological weapons, Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes nor their means of delivery designed to use such agents or toxins for hostile purposes, or in armed conflict.</p>																																	
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	<p>WARFARE</p> <p>Adopted on: 17th June, 1925. Entered into force on: 8th February, 1928. Kenya acceded to the Protocol on: 6th July, 1970.</p> <p>Obligation to Government: To take measures to account for/secure production, use, storage, and transport of such materials; To adopt regulations for physical protection of facilities, materials and during transport; To license registration of facilities and people handling biological materials; To conduct reliability check of personnel; To take measures to account for, secure, physically protect means of delivery; To adopt regulations for genetic engineering work; and not to produce, develop, stockpile or otherwise acquire bacteriological weapons; To adopt legislation or regulations related to safety and security of biological materials.</p> <table border="1"> <thead> <tr> <th data-bbox="550 1205 582 1955">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="550 651 582 1205">CHALLENGES</th> <th data-bbox="550 185 582 651">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="582 1205 651 1955">Prohibition of the production, uses, storage, and transport of asphyxiating, poisonous or other gases and of bacteriological methods of warfare in the LOAC Manual.</td> <td data-bbox="582 651 651 1205">Inadequate specialized technical capacity.</td> <td data-bbox="582 185 651 651">Build the specialized technical capacity of relevant MDAs to implement the Treaty.</td> </tr> <tr> <td data-bbox="651 1205 715 1955"></td> <td data-bbox="651 651 715 1205">Financial constraints to implement provisions of the Protocol</td> <td data-bbox="651 185 715 651">Enhance budgetary provision to implement the Treaty</td> </tr> <tr> <td data-bbox="715 1205 778 1955"></td> <td data-bbox="715 651 778 1205">Low public awareness and understanding on the issues.</td> <td data-bbox="715 185 778 651">Conduct public awareness and sensitization on the Treaty.</td> </tr> <tr> <td data-bbox="778 1205 949 1955"></td> <td data-bbox="778 651 949 1205"></td> <td data-bbox="778 185 949 651">Continued co-operation with other States to secure dangerous pathogens and enhance the Kenyan Government capability to prevent the sale, theft, diversion or accidental release of chemical, biological or radiological weapons related materials.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Prohibition of the production, uses, storage, and transport of asphyxiating, poisonous or other gases and of bacteriological methods of warfare in the LOAC Manual.	Inadequate specialized technical capacity.	Build the specialized technical capacity of relevant MDAs to implement the Treaty.		Financial constraints to implement provisions of the Protocol	Enhance budgetary provision to implement the Treaty		Low public awareness and understanding on the issues.	Conduct public awareness and sensitization on the Treaty.			Continued co-operation with other States to secure dangerous pathogens and enhance the Kenyan Government capability to prevent the sale, theft, diversion or accidental release of chemical, biological or radiological weapons related materials.
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5.	<p>COMPREHENSIVE NUCLEAR TEST-BAN TREATY (CTBT)</p> <p>Adopted on: 18th September, 1996. Opened for signature on: 24th September, 1996. Entered into force on: Has not yet entered into force Kenya signed on: 14th November, 1996. Kenya Ratified on: 30th November, 2000.</p> <p>Obligation to Government: Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control. Each State Party undertakes to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion; Non-Nuclear-weapon States Parties undertake not to acquire or produce nuclear weapons or nuclear explosive devices.</p>															



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya has a Facility Agreement with the PrepCom-CTBTO.	The Treaty has not entered into force due to failure by some States to ratify.	Kenya to continue to participate in Article XIV Conferences that promote the entry into force of the Treaty.
	Designation of the National Commission for Science, Technology and Innovation (NACOSTI) as the Focal Point that collaborates with the PrepCom in the installation and operation of the two stations in Kenya.	Inadequate technical and financial capacity.	Build technical and financial capacity.
6.	TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)		
	<p>Adopted on: 12th June, 1968. Entered into force on: 5th March, 1970. Kenya signed on: 1st July, 1968. Kenya ratified on: 11th June, 1970.</p> <p>Obligation to Government: To prevent the spread of nuclear weapons and nuclear weapons technology to further the goal of nuclear disarmament.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya joined the IAEA and has a Safeguards Agreement with the IAEA.		
	Kenya entered into an Agreement with the IAEA for the Provision of Technical Assistance by the IAEA to the country for the peaceful uses of atomic energy.	Inadequate technical and financial capacity to implement the Treaty.	Build the technical and financial capacity of relevant MDAs to implement the Treaty.
	Kenya participates in the NPT Review Conferences and is actively engaged in the preparatory process for the 2020 NPT Review Conference.		
7.	AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)		
	<p>Adopted on: 11th April, 1996. Entered into force on: 15th July, 2009. Kenya signed on: 11th April, 1996. Kenya ratified on: 15th November, 2000.</p> <p>Obligation to Government: Take appropriate legal, policy and administrative measures to prevent and punish any prohibited nuclear activity; renunciation of nuclear explosive devices; prevention of stationing of nuclear explosive devices in the territory; prohibition of testing of nuclear explosive devices; declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture; prohibition of dumping of radioactive wastes; peaceful nuclear activities; verification of peaceful uses.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government promotes the peaceful and safe use of nuclear energy in various sectors of the economy such as agriculture, health, livestock production, radiation protection and energy development.</p> <p>The Nuclear Regulatory Bill was published by parliament on 19th November, 2019, and is undergoing parliamentary approval processes.</p> <p>Nuclear Power and Energy Agency (NuPEA) was established under the Energy Act, 2019 Board on Nuclear Radiation and Safety to implement the Treaty.</p>	<p>Inadequate technical capacity.</p> <p>Financial Constraints</p>	<p>Build the technical capacity of relevant MDAs to implement the Treaty.</p> <p>Enhance regional co-operation with States for peaceful uses of nuclear science and technology.</p> <p>Expedite the parliamentary approval process.</p> <p>Enhance budgetary provision to implement the Treaty.</p>
8.	<p>THE HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (HCOC)</p> <p>Kenya subscribed to the Code on: 25th November, 2002. It entered into force in: November 2002. Obligation to Government: To provide Pre-launch Notifications (PLNs) on ballistic missiles, space launch vehicle launches and test flights.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya participated in 18th Regular Meeting of Subscribing States from 3rd to 4th June, 2019, in Vienna.</p>	CHALLENGES	RECOMMENDATIONS
9.	<p>CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION</p> <p>Adopted on: 18th September, 1997. Opened for signature on: 3rd December, 1997. Entered into force on: 1st March, 1999. Kenya signed on: 5th December, 1997. Kenya ratified on: 23rd January, 2001. Obligation to the Government: To prohibit the use, stockpiling, production and transfer of anti-personnel mines and to destroy any anti-personnel mines that may exist.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government implements the Convention through the Prohibition of Anti-Personnel Mines Act, No. 21 of 2015.</p>	<p>Inadequate technical and financial capacity to implement the Convention.</p> <p>Low awareness on the Convention</p>	<p>RECOMMENDATIONS</p> <p>Build the technical and financial capacity to implement the Convention particularly in clearing mined areas.</p> <p>Conduct public awareness and sensitization</p>

			on the Convention.
	Kenya attends the Meetings of States Parties to the Convention to consider the implementation, operation and status of the Convention. As required under Article 7 of the Convention, Kenya submits periodic reports to the Secretary General on implementation measures of the Convention.		Promote Regional and International Co-operation and technical assistance.
10.	<p>PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION</p> <p>Adopted on: 9th July, 2002. Entered into force on: 26th December, 2003. Kenya signed on: 7th July, 2003. Kenya ratified the Protocol on: 19th December, 2003.</p> <p>Obligation to Government: To anticipate and prevent disputes and conflicts; To facilitate timely and efficient response to conflict and crisis situations in Africa; To undertake peace-making and peace-building functions to resolve conflicts where they have occurred.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya is actively involved in peace building missions in the region such as in South Sudan.</p> <p>Kenya Defence Forces are actively involved in peace keeping and peace building missions of the African Union such as AMISOM in Somalia.</p> <p>Kenya was re-elected to represent the East Africa Region in the AU Peace and Security Council for another 3-year term from April, 2019.</p> <p>Kenya was endorsed by the African Union as the African representative for the Non- Permanent Seat at the United Nations Security Council.</p>	<p>CHALLENGES</p> <p>Emerging security threats from terrorist groups and other actors.</p> <p>Inadequate financial support from Member States.</p>	<p>RECOMMENDATIONS</p> <p>Enhance regional and international co-operation.</p> <p>Lobby for financial support from relevant International Organizations</p>
11.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN DEFENCE AFFAIRS</p> <p>Adopted on: 28th April, 2012. Entered into force on: 19th November, 2015. Kenya signed on: 28th April, 2012. Kenya ratified on: 7th October, 2015.</p> <p>Obligation to Government: To enhance collective efforts to promote peace, security and stability within the EAC region.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATION
	<p>The EAC Mutual Defence Pact was adopted and implementation of the EAC Mutual Defence Protocol is ongoing.</p> <p>Kenya hosted the 12th edition of EAC Military Games and Cultural Event at Kasarani Stadium from 1st -26th August, 2019. The event is aimed at enhancing co-operation and spirit of comradeship amongst armed forces of the EAC. Kenya Defence Forces participated in the event.</p> <p>Kenya participated in the planning meetings for the 12th EAC Armed Forces Command Post (CPX) Ushirikiano Imara 2019 held in Jinja, Uganda.</p>	<p>Instability in some Partner States undermines co-operation efforts.</p>	<p>Promote conflict resolution and peace-building in the region.</p>
12.	<p>MUTUAL DEFENCE PACT BETWEEN KENYA, UGANDA AND RWANDA</p> <p>Signed: 20th February, 2014. Ratified: 7th October, 2015. Obligation to Government: To develop, promote and pursue policies and programmes aimed at widening and deepening cooperation among the Partner States in defence affairs for mutual benefit.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya deposited the instruments of ratification with the AU Commission and the UN Secretariat in New York.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATION</p>
13.	<p>OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT</p> <p>Adopted on: 30th November, 1999. Signed on: 8th September, 2000. Kenya ratified the Protocol on: 28th January, 2002. Entered into force on: 12th July, 2002. Obligation to Government: To ensure children are not recruited to serve in armed conflict or other forms of military engagement.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Protocol is being implemented through Article 53 of the Constitution.</p> <p>Continuous implementation of the Children's Act, 2001, which protects children from recruitment into armed conflict.</p> <p>The Government has put in place initiatives to protect children in areas</p>	<p>CHALLENGES</p> <p>Lack of awareness on the provisions on the rights of the child.</p> <p>Recruitment of children into outlawed groups like</p>	<p>RECOMMENDATIONS</p> <p>Enhance mechanisms for protecting children.</p> <p>Increase awareness on the rights of the child and dangers of such groups.</p> <p>Enforcement of Children's Act, 2001.</p> <p>Vigilance and implementing existing</p>

	prone to cattle rustling and militia activities in volatile borders. The initiatives include: disarmament programmes and peace and reconciliation.	Al-Shabaab and militia groups. Cultural beliefs on cattle rustling .	legislation.
14.	Sensitization of the community against armed conflict involving children as a preventive measure through Citizen's Participation in Security (<i>Nyumba Kumi initiative</i>).		
<p>UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (PALERMO CONVENTION)</p> <p>Adopted on: 15th November, 2000. Entered into force on: 29th September, 2003. Kenya accession on: 16th June, 2004. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing The United Nations Convention Against Transnational Organized Crime. Adopted on: 15th November, 2000. Entered into force on: 25th December, 2003. Kenya accession on: 5th January, 2005.</p> <p>Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention Against Transnational Organized Crime. Adopted on: 15th November, 2000. Entered into force on: 28th January, 2004. Kenya accession on: 5th January, 2005.</p> <p>Protocol against the Illicit Manufacturing of and Trafficking In Firearms, Their Parts and Components and Ammunition, Supplementing The United Nations Convention against Transnational Organized Crime. Adopted on: 31st May, 2001. Kenya ratified on: 5th January, 2005. Entered into force on: 3rd July, 2005. Obligation to Government: The Convention requires the Government to take measures to prevent, suppress and punish transnational organized crimes.</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
Enactment and implementation of key legislation such as the Prevention of Organized Crimes Act, No. 6 of 2010, Mutual Legal Assistance Act, No. 36 of 2011, Extradition (Contiguous and Foreign Countries) Act, Cap. 76,	Inadequate funding and technical personnel.	Enhance capacity building and co-ordination among law enforcement officers, prosecutors and judicial officers and provide adequate human and financial resource.	

	Penal Code Chapter 63, Witness Protection Act, No. 16 of 2006, Counter Trafficking in Persons Act, No. 8 of 2010.	Weak co-operation among the stakeholders.	Strengthen regional and international co-operation
	Dissemination of the guidelines to 12 countries which are source, transit and destination for victim trafficking was done in 2017/2018.	Low awareness among partner States. Use of emerging technologies in organized crime.	Increase awareness. Capacity building in the use of emerging technologies to prevent criminal activities.
15.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS</p> <p>Adopted on: 15th December, 1997. Entered into force on: 23rd May, 2001. Kenya acceded to it on: 16th November, 2001. Obligation to Government: To establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention, to extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences, and to assist each other in connection with criminal proceedings under the Convention.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Acquisition of modern and specialized equipment. Employment and training of the security forces Coordinated multi-agency approach and exchange of intelligence between and among countries. Establishment of the Anti-Terrorism Police Unit (ATPU) and a National Counter-Terrorism Centre (NCTC) to coordinate national counter-terrorism efforts. Enactment of the Security Law Amendment Act, 2014.</p> <p>CHALLENGES</p> <p>Dynamic nature of terrorism and terrorist threats</p> <p>RECOMMENDATIONS</p> <p>Continuous vigilance</p>		
16.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM</p> <p>Adopted on: 13th April, 2005. Entered into force on: 7th July, 2007. Kenya signed on: 15th September, 2005. Kenya ratified on: 13th April, 2006. Obligation to Government: To adopt measures to establish criminal offences under its national law and to make them punishable by appropriate penalties for criminal acts established in the Convention; To cooperate in preventing terrorist attacks by sharing information and assisting other State parties in criminal investigations and extradition proceedings.</p> <p>CHALLENGES</p> <p>Inadequate vigilance by members of the public.</p> <p>RECOMMENDATIONS</p> <p>Inculcating culture of reporting perceived security threats.</p>		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has established the National Counter Terrorism Centre (NCTC) responsible for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.</p> <p>The Government has established the Anti-Terrorism Police Unit to investigate terrorist acts.</p> <p>The Government enacted the Prevention of Terrorism Act, No. 30 of 2012, to provide measures for the detection and prevention of terrorist activities.</p>	<p>Inadequate technical capacity in preventing acts of nuclear terrorism.</p> <p>Inadequate capacity to counteract radicalization.</p> <p>Low awareness.</p> <p>Inadequate synergies at regional and international levels.</p>	<p>Facilitate capacity building for counter-terrorism stakeholders to effectively detect and suppress acts of nuclear terrorism.</p> <p>Allocate adequate financial and human resources for training and capacity building.</p> <p>Conduct public awareness and sensitization.</p> <p>Strengthen regional and international co-operation to implement existing laws and frameworks.</p>
17.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM</p> <p>Adopted on: 9th December, 1999. Entered into force on: 10th April, 2002. Kenya signed on: 4th December, 2001. Kenya ratified on: 27th June, 2003.</p> <p>Obligation to Government: To take steps to prevent and counteract the financing of terrorism, terrorists and terrorism organisations; To consider, where appropriate, adopting regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements; and to intensify the exchange of information concerning international movements of such funds.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Enactment of the Proceedings of Crime and Anti-Money Laundering Act, 2009, and Prevention of Terrorism Act, 2012</p> <p>Establishment of the Financial Reporting Centre (FRC), Kenya's Financial Intelligence Unit (FIU) to assist in the identification of terrorism financing.</p>	<p>CHALLENGES</p> <p>Inadequate capacity to effectively identify and combat financing of terrorism.</p> <p>Inadequate compliance by some financial institutions in enforcing the legal provisions on banking rules.</p> <p>Lack of adequate capacity to monitor compliance.</p>	<p>RECOMMENDATIONS</p> <p>Promote regional and international co-operation.</p> <p>Continuous capacity building of the Financial Reporting Centre (FRC) and Financial Intelligence Unit (FIU)</p> <p>Enforce and ensure compliance with the Banking law.</p> <p>Amend the banking laws to cover mobile money banking and transfers e.g. M-PESA, Airtel Money and Equitel.</p> <p>CBK to continue monitoring and to enhance</p>
	<p>The Central Bank of Kenya (CBK) has issued guidelines to Commercial</p>		

	Banks aimed at prohibiting and preventing the financing to terrorist organizations and activities.	Inadequate capacity to monitor the work and activities of all national and international Non-Governmental Organizations operating in Kenya.	compliance with issued guidelines to commercial banks. Enforce and ensure compliance of the NGO Code of Conduct that regulates the conduct of the Non-Governmental Organizations and their activities in Kenya.
18.	<p>INTERNATIONAL CONVENTION AGAINST TAKING OF HOSTAGES</p> <p>Adopted on: 17th December, 1979. Entered into force on: 3rd June, 1983. Kenya acceded to the Convention on: 8th December, 1981. Obligation to Government: To establish jurisdiction over the offense of taking of hostages; To make offenses in the Convention punishable by appropriate penalties; To take all measures it considers appropriate to ease the situation of the hostages and secure their release and to facilitate the departure of the hostages.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Enactment of the Prevention of Terrorism Act, 2012 which makes kidnapping and hostage taking an offence.</p> <p>Establishment of the National Counter-Terrorism Centre responsible for coordinating national action on all terrorist acts including detecting, deterring and disrupting kidnapping and hostage taking.</p> <p>Establishment of the Anti-Terrorism Police Unit (ATPU).</p>	<p>CHALLENGES</p> <p>Inadequate capacity to investigate, deter and combat kidnapping and hostage taking.</p> <p>Financial constraints.</p> <p>Weak synergies among Partner States</p>	<p>RECOMMENDATION</p> <p>Facilitate capacity building for counter-terrorism stakeholders to effectively curb kidnapping and hostage taking.</p> <p>Allocate more resources.</p> <p>Enhance stakeholder partnerships in the fight against terrorism.</p>
19.	<p>OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM</p> <p>Adopted on: 1st July, 1999. Entered into force on: 6th December, 2002 Kenya signed on: 10th December, 2001. Kenya ratified on: 28th November, 2001. Protocol to the Convention adopted on: 1st July, 2004 Kenya signed it on: 28th June, 2008.</p> <p>Obligation to Government: Review of national laws, and establish criminal offences for terrorist acts; to consider, as a matter of priority, the signing or ratification of instruments related to terrorism; establish jurisdiction over terrorism as defined in the Treaty. Refrain from acts aimed at supporting or financing terrorists or providing safe havens for terrorists. States are expected to provide mutual legal assistance. States are required to establish jurisdiction over terrorism if committed in their territory by their nationals or over vessels flying its flag. States are required to inform the Chairperson of the AU Commission of the jurisdiction they have established over terrorism.</p>		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government is implementing the Convention through the Prevention of Terrorism Act, 2012.</p> <p>Establishment of the National Counter-Terrorism Centre responsible for coordinating national action on all terrorist acts.</p> <p>Establishment on Anti-Terrorism Police Unit and a National Disaster Management Unit.</p> <p>CCTV cameras have been installed in strategic areas.</p> <p>Guidelines have been issued to commercial banks meant to curb financing of terrorists and terrorist organisations and activities.</p> <p>The Government Gazetted a Task Force to carry out a National Risk Assessment (NRA) on money laundering and terrorist financing.</p> <p>Capacity development of law enforcement agencies has been ongoing including through acquisition of necessary equipment.</p> <p>Employment of additional security personnel.</p> <p>Government has conducted crackdowns in places perceived to be recruiting the youth to join terrorist groups.</p> <p>Undertaking border patrols to enhance security in the region.</p>	<p>Lack of co-ordination amongst the stakeholders.</p> <p>Inadequate funding.</p> <p>Non-compliance by some financial institutions in enforcing the legal provisions on banking rules.</p> <p>Inadequate technical personnel and capacity.</p> <p>Financial constraints.</p> <p>Radicalisation of the youth.</p> <p>Porous borders.</p>	<p>Promote regional and international cooperation.</p> <p>Strengthen the national coordination and synergy of the stakeholders in anti-terrorism activities.</p> <p>Allocate adequate financial and human resources for anti-terrorism efforts including undertaking resource mobilisation.</p> <p>Install more CCTV cameras in strategic locations</p> <p>Enforce compliance</p> <p>Continuous capacity building and training of personnel is required due to the changing tactics of terrorists.</p> <p>Employment of additional security personnel.</p> <p>Enhance border control and surveillance along Kenya's international borders.</p>
20.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON PEACE AND SECURITY</p> <p>Adopted on: 30th November, 2012. Kenya signed on: 15th February, 2013. Kenya ratified on: 23rd March, 2017.</p> <p>Obligations to Government: Under Article 124 of the Treaty establishing the East African Community (EAC), Partner States agreed that peace and security are prerequisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. The Protocol identified over 20 objectives for fostering regional peace and security. These include: combating terrorism and piracy; peace support operations; prevention of genocide; disaster management and crisis response; management of refugees; control of proliferation of small arms and light weapons; and combating transnational and cross-border crimes.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>

	Kenya ratified the Protocol on 23 rd March, 2017.	Delays in ratification by the Partner States	Fast track ratification by Partner States so as to begin implementation of the Protocol.
21.	<p>CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS</p> <p>Adopted on: 14th December, 1973. Entered into force on: 20th February, 1977. Kenya acceded on: 16th November, 2001.</p> <p>Obligation to Government: To take measures to establish offences outlined in the Convention in their territory or jurisdiction, promote international cooperation to prevent such crimes, accord each other international assistance relating to criminal proceedings instituted to punish such acts, among others.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is implementing the Convention through the Penal Code, Cap. 63 Laws of Kenya. The Mutual Legal Assistance Act, 2011, provides a framework to facilitate international assistance between States in investigations and criminal proceedings</p>	CHALLENGES	RECOMMENDATIONS
22.	<p>CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL</p> <p>Adopted on: 9th December, 1994. Entered into force on: 15th January, 1999. Kenya acceded to the Convention on: 19th October, 2004.</p> <p>Obligation to Government: To take measures to establish jurisdiction over the crimes committed in their territory, prosecute or extradite offenders, accord each other mutual assistance in the criminal proceedings for such offences and promote international cooperation to prevent the commission of crimes against UN and associated personnel.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has enacted the following laws to domesticate the Convention:</p> <ol style="list-style-type: none"> Penal Code, Cap. 63 Laws of Kenya; The Mutual Legal Assistance Act, 2011; The Extradition (Commonwealth Countries) Act; and Extradition (Contiguous and Foreign Countries) Act. 	CHALLENGES	RECOMMENDATIONS
23.	<p>CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (CPPNM) AND THE AMENDMENT TO THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL</p> <p>Adopted on: 3rd March, 1980. Entered into force on: 8th February, 1987.</p>		

	<p>Kenya acceded on: 1st February, 2002. Obligation to Government: To combat nuclear Terrorism.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya accepted the Amendment to the CPPNM that was adopted on 8th July, 2005. The Amendment entered into force on 8th May, 2016.</p>		
<p>24.</p>	<p>THE NAIROBI PROTOCOL FOR THE PREVENTION, CONTROL AND REDUCTION OF THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THE GREAT LAKES REGION AND HORN OF AFRICA</p> <p>Adopted on: 21st April, 2004. Entered into force on: 5th May, 2006. Kenya became a State party to the Protocol on: 6th September, 2005.</p> <p>Obligation to Government: To criminalize the illicit manufacturing of, trafficking in, possession and use of Small Arms and Light Weapons; To review national procedures for issuing and withdrawing SALW licences and maintain databases of SALW; To maintain inventory of SALW held by security forces and other state bodies; To mark each SALW with unique marking providing the name and place of the manufacturer and serial number; To provide mutual legal assistance and cooperation in the eradication of illicit manufacturing, trafficking and possession of SALW.</p>	<p>CHALLENGES</p> <p>Low public awareness.</p>	<p>RECOMMENDATIONS</p> <p>Conduct public awareness and sensitization.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has established the Kenya National Focal Point on Small Arms and Light Weapons to coordinate action and is developing a policy on Small Arms and Light Weapons.</p> <p>Establishment of Firearms Licensing Board under the Firearms Act, Cap. 114.</p>		<p>RECOMMENDATIONS</p> <p>Fast track development of policy on Small Arms and Light Weapons and the revival of the Small Arms and Light Weapons Management Bill.</p>
	<p>The Protocol establishes a Regional Centre on Small Arms (RECOSA) which has its headquarters in Nairobi.</p>	<p>Proliferation of illicit SALW due to transnational organized criminal activity such as terrorism.</p>	<p>Enhance border security and surveillance along Kenya's international borders by, among other things, deployment of security personnel and procurement of border/entry/exit points scanners, metal detectors and screening facilities.</p> <p>Strengthen and build capacity of technical personnel and institutions.</p> <p>Promote regional and international co-operation.</p>
	<p>Legal firearms marked so far are at 97 percent.</p>		

	Marking of firearms and procurement of security equipment is ongoing.	Inadequate resources for border security surveillance.	Tackle transnational organized crimes through policy, legal, administrative and other measures.
	8,745 illegal firearms were destroyed by the Government at Magadi GSU Training College on 19 th November, 2019.		
25.	<p>PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES (CEWARN)</p> <p>Adopted on: 9th January, 2002. Entry in to force: 1st August, 2003. Obligation to Government: Kenya as a Member State of IGAD is obligated under the Protocol to contribute to the resources of the Conflict Early Warning and Response Mechanism (CEWARN) and disseminate information to the authorized networks under the Protocol.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Through the CEWARN, Kenya has benefited from exchange of information between Member States on conflicts in the region.</p> <p>Kenya and Uganda signed an MOU Kenyan/Uganda border amongst the following communities, Kenya (Turkana/ West Pokot) Uganda, (Karamoja) Cross Border Programme for Sustainable Peace and Development on 12th September, 2019 in Moroto, Uganda.</p>		
		CHALLENGES	RECOMMENDATIONS
		Lack of co-ordination between the various actors.	Enhance sharing of information through co-ordination among stakeholders.
		Delayed financial contribution by some Member States.	Member States should make their financial contributions in full and on time to support the effectiveness of CEWARN.
26.	<p>PROTOCOL ON COMBATING DRUG TRAFFICKING IN THE EAST AFRICAN REGION</p> <p>Adopted and signed on: 13th January, 2001. Obligation to Government: To co-operate with other Partner States in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has established the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), the Pharmacy and Poisons Board and the Anti-Narcotics Police Unit to implement the provisions of the Protocol.</p>		
		CHALLENGES	RECOMMENDATIONS
		Inadequate budgetary allocation to support implementation of the Protocol.	Allocate more resources to support implementation of the Protocol.

	<p>The Government is implementing the Protocol through the:</p> <ul style="list-style-type: none"> i. Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994; Alcoholic Drinks Control Act, 2010; ii. Compounding of Portable Spirits Act, (Cap 123); iii. Tobacco Control Act, 2007; iv. The Use of Poisonous Substances Act (Cap 245); and v. The Pharmacy and Poisons Act (Cap 244). 		Partner States to continue developing joint initiatives to reinforce personnel and institutional capacities of the Police Forces/Services in the Community.
	<p>The Government is reviewing the Alcoholic Drinks Control Act, 2010.</p> <p>Developing Standard Operating Procedures for jointly combating transnational organized crime.</p>	<p>Weak harmonization of Partner States legislation relating to Drugs/Narcotics abuse.</p> <p>Porous borders and corruption promoting the Drugs/Narcotics trade in the region.</p>	<p>Harmonisation of Narcotic related legislation.</p> <p>Enhance regional and international engagement on the fight against drugs and illicit brews.</p>
27.	<p>TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER</p> <p>Opened for signature on: 5th August, 1963. Entered into force on: 10th October, 1963. Acceded on: 11th June, 1965. Obligation to Government: To abstain from carrying out nuclear tests and explosions in the atmosphere, in outer space, under water, or in any other environment if such explosions cause radioactive debris to be present outside the territorial limits of the State that conducts an explosion.</p>		
28.	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya hosts the certified Seismic (Primary) PS24 station in Kilimambogo and certified Infrasound station IS32 in Karura, Nairobi.</p>	<p>CHALLENGES</p> <p>Shortage of personnel.</p> <p>Inadequate funding.</p>	<p>RECOMMENDATIONS</p> <p>Recruitment of more personnel.</p> <p>Capacity Building.</p> <p>Increase budgetary allocation.</p>
	<p>SEARCH AND RESCUE AGREEMENT FOR CO-OPERATION IN INFRASTRUCTURE AND SERVICES (SECURITY).</p> <p>Adopted on: 13th September, 2003. Signed on: 21st April, 2001. Obligation to Government: To cooperate in the activities of Interstate search and rescue services.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government adopted the roadmap for the operationalization of the EAC Search and Rescue Agreement (SAR).	Slow implementation process.	Partner States to be urged to fast track implementation process of the Agreement with goodwill.
	The Government is considering the proposed EAC SAR Joint Technical Committee composed of the 5 National SAR Coordinators one from each of the EAC Partner States.		

HUMAN RIGHTS AND SOCIAL PROTECTION			
1.	UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)		
	Adopted on: 10 th December, 1948.		
	Obligation of the Government: Governments commit themselves and their people to measures which secure the universal and effective recognition and observance of the human rights set out in the Declaration.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
The Constitution of Kenya, 2010 has an elaborate Bill of Rights that furthers the objectives of the UDHR.		The Government should maintain participation in the peer review mechanisms and readily address human rights issues arising from the reviews.	
Kenya participates in the Peer Review Mechanism on human rights under the Human Rights Council and APRM.	Monitoring enforcement and implementation of the Bill of Rights.	Devise innovative ways to monitor adherence to the human rights standards as set out in the Constitution.	
Development and implementation of the: <ul style="list-style-type: none"> i. National Human Rights Policy; ii. Kenya National Social Protection Policy, 2011; iii. The National Policy on Gender and Development, 2019; iv. National Policy on Eradication of Female Genital Mutilation, 2019; and v. Action Plan on Human Rights. 	Low public awareness and understanding of the guaranteed human rights and fundamental freedoms.	Enhance public awareness and sensitization including training of law enforcement officials.	
Implementation of various legislative frameworks supporting implementation of the Declaration such as: <ul style="list-style-type: none"> i. Bill of Rights under the Constitution of Kenya, 2010; ii. the National Commission on Human Rights Act, 2002; iii. Persons Deprived of Liberty Act, 2014; iv. The Prohibition of Torture Act No. 12 of 2017. 	Financial constraints	Provide adequate financial resources to implement the National Policy and Action Plan.	
Judiciary has a constitutional court mandate to handle human rights cases.			Provide adequate financial resources to the Judiciary

2.	<p>THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)</p> <p>Adopted on: 16th December, 1966. Entered into force on: 23rd March, 1976. Kenya became a State party to the Convention on: 1st May, 1972. Obligation to Government: To ensure the recognition of the inherent dignity, equality and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. It elaborates, in accordance with UDHR, civil and political rights and freedoms that are guaranteed to every human being.</p>	
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya has undertaken periodic report under the Covenant. The 4th Periodic state report was submitted in December, 2018 to the Human Rights Committee.</p> <p>The Government is implementing the Covenant through the:</p> <ol style="list-style-type: none"> i. Political Parties Act, 2011; ii. Election Act, 2011; iii. The Protection Against Domestic Violence Act, 2015; iv. The Marriage Act, 2014; v. Sexual Offences Act, 2006; and vi. Computer Misuse and Cyber Crimes Act, 2018. <p>The establishment of a National Legal Aid Services under the Legal Aid Act, No.6 of 2016.</p>	<p>CHALLENGES</p> <p>Difficulty in accessing data particularly disaggregated statistical data.</p>
	<p>A Task Force was appointed by the Attorney General to develop a legal framework and has submitted its report final report to the Chief Justice and Attorney General in October, 2019.</p> <p>The Government has developed the policy on intersex persons by the Taskforce on Legal, Policy, Institutional and Administrative Reforms regarding Intersex Persons in Kenya.</p>	<p>RECOMMENDATIONS</p> <p>Establishment of a system of compiling national statistics and disaggregated statistical data.</p> <p>The Attorney General should seek an advisory from the Supreme Court to provide clarity on Article 2(6) and 21 (4) of the Constitution.</p> <p>Fast track the operationalization of appropriate legislation and policies.</p>
	<p>Review of legislation:</p> <ol style="list-style-type: none"> i. Persons with Disability (Amendment) Bill, 2019, to amend the Persons with Disability Act, 2003; ii. Mental Health (Amendment) Bill, 2018 to amend the Mental Health Act, (Cap 248); and the iii. Children’s Bill, 2017 to repeal the current Children Act, 2001. 	<p>Adequate resources to ensure that the programme is fully rolled out.</p> <p>Fast track the formulation and enactment of the National Legal Aid Policy.</p>

	<p>The Persons with Disability (Amendment) Bill is before the Senate.</p> <p>Review of the training curriculum for national police service.</p> <p>The Government has developed the policy and legislation on the death penalty and the parameters of life imprisonment.</p> <p>Formation of the Building Bridges Initiative task force to promote national reconciliation and unity.</p>		
<p>3.</p>	<p>THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)</p> <p>Adopted on: 16th December, 1966. Entered into force on: 3rd January, 1976. Kenya became a State party to the Covenant on: 1st May, 1972. Obligation to Government: Article 16 of the Covenant obligates all State Parties to submit reports in conformity with the Covenant on the measures adopted and the progress made in achieving the observation of the rights recognised under the Convention.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Constitution has a Bill of Rights that recognizes and guarantees economic, social and cultural rights.</p> <p>Implementation through the:</p> <ol style="list-style-type: none"> i. Health Act, 2017; ii. Water Act, 2016; iii. NSSF Act, 2013; iv. Food, Drugs and Chemical Substances Act (Cap 254); and the v. Basic Education Act (No. 14 of 2013). <p>Development of the Food and Drug Authority Bill, 2019 and the National Public Health Institute Bill, 2019.</p> <p>The Government runs a flagship National Safety Net Program (NSNP) dubbed <i>Inua Jamii</i> which disburses cash transfer to poor and vulnerable populations.</p> <p>Development of a Draft Social Health Insurance Policy; Draft National Public Health Institute Bill, 2019 and Kenya Food and Drug Authority Bill, 2019 to achieve universal health coverage.</p> <p>Establishment of an Expert Task Force on Transformation and Repositioning of the NHIF as a strategic purchaser of health services. The Task Force has submitted its report.</p>	<p>CHALLENGES</p> <p>Monitoring enforcement and implementation of the economic, social and cultural rights</p>	<p>RECOMMENDATION</p> <p>Devise innovative ways to monitor adherence to the economic, social and cultural rights standards as set out in the Constitution.</p>

Set up of a Taskforce of Sugar Industry Stakeholders, which submitted a report in 2019. The Government has undertaken policy, legislative, judicial, administrative and other measures to progressively implement economic and social rights. Upscale of the Enhancing Community Resilience against Drought Project (ECORAD II) programme. Pre feasibility study and stakeholders participation undertaken in six (6) counties of West Pokot, Baringo, Marasabit, Isiolo, Samburu, Elgeyo Marakwet with a view of upscaling the programme to these counties. Increased health coverage Kenyan of Asian origin have also been recognized and Gazetted as the 44 th tribe in the country. Mainstreaming the concerns of Persons With Disability among others in all laws and policies is ongoing To empower women, youth and persons with disability the Public Procurement (Preference & Reservations) (Amendment) Regulations were developed in 2013. Establishment of Affirmative Action Funds namely, Women Enterprise Fund, UWEZO, Youth Enterprise Fund, National Government Affirmative Action Fund (NGAAF) and reserving 30 percent of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative. Construction of 8,835 water pans under the Household Irrigation Water Project to store twelve (12) million cubic metres of water and placing additional 11,000 acres under irrigation across 23 counties. Task force launched to create a digital platform for provision of relief assistance in form of cash to vulnerable Kenyans affected by drought and disasters. Establishment of a Street families Rehabilitation Trust Fund that caters for the homeless, destitute and vulnerable persons in urban areas.	Litigation	Adopt a human rights based approach to governance and service delivery at all levels.
	Increasing number of vulnerable persons due to drought	Mobilization of more partners to participate in drought resilience projects Build the capacity of local communities in livelihood projects.
	Up scaling subject to availability of funds.	Avail funds for upscaling the project.
	Logistical challenge	Increase capacity of the agencies involved
	Inadequate understanding of the concerns of persons with disability	Sensitization and awareness creation
	High threshold for procurement	Reduce the threshold
	Low awareness	Sensitization and awareness creation
	Low absorption of the funds and lack of data on the impact of the Affirmative Action Funds on the target groups.	
	Inadequate funding	Develop Community Initiatives to strengthen the family institutions
	Increase in number of street families	

<p>The 6th state report is due in March 2021.</p>	<p>Strengthen Ministries, Departments and Agencies working on the implementation of these rights on adequate data collection</p> <p>Empower the Kenya National Bureau of Statistics to collect data on the enjoyment of economic, social and cultural rights</p> <p>Increase budgetary allocations to EDE projects</p>
<p>Collection of disaggregated data on the enjoyment of economic, social and cultural rights</p>	<p>Inadequate funds towards implementation of Ending Drought Emergency (EDE).</p>
<p>Inadequate resources to expand the projects to other countries.</p>	<p>Inadequate Inter-Agency Co-ordination and Collaboration.</p>
<p>Financial constraints implement transformative projects in Karamoja cluster.</p>	<p>Awaiting Presidential Assent.</p>
<p>Insecurity and underdevelopment in the area.</p>	<p>Provide additional Funds to expand the project to four additional arid counties of Samburu, Garissa, Tana River and Isiolo.</p>
<p>Kenya signed an MOU with Uganda on 12th September, 2019 to accord cross border communities peaceful co-existence and cooperation.</p>	<p>Initiate negotiation with South Sudan, Somalia and Tanzania on Cross Border Programmes and initiatives for Sustainable Peace and Development in the border area.</p>
<p>THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)</p>	<p>Construction of climate proof claims will reduce migration across borders and resource based conflicts.</p> <p>Opening up border areas to development.</p>
<p>Adopted on: 21st December, 1965. Entered into force on: 4th January, 1969. Kenya became a State party to the Convention on: 13th September, 2001. Obligation to Government: Article 9 of the ICERD obligates State Parties to submit report on the legislative, judicial, administrative and other measures adopted, which give effect to the provisions of this Convention. The State Parties are expected to report every two years or as requested by the Committee.</p>	
<p>4.</p>	

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
5.	<p>Implementation of the following policies and legal framework:</p> <ul style="list-style-type: none"> i. The National Cohesion and Integration Act, 2008; ii. The Persons with Disabilities Act, 2013; iii. Legal Aid Act, 2016 iv. The Land Act (No. 12 of 2012); and v. Land Registration Act (No. 3 of 2012) <p>The Representation of Special Interest Group Law (Amendment) Bill, 2019 is before the National Assembly.</p> <p>The Representation of Special Interest Groups Laws (Amendment) Bill 2019 was introduced in the National Assembly in July 2019.</p> <p>Establishment of The National Cohesion and Integration Commission (NCIC).</p> <p>Establishment of the Directorate of National Cohesion and Values in the Ministry of Interior and Coordination of National Government to promote national cohesion and integration and national values and Principles of Governance.</p> <p>Kenya is due to submit the 8th to 9th periodic report in October, 2020, covering the period from 2015-2018.</p> <p>Community Land Act, 2016 was enacted to cater for the protection and registration of community land rights; management and administration of community land; and the role of County governments among other aspects.</p> <p>Diversity Policy in the Public Service</p> <p>The National Safety Net Programme (NSNP) is in existence and guarantee social protection for the most vulnerable groups hence enabling them to meet basic human needs.</p>	<p>Inadequate institutional capacity to implement the provisions of the relevant legislation.</p> <p>Financial constraints</p> <p>Inadequate understanding of land laws to ensure equality between men and women as provided for in the Constitution.</p> <p>Slow pace in implementation of the policy</p> <p>Logistical problems</p> <p>Inadequate awareness</p>	<p>Strengthen institutional and human capacity of National Cohesion and Integration Commission.</p> <p>Resource mobilization and allocation of adequate funds.</p> <p>Sensitize communities to embrace gender equity and equality</p> <p>Fast track implementation of the policy</p> <p>Sensitization and development of structures to ensure those who qualify are covered</p> <p>Sensitization and awareness creation</p>
<p>THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT (CAT)</p> <p>Adopted on: 10th December, 1984. Entered into force on: 26th June, 1987. Kenya became a State party to the Convention on: 21st February, 1997. Obligation to Government: Article 19 of the Convention requires all States Parties to submit a report to the Committee against Torture on the measures taken to give effect to the undertakings under this Convention within one year after entry into force of the Convention by the concerned State Parties and submission of periodic reports every four years.</p>			

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Constitution of Kenya, 2010 prohibits torture and other cruel, inhuman and degrading treatment or punishment.</p> <p>Enactment of the Prevention of Torture Act No. 12 of 2017</p> <p>Review of the following legislation to implement the Convention:</p> <ol style="list-style-type: none"> Penal Code Cap. 63; National Police Service Act, No. 11A of 2012; Children's Act, 2001; and Prisons Act Cap. 90. <p>Kenya has submitted 2 reports to the UN Committee against Torture and the 3rd report is being presented and defended in April 2020.</p> <p>Continuous training to officers of the Kenya Prisons Service and the National Police Service while mainstreaming human rights training in curricula.</p>	<p>Poor conviction rates</p> <p>Inadequate harmonization of multi-agency approach</p> <p>Challenge in the collection of data of victims of torture</p> <p>Financial constraints to train law enforcement officers on human rights matters.</p>	<p>Need for further Capacity Building on the Treaty and the Prevention of Torture Act</p> <p>Enhance multi-agency approach in enforcement of the law.</p> <p>Development of standardized data presentation format for monitoring the implementation and the impact on the people.</p> <p>Resource mobilization and adequate allocation of funds.</p> <p>Increase training and sensitization of law enforcement officers.</p>
6.	<p>THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)</p> <p>Adopted on: 20th November, 1989.</p> <p>Entered into force on: 2nd September, 1990.</p> <p>Kenya ratified on: 30th July, 1990.</p> <p>Obligation of the Government: States Parties are obliged to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Constitution stipulates the rights of the child including the right to:</p> <ol style="list-style-type: none"> education; health care; food; affordable housing; and protection from any form of discrimination, abuse or exploitation. 	<p>Increasing number of child abuse cases;</p> <p>Persistent cultural beliefs and perceptions on the place of a child in the society.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen institutions dealing with children issues.</p> <p>Enhance public awareness on the rights of the child and what constitutes child abuse.</p> <p>Sensitize communities on the harmful cultural beliefs and practices that violate children's rights.</p>

			Capacity building of officers handling children issues. Enhance vigilance by relevant authorities on children issues. Ensure prompt and appropriate actions taken on children cases.
Domestication of the Convention through: i. The Children's Act, 2001; ii. The Sexual Offences Act, 2006; iii. Counter-Trafficking In Persons Act, 2010; and iv. The Basic Education Act, 2013. The Children Act, 2001 is being reviewed.	Poverty, inadequate resources to support children programmes and children in conflict with the law		Strengthen institutions dealing with children issues; Review legislation and policies in accordance with international instruments Improve on data collection, management and analysis for effective planning and resource allocation for children programs; Capacity building of officers handling children issues.
The Government in January, 2020 awarded 9000 students joining form one <i>Elimu Scholarships</i> .			
Enactment of the Employment Act, 2007 (Rev. 2012) which prohibits child labour.	Insufficient data on children in child labour.		Improve on data collection, management and analysis to help in controlling child labour.
22,000 secondary school scholarships were awarded by the Government to children who are orphaned from poor families in 2019.			
The Government assists 353,000 households under cash transfer program for orphans and vulnerable children under its social assistance program. The payment for the Programs is KSh 4000 bi-monthly.	High poverty levels.		Expand outreach of social protection programmes to households with orphans and vulnerable children.
The Government has introduced a nutritional improvement program through Cash and Health Education (NICHE) to improve nutrition outcomes for children under two years, pregnant and lactating mothers.			
Kenya commemorated the following days in accordance with the Convention: World Orphans Day in May 2019; The Day of the African Child on 16 th June, 2019; International Day of the Girl Child on 11 th October, 2019.	Inadequate resources to organize country wide celebrations in all the 47 counties. Lacks countrywide coverage.		Improve budgetary allocation.
On 20 th November, 2019, Kenya signed the Global pledge by UNICEF "For every child a right" as a commitment to continue protecting children rights.			

<p>Established and operationalization of the Kenya Children Assemblies in counties and sub-counties to enable children voice their issues.</p> <p>Implementation of the National Plan of Action for Children in Kenya (2015-2022).</p> <p>Establishment of Child Protection Centres (CPCs) in Malindi, Nairobi, Nakuru, Kakamega, Garissa and Siaya; Child Rescue Centres (CRCs) and 23 Child Protection Units (CPUs) in Police Stations.</p> <p>Recruitment of approximately 500 Volunteer Children's Officers (VCOs).</p> <p>Establishment of Children Courts and provision of a mechanism to protect children by ensuring children matters are heard in chambers or in camera.</p> <p>Establishment of Child Protection Information Management System (CPIMS) to capture disaggregated data in children cases.</p> <p>Development of Child Protection Costing Model.</p> <p>Development of guidelines for Child Protection in emergencies.</p> <p>A multi-sectoral technical working group formed to deliberate on children issues during emergencies.</p> <p>Commencement of a Programme on De Institutionalization (DI) as part of the Alternative Family Care Reforms to ensure that children are brought up within the natural family set up.</p>	<p>Not all children have access to this structure.</p> <p>Dissemination of information has not been fully done.</p> <p>The CPCs, CRCs, CPUs centres lack Country wide coverage.</p>	<p>Upscale the Kenya Assembly structure to the locational and ward level.</p> <p>More resources to be allocated to increase countrywide coverage.</p>
<p>7.</p> <p>OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY</p> <p>Adopted on: 25th May, 2000. Entry into Force: 18th January, 2002. Kenya signed it on: 8th September, 2000. Obligation to Government: To prohibit the sale of children, child prostitution and child pornography.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Provisions of the Convention have been domesticated in the Constitution, The Children's Act, 2001 and other legislation.</p> <p>The Computer Misuse and Cyber Crime Act, No. 5 of 2018, provides deals with cases of online child abuse.</p>	<p>CPIMS is only in 15 Counties.</p> <p>Low awareness.</p> <p>Awareness campaigns.</p>	<p>To be rolled out in the rest of the Counties.</p>
<p>RECOMMENDATIONS</p> <p>Strengthen mechanism to combat the crime.</p>	<p>CHALLENGES</p> <p>There are many reported cases of sale and trafficking of persons including children.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen mechanism to combat the crime.</p>



	<p>Signing of the code of conduct for the hoteliers which has largely protected the rights of the children.</p> <p>The DCI has established a cybercrime unit which investigates child online abuse.</p> <p>Establishment of an Anti-Child Sexual Exploitation and Abuse Unit under the DCI which investigates and monitors CSEA reported cases.</p> <p>Implementation of the National Plan of Action against Sexual Exploitation of Children in Kenya (2018-2022).</p> <p>The Department of Children Services has also undertaken various measures to enhance child protection in the country.</p>	<p>The perpetrators have changed strategies and moved to private residences making it difficult to track them down.</p> <p>Low awareness of the existence of the unit.</p> <p>Low Public awareness of laws and policies on sexual abuse and exploitation of children.</p> <p>Resolving cases of sexual abuse through informal methods.</p> <p>Dissemination of the document poorly done and low levels of implementation.</p> <p>Weak referral system for child protection</p> <p>Weak support services for victims of child abuse</p>	<p>Law enforcement to be enhanced.</p> <p>Create awareness.</p> <p>Law enforcers to be more vigilant.</p> <p>Increase awareness and sensitization in the community.</p> <p>Revision and dissemination of the document.</p>
<p>8.</p>	<p>THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD (ACWRC)</p> <p>Adopted on: 1st July, 1990.</p> <p>Entered into force on: 29th November, 1999.</p> <p>Kenya became a party on: 25th July, 2000.</p> <p>Obligation to Government: To promote and protect the rights and welfare of the African Child.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation through the following Legal and Policy framework: The Constitution;</p> <ol style="list-style-type: none"> i. Children Act, 2001; ii. Employment Act, 2007; iii. Basic Education Act, 2013; iv. Sexual Offences Act, 2006; v. Counter Trafficking in Persons Act, 2010; vi. Marriage Act, 2015; vii. Prohibition Against Domestic Violence Act of 2015 viii. National Children Policy; and ix. National Policy on Human Rights; 	<p>CHALLENGES</p> <p>Inadequate implementation of child rights provisions/laws.</p>	<p>RECOMMENDATIONS</p> <p>Be vigilant in implementing the existing laws.</p> <p>Review the existing laws e.g. the Children Act, 2001 is currently being repealed.</p>



<p>Celebration of the Day of the African Child on 16th June, 2019 in Hola, Tana River County.</p> <p>Implementation of the National Plan of Action (NPA) for Children in Kenya 2015-2022</p> <p>The establishment and continuous expansion of Cash Transfers to Orphans and Vulnerable Children, Older Persons and those with severe disabilities.</p>	<p>In adequate funds to allow for the celebrations county wide.</p> <p>Laws that are inconsistent with the ACRWC and the Constitution.</p> <p>Many deserving children not accessing the funds.</p> <p>High incidences of poverty/ High cost of living.</p>	<p>Allocation of more funds.</p> <p>Upscale existing social protection measures outlined in the NPA.</p> <p>Upscale the number of households and allocate more funds.</p> <p>Promote community support structures.</p>
<p>Operationalization of Area Advisory Councils in all the 47 Counties and 290 Sub Counties.</p>	<p>Weak community structures that do not offer adequate support to children in difficult situations (OVC)</p>	<p>Create awareness on child rights and welfare across the county.</p>
<p>Establishment of the toll free 24-hour Child Help Line 116 and 1195. Public awareness has been conducted on its existence.</p>	<p>Ignorance on the existence of the toll free child helpline.</p>	<p>Awareness on the existence of the toll free number.</p>
<p>Establishment of Children Rescue Centers, Child Protection Centres (CPC's) and Gender Violence Recovery Centers across the Country. CRC's are in Thika, Nairobi, Machakos, Garissa, Nakuru and Malindi.</p>	<p>The centers are few and officers not adequately equipped to handle the reported children issues.</p>	<p>Capacity building of officers handling children issues.</p>
<p>Establishment of child help desks in police stations and Child Protection Units (CPU's) in Children's Courts. Currently there are 23 CPU's countrywide.</p>	<p>Lacks country wide coverage.</p>	<p>Allocate funds and establish more centers.</p>
<p>Establishment of the National Legal Aid Service to facilitate access to justice and provide for legal aid to children.</p>	<p>Low awareness.</p>	<p>Create awareness.</p>
<p>Free access to health/medical services by children under the age of 5 years in Government facilities.</p>		
<p>Free and compulsory basic education and free day secondary education.</p>		
<p>Incorporation of Anti-Female Genital Mutilation content in the school curriculum and establishment of Anti FGM and Child Marriage Prosecution Units.</p>	<p>Cultural beliefs and resistance to the law.</p>	<p>Sensitization and awareness.</p>
<p>Developed guidelines to be used by stakeholders in handling missing and lost children.</p>	<p>Medicalization of FGM.</p>	<p>Vigilance in implementing the law.</p> <p>Disseminate the guidelines.</p>
<p>Establishment of the Street Family Rehabilitation Trust Fund (SFRTF) Board of Trustees to coordinate rehabilitation activities for street families and children.</p>	<p>Continuous growing number of street families</p>	<p>Community initiative to strengthen the family institution.</p>

<p>Establishment of a Children Victims and Witness Support division at the Office the Director of Public Prosecutions (ODPP) to handle prosecution and diversion of children and juveniles.</p>						
9.	<p>UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES</p> <p>Adopted on: 13th December, 2006. Entered into force on: 3rd May, 2008. Kenya ratified on: 19th May, 2008.</p> <p>Obligation to Government: To promote, protect and ensure the free and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through Policy and Legislation framework:</p> <ol style="list-style-type: none"> i. The Constitution; ii. The Persons with Disabilities Act, 2003; iii. The National Disability Policy and Guideline for the Public Service, 2018; iv. A Sector Policy for learners and trainees with Disability, 2015; and v. A National Plan of Action on the right of persons with disability, 2015-2022; <p>The persons with Disability Amendment Act is before the Senate and went through the 1st Reading on 12th September, 2019.</p> <p>Implementation of the Concluding Observations to Kenya's initial report to the UN Committee of Experts on the Rights of Persons with Disabilities.</p> <p>Kenya recently adopted an Education sector policy for learners and trainees with disabilities which will enhance inclusive education in Kenya.</p> <p>The Cash Transfer Programme for persons with severe disabilities provides support to 47,000 households.</p> <p>The Convention is implemented through the policy of reservation of 30% of Government procurement opportunities for PWDs, youth and women.</p>	<p>CHALLENGES</p> <p>Implementation of these provisions is slow and in some cases wanting.</p> <p>Long-time taken before such instruments are passed and adopted.</p>	<p>RECOMMENDATIONS</p> <p>Enforcement for implementation to be enhanced.</p> <p>Lobby members of the cabinet to pass the National Disability policy.</p> <p>Lobby Members of Parliament to pass the amendments to the Act.</p> <p>More commitment to be put in the implementation.</p> <p>Resources should be availed for implementation of the inclusive education.</p> <p>Need to expand the programme to accommodate all deserving cases.</p> <p>Level of awareness should be enhanced.</p>		

	<p>The Government has put in place affirmative action measures to cater for the welfare of PWDs, e.g. tax exemption on income, extension of retirement age to 65 years, duty free vehicles, among others.</p> <p>Kenya has put in place Vocational Rehabilitation Centers for the training of PWDs in technical skills and has launched the provision of start-up tools for ex-graduates for self-reliance.</p> <p>Annual celebration of the UN Day of Persons with Disabilities on 5th of December.</p> <p>Kenya participated in the Global Disability Summit, 2019 from 6th to 8th June, 2019.</p> <p>The 2019, Kenya Population Housing Census incorporated collection of information on albinism aside from other disabilities.</p>	<p>The private sector is not applying the same to its employees with disabilities.</p> <p>The training has been outdated and does not meet market demands.</p> <p>Very few PWDs get to participate in the celebrations</p>	<p>Need for the law to be respected by all.</p> <p>More resources should be availed to adopt competence based training.</p> <p>More resources should be availed to increase the number of participants</p>	
<p>10.</p>	<p>CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)</p> <p>Adopted on: 18th December, 1979. Entered into force in: 3rd September, 1981. Accession on: 9th March, 1984. Obligation to Government: To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women, establish tribunals and other public institutions to ensure effective protection of women against discrimination and ensure elimination of all acts of discrimination against women by persons, institutions, organisations or enterprises.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of Policy and legislation framework:</p> <ol style="list-style-type: none"> i. The Constitution of Kenya, 2010; ii. National Gender and Equality Commission Act, 2011; iii. Matrimonial Property Act, 2013; iv. Marriage Act, 2014; v. Land Act, 2012; vi. Land Registration Act, 2012; vii. Counter-Trafficking in Persons Act, 2010; viii. The Prohibition of Female Genital Mutilation (FGM) Act, 2011; ix. The Sexual Offences Act, 2006 (Rev. 2012); x. The Kenya Citizenship and Immigration Act, 2011; and xi. Amendment of the Law of Succession Act, 2010 (Rev. 2018) xii. The National Policy on Gender and Development (NPGAD) of 	<p>CHALLENGES</p> <p>Inadequate resources to scale up programmes to enhance implementation of the existing policies and legislation. Enhance resource mobilization and allocation of funds to scale up implementation of the existing policies and laws.</p> <p>Entrenched traditional beliefs and harmful cultural practices affecting girls and women.</p> <p>Gender Based Violence persist affecting girls and women.</p> <p>Weak enforcement mechanism of the existing</p>	<p>RECOMMENDATIONS</p> <p>Sensitization and awareness creation of the negative effects of harmful cultural practices and development of alternatives to harmful cultural practices.</p> <p>Enhance enforcement of the existing laws.</p>

	<p>2019;</p> <p>xiii. The National Policy on Eradication of Female Genital Mutilation 2019;</p> <p>xiv. The National Policy on Menstrual Hygiene, 2019;</p> <p>xv. The National Policy on Prevention and Response to Gender Based Violence;</p>	laws.	
	<p>Reform of electoral laws through Election Laws (Amendment Act (2016), Election Offences Act (2016) and the Political Parties Act (2016).</p> <p>Kenya will submit its 9th report in 2021 to the UN Committee on the Elimination of All Forms of Discrimination against Women.</p>	<p>Lack of gender disaggregated data and statistics to monitor the implementation of the Convention.</p> <p>Lack of public awareness and understanding of the rights in the Convention.</p>	<p>Improve the national data and statistics collection to include gender disaggregated data.</p> <p>Enhance and conduct public awareness and sensitization on the rights in the Convention especially at the grassroots/community level.</p>
	<p>The Constitution promotes representation of women, PWDs, youth and ethnic and other minorities in Parliament.</p> <p>Development and Submission of Two-Thirds Gender Bill, 2018 to Parliament.</p>	<p>Reluctance by Parliament to pass the Two-Thirds Gender Bill, 2018 .</p>	<p>Fast track the enactment of the Two-Thirds Gender Bill, 2018 by Parliament.</p>
	<p>The Special Interest Groups Laws (Amendment) Bill, 2019 was introduced to the National Assembly in July, 2019 and seeks to give effect to Art.100.</p> <p>Since inception, Ksh.16 Billion has been disbursed to 1,679,456 beneficiaries from 102,170 groups under the Women Enterprise Fund (WEF).</p> <p>UWEZO fund disbursed KSh. 6 Billion to 66,389 groups.</p> <p>The National Government Affirmative Action Fund (NGAAF) has supported 8,309 Women groups and 128 Women-owned SACCOs in table banking and revolving funds under Women Economic Empowerment Strategy, 2018.</p> <p>The Government has developed a regulatory framework for women civil servants to access mortgage financing for a maximum of two houses irrespective of whether the spouse is a civil servant.</p> <p>AGPO beneficiaries have received KSh. 32.2 Billion in payment as at April, 2019.</p>	<p>Delay in repayment of the advanced loan by the beneficiaries.</p>	<p>Capacity building and training on entrepreneurship skills to enhance uptake of the Affirmative Action Funds for women.</p>

Publication of the <i>Kenya Gazette</i> Notice of 21 st June, 2019, on Biashara Kenya Fund.	Limited public participation in developing regulations.	
Adoption of an Intergovernmental Consultative Framework on Gender between National and County Government in January, 2019.		
In 2018, a National Country Assessment was undertaken on gender statistics.	Gendered norms that have spurred discrimination against women in political and public spheres.	
Development of a National Curriculum on Women's leadership.		
Development of training curriculum for women members of the County Assembly to enhance their representation, role, oversight, budgeting and legislative functions by County Assemblies Forum in collaboration with National Gender and Equality Commission.		
Initiated the Trailblazers programme for Women Achievers & annual award.		
Development of a Women's Economic Empowerment Strategy 2018 and a National Strategy to enhance Women's representation in public and political life.	Limited financial resources which are inadequate to Fund all loan applications.	Resource mobilization and lobbying the government to enhance resource allocation.
The <i>Linda Mama Programme</i> covers 47 counties and 2400 public health facilities serving 400,000 pregnant women. Increase of maternal utilization from 52 to 60 percent and an increased in skilled delivery from 62 to 74 percent.		
Provision of "Standards and Guidelines" for reducing morbidity and mortality from unsafe abortion.		
Establishment of Gender Based Violence Recovery Centres (GBVRC) in all Level 5 public hospitals.		
Kenya reports annually to the United Nations Security Council on implementation of Resolution No. 1325 on Women Peace and Security.	Low literacy levels amongst a large population of target groups.	Sensitization and awareness creation on women representation in public and political life.
Development of the 2 nd National Plan on United Nations Security Council on implementation of Resolution No. 1325 on Women Peace and Security.	Cultural factors and religious factors e.g. some communities still view women as inferior. Slow pace in localization of the Women, Peace and Security agenda.	Sensitization on the cultural factors which impede the implementation of Resolution No. 1325 Sensitization and awareness creation on women representation in public and political life.
Establishment of the National Gender Commission to reduce gender.		

	inequalities.	Commemoration of International Women's Day on 23 rd June 2019; International day on Zero Tolerance to FGM on 8 th March, 2019 and International Widows Day 25 th November – 10 th December, 2019.	Inadequate information of the existence of the commemoration of the above-mentioned days.	Sensitization and creation of awareness.
11.	<p>THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (ACHPR)</p> <p>Adopted on: 10th June, 1998. Entered into force: 25th January, 2004. Kenya ratified: on 4th February, 2004.</p> <p>Obligation to Government: To eliminate all forms of discrimination against women through appropriate policies, laws and other measures. To include the principle of equality between men and women, integrate gender perspective in policy decisions, legislation and development plans, programmes and activities in all other spheres of life.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The 12th and 13th State report is undergoing stakeholder consultation and is scheduled to be submitted to the AU Commission in April, 2020.</p> <p>Development of a Legislative Handbook on Principles of Equality and Non-Discrimination towards full realization of gender equality and inclusion of special interest groups in the society.</p> <p>PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL)</p>	<p>CHALLENGES</p> <p>Delay in enactment of the Two-Thirds Gender Bill, 2018.</p>	<p>RECOMMENDATIONS</p> <p>Fast track enactment of the Two-Thirds Gender Bill, 2018.</p>	
12.	<p>Adopted on: 11th July, 2003. Entered into force: 25th November, 2005. Kenya ratified: on 6th October, 2010.</p> <p>Obligation to Government: To eliminate all forms of discrimination against women through appropriate policies, laws and other measures. To include the principle of equality between men and women, integrate gender perspective in policy decisions, legislation and development plans, programmes and activities in all other spheres of life.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Development of Legal and Policy Framework:</p> <ol style="list-style-type: none"> The Constitution of Kenya, 2010; The National Policy on Gender and Development (NPGAD) of 2019; The National Policy on Eradication of Female Genital Mutilation 2019; The National Policy on Prevention and Response to Gender Based Violence 	<p>CHALLENGES</p> <p>Entrenched cultural and traditional practices hampers progress in elimination of all forms of discrimination. Weak enforcement measures and mechanism. Lengthy prosecution procedures of FGM and SGBV matters in court.</p>	<p>RECOMMENDATIONS</p> <p>Sensitization and awareness creation on the existing laws and policies. Up scaling the implementation of the existing policies. Enforcement of the existing laws and enhance public campaigns against retrogressive cultural practices.</p>	

<p>v. The National Gender and Equality Commission Act, 2011;</p> <p>vi. Matrimonial Property Act, 2013;</p> <p>vii. Marriage Act, 2014;</p> <p>viii. Land Act, 2012;</p> <p>ix. Land Registration Act, 2012;</p> <p>x. Counter-Trafficking in Persons Act, 2010;</p> <p>xi. The Prohibition of Female Genital Mutilation (FGM) Act, 2011;</p> <p>xii. The Sexual Offences Act, 2006 (Rev.2012);</p> <p>xiii. The Kenya Citizenship and Immigration Act, 2011; and</p> <p>xiv. Amendment of the Law of Succession Act, 2010 (Rev. 2018).</p>		<p>Promote community dialogue with opinion leaders and build partnership between state and non-state actors on gender equality.</p>
<p>Review of the National Policy on Gender and Development, 2019 and the National Policy on Eradication of Female Genital Mutilation, 2019.</p>		
<p>Establishment of the National Gender and Equality Commission; Anti-FGM Board and the Anti FGM Prosecution Unit.</p>		<p>Parliament to fast-track the passing into law of the Draft National Gender Policy, 2017.</p>
<p>Re-launch of the Gender Based Violence Hotline number (1195).</p>		
<p>Development of a Regional Action Plan to end Cross Border FGM practices to enhance capacity for prevention and response programming.</p>	<p>Inadequate awareness on the Anti-Female Genital Mutilation Policy.</p>	<p>Sensitization and awareness creation on the policy.</p>
<p>Training of 4530 duty bearers from 20 FGM hotspot counties by the Anti-FGM Board by May 2019.</p>		
<p>Kenya submits periodic reports to the African Commission on Human and Peoples' Rights on measures taken towards eliminating all forms of discrimination against women.</p>		
<p>Established Six (6) Gender Based Violence/Rescue Centres (GVBRC).</p>	<p>Inadequate resources to establish more rescue centres in the county levels.</p>	<p>Resource mobilization and allocation to establish more (GVBRC) in the counties.</p>
<p>Inclusion of Anti - FGM content in the school curriculum.</p>	<p>Slow process of legislative review.</p>	<p>Fast track legislative review.</p>
<p>The Government has disbursed a total of KSh. 16 Billion under the Women Enterprise Fund to 1.6 Million beneficiaries that include women groups and individuals.</p>	<p>Inadequate resources to reach a larger group of the intended beneficiaries.</p>	<p>Enhance resource mobilization and allocation to scale up the programmes.</p>
<p>UWEZO fund disbursed KSh. 6 Billion to 66,389 groups.</p>	<p>Limited entrepreneurship skills to enhance absorption of the Fund.</p>	<p>Capacity building and training on entrepreneurial skills to empower women, youths and persons with disabilities.</p>
<p>The National Government Affirmative Action Fund (NGAAF) has supported 8,309 Women groups and 128 Women-owned SACCOs in table</p>	<p>Low uptake of the funds by the groups and individuals.</p>	<p>Sensitization and awareness creation of the existence and access of the Affirmative Action</p>

	banking and revolving funds under Women Economic Empowerment Strategy, 2018.		Funds.
	AGPO beneficiaries have received KSh. 32.2 Billion in payment as at April, 2019.	Delayed repayment of the loans by the groups.	
	Established a national information system to capture SGBV data.	Inadequate legal framework as the Fund is established through a legal notice.	Enactment of an Act of Parliament and Harmonization of the mandates and functions of the Affirmative Funds Agencies UWEZO, YEDFA and WEF, amongst others.
	Development and Submission of Two-Thirds Gender Bill, 2018, to Parliament.	Large population of the target group against a lean human resource in the counties.	Enhance technical and human capacity of the Fund to reach a larger population.
	The Special Interest Groups Laws (Amendment) Bill, 2019, was introduced to the National Assembly in July, 2019, and seeks to give effect to Art.100 Constitution.	Reluctance by Parliament to pass the Two-Thirds Gender Bill, 2018 .	Fast track the enactment of the Two-Thirds Gender Bill, 2018 by Parliament.
	On 8 th November, 2019, the Government committed to end FGM by 2022, during a meeting with county-based traditional leaders from 22 counties and reiterated the same commitment during the ICPD 25 held in Nairobi from 12 th to 14 th November, 2019.		
13.	GREAT LAKES PROTOCOL ON THE PREVENTION AND SUPPRESSION OF SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN		
	Adopted and Signed on: 30 th November, 2006.		
	Obligation of Government: The Protocol recognises the need to prevent sexual violence and the exploitation of women and girls. States guarantee to put in place regional mechanisms for providing legal, medical, material and social assistance, including counselling and compensation, aimed at providing legal assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government implements the Protocol through: <ul style="list-style-type: none"> i. The Sexual Offences Act, 2006; ii. The Children's Act, 2001; iii. The Penal Code, Cap 63; and iv. The Prohibition of FGM Act, 2011. 	Persistent retrogressive traditional and harmful cultural practices against girls and women.	Sensitization and awareness creation on the provisions on the Sexual Offences Act, 2006 and on SGBV issues.
	Established the Gender Based Violence (GBV) Recovery Centers and operationalized Referral System.	Inadequate resources.	Enforcement of the Sexual Offences Act, 2006.
	Capacity building of the prosecutors, judicial officers, the police and care		Resource mobilization from development partners and Government.
		Poor perception of SGBV issues especially	Increase sensitization and continue capacity

	<p>givers in GBV including sexual violence against girls and women.</p> <p>Established GBV Unit in the Directorate of Public Prosecutions.</p> <p>Re-launch of the Gender Based Violence Hotline number (1195) in March, 2017.</p> <p>GBV Prevention Campaign Manual is in place.</p> <p>Public awareness and sensitization campaigns on GBV are ongoing.</p> <p>Development of Model Legislative Framework on Sexual and Gender Based Violence for county Governments.</p> <p>Findings from recent research will guide national and county Governments towards the elimination of GBV in Kenya.</p>	<p>by law enforcement officers.</p> <p>Inadequate public sensitization and awareness on the existence of GBV and SGBV.</p> <p>Stigma and social exclusion associated with GBV and SGBV.</p>	<p>building of law enforcement officers</p> <p>Increase public awareness and sensitization.</p>
14.	<p>GREAT LAKES PROTOCOL ON THE PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS</p> <p>Entered into force on: 15th December, 2006.</p> <p>Obligations to Government: To establish a legal framework for the adoption of the Guiding Principles on Internal Displacement and a legal basis for their implementation in national law. To also ensure legal protection of the physical and material needs of IDPs and reinforce Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Protocol through the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012.</p>	<p>CHALLENGES</p> <p>Persistent problems with social integration and property acquisition.</p>	<p>RECOMMENDATIONS</p> <p>Enhance local community dialogue, promote reconciliation and strengthen communication and mutual understanding to resolve outstanding issues.</p>
15.	<p>AFRICAN YOUTH CHARTER (AYC)</p> <p>Adopted in: 2nd July, 2006.</p> <p>Kenya signed the Charter: 28th June, 2008.</p> <p>Kenya became a State party to the Charter on: 23rd January, 2014.</p> <p>Obligation to Government: Member States are to protect the youth against all forms of discrimination.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through:</p> <ol style="list-style-type: none"> Kenya National Youth Policy 2019; National Youth Service Act, 2018; National Youth Council Act, 2009; and 	<p>CHALLENGE</p> <p>Inadequate finances to implement youth empowerment programmes.</p>	<p>RECOMMENDATIONS</p> <p>Resource mobilization and allocation of funds.</p>

iv. Youth Empowerment Programmes integrated in the MTPs of Vision 2030.	Lengthy procedures for policy and law making.	Fast-track the process to improve the National Youth Policy and National Youth Council Act.
Alignment of National Youth Policy and National Youth Act, 2009 with the Constitution of Kenya, 2010 is ongoing.	Inadequate infrastructure at the County level.	Sensitization, awareness creation and capacity building on access to Affirmative Action Funds of the youth and youth groups
Development of the National Youth Service Regulations, 2018 to operationalize the NYS Act.	Low uptake of the Affirmative Action Funds.	A procurement specialist brought on board to support the implementation agencies.
The Youth Enterprise Development Funds (YEDF) grants credit to youth groups and youth entrepreneurs.	Low uptake of the opportunities reserved under the AGPO.	Sensitization and awareness creation of the targeted groups
Youths have been awarded tenders under Access to Government Procurement Opportunities (AGPO).	Constraints in recruiting enough training providers due to the lengthy World Bank procurement process.	Recruit of additional trainers for the project.
Implementation of the Kenya Youth Employment and Opportunities Project (KYEOP) project which runs from 2016-2021 which targets 70,000 youth with training and apprenticeship and 35,000 youths with on-the-job-skills from: (i) Cycle 3 of KYEOP commenced in January, 2019, in 17 Counties. 104,858 applications were successfully received and 21,584 beneficiaries were selected. (ii) Cycle 4 of KYEOP began in June, 2019, targeting 30,000 Youths for training, internship and provision of business grants.		
The Government is implementing the (2016-2021) Strategy to encourage enterprise development among the youth through provision of business start-up grants, business development services and a business plan competition.		
The Government launched the <i>MbeleNaBiz</i> Business Plan Competition on 10 th July, 2019, to award 750 youths from 47 counties with grants of either KSh. 900,000 or KSh. 3,600,000.		
Implementation of the Labour Market Information System and Database for unemployed youth by KYEOP (2016-2021, Component 3).	Inadequate staffing levels at the NITA project implementation unit (PIU).	Recruitment of additional personnel
The National Youth Service (NYS) recruited 11, 724 servicemen and women.	Inadequate resources and personnel to train more service women and men	

	5,503 youth joined NYS Vocational Training Institutions and 8,321 youth have been sponsored to study in other Technical and Vocational Education and Training Institutions (TVEs) across the country.			
	Under the Big Four Agenda: (i) 300 acres of cotton planted in Lambwe (Homa Bay County) under enhanced manufacturing. (ii) 1,743,148 tree seedlings planted in various NYS units in Lamu under the Food Security and Nutrition. (iii) 22,541 NYS servicemen and women registered under the National Hospital Insurance Fund (NHIF) in context of the Universal Health and 2,000 servicemen and women registered as Volunteer Health Community (VHCs) workers. (iv) Under Affordable Housing pillar of the Big Four Agenda, servicemen and women have been producing inter-locking bricks for use in construction of houses in NYS camps.			
	NYS has released more than 3,000 graduates equipped with skills and knowledge, ready for the job market.			
	Carrefour has recruited 600 NYS graduates and Tribus, (a branch of Centum), has recruited and trained 167 servicemen and women as staff to form the Tribus Private Security.			
	NYS established the 2 nd biggest potato seedling project in Africa after Rwanda with one plan producing average of 70 tubers. First harvest completed and 15,000 tubers planted in 2019.			
	74,230 Youth Entrepreneurs trained on entrepreneurial skills and access to Affirmative Action Funds (National Government Affirmative Action Fund (NGAAF), UWEZO Fund, Youth Enterprise Development Fund (YEDF) and Women Enterprise Fund (WEF) in the country.			Resource mobilization and adequate allocation of funds for the Affirmative Action Funds.
	As of 2018, 10,000 youths transitioned from National Youth Service training to Technical Vocational Education Training (TVET) training.	Inadequate numbers of ICT equipment for administering the EAT.		Acquisition of equipment necessary to administer the EAT, capacity building and technical support.
	Development of macro-economic policies that focus on job creation for youth.	Inadequate youth participation in policy development.		Aligning the current structures and coordination of the youth sector with regulatory and implementing bodies to allow for more

	Continuous training by the Kenya School of Government to the youth leadership in accordance to Article 10 of the Constitution.	Inadequate funds to reach out to more youth and budget cuts.	youth involvement in policy formulation and implementation.
	The National Youth Council continues to profile Youth Serving Organization (YSO) to coordinate and enhance youth empowerment in the Country.	Inadequate coordination among the YSOs, Government Agencies and the private sector	Capacity building of the Youth on enterprises and entrepreneurial skills.
	The Government has undertaken training and awareness creation on Access to Government Procurement Opportunities (AGPO) to 480 youths in Kakamega, Garissa, Kirinyanga and Mombasa.	Inadequate capacity in the existing Youth Enterprises.	Strengthening of technological transfer in infrastructure development to attract youth in to the sector.
			Building partnerships with public and private actors for exchange of knowledge and skills as well as for resource mobilization.
			Deployment of relevant technical project staff.
			There is need to seek financial support to ensure that the process remains sustainable as well as allow for a wider reach of youth.
			Enhance coordination among the YSOs, Government Agencies and the private sector to reduce duplication of efforts.
			There is need to conduct a capacity assessment to ensure that the training is structured.
			Mobilization of funds from the public and private sector for training and capacity building.
		Low uptake on AGPO opportunities by targeted groups due to financial constraints.	
16.	CONVENTION RELATING TO THE STATUS OF THE REFUGEES Adopted in: 28 th July 1951. Entered into force on: 22 nd April, 1954. Kenya became a State party to the Convention on: 16 th May, 1966. Obligation to Government: The Convention grants refugees and asylum seekers basic rights while in the host country. Parties to the Convention are required to co-operate with UNHCR under Article 35.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS



	<p>Implementation of the Convention through the Refugee Act, 2006.</p> <p>Establishment of a Refugee Affairs Committee under the Act.</p> <p>Conclusion of a Tripartite Agreement on repatriation of Somali refugees 2015.</p> <p>80,700 refugees from Dadaab and Kakuma refugee camps have been repatriated voluntarily.</p>	<p>The refugees have been abusing the liberal provisions of the Act.</p> <p>Reluctance of the refugees to leave the host country.</p> <p>Engagement in criminal and terrorist activities.</p> <p>Lack of funding.</p>	<p>Fast-track the amendment to the Refugee Act, 2006 to make implementation effective.</p> <p>Review and enhance screening of refugees and asylum seekers.</p>
<p>17.</p>	<p>THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)</p> <p>Adopted on: 11th August, 1999. Ratified: 15th March, 2005.</p> <p>Obligation to Government: The Statute creates individual criminal responsibility for international crimes namely: genocide, war crimes, crimes against humanity and obliges State parties to cooperate fully with the International Criminal Court to prosecute and punish perpetrators of these international crimes committed on their territories and by their nationals. The State parties have a duty to surrender perpetrators to the ICC and establish complementary jurisdiction for the said crimes at the national level. State parties also pay annual assessed contributions for the proper function of the Court.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the International Crimes Act, 2008 which domesticated the Rome Statute.</p> <p>Institutional reforms in the criminal justice system with the creation of an International Crimes Division in the High Court in 2016 to handle international crimes.</p> <p>The Government facilitated the ICC to establish a field office in Kenya.</p> <p>Training, sensitization and education of law enforcement officials in international crimes investigations and prosecutions.</p>	<p>CHALLENGES</p> <p>Manipulation of the ICC as a political tool by external actors continues to affect the Court's credibility.</p> <p>Poor investigative capacity because of partiality towards prosecution by the OTP.</p> <p>Perjury by intermediaries.</p> <p>Procedural re-characterization of charges.</p> <p>Inadequate personnel capacity regarding the Court's infrastructure and funding.</p>	<p>Government to outsource more funding from international partners.</p> <p>RECOMMENDATIONS</p> <p>Prompt and effective national prosecutions of international crimes to ensure that the ICC remains a Court of Last Resort as envisaged in the Rome Statute.</p> <p>Strengthening the African Courts to deal with such cases.</p> <p>Continue to support the principle of complementarity.</p> <p>Enhance capacity and funding.</p>

	Kenyan nationals have been nominated and elected to serve in subsidiary organs of the Assembly of State Parties to the Rome Statute.		
18.	<p>CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS TO WAR CRIMES AND CRIMES AGAINST HUMANITY</p> <p>Adopted on: 26th November, 1968. Entered into force: 11th November, 1970. Kenya acceded on: 1st May, 1972. Obligation to the Government: To comply with the Nuremberg Principles.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Ratification of the key Conventions in International Criminal law.</p>	<p>CHALLENGES</p> <p>Perception of bias in the administration of International Criminal law.</p>	<p>RECOMMENDATIONS</p> <p>Agitate for equal application of International Criminal Law.</p>
19.	<p>GREAT LAKES PROTOCOL ON PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY AND ALL FORMS OF DISCRIMINATION</p> <p>Adopted on: December, 2006. Entered into force: June, 2008. Kenya became a Party on: December, 2006. Obligation to the Government: To prevent and punish the crime of genocide, war crimes and crimes against humanity including all forms of discrimination. To establish a national committee on the prevention and punishment of genocide, war crimes and crimes against humanity including all forms of discrimination.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domestication through the Constitution of Kenya and the International Crimes Act, 2008.</p> <p>Establishment of:</p> <ol style="list-style-type: none"> i. The Kenya National Commission on Human Rights; ii. The Kenya National Gender Equality Commission; and iii. The National Committee on the Prevention and Punishment of Genocide, War Crimes and Crimes against Humanity. <p>The National Committee has undertaken public awareness and sensitization forums.</p> <p>Establishment of the International and Organized Crimes Division within the High Court to deal with International Crimes.</p>	<p>CHALLENGES</p> <p>Lack of public awareness of the National Committee and its mandate. Inadequate resources to conduct country wide public awareness and sensitization forums.</p>	<p>RECOMMENDATIONS</p> <p>Undertake public and institutional awareness and sensitization. Mobilize adequate resources for country wide public awareness and sensitization.</p>

20.	INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE			
	<p>Adopted on: 20th December, 2006. Entered into force on: 23rd December, 2010. Signed on: 6th February, 2007. Obligation to the Government: To investigate acts of enforced disappearance and to bring those responsible to justice.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Constitution has a comprehensive Bill of Rights that guarantees Civil and Political rights.</p> <p>Establishment of the Kenya National Commission on Human Rights as a Government watchdog in compliance with its human rights obligations</p> <p>A landmark ruling of the Nairobi High Court set precedence for police officers to be held personally liable in a criminal process the arrested persons subsequently disappear.</p>	<p>CHALLENGES</p> <p>Inadequate public awareness on human rights issues</p> <p>Lack of public awareness of institutions to protect and guarantee their human rights.</p>	<p>RECOMMENDATIONS</p> <p>Increase public awareness and sensitization on their human rights and the role of the Kenya National Human Rights Commission in protecting those rights.</p>
21.	THE UN STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS – MANDELA RULES			
	<p>Adopted in: 30th August, 1955. Entered into force on: 31st July, 1957. Obligation of the Government: The Rules provide that there shall be no discrimination of prisoners and detainees on basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is the responsibility of all member States to ensure that all prisoners and detainees should be treated with respect for their human dignity with regard to their conditions of detention such as health, complaints records, work and creation treatment and discipline among others.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Draft Kenya National Correctional Policy has been developed.</p> <p>Ongoing review of the Prisons Act Cap. 90 and the Borstal Institutions Act, Cap. 92 to align them with the Constitution.</p> <p>Development of Kenya National Correction Policy, Aftercare Policy and Aftercare Bill to address post-penal needs of prisoners and facilitate reintegration and resettlement issues.</p> <p>Prisons have been constructed as part of Vision 2030 flagship projects. Construction of additional prisoners' accommodation blocks and refurbishment of the existing facilities on-going.</p> <p>Introduction of diverse rehabilitation programmes for inmates.</p>	<p>CHALLENGES</p> <p>Inadequate funding to finalize the policy.</p> <p>Inadequate funding to finalize the Bill and Policy.</p> <p>Delay in completing projects due to inadequate funding.</p> <p>In some cases, ex-prisoners upon</p>	<p>RECOMMENDATIONS</p> <p>Increase funding to finalize the Policy.</p> <p>Fast tracking of the review of the Acts.</p> <p>Increase funding to finalize the Policy.</p> <p>Increase funding.</p> <p>KPS to introduce effective rehabilitation programs in</p>

			prisons to make prisoners self-reliant upon release. Implementation of non-custodial sentences to reintegrate them into the community. Increase medical supplies and funding.
	release cannot be fully integrated back to the society. They reoffend and return to prison. Budget and medical supplies constraints.		Develop guidelines. Conclude Prisoners' transfer agreements with other countries.
	Upgraded prison health centres and dispensaries to enhance health services. Enactment of Persons Deprived of Liberty Act, 2014, and Transfer of Prisoners Act, No. 22 of 2015. The provision and improvement of access to health facilities and clean and safe water. 420 Staff Houses for staff of the Kenya Prisons Service constructed.		Rain water harvesting and storage, borehole drilling and connection to the existing water infrastructure.
22.	<p>UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (1985) (THE BEIJING RULES), THE UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (1990) AND THE UNITED NATIONS GUIDELINES FOR THE PREVENTION OF JUVENILE DELINQUENCY.</p> <p>Adopted in: 14th December, 1990. Entered into force on: 2nd April, 1991. Obligation of the Government: To guarantee juveniles the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government is implementing Children's Act of 2001. A Borstal Institutions Bill, 2019 was drafted by the Office of the Attorney General to review the Borstal Institutions Act, Cap. 92. Establishment and operationalization of the Kamae Girls Borstal Institution at Kamiti Prison for young female offenders. The Department of Children Services has introduced formal and informal education for young offenders. The Government established rehabilitation schools to provide rehabilitation services for children aged between 10 and 14 years; there are 10 rehabilitation schools, 8 for boys and 2 for girls.</p>	<p>CHALLENGES Inadequate funds to facilitate full implementation of the Act. Inadequate Borstal facilities to hold young offenders.</p> <p>RECOMMENDATIONS Government to increase funds to KPS to fully implement the Children's Act. Government to increase funding to expand facilities. Capacity building of officers on how to handle young offenders. Increased funding to expand infrastructure.</p>	
23.	<p>UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)</p>		

	<p>Adopted in: 14th December, 1990. Entered into force on: 11th July, 1991. Obligation of the Government: The Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.</p> <table border="1"> <thead> <tr> <th data-bbox="432 1149 464 1912">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="432 745 464 1149">CHALLENGES</th> <th data-bbox="432 172 464 745">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="464 1149 531 1912">Review of the Community Service Order Act, No. 10 of 1998.</td> <td data-bbox="464 745 531 1149">Congestion of prisons.</td> <td data-bbox="464 172 531 745">Decongest prisons by enhancing non-custodial sentencing for petty offenders.</td> </tr> <tr> <td data-bbox="531 1149 624 1912">Establishment of the National Council for the Administration of Justice to ensure a coordinated and efficient way in the administration of justice.</td> <td data-bbox="531 745 624 1149">Inadequate of funds for the Committee to fully implement the Community Service Order Act.</td> <td data-bbox="531 172 624 745">Government to increase budgetary allocation for Community Service Order Committee to enable it to perform its work.</td> </tr> <tr> <td data-bbox="624 1149 679 1912">Kenya has a Bail and Bond Policy Guidelines, 2015 and the Sentencing Policy Guidelines, 2016.</td> <td data-bbox="624 745 679 1149"></td> <td data-bbox="624 172 679 745"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Review of the Community Service Order Act, No. 10 of 1998.	Congestion of prisons.	Decongest prisons by enhancing non-custodial sentencing for petty offenders.	Establishment of the National Council for the Administration of Justice to ensure a coordinated and efficient way in the administration of justice.	Inadequate of funds for the Committee to fully implement the Community Service Order Act.	Government to increase budgetary allocation for Community Service Order Committee to enable it to perform its work.	Kenya has a Bail and Bond Policy Guidelines, 2015 and the Sentencing Policy Guidelines, 2016.					
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24.	<p>BODY OF PRINCIPLES FOR THE PROTECTION OF PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT</p> <p>Adopted in: 9th December, 1988. Obligation of the Government: To undertake that no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.</p> <table border="1"> <thead> <tr> <th data-bbox="831 1149 863 1912">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="831 745 863 1149">CHALLENGES ENCOUNTERED</th> <th data-bbox="831 172 863 745">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="863 1149 959 1912">The Government is implementing the principles through the Persons Deprived of Liberty Act, 2014, and the Prevention of Torture Act, No. 11 of 2017.</td> <td data-bbox="863 745 959 1149"></td> <td data-bbox="863 172 959 745"></td> </tr> <tr> <td data-bbox="959 1149 1023 1912">Criminal justice agencies ensure that prisoners get justice by timely producing them in courts and facilitating Community Service Orders.</td> <td data-bbox="959 745 1023 1149">Inadequate infrastructure.</td> <td data-bbox="959 172 1023 745">Government to address infrastructure concerns.</td> </tr> <tr> <td data-bbox="1023 1149 1086 1912">Judiciary has established mobile courts as well as conducting mentions in custody.</td> <td data-bbox="1023 745 1086 1149">Inadequate courts in the rural areas.</td> <td data-bbox="1023 172 1086 745">Encourage Judiciary to increase the number of mobile courts.</td> </tr> <tr> <td data-bbox="1086 1149 1150 1912">KPS has introduced “open door policy” to ensure prisoners are visited on a regular basis by their relatives, friends, and advocates.</td> <td data-bbox="1086 745 1150 1149">Inadequate facilities to support the “open door policy”.</td> <td data-bbox="1086 172 1150 745">Expand and improve prison facilities.</td> </tr> </tbody> </table> <p>THE HAGUE CONVENTION ON THE PROTECTION OF CHILDREN AND COOPERATION IN RESPECT OF INTER-COUNTRY ADOPTION</p>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS	The Government is implementing the principles through the Persons Deprived of Liberty Act, 2014, and the Prevention of Torture Act, No. 11 of 2017.			Criminal justice agencies ensure that prisoners get justice by timely producing them in courts and facilitating Community Service Orders.	Inadequate infrastructure.	Government to address infrastructure concerns.	Judiciary has established mobile courts as well as conducting mentions in custody.	Inadequate courts in the rural areas.	Encourage Judiciary to increase the number of mobile courts.	KPS has introduced “open door policy” to ensure prisoners are visited on a regular basis by their relatives, friends, and advocates.	Inadequate facilities to support the “open door policy”.	Expand and improve prison facilities.
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25.	<p>Adopted on: 29th May, 1993. Entered into force on: 1st May, 1993. Kenya ratified the Convention on: 1st June, 2007. Obligation to the Government: To ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.</p>															

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation of the Convention through the Children's Act, 2001, and Children (Adoption) Regulations, 2005.	Low awareness and ignorance about the law and procedure of adoption in Kenya. Freeing children for adoption is done by private entities and risks subtle abuse of children through shoddy investigation. Stigma and cultural beliefs associated with adoption of children.	Enhanced public awareness on adoption procedures. Freeing children for adoption should be done by a government body (the National Adoption Committee). Sensitization to reduce stigma associated with adoption/adopted children.
	On 12 th September 2019, the Government imposed a total ban on foreign residents and inter-country adoption. The Government formed the Adoption Committee in 2006; the 4th Adoption Committee was Gazetted in February, 2016 and is operational. The Government has initiated the process of de-institutionalization of children in order to reintegrate them back to the family setup. Implementation of the Alternative Family Care Guidelines of Children in Kenya, 2014.	The adoption process is perceived to be expensive and for infertile couples. Dissemination of the guidelines has not been done countrywide due to lack of resources.	Subsidize the fee charged for adoption of children in Kenya, so as to be in line with free maternity services in Kenya. Allocation of more funds for sensitization on the guidelines.
	Kenya celebrated the annual World Adoption Month at county level in November 2019.	Celebrations not done in all the 47 counties due to inadequate resources.	Allocation of adequate funds for countrywide celebrations.
26.	MADRID INTERNATIONAL PLAN OF ACTION ON AGEING Adopted: April, 2002. Obligation to the Government: The Madrid Plan obliges UN Member States to ensure supportive environments for older persons and development: advancing health and well-being into old age, and ensuring enabling and supportive environments while the Vienna Plan seeks to ensure realization of UN principles stipulating the rights of the older persons to independence, participation, care, self-fulfilment and dignity.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The National Policy on Older Persons and Ageing is being implemented through the NSSF and NHIF Acts. The Social Protection Policy which aims at ensuring that all Kenyans live in dignity and exploit their human capabilities for their own social and economic development. The Draft Older Members of Society Bill, 2018, seeks to give effect to	CHALLENGES Inadequate resources to support programmes for older persons. Elder abuse is observed due to	RECOMMENDATIONS Allocation of resources to facilitate finalization of the policies and Bills for implementation. Government should undertake a moral values campaign



<p>Article 57 of the Constitution.</p>	<p>erosion of cultural and moral values. Lack of institutional mechanisms to cater for the needs and requirements of the elderly. Inadequate data on eligible elderly persons.</p>	<p>The Bill to be enacted into law to protect the elderly. Government should establish institutional mechanisms to cater for the elderly. The Government should intensify registration campaigns.</p>
<p>Construction of a model centre at Mwea Community Capacity Support Centre in Kirinyaga County is ongoing. The National Family Promotion and Protection Policy is being developed. Guidelines for Institutions of Older Persons has been launched and is being disseminated.</p>	<p>Delay in formulation of the policy. Existence of institutions for older persons which do not follow the guidelines. Inadequate awareness of the existence of the International Day of the Older Persons.</p>	<p>Fast-track formulation of the policy. Monitoring of institutions to ensure they follow the guidelines. Sensitization and creation of awareness.</p>
<p>The Government celebrates the International Day of the Older Persons was celebrated in Embakasi on 1st of October, 2019. The World Elder Abuse Awareness Day in Kenya was observed in Thogoto Kikuyu, Kiambu, County on 15th June, 2019. The Government is implementing the New Urban Agenda under UN-Habitat to facilitate easy access of old persons to cities and their urban operations.</p>	<p>Inadequate budgetary allocation.</p>	<p>Increase budgetary allocation.</p>

INTERNATIONAL TRADE AND INVESTMENT			
1.	PROTOCOL AMENDING THE MARRAKECH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANISATION		
	<p>Adopted on: 27th November, 2014. Signature: 3rd December, 2015. Ratification on: 10th December, 2015. Obligation to Government: Implementation of the Trade Facilitation Agreement.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Established a National Trade Facilitation Committee; Kenya Electronic Single Window System; Kenya Trade Portal Link Investors; trade barriers, org; One-Stop Border Post and National Trade Negotiation Council.</p> <p>Entry into MoUs with various member states of the WTO to facilitate cross border trade.</p> <p>Capacity building and training opportunities for two trade officers in trade policy National Export Development and promotion strategy launched in 2018.</p> <p>Trade Development Bill is being developed.</p> <p>Amendment of Trade Related Intellectual Property Agreement which improved the access to medicine.</p>	<p>Inadequate awareness on the existence of the portal.</p> <p>Reservations among Member States.</p>	<p>Enhance awareness creation.</p> <p>Confidence building through continuous consultations and negotiations among Member States.</p>
2.	GENERAL AGREEMENT ON TARIFFS AND TRADE 1994 (GATT 1994)		
	<p>Adopted on: October 1947. Kenya became a member on: 1st January, 1995. Obligation to Government: Liberalization of trade in goods through reduction of tariffs and other trade barriers and discrimination.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Kenya submitted its Goods Schedule. The same was reviewed when the EAC started implementing the Customs Union to reflect and implement the Common External Tariff.</p>		
3.	GENERAL AGREEMENT ON TRADE AND SERVICES (GATS)		
	<p>Kenya became a member on: 1st January, 1995. Obligation to Government: To facilitate the liberalization of trade in services.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS

4.	<p>Kenya has submitted its Goods Schedule to the WTO at the time of accession which is in line with the EAC Common Market principles and objectives</p>		
<p>THE WORLD TRADE ORGANIZATION (WTO) TRADE FACILITATION AGREEMENT (TFA)</p> <p>Adopted in: 2013. Kenya ratified: 10th December, 2015. Entered into force on: 22nd February, 2017.</p> <p>Obligation to Government: To improve market access for goods (agricultural and industrial products) and services, improve trade in environmental goods and services, simplify and improve WTO rules on trade and ensure that the country has policy space to address its developmental concerns including Vision 2030 and the Big Four Agenda.</p>			
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>			
<p>The Government is implementing the Agreement through:</p>			
<p>i. Standards Act, Cap. 496; ii. Kenya Plant Health Inspectorate Service Act, No. 54 of 2012; and the iii. East Africa Customs Management Act, 2004.</p>			
<p>Establishment of Kenya Trade Remedies Agency (KeTRA) to address trade distortions (dumping and import surges) in the domestic market.</p>			
<p>Establishment of The Kenya Bureau of Standards (KEBS) and the Kenya Plant Inspectorate Service (KEPHIS) to ensure compliance with international standards on quality, technical regulations, safety in goods and plant health.</p>			
<p>The National Committee on the World Trade Organization (NCWTO) Committee set up in 1995 has been replaced by the National Trade Negotiations Council (NTNC) and was gazetted in June, 2018.</p>			
		<p>CHALLENGES</p> <p>Lack of representation in Permanent Missions to report on WTO issues.</p> <p>Deadlock of Doha Development Agenda (DDA) and priority shifted to non-concern e.g. environment.</p> <p>No consensus on major trade concerns such as agriculture support, Public stock piling.</p> <p>Break away from the principle of single undertaking, for instance in negotiating trade facilitation agreement.</p> <p>Tenure of dispute settlement body is coming to an end and it's unlikely to get new members to be appointed.</p> <p>WTO subscription by some member states are in arrears.</p>	<p>RECOMMENDATIONS</p> <p>Provide representation in Permanent Missions.</p> <p>Early harvest of areas of convergences.</p>
		<p>Stringent standards that lock out local producers.</p>	<p>WTO Member States to pay subscription in good time.</p>
		<p>Inadequate funds.</p>	<p>Strengthening institutions.</p>
			<p>Capacity building of producers.</p>
			<p>Increase budgetary allocation.</p>

WORLD TRADE ORGANISATION TECHNICAL BARRIERS TO TRADE (WTO/TBT) AGREEMENT				
		CHALLENGES	RECOMMENDATIONS	
5.	Adopted in: May, 2013. Obligation to Government: To use international standards in trade of goods, and avoid unnecessary barriers to trade.		Early development of standards.	
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED			
	Kenya Bureau of Standards (KEBS) launched an electronic notification system called “Notify Kenya TBT” in July, 2014, to increase efficiency on stakeholder notifications about standards and regulations.	Kenya, through its KEBSTBT National Enquiry Point has been disseminating WTO/TBT notifications through a bi-monthly publication.	The standards are developed on inquiry causing delay.	
	The system has improved the efficiency of KEBS National Enquiry Point. Significantly, particularly by reducing the time between receipt of notifications from the WTO to dissemination of that information to registered users from up to 15 days to real time.	Kenya has accessed to the EAC Elimination Of Trade Barriers Act, 2017, which seeks to address Non-Tariff Barriers (NTBs).	Technical regulations and standards may vary from country to country, posing a challenge for producers and exporters. This system is accessible to limited number of users and no sensitization on existence of the system done. Inadequate understanding on matters to do with WTO.	Strengthening implementation of the TBT Agreement. More sensitization to be done.
6.	WTO TRADE RELATED INVESTMENT MEASURES (TRIMS)			
	Adopted in: 1994. Entered into force on: 1 st January, 1995. Obligation to Government: Facilitate investment across international frontiers to increase the economic growth of all trading partners while ensuring free competition.			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
	The establishment of “enquiry points” offices that provide information about the country's technical regulations, test procedures, and adherence to various international standards.	Discriminatory or inappropriate standards related measures can reduce competition, stifle innovation, and create unnecessary obstacles to trade.	Kenya to consider initiating calls for reform measures.	
7.	WTO/TRIPS AGREEMENT (TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS)			
	Adopted on: 15 th April, 1994. Entered into force on: 1 st January, 1995. Kenya became a State party to the Agreement on: 1 st January, 1995. Obligation to Government: Reduce distortions and impediments to international trade and reciprocate protection of IP rights.			

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation through the Copyright Act, No. 12 of 2001; Trademarks Act, No. 7 of 2007 and the Industrial Property Act, 2001.	Lengthy process of enactment delays implementation e.g. Geographical Indications Bill is still pending. Limited public awareness and knowledge of the Agreement.	Fast-track the enactment of the Geographical Indications Bill. Enhance sensitization and awareness creation.
8.	PROTOCOL AMENDING THE TRIPS AGREEMENT Adopted on: 6 th December, 2005. Signature: 7 th July, 2015. Accession: 21 st July, 2015. Entry into force: 23 rd February, 2017. Obligation to Government: To improve health care through easy access to affordable versions of patented medicines needed to address public health problems (such as HIV/AIDS, malaria and other epidemics).		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Increased access to affordable versions of patented medicines.	CHALLENGES Counterfeit medicine.	RECOMMENDATIONS Strict monitoring/enhanced surveillance.
9.	THE WORLD TRADE ORGANIZATION DISPUTE SETTLEMENT SYSTEM Adopted in: 1994. Entered into force on: 1 st January, 1995. Obligation to Government: Comply with the all the WTO multi-lateral agreements.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Kenya has proposed reforms and development of the WTO dispute settlement in WTO meetings. Implementation through the Trade Remedies Act, No.32 of 2017. Establishment of Kenya Trade Remedies Agency (KeTRA) in 2017.	CHALLENGES There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy. Dispute resolution mechanism is costly hence operates against the interests of developing countries.	RECOMMENDATIONS Kenya to support the streamlining of the WTO Dispute Settlement System. Government should consider advocating for reforms.

WORLD TRADE ORGANIZATION (WTO) AGREEMENT ON SANITARY AND PHYTO-SANITARY MEASURES (SPS AGREEMENT)			
<p>Adopted on: 15th April, 1994. Date of ratification on: 1st January, 1995. Entry into force on: 1st January, 1995. Obligation to Government: Disease reporting, certification of animals and animal products for export. Facilitation of safe trade without undue barriers.</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Directorate of Veterinary Services is the standard implementing and border agency in implementing the WTO Bali Trade Facilitation Agreement.		Inadequate funding to participate in all activities such as Inter-Ministerial Trade Missions to prospective market countries and international WTO and SPS meetings.	Improve budgetary allocation to trade facilitation activities and strengthening this function within the Directorate of Veterinary Services.
The Directorate is also the implementing agency of the sanitary aspects of the Sanitary and Phyto-Sanitary (SPS) Agreement of the WTO in Kenya and is a member of the National SPS Committee.		Low awareness of the existing requirements by stakeholders.	Create awareness.
The Directorate processes stakeholders' import/export documents through the Ken Trade Single Window System and has published our general and specific requirements for trade in live animals, products and by-products in the Kenya Trade Portal.		Inadequate technical capacity.	Increase technical capacity at Directorate of Veterinary Services on the single window system.
EAST AFRICAN COMMUNITY PROTOCOL ON SANITARY AND PHYTO-SANITARY (SPS) MEASURES			
<p>Adopted on: 12th July, 2013. Ratified in: August 2016. Not entered into force awaiting ratification by other Partner States. Obligation to Government: To review existing laws, regulations and administrative actions that are inconsistent to the SPS Protocol and harmonize Kenya's SPS regulatory environment to conform to the Protocol.</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
Three Partner States have ratified the Protocol namely: Kenya, Uganda and Rwanda.		Delay in ratification by the other Partner States has resulted in increase in Non-Tariff Barriers in some Partner States.	Heads of State Summit to encourage the other Partner States to ratify the Protocol so that the Protocol can enter into force to enable optimum realization of the Protocol's objectives to be achieved.

12.	<p>EAC AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME</p> <p>Adopted on: 30th November, 2011. Signed on: 30th November, 2011. Kenya ratified in: February, 2015. Obligation to Government: To co-operate in monetary and financial matters and ensure that our systems cater for taxation matters to avoid instances of double taxation and the prevention of fiscal evasion with respect to taxes on income.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="531 1120 595 1960">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="531 607 595 1120">CHALLENGES</th> <th data-bbox="531 241 595 607">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="595 1120 687 1960">Kenya has signed and ratified the agreement.</td> <td data-bbox="595 607 687 1120">Some Partner States are yet to ratify the Agreement delaying its implementation.</td> <td data-bbox="595 241 687 607">The two Partner States that are yet to ratify the Agreement to be urged to ratify the same.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Kenya has signed and ratified the agreement.	Some Partner States are yet to ratify the Agreement delaying its implementation.	The two Partner States that are yet to ratify the Agreement to be urged to ratify the same.
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
Kenya has signed and ratified the agreement.	Some Partner States are yet to ratify the Agreement delaying its implementation.	The two Partner States that are yet to ratify the Agreement to be urged to ratify the same.					
13.	<p>COTONOU PARTNERSHIP AGREEMENT (ACP-EU PARTNERSHIP AGREEMENT)</p> <p>Adopted in: June, 2000. Entered into force in: 2003. Kenya has been a party to the Agreement since 1975. Obligation to Government: To co-ordinate implementation and necessary revisions of the Agreement between African, Caribbean and Pacific member countries with the European Union whose main objective is poverty alleviation and sustainable development.</p> <table border="1"> <thead> <tr> <th data-bbox="687 1120 943 1960">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="687 607 943 1120">CHALLENGES</th> <th data-bbox="687 241 943 607">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="943 1120 1150 1960">Kenya is participating in the Post-Cotonou negotiations on the future of ACP/EU relations. Kenya attracts EU support in different sectors among them infrastructure, agriculture and in emergencies.</td> <td data-bbox="943 607 1150 1120">Delays in contracting and disbursement of EU funds.</td> <td data-bbox="943 241 1150 607">Improve on utilization and reporting of EU funds and committing all the resources under the National Indicative Programme (NIP).</td> </tr> </tbody> </table> <p>The 9th Summit of the Heads of State and Government of the African, Caribbean and Pacific (ACP) Group of States was hosted in Nairobi, Kenya from 9th to 10th December, 2019.</p>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Kenya is participating in the Post-Cotonou negotiations on the future of ACP/EU relations. Kenya attracts EU support in different sectors among them infrastructure, agriculture and in emergencies.	Delays in contracting and disbursement of EU funds.	Improve on utilization and reporting of EU funds and committing all the resources under the National Indicative Programme (NIP).
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
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14.	EAST AFRICA COMMUNITY (EAC)–EUROPEAN UNION (EU) ECONOMIC PARTNERSHIP AGREEMENTS (EPAS)		
<p>Date of Adoption: 16th October, 2014. Date of Signing: 1st September, 2016. Date of Ratification: 20th September, 2016. Obligation to Government: To coordinate implementation of the EAC-EU EPA.</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
Kenya has ratified the EAC-EU EPA.		Some EAC Partner States have not yet ratified the Agreement. Delayed consensus has hindered implementation of the EAC-EU EPA.	Urge the other EAC Partner States to ratify the EPA for it to enter into force.
15.	PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY COMMON MARKET		
<p>Adopted on: 20th November, 2009. Signed on: 20th November, 2009. Ratified on: 2010. Entered into force on: 1st July, 2010.</p>			
Obligation to Government: To accelerate economic growth and development by maintaining a liberal stance towards the four Freedoms of Movement for all the factors of production and two Rights between themselves. These Freedoms and Rights include: Free Movement of Goods, Free Movement of Persons, Free Movement of Labour/Workers, Right of Establishment, Right of Residence, Free Movement of Services and Free Movement of Capital.			
MEASURES UNDERTAKEN SO FAR AND PROGRESS ACHIEVED SO FAR		CHALLENGES ENCOUNTERED	RECOMMENDATIONS
<i>All measures, challenges and recommendations under the Customs Union Protocol (No. 15) apply to the achievement of free movement of goods under the Common Market Protocol.</i>			
Operationalization of the EAC E-Passport as the official passport for all Partner States. Increased centres to facilitate issuance of E-Passports in major towns.		Demand for E-Passports outweighs the capacity of the equipment.	Acquisition of more equipment and facilities. Extend deadline for registration.
Standardization of travel documents between Kenya, Rwanda and Uganda. Citizens can now use National Identification Documents (IDs) to travel to and from Kenya, Uganda and Rwanda.		Some Partner States are yet to comply with the EAC Summit decision to standardize the travel document and work permit requirements.	Partner States yet to comply with the decision to standardize requirements for work permits and travel documents to be urged to do so.
Harmonization of work permits fees for EAC citizens to zero by Kenya, Uganda and Rwanda.			
Operationalization of Single Tourist visa by Kenya, Uganda and Rwanda.			
Harmonization of the EAC form for entry/work/residence permit.			

	<p>Liberalization of trade in services in EAC is ongoing to enhance free movement of services.</p> <p>Kenya and other EAC Partner States have revised their Schedules of Commitments on Progressive Liberalization of Services. The Schedules were adopted by the Sectoral Council on Trade, Industry, Finance and Investment in May 2018.</p> <p>Mutual Recognition Agreements (MRAs) for Accountants, Architects and Engineers have been negotiated, signed and operationalized.</p> <p>The Mutual Recognition Agreements for Land Surveyors and Advocates have been finalized and are awaiting signature.</p> <p>Negotiation of the Mutual Recognition Agreement for Pharmacists is expected to commence.</p> <p>Construction of six one stop border posts completed and operationalization of four i.e. Busia, Malaba, Namanga, and Taveta.</p> <p>Kenya has signed and ratified the Economic Partnership Agreement (EPA) between the European Union and EAC.</p> <p>Reduction of the residence permit cost.</p> <p>Kenya participated in the 20th EAC Jua Kali –Ngunvu Kazi exhibition in December, 2018 in Rwanda.</p>	<p>Giving legal effect to the additional liberalized subsectors require the amendment of some provisions in the Common Market Protocol on trade in services. Legal text on amendment of the Protocol is yet to be agreed on.</p> <p>Different legal systems of the Partner States</p> <p>Delay in the operationalization of the remaining two OSBP.</p> <p>The other Partner States have not ratified the Agreement due to various reasons.</p>	<p>Fast track the amendment of the Protocol on Common Market to delink the schedule on free movement of services and schedule on free movement of workers.</p> <p>Harmonization of the Legal systems</p> <p>Fast-track the operationalization of the remaining two OSBP.</p> <p>There is need for EAC and EU to move with speed to address issues that are delaying the implementation of EPA.</p>
<p>16.</p>	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION</p> <p>Adopted on: 2nd March, 2004. Kenya signed on: 2nd March, 2004. Entered into force on: 2nd March, 2004</p> <p>Obligation to Government: To establish a free trade area (or zero duty imposed) on goods and services traded amongst themselves and agreed on Common External Tariff (CET), whereby imports from countries outside the EAC zone are subjected to the same tariff when sold to any EAC Partner State.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Increased Intra-EAC trade under the established Common Market accounting for on average about 33.4 percent of total intra-EAC trade.</p> <p>Implementation of the Common External Tariff (CET) on goods originating and traded in EAC.</p> <p>Implementation of the Single Customs Territory (SCT) at the port of Mombasa.</p>	<p>Declining intra-EAC trade occasioned by among others by persistent NTBs and cheap and substandard imports.</p> <p>Inconsistent application of the CET.</p> <p>Persistent NTBs – new NTBs continue emerging</p>	<p>RECOMMENDATIONS</p> <p>Develop competitive products.</p> <p>Fast-track the review of the CET.</p> <p>Enhance elimination of NTBs through implementation of the</p>

	as the existing ones are eliminated.	EAC Elimination of NTBs Act, 2017.
Operationalization of the Integrated Customs Management System (ICMS) is ongoing		
Operationalized the Regional Electronic Cargo Tracking System (RECTS) to enhance transit movement of goods.	Not all Partner States have integrated the system	Urge Partner states to implement RECTS.
As at October 2017, 122 NTBs had been cumulatively resolved since 2009.	Persistent NTBs – new NTBs continue emerging as the existing ones are eliminated.	Enhance elimination of NTBs through implementation of the EAC Elimination of NTBs Act, 2017.
Kenya has adopted 1,062 out of 1,428 harmonized EAC Standards.	The harmonization of Standards at regional level and adoption of the same at the Partner States level is slow.	There is need to fast track the harmonization of Standards at the regional level and adoption of the same by Partner States.
Implementation of Single Customs Territory to facilitate faster clearance and movement of cargo at the port of Mombasa	Increased costs in implementing the Single Customs Territory.	Additional funding to fully implement the Single Customs Territory.
Construction of six one stop border posts (OSBP) completed and four i.e. Busia, Malaba, Namanga and Taveta are fully operational.	Delays in the operationalization of the remaining two OSBP.	Fast-track the operationalization of the remaining two OSBP.
Clearance of goods and collection of revenues is being done at the first port of entry.	ICT interconnectivity is a challenge on implementation of Single Customs Territory (SCT)	Improvement of ICT systems.
Implementation of the EAC Elimination of Non-Tariff Barriers (NTBs) Act, 2017 to facilitate in the elimination of NTBs.	Inadequate mechanism to address emerging NTBs.	Fast-track the review of the Elimination of NTBs Act, 2017.
Installation of ICT connectivity systems at the One Stop Border Posts (OSBPs) to fully operationalize the OSBPs. ICT connectivity enabled in Taveta, Busia, Malaba and Namanga One Stop Border Posts. The connectivity for other OSBPs is ongoing.	Delays in installation of ICT interconnectivity in the remaining two OSBPs.	Fast track installation of ICT connectivity systems at remaining two OSBPs to fully operationalize them. Additional funding to the installation of ICT connectivity at OSBPs.

17.	<p>PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY MONETARY UNION (EAMU)</p> <p>Adopted on: 30th November, 2013. Entered into force on: 30th November, 2013. Kenya ratified on: 28th November, 2014. Obligation to Government: To harmonize monetary and fiscal policies; harmonize financial, payment and settlement systems; harmonize financial accounting and reporting practices; harmonize policies and standards on statistical information; and establish an East African Central Bank.</p>		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
Implementation of the EAC Macro Economic Convergence Criteria and Fiscal Matters.	To date, Partner States have failed to reach a consensus on certain monetary and fiscal matters resulting in a delay in the implementation of the Monetary Union.	There is need for political goodwill from all the Partner States in order to effectively implement the Protocol.	
EAC Monetary Institute Act, 2019, and EAC Statistics Bureau Act, 2019, were assented to in the February, 2019 Summit.	Fiscal Transparency Evaluations yet to be undertaken for Rwanda, Burundi and South Sudan which makes comparison difficult.		
Correlation of statistics in the EAC were finalized and approved.			
Fiscal Transparency Evaluations have been undertaken in Kenya, Tanzania and Uganda. Rwanda FTE planned for 2017/2018 while that of Burundi is yet to be planned.			
Kenya, Tanzania and Uganda prepared and presented their Fiscal Risk Statements (FRSS) to the SCFEA. Kenya and Uganda also include FRS in budget documentation.			
Kenya and Uganda have anchored regional fiscal surveillance in their Public Finance Management.	PFM Act Kenya has fiscal rules on debt and deficit, while Uganda's Fiscal Responsibility Charter has fiscal rules consistent with EAMU convergence criteria.		
Harmonization of Government Finance Statistics, Monetary and Financial statistics and National Accounts is ongoing. All Partner States have established Technical Working Group (TWGs) spearheading harmonization process in accordance with an Action Plan developed by the TWGs.	Slow process of harmonization of statistics.	Fast track the harmonization of statistics to enable comparability of statistics.	
Preliminary general government data sets in Kenya and Tanzania have been developed. Kenya published the data set in the Economic Survey 2015.			
Draft EAC Government finance and debt statistics guidelines have been prepared. Four draft chapters of the EAC Guidelines for compilation of Government Finance and Public Debt statistics have been developed.			
Bills to establish The East African Surveillance, Compliance and Enforcement Commission and the East African Financial Services Cooperation are currently	The process of establishing institutions has been quite slow.	There is need to fast track the development of institutions to	

being developed.		support Monetary Union.
Development and Operationalization of an Efficient, Stable and Integrated Financial System.		Fast track the integration of financial system.
Cross-listing in EAC Securities Exchanges is taking place.		
Harmonization of the EAC Capital Markets infrastructure to ensure integration through integration of trading systems whereby all EAC Stock Exchanges are to be linked through a smart order routing system and through integration of payment and settlement system.	Integration of financial sector quite complex and requires participation of all the stakeholders.	
A draft Code of Conduct and Guidelines for Designated Market Makers for Government Securities (DMMGS) has been prepared and Regional Technical Working Group (RTWG) for Implementing the EAC Code of Conduct and Guidelines for DMMGS has been established.		
The Regional Technical Working Group (RTWG) on harmonization of National Laws to conform to the Provisions of the East African Community Monetary Union Protocol has been established and identified the laws to be harmonized.	There are other parallel initiatives at EAC level addressing the harmonization of the same laws using a sector approach.	There is need to harmonize the activities of RTWG and similar initiatives at sector level.

STANDARDIZATION			
1.	THE METRE CONVENTION		
	Date of adoption: 20 th May, 1875. Date of Ratification: 1 st January, 2010. Obligation to Government: To establish the degree of equivalence of national measurement standards thereby providing Governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Establishment of KEBS as the national institutional focal point. Kenya ensures compliance with the weights and measurements. KEBS continues to fully participate in the BIPM activities and management committee meetings.	Inadequate resources (personnel, equipment, funds, facilities etc.) to fully participate in <i>Bureau International des Poids et mesures</i> (BIPM) activities. Limited finances, inadequate manpower to enforce calibration of weights and measures among concerned players in the sector. Weak legal framework, coordination and monitoring of the (BIPM) activities.	Mobilization of resources. Training and capacity building. Increase budgetary allocation, capacity building of enforcement personnel to enforce the legal framework effectively. Review legal framework and improve coordination and monitoring.
2.	EAC PROTOCOL ON STANDARDIZATION, QUALITY ASSURANCE, METROLOGY AND TESTING		
	Concluded in: 2010. Obligation to Government: To formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the Community.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya has adopted 1,062 out of the 1,428 harmonized EAC standards. Review of EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006. EAC is currently undertaking a review of the EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006 to separate aspects of metrology from the Act and have the same addressed in a separate Act. This has resulted in the development of a Draft Metrology Bill, 2016 and EAC Standards, Quality Assurance	The harmonization of Standards at the regional level and adoption of the same at the Partner States level is slow. Delays in completing review of the EAC SQMT Act and approval of Metrology Bill, 2016 by organs of the Community.	There is need to fast track the harmonization at the regional level and adoption of the same by Partner States. Fast track review of the EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006 and approval of the two Bills i.e. Draft Metrology Bill, 2016 and Draft EAC Standards, Quality Assurance and Conformity Assessment Bill.

	<p>and Conformity Assessment Bill.</p> <p>Kenya actively participates in the East African Accreditation Board, established under the East African Community Standardization Quality Assurance, Metrology and Testing Act, 2006, through Kenya National Accreditation Service (KENAS).</p> <p>Kenya recognizes accredited conformity assessment results of products accompanied by inspection reports, test reports, or certificates based on EAC harmonized standards.</p> <p>Testing of standards quality assurance metrology testing and other conformity assessment activities.</p>	<p>Inadequate budgetary allocation.</p> <p>Inadequate provision of resources to fund the activities of the NAB's and NAFFP's.</p> <p>Low awareness and understanding of stakeholders.</p>	<p>Resource mobilization.</p> <p>There is need to sensitize the partner states on the importance of EAAB and the benefits accrued.</p>
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INTELLECTUAL PROPERTY				
1.	<p>PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY</p> <p>Adopted in : 20th March, 1883. Entered into force on: 1883, 1900, 1911, 1925, 1934, 1958, 14th July, 1967, 1967, amended 1979. Kenya became a State party to the Convention on: 14th June, 1965 to Paris Convention and 26th October, 1967 to Stockholm Act. Obligation to Government: Amending/enacting intellectual property laws to comply with the Agreement on patents, utility models, industrial designs, trademarks, trade names and geographical indications.</p>			
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government enacted the Industrial Property Act, 2001, to give effect to and domesticate the Convention.</p> <p>The Act establishes the Kenya Industrial Property Institute (KIPI) as the institutional mechanism to give effect to the Convention.</p> <p>Kenya is actively involved in protecting and enforcing Industrial Property Rights through KIPI.</p>	<p>CHALLENGES</p> <p>Limited awareness by Applicants on priority date limitations that jeopardizes the novelty requirement and the eventual acquisition of industrial property rights.</p> <p>Inadequate financial resources.</p> <p>Drafting instructions for Geographical indications Bill still pending.</p>	<p>RECOMMENDATIONS</p> <p>Need for more publicity and support on outreach programs by the government.</p> <p>System notifications and reminders to Applicants before expiry of priority dates.</p> <p>Provide adequate financial resources.</p> <p>Need to enact a Geographical Indications Act.</p>	
2.	<p>BERNE CONVENTION ON THE PROTECTION OF LITERARY AND ARTISTIC WORKS</p> <p>Adopted on: 9th September, 1886. Entered into force on: 11th March, 1993. Kenya became a State party to the Convention on: 11th March, 1993. Obligation to Government: Recognize the copyright of works of authors from other signatory countries in the same way it recognizes the copyright of its own nationals.</p>			
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation through the Copyright Act, Cap. 130 (Rev. 2014, 2018) which domesticates the Convention at the national level.</p>	<p>CHALLENGES</p> <p>Limited public awareness and knowledge on copyright and related rights.</p>	<p>RECOMMENDATIONS</p> <p>Enhance public sensitization and awareness creation on Intellectual Property (IP).</p>	

	<p>The Kenya Copyright Board established under the Act ensures the promotion, protection and enforcement of copyrights and related rights in the country.</p>	<p>Inadequate financial resources. Weak enforcement of copyrights.</p>	<p>Provide adequate financial resources. Establish partnerships. Enforce copyright and related rights.</p>
<p>3.</p>	<p>MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS</p> <p>Adopted in: 1891. Entered into force on: 14th April, 1891 (amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28th September, 1979). Kenya became a State party to the Agreement on: 26th June, 1998. Obligation to Government: To ensure that Kenyan nationals secure protection for their marks applicable to goods and services by filing the said marks at the International Bureau of Intellectual Property.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya is actively involved in protecting Industrial Property Rights through KIPRI through implementation of the Trademarks Act, Cap.506.</p> <p>The Common Regulations renamed the Regulations under the Protocol, to indicate that the Protocol is the sole treaty governing international applications and registrations under the Madrid System.</p> <p>The Office of the Registrar of Trademarks facilitates the registration of trademarks.</p> <p>Kenya made a declaration on 28th February, 2014, to receive an individual fee when Kenya is designated, either in an international application or in a designation subsequent to an international registration, or in respect of the renewal of an international registration designating Kenya, instead of a share in revenue produced by the supplementary and complementary fees.</p>	<p>CHALLENGES</p> <p>Inadequate resources to support the programmes and activities.</p> <p>Low levels of public awareness and knowledge</p>	<p>RECOMMENDATIONS</p> <p>Resource mobilization and provision of adequate funds to facilitate implementation.</p> <p>Increased funding to facilitate attendance of Madrid Meetings in WIPO.</p> <p>Enhance public awareness and sensitization.</p>
<p>4.</p>	<p>PATENT CO-OPERATION TREATY (PCT)</p> <p>Adopted in: 1970. Entered into force in: 1970. Kenya became a State party to the Treaty on: 8th March, 1994. Obligation to Government: Protection and registration of patents, enacting intellectual property laws to comply with the Treaty.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
5.	Implementation of the Industrial Property Act, 2001 by KIPi.	<p>Inadequate resources to support the programmes and activities.</p> <p>Few personnel with IPR skills and knowledge.</p> <p>Lack of awareness by users of the PCT system.</p>	<p>Increased funding for Kenya to be represented in all PCT meetings.</p> <p>Enhance training and capacity building in IPRs and improve skills and competencies of personnel and PCT users.</p>
6.	<p>Introduction of on-line filing to facilitate international applications in 2019 (ePCT).</p> <p>SINGAPORE TREATY ON THE LAW OF TRADEMARKS</p> <p>Adopted in: 27th March, 2006.</p> <p>Entered into force on: 16th March, 2009.</p> <p>Kenya signed the Treaty on: 28th March, 2006.</p> <p>Obligation to Government: To ensure protection and registration of trademarks.</p>	<p>Implementation is still on-going.</p>	<p>Fast-track implementation.</p>
7.	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya complies with protecting Industrial Property Rights through the Kenya Industrial Property Institute (KIPi) (i.e. the Registrar of Trade Marks) established under the Trade Marks Act.</p> <p>KIPi is in the process of adopting online filing or e-filing of trade mark applications.</p>	<p>CHALLENGES</p> <p>Low levels of public awareness</p> <p>Institutional capacity constraints especially financial resources and skilled human resources.</p>	<p>RECOMMENDATIONS</p> <p>Enhance awareness amongst members of the public.</p> <p>Enhance human and financial capacity to support IPRs and e-filing.</p>
<p>BRUSSELS CONVENTION RELATING TO THE DISTRIBUTION OF PROGRAMME-CARRYING SIGNALS TRANSMITTED BY SATELLITE</p> <p>Kenya signed on: 21st May, 1974.</p> <p>Ratified on: 6th January, 1976.</p> <p>Obligation to the Government: To take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite</p>			



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
8.	<p>Enactment of the Copyright Act, 2001 (Amended 2017) and the Establishment of the Kenya Copyright Board.</p> <p>MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED Adopted on: 27th June, 2013. Kenya signed on: 28th June, 2013. Kenya ratified on: 18th May, 2017.</p> <p>Obligation to the Government: To introduce a set of limitations and expectations to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to Visually Impaired Persons, and to permit exchange of these works across borders by organizations that serve those beneficiaries.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya is in the process of domesticating the Treaty through amendments to the Persons with Disabilities Act.</p>	<p>Inadequate awareness and technical capacity.</p>	<p>Increase public awareness and capacity building.</p>
9.	<p>BELJING TREATY ON AUDIO-VISUAL PERFORMANCES Adopted on: 24th June, 2012. Kenya signed on: 26th June, 2012. Ratified on: 15th November, 2019.</p> <p>Obligation to Government: To grant performers four kinds of economic rights for their performances fixed on audiovisual fixations such as motion pictures: the right of reproduction, the right of distribution, the right of rental and the right of making available.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation through the Copyright Act, Cap. 130 which domesticates the Convention at the national level.</p>	<p>Inadequate awareness of the provisions of the Treaty.</p>	<p>Enhance public awareness and sensitization.</p>
10.	<p>NAIROBI TREATY ON THE PROTECTION OF THE OLYMPIC SYMBOL (1981) Kenya signed on: 24th October, 1981. Ratified on: 18th November, 1981.</p> <p>Obligations to the Government: To protect the Olympic symbol, comprising of five interlaced rings against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
11.	Domesticated under the Trade Marks Act where it is an offence to use the symbol without authorization.	Monitoring the use of the Olympic symbol without the authorization of the International Olympic Committee. Enforcement of the offence is difficult partly because of lack of awareness by enforcement agencies and authorities.	Ensure the use of the Olympic symbol is done with authorization. Strengthen enforcement mechanisms and create awareness to the relevant the enforcement agencies.
12.	<p>PATENT LAW TREATY (PLT)</p> <p>Adopted in: 1970. Kenya acceded on: 8th March, 1994. Obligation to the Government: To seek patent protection for an invention simultaneously in each of a large number of countries by filing an “international” patent application.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated in the Industrial Property Act, 2001 administered by the Kenya Industrial Property Institute (KIPPI).</p>	<p>CHALLENGES</p> <p>Lack of awareness by Applicants. Inadequate technical personnel.</p>	<p>RECOMMENDATIONS</p> <p>Enhanced awareness to users. Increase technical personnel and more financial resource.</p>
13.	<p>GENEVA CONVENTION FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS AGAINST UNAUTHORIZED DUPLICATION OF THEIR PHONOGRAMS (1971)</p> <p>Adopted in: 1971. Kenya signed on: 4th April, 1972. Ratified on: 6th January, 1976. Obligation to the Government: To protect a producer of phonograms who is a national of another Contracting State against the making of duplicates without that producer's consent; against the importation of such duplicates, where the making or importation is for the purpose of distribution to the public; and against the distribution of such duplicates to the public.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Enactment of the Industrial Property Act, 2001 and the establishment of the Kenya Industrial Property</p>	<p>CHALLENGES</p> <p>Inadequate awareness and</p>	<p>RECOMMENDATIONS</p> <p>Increase public awareness and capacity</p>

	Institute (KIPi).	technical capacity.	building.
14.	TRADEMARK LAW TREATY (TLT)		
	Adopted in: 1994. Kenya signed on: 28 th October, 1994. Obligation to the Government: To standardize and streamline national and regional trademark registration procedures.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Enactment of The Trademark Act, Cap. 506 Laws of Kenya. Enactment of the Industrial Property Act, 2001, and the establishment of the Kenya Industrial Property Institute (KIPI).	CHALLENGES Inadequate technical and financial capacity. Low public awareness.	RECOMMENDATIONS Enhanced technical and financial capacity. Enhance public awareness.
15.	WIPO COPYRIGHT TREATY (WCT)		
	Adopted in: 1970. Entered into force on: 2002. Kenya signed on: 20 th December, 1996. Obligation to the Government: To protect the works and the rights of their authors in the digital environment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Enactment of the Copyright Act, 2001 (Amended 2017) and the Establishment of the Kenya Copyright Board.	CHALLENGES Inadequate awareness and technical capacity.	RECOMMENDATIONS Increase public awareness and capacity building.
16.	WIPO PERFORMANCES AND PHONOGRAMS TREATY (WPPT)		
	Adopted in: 1996. Entered into force on: 2002. Kenya signed on: 20 th December, 1996. Obligation to the Government: To protect the rights of performances and phonograms in the digital environment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Enactment of the Copyright Act, 2001 (Amended 2017) and the Establishment of the Kenya Copyright Board.	CHALLENGES Lack of awareness and technical capacity	RECOMMENDATIONS Increase public awareness and capacity building

17.	LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS		
<p>Adopted in: 1968 (amended 1979). Kenya signed on: 8th October, 1968. Obligation to the Government: To indicate in official documents reflecting the deposit or registration of industrial designs the numbers of the classes and subclasses of the Classification to which the goods incorporating the designs belong.</p>			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		CHALLENGES	RECOMMENDATIONS
Enactment of the Industrial Property Act, 2001, and the establishment of the Kenya Industrial Property Institute (KIPI) to implement and use the Classification.		Inadequate awareness and technical capacity. Inadequate technical personnel.	Increase public awareness and capacity building. Increased and focused training on technical staff.



ENERGY	
1.	<p>THE ENERGY CHARTER TREATY</p> <p>Adopted on: December, 1994. Entered into force on: April, 1998. Signed on: 20th March, 2017. Kenya is yet to ratify the Treaty</p> <p>Obligation to Government: To promote energy security through operation of more open and competitive energy markets, while respecting the principles of sustainable development and sovereignty over energy resources.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Charter through the Energy Act, 2019.</p>
	<p>The 4th fact-finding mission of 2018 for the Energy Charter Secretariat's Energy Investment Risk Assessment (EIRA) project took place in Nairobi, Kenya from 25th – 27th April, 2018.</p>
	<p>The Government is finalizing the Energy Investment Risk Assessment (EIRA) Country Profile to assist in monitoring the performance of its energy sector and eliminate specific risks in the regulatory and legal environment.</p> <p>The Government launched The Kenya Investment Policy on 6th November, 2019, to address various challenges caused by the traditional International Investment Agreements.</p>
	<p>CHALLENGES</p>
	<p>RECOMMENDATIONS</p> <p>Wider negotiations on the non-discrimination principle enshrined in the ECT.</p>

EDUCATION, SCIENCE AND TECHNOLOGY		
DAKAR FRAMEWORK FOR ACTION: EDUCATION FOR ALL (EFA) AGREEMENT		
	CHALLENGES	RECOMMENDATIONS
<p>1.</p> <p>Signatory Date: 26th to 28th April, 2000. Obligation to Government: To develop National Education for All (EFA) goals.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Adoption of the following:</p> <ol style="list-style-type: none"> Sessional Paper No. 1 of 2019 known as The Policy Framework for Reforming Education and Training for sustainable development in Kenya; The Education Sector Policy for Learners and Trainers with Disabilities, 2018 National Curriculum Policy of 2019; Free Primary Education Policy, 2003 and the National Pre-Primary Education Policy, 2018. <p>Development of the Educational Policy Sessional Paper No. 1 of 2019.</p> <p>Basic Education Act No. 14 of 2013, Science Technology and Innovations Act No. 28 of 2013, Universities Act No. 42 of 2012, Technical and Vocational Education and Training Act of 2013 amongst others.</p> <p>Implementing free primary and day secondary education.</p> <p>Established the Free Primary Education Fund (FPEF) in 2003 and the Free Day Secondary Education (FSDE) Programme in 2008.</p> <p>From January 2019, implementation of the Competency Based Curriculum (CBC) from grade 1-4 to gradually phase out the 8-4-4 education system.</p> <p>Reform of the Kenya National Examination Council (KNEC).</p> <p>Introduced e-learning in public schools.</p> <p>Improvement of infrastructure in public schools.</p> <p>Restructured the school calendar to increase the quality of education.</p> <p>Waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education.</p>	<p>Litigation and delay in drafting regulations.</p> <p>Shortage of teachers.</p> <p>Limited funding.</p> <p>Inadequate ICT infrastructure.</p> <p>Inadequate financial resources.</p> <p>Lack of proper prioritization of infrastructural developments of public schools.</p>	<p>Inclusive education for all.</p> <p>Negotiating out of court settlement.</p> <p>Fast track regulations.</p> <p>Recruit more teachers.</p> <p>Resource mobilization.</p> <p>Institutionalize consultations for expediency.</p> <p>Provide ICT infrastructure.</p> <p>Fast track regulations.</p> <p>Prioritize infrastructural developments.</p> <p>Improve resource utilization.</p>

<p>Establishment of the Commission of University Education to Audit Universities for transparency and good governance. Increased allocation to the HELB to cater for needy students.</p>	<p>Limited funding.</p>	<p>Strengthen the directorate of Audit of schools for quality assurance. Resource mobilization.</p>
<p>2. THE DJIBOUTI DECLARATION ON REGIONAL CONFERENCE ON REFUGEE EDUCATION IN IGAD MEMBER STATES</p>		
<p>Adopted on: 14th December, 2017. Kenya acceded on: 14th December, 2017. Obligation to Government: To ensure that every refugee, returnee, and members of host communities have access to quality education in a safe learning environment within our respective countries without discrimination.</p>		
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>		
<p>Development of a Draft Education and Training Policy on the inclusion of refugees and asylum seekers.</p>	<p>CHALLENGES Limited resources to provide education for refugees.</p>	<p>RECOMMENDATIONS Allocation of more resources to provide education for refugees.</p>
<p>Enactment of the Refugee Act, 2006.</p>		
<p>In 2019, 150, 214 refugee children were enrolled in schools. 22,634 refugee children enrolled in pre-primary; 103,778 enrolled in primary and 23,802 enrolled in secondary schools in Kenya.</p>		
<p>3. PROTOCOL ON THE ESTABLISHMENT OF THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA (IUCEA)</p>		
<p>Adopted in: September, 2002. Signed in: September, 2002.</p>		
<p>Obligation to Government: To provide technical and financial support to IUCEA to facilitate implementation of programmes and projects under the Council, participate in technical meetings for policy development and furthering Kenya's interests in the region and encourage development of mutually beneficial collaboration between Universities and Governments, public and private sector and other organizations for sustainable socio-economic development.</p>		
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>		
<p>Amendment of the Protocol on the Establishment of the Inter-University Council for East Africa (IUCEA). Process for amendment initiated and approved by the EAC Sectoral Council for Education, Science and Technology, Culture and Sports.</p>	<p>CHALLENGES Slow process of amendment.</p>	<p>RECOMMENDATIONS Fast track the process.</p>
<p>Developed the Strategic Plan 2016/17- 2021/22 and staff and student mobility programs including student debates on EAC matters. University staff and students participate in exchange programs.</p>	<p>Limited awareness amongst some Universities on the exchange program opportunities for students and staff Some Partner States are yet to develop national qualification</p>	<p>Sensitize the Universities on the available opportunities for their staff and students in the exchange programs to increase participation. Urge Partner States to fast-track development of national qualification</p>
<p>Developed quality assurance instruments which are under implementation.</p>		
<p>Quality Assurance Handbook developed in five volumes.</p>		

	<p>Subject benchmarks involving industry and professionals for IT, computer science, education, Business studies, Agriculture, Medicine and Engineering.</p> <p>Regional Qualifications Frameworks for Higher Education (EAQFHE).</p> <p>Principles and guidelines for quality assurance in higher education in East Africa.</p> <p>Established the East African Quality Assurance Network (EAQAN).</p> <p>Annual Quality Assurance conferences on topical issues and the Academia Public Private Partnerships Forum (APPPF) held in Nairobi, Kenya, 2017.</p> <p>Capacity building for universities with over 100 Quality Assurance officers trained.</p> <p>EAC collaborating with various stakeholders in Academia Public Private Partnerships Forum and Exhibitions (APPPF) which are held annually.</p> <p>IUCEA improving quality of education in EAC in partnerships with key stakeholders, Germany Academic Exchange Service, (DAAD), World Bank, KfW and African Development Bank.</p> <p>Declaration of East Africa as a Common Higher Education Area on 20th May, 2017.</p>	<p>frameworks</p> <p>Rapid reforms in education occasioned by technological development requires costly frequent reviews of IUCEA programmes to keep pace with the changes</p> <p>Autonomy of Commissions for University Education and the Senate makes it difficult to harmonize regional reforms across Partner States.</p> <p>Harmonization of higher education in the Community facing serious challenges considering different systems of education, languages which are mainly English and French.</p>	<p>frameworks.</p> <p>Create appropriate avenues for linkages between the training institutions and academia-Public-Private sectors</p> <p>Continuously undertake harmonization of higher education and reforms to improve the quality of higher education in the East African region.</p>
<p>4.</p>	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN KISWAHILI COMMISSION</p> <p>Concluded on: 18th April, 2007. Kenya Ratified in: 2010. Obligation to Government: To establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters relating to Kiswahili research, teaching, learning and development.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Amendment of the Protocol on the Establishment of the East African Kiswahili Commission. Process for amendment initiated and approved by the Sectoral Council for Education, Science and Technology, Culture and Sports.</p>	<p>CHALLENGES</p> <p>Slow progress in amendment of the Protocol.</p>	<p>RECOMMENDATIONS</p> <p>EAKC Secretariat to fast track the process.</p>

Developed and adopted the East African Kiswahili Commission Strategic Plan 2016/7–2020/21. Implementation of the Strategic Plan is ongoing.	Agreed to hold Kiswahili Council meetings annually for knowledge sharing.
EAKC International Conference is held biennially. The First EAKC International Conference was held in September, 2017.	Device ingenious approaches for promotion of use of Kiswahili in international fora.
Agreed to hold subsequent conferences biennially to mobilize policy makers and practitioners, development partners, the media, scholars and other stakeholders into creative thinking on transforming EAC through the development and use of Kiswahili for sustainable growth.	Urge partner states to expedite establishment of NKC for enhanced policy formulation and implementation on use of Kiswahili as an official language.
Developed multilateral collaboration framework for furthering the EAKC agenda.	Sensitize the public on available opportunities.
Developed a draft Language Bill to establish the National Kiswahili Councils (NKC).	Some Partner States are yet to establish National Kiswahili Councils to facilitate recognition of Kiswahili as an official language.
Implemented the Staff-Student Exchange and Mentorship programme in and beyond the EAC.	Lack of awareness.
<p>5. STATUTES OF INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY (ICGEB)</p> <p>Entered into force: 3rd February, 1994. Kenya acceded to the Statute: 29th August, 2010. Obligation to Government: To participate in decision making, developing policies and principles governing scientific and educational environmental standard and to conduct innovative research in life sciences.</p>	
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>	
Plant Transformation Laboratory, Department of Biochemistry and Biotechnology, Kenyatta University was affiliated to ICGEB in 2013.	<p>CHALLENGES</p> <p>Minimal resource provision for sensitization at the country level.</p>
16 Doctoral and Post-Doctoral Graduate fellowships were received. A further 83 Kenyans have been trained in short courses and seminars at a total cost of USD 280, 580.	<p>RECOMMENDATIONS</p> <p>Encourage local research.</p>
Bioscience Framework being Developed and draft Regulations to fully implement the provisions of the Science, Technology and Innovations Act, 2013.	<p>Slow pace of implementation.</p>
	<p>Fast track the Bioscience Framework Bill.</p> <p>Efforts are currently underway to ensure payment of arrears and future prompt payment.</p>

	<p>Established linkages with researchers from other member States.</p> <p>Minimal collaboration with other member states.</p> <p>Limited public awareness on ICGEB.</p>	<p>Encourage further collaboration among Kenyan Scientists and other member states.</p> <p>The focal office to sensitize the public on the existence of ICGEB and opportunities.</p> <p>Encourage the Kenya Scientists and Students to apply for Training grants available at the ICGEB.</p>
<p>6.</p>	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION</p>	<p>Adopted on: 18th April, 2007. Entered into force on: 1st July, 2014. Obligation of Government: To promote and co-ordinate the development, management and application of science and technology in the EAC.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Developed and adopted the EASTECO Strategic Plan 2017/18–2021/22 in Kigali, Rwanda.</p>	<p>CHALLENGES</p> <p>Asymmetrical development of Science and Innovation in Partner States impacts negatively on the seamless implementation of relevant programmes and projects across the region.</p> <p>Limited funding.</p>
	<p>Implementation of the EASTECO programmes and projects in adherence to the EASTECO Strategic Plan.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen Partner States interventions and financing in Science, Technology and Innovation.</p>
	<p>Initiated development of relevant strategies to guide the development of Science, Technology and Innovation and capacity building for technology transfer and support innovation for economic development of the region.</p> <p>Developed policies on Science, Technology and Innovation; and Intellectual Property Rights.</p> <p>Developed the regional research cooperation grant initiative.</p>	<p>Inadequate funds to support science and innovation projects.</p> <p>Synchronize the regional science, technology and innovation programmes with a view to reducing duplication.</p>
	<p>Operationalized the Governing Board for the Commission. Amendment of the Protocol to address issues of an over representation in the Governing Board and clarity in mandate.</p>	<p>Lack of adequate funds to support science and innovation projects which require large funds.</p> <p>Strengthen the capacity of the Governing Board to implement the Protocol objectives.</p>

<p>7. AFRICA REGIONAL COOPERATIVE AGREEMENT FOR RESEARCH DEVELOPMENT AND TRAINING RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY (AFRA)</p> <p>Kenya became a member in: 1991. Fifth Extension of Agreement on: 4th April, 2015. Acceded to the 5th Extension of the Agreement on: 4th February, 2016. Obligation to Government: To promote and develop the use of nuclear science and technology, through regional cooperation, safety and cost effectively in order to meet the challenges of socio-economic development on the African continent.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>AFRA benefits the country through technical assistance, support and capacity building in areas of peaceful uses of nuclear science and technology for socio-economic development.</p> <p>Kenya also hosts various AFRA meetings in the country.</p> <p>AFRA has played an integral role in strengthening infrastructure and capacity building in the field of nuclear science and technology in Kenya.</p> <p>Kenya participates in nineteen (19) AFRA projects that promote peaceful application of nuclear science and technology in such sectors as: food and agriculture, health, energy, industrial applications, water management, radiation protection and human resource development.</p> <p>Kenya has two institutions recognized under AFRA as Regional Designated Centers; Centre for Biotechnology and Research Development (Malaria) and Kenya Medical Research Institute (KEMRI)</p>	<p>CHALLENGES</p> <p>Financial constraints and over-reliance on donor funds to implement AFRA projects.</p> <p>Inadequate technical capacity to utilize nuclear science and technology for development.</p> <p>Low levels of public awareness and knowledge on the benefits of nuclear science and technology for the country.</p>	<p>RECOMMENDATIONS</p> <p>Provide adequate financial resources to implement projects including through partnerships and collaboration with stakeholders.</p> <p>Strengthen capacity building of implementing institutions and personnel in peaceful application and use of nuclear science and technology.</p> <p>Enhance inter-agency collaborations.</p> <p>Enhance public awareness, education and training on the benefits of nuclear science and technology.</p>
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OUTER SPACE			
1.	TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE INCLUDING THE MOON AND OUTER CELESTIAL BODIES	CHALLENGES	RECOMMENDATIONS
	<p>Ratified: 27th January, 1967. Entered into force: 10th October, 1967. Obligation to Government: To regulate outer space activities.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Kenya has developed a National Space Policy.</p> <p>Kenya needs to build an advanced radio telescope that is sensitive and faster than what we currently have.</p> <p>Kenya launched I KUNS (1st University NanoSatellite precursor flight), as the first small satellite developed by an African country collecting data in January, 2018.</p> <p>Establishment of the Kenya Space Agency in 2017, and development of 5-year Strategic Plan.</p> <p>The Government is undertaking earth and space sciences programmes under the Science and Technology Innovation Act, 2013.</p> <p>Establishment of Kenya Space Board in September, 2018</p> <p>The Government hosted in 2018 an International Space Forum (African Chapter) organized by the International Astronautical Federation (IAF), the Italian Space Agency (ASI) and the Kenya Space Agency (KSA).</p> <p>Italy-Kenya bilateral agreement negotiated and pending ratification.</p> <p>Kenya hosts the Luigi Broglio Space Centre in Malindi.</p> <p>The Kenya Space Agency in collaboration with the Italian Space Agency and UNOSA launched a course on Remote Sensing, Space Science and Space Policy from 9th – 13th December, 2019, for African Countries.</p>	<p>Weak inter-agency collaboration.</p> <p>Limited funds for the acquisition of the Telkom Earth Station in Longonot in Nakuru County.</p> <p>NACOSTI funding challenge.</p>	<p>Strengthen collaboration among Agencies.</p> <p>Resource mobilization.</p>

2.	<p>CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS (LIABILITY CONVENTION)</p> <p>Adopted on: 29th November, 1971. Entered into force: 1st September, 1972. Kenya acceded on: 25th September, 1975. Obligation to Government: To bear international liability and responsibility for all space objects launched within their territory.</p> <table border="1" data-bbox="470 206 568 1933"> <thead> <tr> <th data-bbox="470 1043 502 1933">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="470 651 502 1043">CHALLENGES</th> <th data-bbox="470 206 502 651">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="502 1043 568 1933">The Government has undertaken the development of Space Science Technology Policy and Space Bill which is ongoing.</td> <td data-bbox="502 651 568 1043">Inadequate capacity.</td> <td data-bbox="502 206 568 651">Build capacity.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government has undertaken the development of Space Science Technology Policy and Space Bill which is ongoing.	Inadequate capacity.	Build capacity.
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3.	<p>THE AFRICAN RESOURCE AND ENVIRONMENT MANAGEMENT SATELLITE CONSTELLATION INITIATIVE</p> <p>Adopted on: 7th December, 2009. International obligation: To develop a constellation of satellites to provide real time, unrestricted and affordable access to satellite data to support effective environmental and resource management in Africa.</p> <table border="1" data-bbox="722 206 841 1933"> <thead> <tr> <th data-bbox="722 1043 754 1933">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="722 651 754 1043">CHALLENGES</th> <th data-bbox="722 206 754 651">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="754 1043 841 1933">The Government through the Kenya Space Agency and National Commission for Science Technology and Innovation (NACOSTI) is developing a Policy that will have a strategy for implementation of the obligations under the Agreement.</td> <td data-bbox="754 651 841 1043">Financial constraints and lack of budgetary provision to implement the ARMC Initiative.</td> <td data-bbox="754 206 841 651">Provide budgetary allocation to implement ARMC Initiative.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government through the Kenya Space Agency and National Commission for Science Technology and Innovation (NACOSTI) is developing a Policy that will have a strategy for implementation of the obligations under the Agreement.	Financial constraints and lack of budgetary provision to implement the ARMC Initiative.	Provide budgetary allocation to implement ARMC Initiative.
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PLANNING AND STATISTICS							
1.	<p>THE AFRICAN CHARTER ON STATISTICS</p> <p>Signature: 25th January, 2010. Entry into force: 8th February, 2015. Obligation to government: To put measures in place to regulate statistical activity and also act as a tool for advocacy and the development of statistics.</p> <table border="1"> <thead> <tr> <th>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th>CHALLENGES</th> <th>RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td>Established the Kenya National Bureau of Statistics as the implementing Agency. Initiated the process of Developing a National Strategy for Development of Statistics.</td> <td>Financial constraints to conduct institutional-based surveys.</td> <td>Increase budgetary allocation.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Established the Kenya National Bureau of Statistics as the implementing Agency. Initiated the process of Developing a National Strategy for Development of Statistics.	Financial constraints to conduct institutional-based surveys.	Increase budgetary allocation.
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HEALTH			
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1.	<p>Adopted in: 21st May, 2003</p> <p>Entered into force on: 27th February, 2005</p> <p>Kenya became a State party to the Convention on: 25th June, 2004.</p> <p>Obligation to Government: To protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by implementing tobacco control measures.</p>		
	Enacted the Tobacco Control Act, 2007 to control the production, manufacture, sale, labelling, advertising, promotion and sponsorship of tobacco products, to create the Tobacco Control Board and to regulate smoking in specified areas and for related purposes.	Inadequate enforcement of enacted legislation	Relevant Ministries, Departments and Agencies (MDAs) should strengthen modalities for effective enforcement of legislation
	Best practices in legislation, elimination of illicit trade in tobacco products, taxation, smoke-free policies, ban on advertising, promotion and sponsorship, mitigating tobacco industry interference and international policy development.	Inadequate alternative livelihood opportunities available to tobacco growing communities	Train tobacco growing communities on alternative livelihood opportunities
	Kenya banned smoking of Shisha in 2018.	Resistance and innovation from Tobacco Industry such as emerging and re-emerging products	Tobacco Board to continually implement Strategies to counter the Industry with support from relevant Ministries, Departments and Agencies (MDA)
		Inadequate funding to the Tobacco Control Board and the Ministry of Health Programme to support TC activities.	Increased allocation to Tobacco control programmes, increase awareness creation activities in the public and in tobacco growing communities
		Some establishments are still flouting the Regulations in place	There is need for stringent enforcement of the Regulations.
	Tobacco Control Regulations were Gazetted in December, 2014 for implementation in June, 2015.	Interference from the Tobacco Industry leading to delay in implementation of the Tobacco Regulations due to litigation	Continuous creation of public awareness on the health hazards of use of tobacco products
			All relevant government agencies should commit to implementing and enforcing the Regulations in its

		entirety.	
2.	<p>PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS (ITP)</p> <p>Adopted on: 12th November, 2012. Opened for signature on: 10th January, 2013. Kenya signed Protocol on: 29th May, 2013. Obligation to Government: To combat illegal trade in tobacco products through control of the supply chain and international cooperation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya has ratified the WHO Framework Convention on Tobacco Control and later domesticated it through the enactment of the Tobacco Control Act, 2007.</p> <p>The Instrument of ratification for the Protocol was signed by the Cabinet Secretary of the Ministry of Foreign Affairs was signed on 15th July, 2019.</p> <p>Kenya was a member of the Inter-Governmental Negotiating Body and led the African Region in negotiating for the development and adoption of the Protocol to Eliminate Illicit Trade in Tobacco Products.</p> <p>The Government through the Kenya Revenue Authority has implemented most of the provisions of the Protocol to eliminate Illicit Trade including the track and trace system which has made the country a regional center of excellence in prevention of illicit trade.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
3.	<p>THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)</p> <p>Amended by the Protocol on: 25th March, 1972. Entered into force on: 8th August, 1975. Kenya ratified the Convention on: 9th February, 1973. Obligation to Government: To combat drug abuse by coordinated international action.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 which domesticates the Convention.</p> <p>Kenya is a member of the UN Commission on Narcotic Drugs (CND) that promotes the implementation of the Convention in Member States.</p> <p>The Government has designated the Registrar, Pharmacy and Poisons Board as the national competent authority under the Convention</p>	<p>CHALLENGES</p> <p>Weak enforcement of the existing laws.</p> <p>Financial constraints.</p> <p>Influx of counterfeit drugs.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen enforcement of existing law.</p> <p>Diversify resource mobilization including through partnerships and collaborations with stakeholders.</p> <p>Enhance training and capacity building.</p>

	<p>The Pharmacy and Poisons Board submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB).</p> <p>NACADA established under an Act of Parliament in 2012, coordinates multi-sectoral efforts in preventing, controlling and mitigating alcohol and drug abuse.</p> <p>The Government launched the National Substance Use Management Technical Coordinating Committee to coordinate and harmonize multi-sectoral activities on substance use.</p> <p>The Pharmacy and Poisons Board regulates the practice of pharmacy and manufacture in trade and drugs and poisons.</p> <p>The Anti-Narcotics Police Unit enforces the Narcotic Drugs And Psychotropic Substances (Control) Act 1994.</p> <p>Kenya has established the following medically assisted therapy clinics: Shimo la Tewa Hospital; Mombasa County Referral Hospital and Malindi Sub-county Hospital; two in Nairobi, Ngara Clinic and Mathari National Teaching and Referral Hospital, Karuri Hospital (opened in September 2019) and Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu.</p>	<p>Financial and capacity constraints.</p> <p>Low public awareness.</p>	<p>Provide adequate financial resources and budgetary provisions to relevant institutions.</p> <p>Increase public awareness and sensitization campaigns especially on recent trends.</p>
<p>4.</p>	<p>CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971</p> <p>Adopted on: 21st February, 1971. Entered into force on: 16th August, 1976. Kenya ratified it on: 18th October, 2000. Obligation to the Government: To implement the provisions of the Convention and cooperate with other State parties to exercise control over psychotropic substances and synthetic drugs.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 which domesticates the Convention.</p> <p>Kenya is a member of the UN Commission on Narcotic Drugs (UNCND) that promotes the implementation of the Convention in Member States.</p> <p>NACADA established under an Act of Parliament in 2012 coordinates multi-sectoral efforts in preventing, controlling and mitigating alcohol and drug abuse.</p>	<p>CHALLENGES</p> <p>Weak enforcement of the existing laws.</p> <p>The balance on the abuse potential against the medical or therapeutic value of the psychotropic substances can be challenging.</p> <p>Inadequate funding.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen enforcement of existing laws.</p> <p>Diversify resource mobilization including through partnerships and collaborations with stakeholders.</p> <p>Provide adequate financial resources and budgetary provisions to relevant institutions.</p>

	<p>The Government has designated the Chief Executive Officer (CEO), Pharmacy and Poisons Board as the national competent authority under the Convention.</p> <p>The Pharmacy and Poisons Board regulates the practice of pharmacy and manufacture in trade, drugs and poisons.</p> <p>The Government, through the Pharmacy and Poisons Board, submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB).</p> <p>The Anti-Narcotics Police Unit enforces the Narcotic Drugs And Psychotropic Substances (Control) Act 1994.</p>	<p>Financial and capacity constraints.</p> <p>Influx of synthetic drugs in the market.</p> <p>Low public awareness on synthetic drugs.</p>	<p>Enhance training and capacity building.</p> <p>Increase public awareness and sensitization campaigns especially on recent trends.</p> <p>Increase public awareness and sensitization campaigns especially on recent trends.</p>
<p>5.</p> <p>UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES</p> <p>Adopted on: 20th December, 1988. Entered into force on: 11th November, 1990. Kenya ratified the Convention on: 19th October, 1992. Obligation to Government: To provide comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals; and to cooperate in extradition process.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994 which domesticates the Convention.</p> <p>Implementation of the Proceeds of Crime and Anti-Money Laundering Act, 2009 which establishes the Financial Reporting Center that is operational.</p> <p>Enactment and implementation of the Mutual Legal Assistance Act, 2011, Extradition (Commonwealth) Countries and Extradition (Contiguous and Foreign Countries) Act to facilitate mutual assistance between countries and the extradition of fugitives.</p> <p>Kenya is a member of the UN Commission on Narcotic Drugs (CND) that promotes the implementation of the Convention in Member States.</p>	<p>CHALLENGES</p> <p>Financial constraints and inadequate human resources to combat drug trafficking.</p> <p>Weak enforcement of the law.</p> <p>Corruption among law enforcement officials.</p> <p>Inadequate institutional capacity to effectively combat drug trafficking.</p>	<p>RECOMMENDATIONS</p> <p>Increase budgetary and human resources to institutions combating drug trafficking.</p> <p>Enhance coordination and synergy between the implementing agencies. Resource mobilization.</p> <p>Enhance public awareness and sensitization.</p> <p>Enhance skills, competencies and knowledge and capacity to tackle the vice.</p>	

	<p>The Government, through the Pharmacy and Poisons Board, submit periodic annual reports under the Convention to the International Narcotics Control Board (INCB).</p> <p>The Anti-Narcotics Police Unit enforces the Narcotic Drugs and Psychotropic Substances (Control) Act 1994.</p> <p>Proceeds of Crime and Anti-Money Laundering Act, 2009 was enacted to facilitate prosecution of drug trafficking.</p>	<p>Kenya is a transit route for narcotic drugs and psychotropic substances such as through the Southern Route heroin trafficking route originating from Afghanistan through Pakistan and the Indian Ocean into the territory.</p>	<p>Strengthen regional and international cooperation to combat drug trafficking.</p> <p>Enforce the law, prosecute and punish corrupt law enforcement officials.</p>
<p>6.</p> <p>Signed on: 13th September, 2008.</p> <p>Obligation to Government: To coordinate, conduct, in the region, and source, gather and disseminate findings from research for policy formulation and practice.. and promote health research.</p>	<p>PROTOCOL FOR THE ESTABLISHMENT OF THE EAST AFRICAN HEALTH RESEARCH COMMISSION (EAHRC)</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Amendment of the Protocol on the Establishment of the East African Health Research Commission is still ongoing to remove and address issues of a represented Governing body and provide clarity on the mandate of the Institution.</p> <p>Set up and operationalize the EAHRC in Bujumbura, Burundi.</p> <p>KEMRI is the national focal point institution for coordinating and implementing the Protocol.</p> <p>Developed legal and operational frameworks (the Digital Regional EAC Health Initiative) to address the emerging issues in the EAC region.</p> <p>Developed the Strategic Plan 2016-2021 with a focus on improvement of health care in the region.</p> <p>Strategic Plan provides a basis for implementation of health care programmes in the region.</p> <p>Developed the East African Health Research Journals-Mobilization of renowned scholars and scientists to publish articles in the Journal.</p>		
	<p>CHALLENGES</p> <p>Lengthy process of amendment.</p> <p>Inadequate funding.</p> <p>Weak strategic coordination between regional and national priorities.</p> <p>Lack of adequate funds for activities of the Commission.</p>	<p>RECOMMENDATIONS</p> <p>Urge Partner States to cooperate in the Consultative process.</p> <p>Urge Partner States to meet their financial obligations</p> <p>Fast track the amendment of the Protocol to enhance operationalization of the EAHRC.</p> <p>Partner States to be urged to support the Commission financially by allocating more resources.</p> <p>Strengthen regional and national linkages.</p>	<p>Partner States to encourage scholars and Scientists to publish articles in</p>
	<p>Low awareness.</p>		

	Dissemination of research findings on health through publication of the East African Health Science Journals.		the Journals.
	Developed the East Africa Web portal for Health information.	Limited awareness amongst stakeholders.	Create awareness on the web portal.
	Kenya hosted the 2 nd Joint Ministerial, Development Partners and Investors Roundtable on investment in Health in November, 2019.		
	Precautionary measures put in place by EAC states to stop the spread of Ebola Virus Disease (EBV) into the region.		

TRANSPORT			
AIR TRANSPORT			
1.	CONVENTION ON INTERNATIONAL CIVIL AVIATION (1944 CHICAGO CONVENTION)		
	<p>Adopted on: 7th December, 1944. Entered into force on: 4th April, 1947. Kenya became a State party to the Convention on: 1st May, 1964. Obligation to Government: To formulate policies and regulations to ensure safe and orderly development of international civil aviation.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government is implementing the Civil Aviation Act, 2013 (amended 2016) through the Kenya Civil Aviation Authority and adoption of the Civil Aviation Regulations, 2018.	High turnover of qualified and technical staff.	Enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.
	Kenya was re-elected to served its second term in the Council which ended in November 2019.		Stakeholders to be sensitized.
	Kenya was granted Category 1 Safety Standard rate after complying with ICAO International Aviation Safety Assessment (IASA) Standards and was also granted the Last Point of Departure Status.		Maintain compliance to the set standards. Improve security at the airports.
2.	CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION)		
	<p>Adopted on : 28th May, 1999. Entered into force on: 4th November, 2003. Kenya became a State party to the Convention in 7th January, 2002. Obligation to Government: To adhere to uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya has established a National Civil Aviation Administrative Review Tribunal. Kenya hosted the International Civil Aviation Air Services Negotiation Conference in (ICAN) in December, 2018.	Inadequate financial resources.	Resource mobilization.



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
3.	<p>Kenya Civil Aviation Authority established a Consumer Protection Unit and developed draft Consumer Protection regulations in 2017.</p> <p>Kenya participates in the Airline Operators Committee.</p> <p>Kenya has established a National Civil Aviation Administrative Review Tribunal.</p>	<p>Limited resources to create public awareness on consumer rights.</p> <p>Lack of public knowledge on consumer rights.</p> <p>Inadequate financial resources to cater for compensation relating to aircraft accidents and subsequent litigation.</p> <p>Inadequate personnel.</p>	<p>Resource mobilization to support activities of the Consumer Protection Unit.</p> <p>Sensitization of the public.</p> <p>Set up a Compensation Fund.</p> <p>Enhanced human resource capacity.</p>
4.	<p>CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION (1991 MONTREAL)</p> <p>Adopted on: 1st March, 1991. Entered into force on: 21st June, 1998. Kenya became a State party to the Convention on: 22nd October, 2002 (Entered into Force 21st December, 2002) Obligation to Government: To prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through: Prevention of Terrorism Act, No. 30 of 2012, and Explosives Act, 2009 (Rev. 2012). Establishment of an Anti-Terrorism Police Unit (ATPU) at all airports.</p>	<p>CHALLENGES</p> <p>Dynamic nature of acts of terrorism.</p>	<p>RECOMMENDATIONS</p> <p>Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives.</p>
5.	<p>CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (CAPE TOWN CONVENTION) AND THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT (2001 CAPE TOWN)</p> <p>Adopted in: 16th November, 2001. Entered into force on: 1st March, 2006. Kenya became a State party to the Convention on: 13th October, 2006 (Entry into force 1st March, 2007). Obligation to Government: To acquire and use mobile equipment of high value or particular economic significance and to facilitate the financing of the acquisition and use of such equipment in an efficient manner.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the International Interests in Aircraft Equipment Act, 2013.</p>	<p>CHALLENGES</p> <p>High cost of leasing aircrafts.</p>	<p>RECOMMENDATIONS</p> <p>Stakeholders' sensitization on the benefits of the Convention and Protocol to improve compliance.</p>

6.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION (1971 MONTREAL CONVENTION)</p> <p>Adopted in: 23rd September, 1971. Entered into force on: 26th January, 1973. Kenya became a State party to the Convention on: 11th January, 1977. Obligation to Government: To prohibit and punish behaviour which threatens the safety of civil aviation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Civil Aviation Act, No. 42 of 2016; the Prevention of Terrorism Act, No. 30 of 2012; and the Penal Code Cap.63.</p> <p>Establishment of a High Court at the Jomo Kenyatta International Airport (JKIA).</p> <p>The Aviation Security Committee (AVSEC) advises the National Security Council on civil aviation security matters.</p> <p>Kenya has Anti-Terrorism Police Units at all airports.</p>	<p>CHALLENGES</p> <p>Terrorism.</p> <p>Prolonged litigation.</p> <p>Limited resources to carry out its activities.</p> <p>Limited human resource capacity.</p>	<p>RECOMMENDATIONS</p> <p>Enhance coordination of security agencies and strengthen surveillance.</p> <p>Fast track litigation process.</p> <p>Allocate more resources.</p> <p>Enhance capacity.</p>
7.	<p>PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION (1988 MONTREAL PROTOCOL)</p> <p>Adopted on: 24th February, 1988. Entered into force on: 6th August, 1989. Kenya became a State party to the Convention on: 5th October, 1995.</p> <p>Obligation to Government: To demonstrate its commitment towards safety of passengers at airports and recognize that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Civil Aviation Act No. 42 of 2016; the Prevention of Terrorism Act No. 30 of 2012 and the Penal Code Cap.63</p> <p>Established a High Court at the JKIA</p> <p>The Aviation Security Committee (AVSEC) advises the National Security Council on civil aviation security matters.</p> <p>Kenya has Anti-Terrorism Police Units at all major airports.</p>	<p>CHALLENGES</p> <p>Terrorism.</p> <p>Prolonged litigation.</p> <p>Limited resources to carry out its activities</p> <p>Limited human capacity.</p>	<p>RECOMMENDATIONS</p> <p>Enhance coordination of security agencies and strengthen surveillance.</p> <p>Fast track litigation process.</p> <p>Allocate more resources</p> <p>Enhance capacity.</p>

8.	<p>CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1952 ROME CONVENTION)</p> <p>Adopted in: 7th October, 1952. Entered into force on: 4th February, 1958. Kenya became a State party to the Convention on: 5th July, 1999. Obligation to Government: To ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft.</p> <table border="1"> <thead> <tr> <th data-bbox="475 1059 507 1256">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="475 566 507 763">CHALLENGES</th> <th data-bbox="475 208 507 548">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="515 1059 547 1256">Compensation measures are handled under the Airline Operators Committee.</td> <td data-bbox="515 566 547 763">Inadequate compensation of aircraft accidents leading to litigation.</td> <td data-bbox="515 208 547 548"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Compensation measures are handled under the Airline Operators Committee.	Inadequate compensation of aircraft accidents leading to litigation.				
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9.	<p>PROTOCOL TO AMEND THE ROME CONVENTION OF 1952 ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1978 MONTREAL)</p> <p>Adopted in: 23rd September, 1978. Ratified on: 25th July, 2002. Kenya became a State party to the Convention on: 23rd October, 2002. Obligation to Government: To ensure adequate compensation to those who suffer damage caused by an aircraft on the ground.</p> <table border="1"> <thead> <tr> <th data-bbox="794 1059 826 1256">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="794 566 826 763">CHALLENGES</th> <th data-bbox="794 208 826 548">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="834 1059 866 1256">Implementation of the Convention through the Civil Aviation Act, 2013 (Rev. 2016).</td> <td data-bbox="834 566 866 763">Delays in compensation.</td> <td data-bbox="834 208 866 548">Enhance safety and consumer protection.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Implementation of the Convention through the Civil Aviation Act, 2013 (Rev. 2016).	Delays in compensation.	Enhance safety and consumer protection.			
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Implementation of the Convention through the Civil Aviation Act, 2013 (Rev. 2016).	Delays in compensation.	Enhance safety and consumer protection.								
10.	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA)</p> <p>Adopted on : 18th April, 2007. Entered into Force on: 18th April, 2007. Obligation to Government: To meet the International Civil Aviation Organization (ICAO) requirements, developing consensus among Partner States in coordinating activities, sharing technical expertise and facilities and achieving effective oversight of civil aviation safety and security.</p> <table border="1"> <thead> <tr> <th data-bbox="1114 1059 1145 1256">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="1114 566 1145 763">CHALLENGES</th> <th data-bbox="1114 208 1145 548">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="1153 1059 1233 1256">Kenya is set to host the EAC Centre of Aviation Medicine at KCAA (Kenya Civil Aviation Authority). Negotiations on the Host Country Agreement terms ongoing.</td> <td data-bbox="1153 566 1233 763">Delayed conclusion of the Host Country Agreement.</td> <td data-bbox="1153 208 1233 548">Urgent conclusion of the Host Country Agreement.</td> </tr> <tr> <td data-bbox="1249 1059 1327 1256">Harmonization of the civil aviation regulations in the EAC region completed in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations. Kenya is participating in</td> <td data-bbox="1249 566 1327 763">Slow pace in implementation of the harmonized regulations by Partner States.</td> <td data-bbox="1249 208 1327 548">Fast track implementation process by the other Partner States for optimal benefits.</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Kenya is set to host the EAC Centre of Aviation Medicine at KCAA (Kenya Civil Aviation Authority). Negotiations on the Host Country Agreement terms ongoing.	Delayed conclusion of the Host Country Agreement.	Urgent conclusion of the Host Country Agreement.	Harmonization of the civil aviation regulations in the EAC region completed in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations. Kenya is participating in	Slow pace in implementation of the harmonized regulations by Partner States.	Fast track implementation process by the other Partner States for optimal benefits.
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	the development of CASSOA Regulation.			
	Liberalisation of air transport within EAC is being negotiated to increase levels of operations, service and variety of aircraft types.	Various technical aspects need to be considered which slows down the process of liberalizing air transport within EAC.	Partner States to conclude negotiations.	
	Developed comprehensive technical guidance materials to guide implementation of the harmonized regulations.	Slow pace in implementation of the harmonized regulations by Partner States.	Fast track implementation process by the other Partner States for optimal benefits.	
	The resolution of safety concerns and enforcement based on common regional regulations and procedures and common regional aviation regulations.			
11.	<p>SEARCH AND RESCUE AGREEMENT CO-OPERATION IN AIR ACCIDENT INVESTIGATIONS.</p> <p>Adopted on: 13th September, 2003. Signed on: 13th September, 2003. Obligation to Government: To cooperate in the activities of Interstate search and rescue services.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya adopted an updated roadmap for the operationalization of the EAC Search and Rescue Agreement</p> <p>Establishment of a Technical Committee for Search and Rescue in the EAC region.</p>			
12.	<p>CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT (1948 GENEVA CONVENTION)</p> <p>Adopted on: 19th June, 1948. Kenya became a State party to the Convention on: 15th January, 1997. Obligation to government: To recognize rights of property in aircraft, right to acquire aircraft by purchase coupled with possession of the aircraft, rights to possession of aircraft under lease of 6 months or more and mortgages, hypothecation and similar rights in aircraft which are continually created as security for payment of indebtedness.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya is implementing the Licensing Air Services Regulations, 2016.</p>			
		CHALLENGES	RECOMMENDATIONS	
		KCAA regulations do not allow wet leasing of aircraft for more than six months which has worked against Kenyan air operators.	Lobby Partner States to fast track implementation process of the Agreement.	
		CHALLENGES	RECOMMENDATIONS	
		KCAA regulations do not allow wet leasing of aircraft for more than six months which has worked against Kenyan air operators.	Review the Regulations to allow for more leasing period. Create an enabling environment to encourage more airlines to operate internationally.	



13.	<p>CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (1929 WARSAW)</p> <p>Adopted in: 12th October, 1929. Kenya became a State party to the Convention on: 12th December, 1963. Obligation to Government: To ensure compensation of persons, luggage or goods carried by aircrafts internationally.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya Civil Aviation Authority established a Consumer Protection Unit and developed draft consumer protection regulations.</p>	<p>CHALLENGES</p> <p>Lack of public knowledge on consumer rights. Limited resources to raise public awareness on consumer rights.</p>	<p>RECOMMENDATIONS</p> <p>More fund should be allocated to support activities of the Consumer Protection Unit.</p>
14.	<p>PROTOCOL TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (1955 HAGUE PROTOCOL)</p> <p>Adopted in: 28th September, 1955. Kenya became a state party to the Convention on: 6th July, 1999. Obligation to Government: To improve compensation of international carriage of persons, luggage and goods.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya Civil Aviation Authority established a Consumer Protection Unit in 2004 and developed draft consumer protection regulations.</p>	<p>CHALLENGES</p> <p>Lack of public knowledge on consumer rights. Limited resources to raise public awareness on consumer rights.</p>	<p>RECOMMENDATIONS</p> <p>More funds be allocated to support activities of the Consumer Protection Unit.</p>
15.	<p>CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (1963 TOKYO)</p> <p>Adopted on: 14th September, 1963. Kenya became a State party to the Convention on: 22nd June, 1970. Obligation to Government: To prosecute as penal offences any acts jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012.</p>	<p>CHALLENGES</p> <p>Threat of terrorism.</p>	<p>RECOMMENDATIONS</p> <p>Enhance coordination of security agencies and strengthen surveillance.</p>



16.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT (1970 HAGUE)</p> <p>Adopted in: 16th December, 1970. Entered into force: 14th October, 1971. Kenya became a State party to the Convention on: 11th January, 1977. Obligation to Government: To deter, arrest and prosecute offenders who engage in unlawful acts of seizure or exercise of control of aircraft in flight.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Civil Aviation Act, 2013 (Revised 2016). Implementation of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012. Kenya has established and operationalized a Magistrates Court at JKIA.</p>		
ROAD TRANSPORT			
1.	<p>GENEVA CONVENTION ON ROAD TRAFFIC ACCIDENT</p> <p>Entered into force on: 19th September, 1949. Kenya became a State party on: 21st May, 1977. Obligation to Government: To develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the National Transport and Safety Act No. 33 of 2012. Formation of the Transport Licensing Appeals Board (TLAB). Reviewed the Traffic Act Cap. 403 and developed its regulations. Developed a Standard Curriculum for driver training and testing. Inauguration of Nairobi Metropolitan Area Transport Authority (NaMATA) Board and its operationalization in June, 2018. Contracting of Red Cross teams and Ambulances by County Governments to provide emergency and evacuation services. Multiagency approach to Road transport safety. National Transport Licensing Appeals Board developed draft regulations in 2017.</p>		<p>CHALLENGES</p> <p>Threat of terrorism. Investigation and jurisdiction challenges.</p> <p>RECOMMENDATIONS</p> <p>Enhance coordination of security agencies and strengthen surveillance Ratify the Montreal Convention 2014.</p>
<p>CHALLENGES</p> <p>Misunderstanding of NTSA functions. Inadequate coordination amongst the various implementing Partners.</p>			<p>RECOMMENDATIONS</p> <p>Capacity building and sensitization. Adopt multiagency approach to road safety.</p>

THE NORTHERN CORRIDOR TRANSIT AND TRANSPORT AGREEMENT, 2007		CHALLENGES	RECOMMENDATIONS
2.	<p>Signed on: Signed in 18th November, 1995 and Revised on 7th October, 2007.</p> <p>Entered into force on: 6th December, 2012.</p> <p>Obligation to Government: To ratify and implement the agreement to ensure freedom of transit through member States, safeguard right to access to and from the sea for landlocked countries, develop and integrate the regional transport facilities and services, facilitate inter-State and transit trade and yearly subscriptions.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Established the Northern Corridor Transit and Transport Co-ordination Authority.</p> <p>Simplification of Port Clearance procedures.</p> <p>Reduction of transit charges and elimination of some non-tariff barriers.</p> <p>Mobilization of funding for the rehabilitation of major highways along the Corridor.</p> <p>NTSA is now domiciled in the State Department of Interior pursuant to Executive Order No. 2 of 2018.</p> <p>Kenya has completed the following road projects under the Northern Corridor Agreement:</p> <ul style="list-style-type: none"> i. Bachuma Gate–MajiyaChumvi (reconstruction, 53 km); ii. Timboroa–Eldoret (reconstruction, 80km); iii. Eldoret–Webuye–Malaba (reconstruction, 160 km); iv. Mau Summit–Kericho–Kisumu–Kisian (reconstruction, 160km); v. Capacity enhancement Miritini–Kipevu (new dual carriageway, 11 km); vi. Nairobi Southern Bypass (new dual carriageway, 26km); vii. Grade separated interchanges in Nakuru county at Nyahururu Turnoff, Njoro Turnoff and Mau Summit; viii. Construction of two way weighbridges at Mariakani and Athi River; and ix. Weigh in motion Construction of one stop border post at Malaba Construction of one stop border post at Busia. <p>2019 on-going projects include Performance Based Maintenance Contracts on the following routes:</p> <ul style="list-style-type: none"> i. Mombasa–Malaba; ii. Mau Summit–Busia; 	<p>Inadequate levies and contributions from Partner States.</p> <p>Over reliance on donor funding.</p>	<p>There is need for enhanced levies and contributions from Partner States to support development programs targeting the Corridor.</p>

	<ul style="list-style-type: none"> iii. Isebania–Ahero–Kakamega–Kitale–Lokichar–Nadapa]; iv. Voi–Taveta; and v. Athi River–Namanga. 		
3.	REGIONAL CUSTOMS TRANSIT GUARANTEE (RCTG) AGREEMENT		
	Obligation to Government: To facilitate efficient movement of goods in transit in the COMESA region under a system of secure seals and motor vehicles standardized declaration documents.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya introduced a Customs Trade Regime for Goods on transit and COMESA Carrier License for vehicles on transit.	Different legal framework on Custom Rules and trade tariffs between the Member states.	Harmonize the legal framework on Custom Rules and trade tariffs from various partner States.
	Developed Regional Customs Transit Document (RCTD) and the Regional Customs Transit Guarantee (RCTG) which are functional in COMESA.	Delayed implementation of the RCTG Agreement	Promote the implementation of the RCTG Agreement.
	Privatized the RCTG system.		
	Implementation of the Motor Third Party Insurance Scheme.		
4.	1993 COMESA PROTOCOL FOR THE ESTABLISHMENT OF A THIRD PARTY MOTOR VEHICLE INSURANCE SCHEME ROAD TRANSPORT MARKET LIBERALISATION		
	Adopted in :1993.		
	Obligation to Government: To recognize the validity of the Yellow Card in its territory and to enact laws and regulations for the establishment of the Card Scheme and particularly for the designation of its National Bureau.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Yellow Card Scheme is functional and provides coverage in all COMESA member States and pays medical costs for truck drivers in the event of an accident. Harmonisation of third party vehicle insurance.	Different immigration laws and policies affecting commercial and passenger vehicle drivers.	Harmonize and publicize immigration laws, policies and regulations affecting commercial and passenger vehicle drivers.
		Inadequate awareness of the same laws.	Sensitization and awareness creation.
5.	TRIPARTITE AGREEMENT ON ROAD TRANSPORT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA, THE GOVERNMENT OF THE REPUBLIC OF UGANDA AND THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA		



	<p>Adopted on: 29th November, 2001. Entered into force on: 29th November, 2001. Obligation to Government: Harmonize policies with regard to trade, customs, transport, communications, agriculture, natural resources, and promotion of free movement of goods, services, and people and the establishment of residence.</p>		<p>RECOMMENDATIONS Resource mobilization.</p>
RAIL TRANSPORT			
1.	<p>PROTOCOL FOR THE DEVELOPMENT AND OPERATION OF THE STANDARD GAUGE RAILWAY</p> <p>Signed in: May, 2014. Obligation to Government: To expedite economic growth and development of the Parties by reducing the cost of doing business and increase the region's competitiveness</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government of Kenya created a Railway Development Fund.</p>	<p>CHALLENGES ENCOUNTERED Construction of the remaining section of the project requires substantial funding.</p>	<p>RECOMMENDATIONS Resource mobilization and increase in budgetary allocation.</p>
	<p>Capacity building and technology transfer.</p>	<p>Inadequate human resource to manage the SGR system.</p>	<p>Training and capacity building.</p>
	<p>The Government launched passenger and freight operations of Phase 2A Standard Gauge Railway of the Nairobi–Naivasha section on 16th October, 2019. The section covers 120km of the railway line.</p>	<p>Slow and expensive process of land acquisition for the project.</p>	<p>Ensure stakeholders participation in the decision-making process.</p>
	<p>Kenya and Uganda signed a joint communique in March, 2018, agreeing to jointly mobilize resources for harmonized construction of the Naivasha–Kisumu–Malaba and the Malaba–Kampala SGR sections.</p>	<p>Inadequate funding.</p>	<p>Resource mobilization and increase in budgetary allocation.</p>
	<p>Kenya is reviewing the feasibility study for Naivasha–Kisumu sections with a view to agreeing with the Export Import Bank of China (EXIM Bank) for funding.</p>		
	<p>Completed and commissioned Mombasa-Nairobi Phase I (485km).</p>	<p>Vandalism of the existing infrastructure facilities.</p>	<p>Enforcement of the existing law.</p>
	<p>Commencement of the 2nd phase of the SGR (Nairobi–Naivasha).</p>	<p>High cost of land compensation.</p>	<p>Increase budgetary allocation.</p>

LAW OF THE SEA		
(I)		
	CHALLENGES	RECOMMENDATIONS
<p>1. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)</p> <p>Adopted on: 10th December, 1982. Entered into force on: 16th November, 1994. Ratified on: 2nd March, 1989. Kenya became a member to the Convention on: 29th July, 1994. Obligations to Government: To delineate its maritime zones, sustain its marine environment, fisheries, monitoring and surveillance of territorial waters and generally regulate its ocean affairs in accordance with the Convention.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Convention is implemented through: The Maritime Zones Act, 1989, Cap. 371; Kenya Coast Guard Service Act, 2018; and the Fisheries Management and Development Act, 2016 which establish The Kenya Fisheries Service; the Kenya Fisheries Marketing Authority; and the Fisheries Advisory Council.</p> <p>Enactment of the Kenya Coast Guard Service Act, 2018.</p> <p>Established the Kenya Coast Guard Service.</p> <p>Executive Order No.1 of 2018, expanded mandate of the State Department for Fisheries to include the Blue Economy.</p> <p>Co-hosted the first global Blue Economy Conference on Sustainable Blue Economy in Nairobi in November, 2018. As an outcome Kenya established the Blue Economy Implementation Committee.</p> <p>Kenya participated in the International Sea Bed Authority Council and Assembly meetings in July, 2019.</p>	<p>Inadequate institutional coordination framework.</p> <p>Inadequate funds to operationalize.</p> <p>Inadequate funds.</p> <p>Inadequate capacity.</p> <p>Lack of awareness.</p> <p>Inadequate funds.</p> <p>Rampant Illegal, Unreported and Unregulated (IUU) fishing.</p>	<p>Enhance institutional coordination.</p> <p>Mobilization of resources.</p> <p>Increase revenue generation from access fees charged on foreign fishing vessels in Kenya's EEZ.</p> <p>Building capacity in human resource and infrastructure.</p> <p>Awareness creation.</p> <p>Parliament to provide adequate budgetary allocation.</p>



(II) MARITIME TRANSPORT	
1.	<p>MARITIME LABOUR CONVENTION (MLC), 2006 AS AMENDED</p> <p>Adopted in: February, 2006. Entry into force: 2015. Kenya ratified it: 31st July, 2014. Entry into Force: 20th August, 2013. Obligation to Government: To ensure that ships flying its flag are duly inspected and certified in accordance with international standards set out in MLC, 2006 in terms of decent working and living conditions for seafarers and that Kenyan seafarers are appraised of their rights set out in the MLC 2006 while on-board ships flying a flag of a Member State.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Kenya Maritime Authority Act, 2006 and Merchant Shipping Act, 2009.</p> <p>Draft amendments to the Kenya Maritime Authority Act, 2006 and draft amendments to the Merchant Shipping Act, 2009 have been made to provide for the MARPOL Convention.</p> <p>Establishment of a section within the Kenya Maritime Authority to provide various services as set out in the MLC 2006.</p> <p>The Government has secured the repatriation of stranded Kenyan seafarers who have been abandoned in another jurisdiction.</p> <p>Various events have been carried out to apprise seafarers of their rights, obligations and duties.</p>
	<p>CHALLENGES</p> <p>Insufficient technical capacity.</p> <p>Lack of policy to facilitate foreign placement of Kenyan seafarers.</p> <p>Lack of seafarers training (on board) facilities.</p>
	<p>RECOMMENDATIONS</p> <p>Capacity building.</p> <p>Finalization of the MLC Regulations.</p> <p>Development of policy to guide foreign employment of Kenyan seafarers.</p> <p>Adopt procedures in line with the provisions of the Merchant Shipping Act and KMA Act.</p> <p>Continuous sensitization and awareness.</p>
2.	<p>INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended (SOLAS 1974)</p> <p>Adopted on: 1st November, 1974. Entered into force on: 25th May, 1980. Kenya ratified the convention on: 21st July, 1999. Obligation to Government: To ensure that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Applicable provisions of the SOLAS 1974 Convention have been entrenched in the Kenya Maritime Authority Act, 2006 and Merchant Shipping Act, 2009.</p> <p>The Government of Kenya developed regulations to give full effect to this</p>
	<p>CHALLENGES</p> <p>The need for review of the legal framework.</p>
	<p>RECOMMENDATIONS</p> <p>Review and update of the legal framework.</p>

	<p>Convention.</p> <p>Establishment of a section within Kenya Maritime Authority (KMA) to provide various services as set out in the Convention.</p> <p>During the reporting period, Port State Control inspectors carried out 368 inspections at the port of Mombasa.</p> <p>The Government has entered into several agreements to enhance efficiency in exercising these functions.</p>	<p>Shortage of human and financial resources.</p>	<p>Capacity building and increased budgetary allocation.</p> <p>Allocation of sufficient financial resources.</p> <p>Awareness campaigns to encourage local ship construction, ownership and finance.</p>
3.	<p>PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA 1974 AS AMENDED¹⁸ (SOLAS PROT., 78)</p> <p>Kenya acceded on: 7th March, 1994.</p> <p>Obligation to Government: To carry out unscheduled inspections and/or mandatory annual surveys thus strengthening Port State Control inspections.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Protocol is domesticated through the Merchant Shipping Act, 2009 and its subsidiary regulations.</p> <p>The Government is reviewing its regulations to give full effect to the Protocol.</p> <p>The Government has further established a section within Kenya Maritime Authority to provide various services as set out in the Protocol.</p>	<p>CHALLENGES</p> <p>Inadequate legal framework.</p> <p>Inadequate resources.</p> <p>Shortage of human and financial resource.</p>	<p>RECOMMENDATIONS</p> <p>Review and update of legal framework and MOU's.</p> <p>Allocation of sufficient financial resources</p> <p>Capacity building.</p>
4.	<p>PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 AS AMENDED (SOLAS PROT., 1988)</p> <p>Adopted on: 11th November, 1988.</p> <p>Entered into force on: 3rd February, 2000</p> <p>Kenya acceded on: 7th July, 2015.</p> <p>Government Obligation: To undertake coordinated system of surveys and certification.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Protocol is domesticated through the Merchant Shipping Act, 2009.</p> <p>The Government of Kenya is preparing the review of regulations to give full effect to the Protocol.</p> <p>The Government has established a section within the Kenya Maritime Authority</p>	<p>CHALLENGES</p> <p>Shortage of human and financial resources.</p>	<p>RECOMMENDATIONS</p> <p>Capacity building and increased budgetary allocation.</p> <p>Review and update of legal framework.</p> <p>Allocation of more funds.</p>

	(KMA) to provide various services as set out in the Protocol.		
5.	<p>INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO AND BY THE PROTOCOL OF 1997 AS AMENDED (MARPOL/MARPOL PROT., 1997)</p> <p>Adopted on: 2nd November, 1973, 1978, 1997. Entered into force on: 2nd October, 1983, 19th May, 2005. Kenya ratified MARPOL and acceded to Annexes I- V on: 15th December, 1992. Kenya acceded to MARPOL PROT. 1997 on: 14th January, 2008.</p> <p>Obligation to Government: To prevent and minimize pollution from routine operations and/or accidents caused by ships and control and/or minimize pollution by oil from operational measures, provide a discharge criterion including the need for reception facilities, measures of handling and carriage of harmful substances that pose a risk to the marine environment, disposal of garbage from ships and prevention of air pollution from ships.</p>	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through: the Kenya Maritime Authority Act, 2006; Merchant Shipping Act, 2009; Environmental Management and Coordination (Amendment) Act, 2015 and regulations thereunder.</p> <p>The Government is reviewing the regulations to give effect to the Convention.</p> <p>The Government oversees the establishment of reception facilities within the port inspection of ships to ensure compliance MARPOL provisions.</p> <p>Established a Maritime Technology Cooperation Centre (MTCC).</p> <p>Establishment of the Bandari Maritime Academy.</p> <p>Collaboration with NEMA and Energy Regulatory Authority in inspection of waste reception facilities within the port and inspection and certification of oil tankers respectively.</p>	<p>INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED⁸⁰ (STCW 1978)</p> <p>Adopted on: 7th July, 1978.</p>
		<p>CHALLENGES</p> <p>Inadequate legal framework.</p> <p>Lack of clarity on roles and responsibilities of agencies.</p> <p>Inadequate technical and financial resources.</p>	<p>RECOMMENDATIONS</p> <p>Review and update of legal framework.</p> <p>Preparation and executions of MOU's.</p> <p>Stakeholder mapping for clear identification of roles and responsibilities of agencies.</p> <p>Capacity building and increased budgetary allocation.</p> <p>Full support in the MTCC Project</p> <p>Enhancement of the reception facilities at the Port.</p> <p>Enhancement of monitoring measures</p>
6.			

⁸⁰ 1991, 1994, 1995, 1997, 1998, 2004, 2006, 2010, 2014, 2015, 2016



	<p>Entered into force on: 28th April, 1984. Accession on: 21st July, 1999. Obligation to Government: To apply the minimum standards for countries in relation to training, certification and watch keeping for seafarers.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Maritime Authority Act, 2006, Merchant Shipping Act, 2009 and the subsidiary regulations thereunder.</p> <p>Kenya Maritime Authority (KMA) implements the Convention through:</p> <ol style="list-style-type: none"> Issuance of STCW certificates of competency in the engine section and nautical section; Issuance of basic and advanced STCW certificates of proficiency; Course approval or recognition; Vetting of trainers; Approval of medical examiners and endorsement of medical certificates; and In partnership with Kenya Institute of Curriculum Development, development and review of syllabi in line with the Convention. <p>KMA in coordination with other agencies undertakes awareness campaigns to the seafaring community.</p> <p>In 2019, the Government initiated negotiations with Jamaica on recognition of Kenyan STCW certificates.</p>	<p>CHALLENGES</p> <p>Inadequate legal framework</p> <p>Inadequate technical and financial resource.</p> <p>Insufficiency in procedures and limited opportunities for sea-time training.</p>	<p>RECOMMENDATIONS</p> <p>Review and update of legal framework.</p> <p>Monitor implementation of the Convention to enhance reporting.</p> <p>Capacity building and increased budgetary allocation.</p> <p>Up-scale sea time training.</p> <p>Development of sufficient procedures and creating opportunities.</p> <p>Engagement of sustainable mutual recognition arrangements with other Member States.</p> <p>Preparation and execution of MOU's towards advancement of shipboard training opportunities for Kenyan seafarers.</p> <p>Enhance Training of Trainers (TOT) Programme on STCW</p>
7.	<p>INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966) AS AMENDED BY THE 1988 PROTOCOL TO THE LOAD LINES CONVENTION (1998 PROTOCOL)</p> <p>Signed: 5th April, 1966. Entered into force on: 21st July, 1968. Accession on to the LL1966 on: 12th September, 1975 Accession to the 1988 Protocol on: 7th July, 2015. Adopted of 1998 Protocol on: November, 1988.</p>		<p>INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966) AS AMENDED BY THE 1988 PROTOCOL TO THE LOAD LINES CONVENTION (1998 PROTOCOL)</p>



	<p>Entered into force: 3rd February 2000.</p> <p>Obligation to Government: To ensure stability and avoid excessive stress on the ship's hull as a result of overloading.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Relevant provisions of the LL1966 and the 1988 Protocol have been domesticated in the Merchant Shipping Act, 2009.</p> <p>Services provided to implement the convention include carrying out of Port State inspections of the ship and certificates.</p> <p>The Kenya Maritime Authority (KMA) is reviewing the current legal framework to enhance implementation of the Convention.</p>		<p>CHALLENGES</p> <p>Inadequate technical and financial resources.</p> <p>Inadequate legal framework.</p>
	<p>RECOMMENDATIONS</p> <p>Capacity building and increased budgetary allocation.</p> <p>Review and update of legal framework.</p>		
8.	<p>INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 AS AMENDED (TONNAGE 1969)</p> <p>Adopted on: 23rd June, 1969.</p> <p>Entered into force on: 18th July, 1982.</p> <p>Accession: 15th December, 1992.</p> <p>Obligation to Government: To implement the Universal Tonnage measurement system which is used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics and limitations of liability.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Relevant provisions of Tonnage 1969 have been domesticated in the Merchant Shipping Act, 2009.</p> <p>The Government carries out port state inspections of the ship against the certificates.</p> <p>Review of the Merchant Shipping Act, 2009</p>		<p>CHALLENGES</p> <p>Inadequate legal framework</p> <p>Inadequate technical and financial resources.</p>
	<p>RECOMMENDATIONS</p> <p>Review and update legal framework</p> <p>Review and update MOUs</p> <p>Capacity building and increased budgetary allocation.</p> <p>Fast track the review of the Merchant Shipping Act</p>		
9.	<p>CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED (COLREG 1972)</p> <p>Adopted on: 20th October, 1972.</p> <p>Entered into force on: 15th July, 1977.</p> <p>Accession: 15th December, 1992.</p> <p>Obligation to Government: To apply the minimum standards for acceptable forms of navigational aids and establish mandatory traffic separation schemes for ship navigation to avoid collisions and enhance safety in navigation.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation through the Merchant Shipping Act, 2009; the Kenya Ports Authority Act, 1978; the Physical and Lands Use Planning Act, 2019; the Survey Act, Cap. 299</p>		<p>CHALLENGES</p>
	<p>RECOMMENDATIONS</p>		



	(under review) and subsidiary regulations thereunder. The Government has established, maintains, inspects and approves navigational aids and has procured pertinent aids to navigation.		Expedited decision to demolish illegal construction/structures interfering with safe navigation. Enhanced monitoring mechanism.
	Enhanced collaboration among implementing agencies i.e. Kenya Maritime Authority (KMA) and Kenya Ports Authority (KPA)	Inadequate human, technical and financial resources	Capacity building and increased budgetary allocation.
	Review of the Merchant Shipping Act, 2009.	Insufficient legal framework.	Review and update the legal framework.
	The Petroleum Act 2019, was enacted on 28 th March, 2019, to ensure conformity with the Safety Standards as set out in the Convention.	Kenya does not own ships that transport oil by sea.	Working in collaboration with other stakeholders in the oil transport sector.
10.	INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972 as amended Adopted on: 2 nd December, 1972. Entered into force on: 6 th September, 1977. Accession: 2 nd February, 2000. Obligation to Government: To maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Review of the Merchant Shipping Act, 2009.	Insufficient legal framework.	Review and update of legal framework
	The Government has enhanced collaboration among implementing agencies i.e. Kenya Maritime Authority (KMA) and Kenya Ports Authority (KPA)	Inadequate technical and financial resources.	Capacity building and increased budgetary allocation.
11.	INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR) 1979 AS AMENDED Adopted on: 27 th April, 1979. Entered into force on: 22 nd June, 1985. Accession: 15 th December, 1992. Obligation to Government: To utilize the international search and rescue plan so that no matter where accidents occur, the rescue of persons in distress at sea is coordinated by a Search and Rescue organisation and, when necessary, by co-operation between neighbouring Search and Rescue organisations.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Establishment of The Mombasa Regional Coordination Centre as a regional center in charge of coordination of Search and Rescue incidents within the region.	Inadequate technical and financial resources.	Capacity building and increased budgetary allocation.

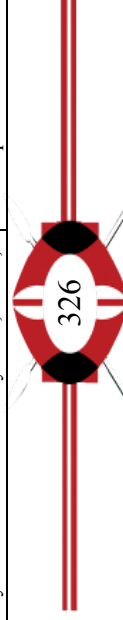
	<p>Domestication of the Convention through: the Merchant Shipping Act, 2009; the Kenya Ports Authority Act, 1978; Kenya Defence Forces Act; Kenya Civil Aviation Act; Kenya Coast Guard Service Act, 2018 and subsidiary regulations thereunder.</p> <p>Implementation by the following Government services:</p> <ol style="list-style-type: none"> i. Establishment and maintenance of equipment to enhance coordination of search and rescues; ii. Provision of 24-hour personnel; iii. Establish and review the National Plan for Search and Rescue operations; iv. Registration of Emergency Position Indicating Radio Beacon (EPIRB), Personal Locator Beacon (PLB); Emergency Locator Transmitter (ELT), and Search and Rescue Transponder (SART). <p>Kenya Maritime Authority in coordination with agencies has entered into agreements to enhance efficiency and effective implementation of the Convention.</p> <p>Review of the Merchant Shipping Act, 2009.</p> <p>Establishment of the Kenya Coast Guard Services which is responsible for enforcing maritime security, pollution control and measures and prosecuting offenders.</p> <p>The Coast Guard Service is commissioned and operationalized.</p> <p>Plans are underway to build a bridge over the Likoni Channel and install a Cable Car across the channel.</p>	<p>Lack of regular inter-agency coordination.</p>	<p>Enhance coordination between relevant State agencies.</p> <p>Capacity building and procurement of additional equipment.</p> <p>Preparation and execution of MOU's.</p> <p>Further review and update of legal framework.</p>
<p>12.</p> <p>Adopted on: 9th April, 1965. Entered into force on: 5th March, 1967. Accession: 10th November, 2006. Obligation to Government: To prevent unnecessary delays in maritime traffic and to secure the highest practicable degree of uniformity in formalities and other procedures.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Kenya Maritime Authority Act, 2006, Merchant Shipping Act, 2009, and Executive Order establishing KenTrade dated 14th January, 2011 vide Legal Notice No. 6 of 2010.</p> <p>Review of documentation to create a Single Window System hosted by KenTrade to expedite clearance of cargo.</p>	<p>CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)</p> <p>CHALLENGES</p> <p>Inadequate collaboration among State agencies.</p> <p>Inadequate technical and financial resources.</p>	<p>RECOMMENDATIONS</p> <p>Enhance collaboration among State agencies.</p> <p>Review and update of the Merchant Shipping Act, 2009.</p> <p>Capacity building and increased budgetary allocation.</p>	



	Expansion of the national single window system to accommodate a national maritime single window system has enhanced efficiency in clearance of cargo, passengers, crew and ship.		
	Created awareness to both public and private sector working within the maritime sector.		
	The Government intends to implement the MSWS in 2020.		
13.	<p>CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972, AS AMENDED BY THE LONGON PROTOCOL (LONDON CONVENTION 1972)</p> <p>Adopted on: 13th November, 1972. Entered into force on: 30th August, 1975. London Protocol adoption: 7th November, 1996. London Protocol entry into force on: 24th March, 2006. Accession to the London Convention 1972 on: 7th January, 1976 Accession to the London Protocol on: 14th January, 2008. Obligation to Government: To contribute to the international control and prevention of marine pollution by prohibiting the dumping of certain hazardous materials.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated and implemented through the Kenya Maritime Authority Act, 2006 and in the Environmental Management and Co-ordination (Amendment) Act, 2015.</p> <p>The government has enhanced coordination among implementing agencies (KEPHIS and KEMFRI, KPA and KEBS).</p> <p>Review of the Merchant Shipping Act, 2009.</p>	<p>CHALLENGES</p> <p>Inadequate legal framework.</p> <p>Inadequate technical and financial resources.</p>	<p>RECOMMENDATIONS</p> <p>Fast-track review and update of legal framework.</p> <p>Capacity building and increased budgetary allocation.</p> <p>Fast-track review and update of the Merchant Shipping Act, 2009.</p>
14.	<p>PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992)</p> <p>Adopted on: 27th November, 1992. Entered into force on: 30th May, 1996. Accession on: 2nd February, 2000. Obligation to Government: To ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the CLC PROT. 1992 through the Merchant Shipping Act, 2009 and the Insurance Act, Cap 487.</p>	<p>CHALLENGES</p> <p>Inadequate cooperation and support from the private sector.</p>	<p>RECOMMENDATIONS</p> <p>Increase private sector participation and explore provision of incentives.</p> <p>Improve coordination of the</p>



			Stakeholders.
	Awareness campaigns on the need to take out local marine insurance.		
	Review of the Merchant Shipping Act, 2009.	Inadequate legal framework.	Fast track the review of the Merchant Shipping Act, 2009.
15.	<p>PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971 (FUND PROT., 1992)</p> <p>Adopted on: 27th November, 1992. Entered into force on: 30th May, 1996. Kenya Ratified: 2nd February, 2000. Obligation to Government: To comply with compensation amounts in line with CLC Protocol in 1992. The Convention provides a second tier of compensation in respect of damage in excess of the liability available under the 1969 CLC.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Kenya submitted its oil reports for the year 2018 in April, 2019 as required by the IOPC Fund oil reports submission guidelines. For the year 2018 no oil marketer attained the required threshold for IOPC Levy payment.</p> <p>The 2019 report is to be submitted to IOPC by April 2020 as required in the IOPC oil reporting guidelines.</p> <p>Efficient collection of all pending IOPC levy for payment to the IOPC Funds.</p>	<p>CHALLENGES</p> <p>Failure by oil importing companies in Kenya to submit reports.</p> <p>Inadequate cooperation and support from the sector players and inadequate technical and financial resources.</p>	<p>RECOMMENDATIONS</p> <p>Enhance resource mobilization.</p> <p>Enhance coordination and collaboration among stakeholders.</p>
16.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION AS AMENDED BY THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF, 1988 (SUA 1988 & SUA PROT), PROTOCOL OF 2005 TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION (SUA 2005) AS AMENDED BY PROTOCOL OF 2005 TO THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF (SUA PROT. 2005)</p> <p>SUA 1988 adoption on: 10th March, 1988. Entered into force on: 1st March, 1992. SUA PROT.2005 adoption on: 14th October 2005. Entered into force on: 28th July 2010. Accession to the SUA & SUA PROT.1988 on: 21st January, 2002. Contribution of Convention and Obligation to Government: To take appropriate action against persons committing unlawful acts against ships including seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or cause damage.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Kenya Maritime Authority Act, 2006,</p>	<p>CHALLENGES</p> <p>Inadequate technical and financial capacity.</p>	<p>RECOMMENDATIONS</p> <p>Capacity building and increase</p>



	Merchant Shipping Act, 2009 and subsidiary regulations thereto.		budgetary allocation
	The Government has invoked provisions of the Convention in prosecution of piracy or attempted piracy off the coast of Somalia and kidnapping for ransom.	Inadequate legal framework	Review and update of legal framework
	Enactment of the Kenya Coast Guard Service Act, 2018 and commissioning of the Kenya Coast Guard Service to enhance enforcement in areas identified under the Convention.		Enhanced surveillance
17.	<p>INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)</p> <p>Adopted on: 28th April, 1989. Entered into force on: 14th July, 1996. Accession on: 21st July, 1999. Obligation to Government: To establish a reward mechanism for salvors who engage in work in the nature of salvage operations in the event a ship is involved in an incident or an accident.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the Convention through the Merchant Shipping Act, 2009.</p> <p>Enactment of the Kenya Coast Guard Service Act, 2018 commissioning of the Kenya Coast Guard Service in November 2018 enhances enforcement in areas identified under the convention.</p>	<p>CHALLENGES</p> <p>Inadequate private sector awareness on the provisions of the Convention.</p> <p>Inadequate capacity in technology in salvage operations.</p> <p>Lack of coordinated response and disaster management.</p>	<p>RECOMMENDATIONS</p> <p>Create awareness on salvage and review of the existing legal framework.</p> <p>Capacity building in technology and human resource.</p> <p>Enhance preparedness in disaster management and response.</p>
18.	<p>INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)</p> <p>Adopted on: 30th November, 1990. Entered into force on: 13th May, 1995. Ratification: 21st July, 1999. Obligation to Government: To establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries, and to provide assistance to other countries in the event of a pollution emergency.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The National Oil Spill Response Contingency Plan is in place (with sensitivity mapping and dispersants policy); Stock pile of equipment and facilities is undertaken in co-operation with oil industry (OSMAG).</p> <p>Enactment of the Kenya Coast Guard Service Act, 2018 which will enhance enforcement in areas identified under the Convention.</p>	<p>CHALLENGES</p> <p>Inadequate legal framework.</p>	<p>RECOMMENDATIONS</p> <p>Endorsement of the reviewed National Oil Spill Response Contingency Plan.</p> <p>Stakeholders mapping.</p>



	Enactment of the Petroleum Act, 2019 and subsidiary Regulations thereunder. An Oil Spill Response Centre and Oil Spill Response team (KPA) are in place; Three (3) stakeholders' workshops have been organized for public awareness.	Inadequate cooperation among key stakeholders.	Enhance cooperation among key stakeholders.
		Limited control on sea transport. Kenya is a net oil importer	Carry out regular drills. Engagement with OPEC Member States
19.	<p>INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS (BWM 2004)</p> <p>Adopted on: 13th February, 2004. Entered into force on: 8th September, 2017. Accession on: 14th January, 2018.</p> <p>Obligation to Government: To prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments and enforcing the set-out standard for management and control of ships ballast water and sediments.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Enactment of the Kenya Coast Guard Service Act, 2018 commissioning of the Kenya Coast Guard Service in November 2018 to enhance enforcement in areas identified under the Convention.</p>	CHALLENGES	RECOMMENDATIONS
20.	<p>INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001 (BUNKERS 2001)</p> <p>Adopted on: 23rd March, 2001. Entered into force on: 21st November, 2008. Accession: 7th July, 2015.</p> <p>Obligation to Government: To ensure that adequate, prompt, and effective compensation for damage caused by oil spills, when carried as fuel in ships' bunkers.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Enactment of the Kenya Ports Authority Act Cap. 391 provides regulations on bunkering.</p>	CHALLENGES	RECOMMENDATIONS
21.	<p>1996 PROTOCOL TO THE CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS (LLMC PROT., 1996)</p> <p>Adopted on: 2nd May, 1996. Entered into force on: 13th May 2004. Accession on: 7th July, 2015.</p> <p>Obligation to Government: To limit the liability of ship owners and salvors, except where it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result.</p>		



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Implementation of the Convention has been entrenched through the Merchant Shipping Act, 2009.</p> <p>Enacted legislation to address compensation for personal injury or loss of life, to the tune of USD 3.17 million.</p>	<p>The Merchant Shipping Act has not fully implemented the provisions of the 1996 Protocol.</p> <p>Low public awareness on limitation of liability for maritime claims.</p>	<p>Review of the Merchant Shipping Act, 2009.</p> <p>Create awareness on limitation of liability for maritime claims.</p>
22.	<p>INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001 (AFS 2001)</p> <p>Adopted on: 5th October, 2001. Entered into force on: 17th September, 2008. Accession on: 7th July, 2015. Obligation to Government: To prohibit and/or restrict the use of anti-fouling coatings to new and existing ships, fixed and floating platforms, floating productions and/or storage units, regardless of size after January 2003.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Surveys on vessels are conducted in line with the Merchant Shipping (Port State Control) Regulations, 2011.</p>		
23.	<p>AFRICAN MARITIME TRANSPORT CHARTER, 2010 (Rev. 2014)</p> <p>Adoption: 26th July, 2010. Kenya ratified on: 23rd April, 2014. Obligation of Government: To co-operate in the implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the maritime environment and maritime labour.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>Kenya submitted its instrument of acceptance of membership to the Association of African Maritime Administration (AAMA) dated 19th February, 2018.</p>		
24.	<p>NAIROBI INTERNATIONAL CONVENTION ON REMOVAL OF WRECKS, 2007 (NAIROBI WRC 2007)</p> <p>Adopted on: 18th May, 2007. Entered into force on: 14th April, 2015. Ratified on: 14th April, 2015. Obligations to Government: To remove or have hazards removed from the coastline.</p>		



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation of the Convention through the Kenya Maritime Authority Act, 2006 and Merchant Shipping Act, 2009.	Provisions in the Merchant Shipping Act, 2009 are insufficient.	Review and update the existing laws.
	(III) FISHERIES		
1.	UNITED NATIONS FISH STOCK AGREEMENT RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS (UNFSA)		
	<p>Adopted on: 4th August, 1995. Entered into force on: 11th December, 2001. Ratified on: 13th July, 2004. Obligations to government: To enhance cooperation in the management of fisheries resources that span wide areas and are of economic and environmental concern to more than one Nation</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED		
	Domesticated and being implemented through the Fisheries Management and Development Act, 2016; Maritime Zones Act, Cap. 371; and Legal Notices On Foreign Fishing Fleets.		
	As at 31 st December, 2019, 23 Distant Fishing Vessels had called at Port and landed 1,139 metric tons of fish. This has been attributed to the surveillance by the Patrol Vessel, PV Doria.		
	The Government has developed Marine and Inland Fisheries Regulations and public consultations took place from 20-24 th January, 2020.		
2.	AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU)		
	<p>Adopted in: 22nd November, 2009. Signature: 19th November, 2010. Ratification: 1st August, 2017. Entered into force on: 2009.</p>		
	Kenya became a State party to the Convention on: 29 th April, 2010		
	Obligation to Government: To establish an inter-agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		
	Domesticated in the Fisheries Management and Development Act, 2016.		
	CHALLENGES		
	Weak legal and institutional framework.		
	RECOMMENDATIONS		
	Fast-track the development of		



			Regulations to operationalize the Fisheries Management and Development Act 2016.
	The Government has designated the Liwatoni Fisheries Complex as a fish port in adherence to the Port State Measures Agreement and has undertaken refurbishing works on Jetty and cold storage facilities at the Port. The two facilities are now operational.		
3.	<p>INTERNATIONAL CONVENTION FOR REGULATION OF WHALING, 1946</p> <p>Adopted on: 2nd December, 1946. Entered into force: 10th November, 1948. Signed on: 1st January, 1970. Ratified on: 2nd December, 1981. Obligation to Government: To promote orderly development of the whaling industry.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is implementing the Convention through the Fisheries Management and Development Act, 2016 and Maritime Zones Act, Cap. 371.</p> <p>Monitoring the whale stocks and banning trade in endangered shark species.</p> <p>Kenya will co-host the 2nd United Nations Oceans Conference with Portugal in Lisbon in June, 2020.</p> <p>Local fishers were trained to venture into deep-sea fishing expeditions in November, 2019.</p> <p>The State Department of Fisheries and the Blue Economy has developed The Draft Community Managed Areas (CMA) Guidelines which have been subjected to public participation.</p> <p>Implementation is through the State Department for Fisheries, Aquaculture and the Blue Economy & Kenya Wildlife Service.</p>	<p>CHALLENGES</p> <p>Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ</p> <p>Weak surveillance capacity of maritime zones.</p>	<p>RECOMMENDATIONS</p> <p>Fast-track the development of Regulations to operationalize the Fisheries Management and Development Act, 2016.</p> <p>Enhance capacity of Kenya Coast Guard Service.</p>
		Limited capacity to enforce and fight against Illegal whaling.	Enhance the capacity of Kenya Coast Guard Service.
		Marine parks cover less than 1 percent against international standards of 10 percent	Build capacity and enhance enforcement of implementation of Fisheries Act Cap. 378.
		Conservancies are difficult to implement in the	

		marine context because of the Transboundary Context. Need ICZM policy and action plan Plan most important nesting site for turtles. The development of Lamu port is in conflict with marine conservation e.g the area is an important site for turtles breeding and blue whale and dugong sites for feeding.	
4.	<p>FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (CCRF)</p> <p>Adopted in: 1st November, 1995. Entered into force on: 11th December, 2001. Obligation to Government: To encourage the suitable utilization of fishery resources.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Fisheries Management and Development Act, 2016.</p> <p>Kenya participates in the Technical And Scientific Committee Meetings and capacity building activities.</p> <p>UN 1993 FAO COMPLIANCE AGREEMENT</p> <p>Adopted in: 24th November, 1993. Entered into force on: 11th December, 2001. Obligation to Government: To promote compliance with international conservation and management measures by fishing vessels on the high seas so as to deter engagement in any activity that undermines the effectiveness of international conservation and management measures.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Fisheries Management and Development Act, 2016 provides for the conservation management and development of fisheries and other aquatic resources</p>	<p>CHALLENGES</p> <p>Limited regulatory framework to provide for comprehensive development and governance of the oceans and fisheries resources.</p>	<p>RECOMMENDATIONS</p> <p>Fast-track the development of Regulations to the Fisheries Management and Development Act, 2016.</p>
5.		<p>CHALLENGES</p> <p>Limited regulatory framework to provide for comprehensive and development and governance of the oceans and fisheries resources</p>	<p>RECOMMENDATIONS</p> <p>Fast-track the development of Regulations the Fisheries Management Development Act, 2016</p>

6.	<p>UN 2009 FAO PORT STATE MEASURES AGREEMENT</p> <p>Adopted: November, 2010. Ratified on: 2nd August, 2017. Obligation to Government: To prevent, deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Agreement is domesticated through the Fisheries Management and Development Act, 2016, the Kenya Coast Guard Service Act, 2018 and the Maritime Zones Act, Cap. 371.</p>	<p>CHALLENGES</p> <p>Limited capacity in terms of staff and equipment as recommend under Annex B of the agreement. Linking the Agreement in the State Port's activities or programmes.</p>	<p>RECOMMENDATIONS</p> <p>Recruit and equip the inter-agency institutions to implement the PSM Agreement.</p>
7.	<p>THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESAFS)</p> <p>Kenya became a signatory in 2008. Obligation to Government: To restore agricultural growth, food security, reduce poverty and promote rural development in Partner States and Africa as a whole.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya participates in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP).</p>	<p>CHALLENGES</p> <p>Limited resources to effectively implement the COMESA Fisheries Strategy.</p>	<p>RECOMMENDATIONS</p> <p>Incorporate COMESAFS fisheries programmes into the national food security plans.</p>
8.	<p>THE CONVENTION FOR THE ESTABLISHMENT OF THE LAKE VICTORIA FISHERIES ORGANIZATION (LVFO)</p> <p>Adopted on: 30th June, 1994. Signed by Kenya on: 30th June, 1994. Kenya ratified the Convention on: 24th May, 1996. Entered into force on: 24th May, 1996. Obligation to Government: To harmonize fisheries conservation, management, and development initiatives for the sustainable utilization of living resources of Lake Victoria.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Establishment of the Lake Victoria Fisheries Organization. Implementation of a Fisheries Management Project for Lake Victoria. Review of the Convention to change the name of the Organization, extend its scope and mandate and harmonize the Convention to the EAC Treaty.</p>	<p>CHALLENGES</p> <p>Inadequate financial resources caused by low Partner States contributions. Lengthy process due to consultation and requirement for consensus.</p>	<p>RECOMMENDATIONS</p> <p>Urge Partner States to comply with their financial obligations. Urge Partner States to commit to the consultation process and honour their consensus obligations.</p>

Kenya has reviewed and harmonized fisheries policies:

- i. The Manual on Standard Operating Procedures on Fish Quality Assurance in



	<p>Kenya, 2007;</p> <ul style="list-style-type: none">ii. Fisheries (Fish Safety and Fish feed) Regulations, 2007;iii. The National Oceans and Fisheries Policy, 2008,iv. Fisheries Management Measures,v. EAC Sanitary and Phyto-sanitary Standard Operating Procedures and Protocols.		
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ENVIRONMENT, FORESTRY AND WILDLIFE		
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)		
	CHALLENGES	RECOMMENDATIONS
<p>1.</p> <p>Adopted on: 9th May, 1992. Entered into force on: 30th August, 1994. Ratification on: 30th August, 1994. Obligation to Government: To regulate levels of greenhouse gas concentration in the atmosphere, so as to avoid the occurrence of climate change on a level that would impede sustainable economic development, or compromise initiatives in food production.</p>		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		
Development of National Strategy on climate change.	Expensive technologies.	Adopt appropriate and sustainable technology.
Developed a Green Economy Strategy and action plan.		
Finalised National Adaptation plan.		
Development and finalization of national climate change action plan.	Limited funding.	Increased funding.
Climate Change Resource Centre was constructed and is operational.		
Kenya prepared its First National Communication (FNC) to the Conference of the Parties in 2002. The Second National Communication was completed and submitted in 2016.	Low capacity for implementation.	Enhance capacity building.
Development of Awareness strategy and action plan	Low resilience building at county level.	Build capacity at county level
Kenya participated in COP 25 in December, 2019.	Low funding to participate in international and regional forums for consistent National Negotiating team on Climate Change.	Mobilize resources from Climate Change International funding mechanism.
Gazetted the Climate Change Council in 2017.	Low capacity for implementation. Low public awareness.	Upscale adaptation measures. Reduce Green House gases.
Participated in all convention meetings for negotiating multilateral responses to climate change and committed to reducing the greenhouse emissions.	Preparation of the communication requires resources and different capacities.	Development of local capacities for ease of preparation of the reporting document.
Preparing the 2019 report on Kenya's commitments in reducing greenhouse gases. Kenya submits the Report after every two years.		

	Participate in the 2019 UNFCCC/COP 25 in December 2019.		Low capacity for implementation.	Upscale implementation measures.
	Implementation of National Climate Change Action Plan.		Slow process of implementation.	Fast track the process of implementation.
	Kenya has created a climate change thematic area in its Medium - Term Plan.			
2.	KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE			
	<p>Adopted on: 11th December, 1997. Entered into force on: 25th May, 2005. Ratified on: 25th February, 2005. Obligation to Government: To reduce greenhouse gas concentrations in the atmosphere to a level that will prevent dangerous anthropogenic interference with the climate system.</p>			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	
	Initiated several clean development mechanisms, the projects include: <ul style="list-style-type: none"> i. Lake Turkana 310 MW wind power project; ii. Nairobi River Basin Biogas Project; and iii. Restoration of Degraded Land through Reforestation in MAU Forest Complex. 	Inadequate funding.	Enhance funding.	
	The projects have significantly reduced greenhouse gas emissions contributing to the global goal.			
	Attended UN Climate Action Summit 2019.			
	Developed the National Climate Change Action Plan Task (2018-2022).	Low funding to participate in international meetings. Low capacity for implementation.	Increase funding. Mainstream climate change in all sectors.	
	Constitutional recognition of social economic rights, sustainable development and public participation in environment decision making.	Public ignorant of the effects of climate change.	Sensitize the public on the effect of climate change.	
	Development of the Climate Smart Agriculture Strategy and the Kenya Climate Smart Agriculture implementation framework. The Kenya Climate Smart Agriculture Project (KCSAP) is ongoing.			
	The Government embraced the development of Green Economy by fostering innovation in the financial sector by developing domestic green bond markets. In December, 2019 Kenya's first green bond raised KSh. 4.3 Billion for construction of environment friendly student accommodation in various parts of Kenya.			

3.	<p>THE PARIS CLIMATE CHANGE AGREEMENT</p> <p>Adopted on: 12th December, 2015. Signed on: 22nd April, 2016. Entered into force on: 4th November, 2016. Ratified on: 28th December, 2016.</p> <p>Obligation to Government: To contribute to global response to climate change through the National Determined Contribution (NDGS) which entails having adaptation and mitigation actions on climate change.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Developed National Climate Change Action Plan (2018-2022).</p> <p>Developed Kenya Climate Change Knowledge Portal.</p> <p>Facilitated a Sectoral workshop to develop Greenhouse Gas Inventory.</p> <p>Update of the Nationally Determined Contribution (NDC) in progress.</p> <p>The Climate Change Act, 2016 established the National Climate Change Council which is chaired by the President.</p>	<p>CHALLENGES</p> <p>Slow process of implementation.</p> <p>Low funding.</p> <p>Inadequate awareness.</p> <p>Inadequate funding.</p> <p>Slow process of implementation.</p>	<p>RECOMMENDATIONS</p> <p>Fast track the process of implementation.</p> <p>Increase funding.</p> <p>Enhance awareness.</p> <p>Increase funding.</p> <p>Fast track the process of implementation.</p>
4.	<p>UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA (UNCCD)</p> <p>Adopted on: 17th June, 1994. Signed by Kenya on: 14th October, 1994. Ratified on: 24th June, 1997.</p> <p>Obligation to Government: To combat desertification and mitigate the effects of drought in the countries affected through effective action at all levels supported by international cooperation and partnership arrangements in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in those areas.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Executive Order No. 1 of 2018 expands the mandate of the State Department of Irrigation to reverse land degradation through land reclamation.</p> <p>Formulation of ASAL Development Policy, 2012 to guide</p>	<p>CHALLENGES</p> <p>Limited funding for the UNCCD.</p> <p>Finalization of the Land Reclamation Policy and</p>	<p>RECOMMENDATIONS</p> <p>Increased funding to enable enhanced participation in UNCCD dialogues.</p> <p>Fast track enactment of the Land Reclamation Act and</p>

	<p>coordinated development of ASALs; Irrigation policy 2017 and Act 2019 Draft Land Reclamation Policy, 2018 and the Land Reclamation Bill, 2018.</p> <p>Commitment of 5.1 Million Hectares of land for re-forestation.</p> <p>Participated in COP and other UNCCD international engagements.</p> <p>Establishment of National Drought Management Authority which has made achievement towards combating desertification.</p> <p>Irrigated land in the ASALs.</p> <p>Reclaimed ASALs.</p> <p>Participated in the UNCCD 12th session of the Conference of Parties (COP12).</p> <p>Hosted the fifteenth session of the Committee for the Review of the Implementation of Convention (CRIC15).</p> <p>Mainstreaming of desertification and land degradation into sustainable land management and implementation of Sustainable Land.</p> <p>Management (SLM) practices and National Action Plan (NAP).</p> <p>Participated and Prepared position paper for COP 14 hosted in New Delhi, India from 2nd to 13th September, 2019.</p> <p>Development of the Land Degradation Neutrality (LDN) Targets Report for Kenya.</p> <p>Public awareness campaigns on Land Desertification, Land Degradation and Drought (DLDD) issues. Celebrated the World Day to Combat desertification in Makueni county in June, 2019.</p>	<p>Bill is yet to be completed.</p> <p>Inadequate coordination and synergy in the implementation of the Rio Conventions Resolutions.</p>	<p>Policy.</p> <p>Build synergies in implementation of the three Rio Conventions.</p> <p>Follow up of the commitment.</p>
5.	<p>CONVENTION ON BIOLOGICAL DIVERSITY (CBD)</p> <p>Acceded to: 26th July, 1994. Signed on: 11th June, 1992. Entered into force on: 29th December, 1993. Obligation to Government: To conserve biological diversity, promote sustainable use of its components and encourage equitable sharing of the benefits arising out of the utilization of genetic resources.</p>	<p>Budgetary constraints.</p> <p>Low public awareness.</p> <p>Low funding for the UNCCD.</p> <p>Slow implementation of the report.</p> <p>Inadequate funding.</p>	<p>Implement the National Action Plan (NAP).</p> <p>Sensitization and creation of public awareness.</p> <p>Increased funding to enable enhanced participation in UNCCD dialogues.</p> <p>Fast track the implementation.</p> <p>Increase funding.</p>
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS



	<p>Kenya Participated in CBD fourteenth session of Conference of Parties (COP14) in November 2018 in Egypt and reaffirmed her commitment to put in place mechanisms to stop loss of biodiversity.</p> <p>Review of National Biodiversity Strategy and Action Plan and legislation regulations for enhanced conservation and management of biodiversity.</p> <p>Continued conservation of biodiversity in ex-situ systems in the country.</p> <p>Adopted Policies and legislation on the management of biodiversity.</p> <p>Increased establishment of community conservation.</p> <p>Establishment of an online permitting system on access and benefit sharing to genetic resources.</p> <p>Collaborated with the county governments to raise awareness on the value of biological diversity and ecosystem services to agriculture and achievement of food security.</p> <p>Review of National Biodiversity Strategy and Action Plan is ongoing.</p> <p>Publication of Kenya Biodiversity Atlas in progress.</p>	<p>Inadequate funding.</p> <p>Low public awareness on biodiversity.</p> <p>Difficulty in balancing conservation with the increasing demand for resources.</p> <p>Increased cases of Bio piracy.</p> <p>Inadequate funding.</p> <p>Low capacity.</p> <p>Lack of awareness from the public.</p>	<p>Increase funding.</p> <p>Enhance public awareness.</p> <p>Continued stakeholder involvement.</p> <p>Enhance surveillance.</p> <p>Implement the regulation.</p> <p>Enhance funding.</p> <p>Build capacity.</p> <p>Create awareness.</p>
6.	<p>THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION TO THE CONVENTION ON BIOLOGICAL DIVERSITY</p> <p>Adopted on: 29th October 2010. Ratified on: 7th April, 2014. Entered into force on: 12th October, 2014. Obligation to Government: To sustainably exploit genetic resources and safeguard them from misappropriation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Streamlining access to genetic resources and associated knowledge through establishment of an access and benefit sharing online permitting system.</p>	<p>CHALLENGES</p> <p>Low awareness and inadequate capacity at both national and country levels.</p>	<p>RECOMMENDATIONS.</p> <p>Enhance awareness and build capacity.</p>



7.	<p>The Ministry of Environment and Forestry is the focal point organization.</p> <p>Kenya Wildlife Service, Kenya Forest Service, KEPHIS, Department of Immigration and Kenya Industrial Property Institute and NACOSTI as check point.</p> <p>NEMA as clearing house for access and benefits sharing.</p> <p>The Government has put in place an Access and Benefits Sharing (ABS) Committee.</p> <p>Developed regulations on the conservation on Biodiversity and resources, access to genetic resources and benefits sharing.</p>	<p>Institutional overlaps and lack of capacity and representation of all implementing institutions.</p> <p>Weak coordination system.</p> <p>Lack of a substantive Access and Benefit Sharing (ABS) law.</p> <p>Lack of national guidelines and procedures on access to genetic resources.</p>	<p>Organize the institutional framework to clearly provide for coordinated implementation of the Convention.</p>
			<p>Formulate the ABS law.</p> <p>Enhance capacity of the Committee and participation of all Implementing Institutions in the Committee.</p> <p>Develop national guidelines and procedures for access and equitable benefit sharing.</p>
8.	<p>CARTAGENA PROTOCOL ON BIOSAFETY</p> <p>Adopted on: 29th January, 2000.</p> <p>Entered into force on: 11th September, 2003.</p> <p>Ratification in: 2013.</p> <p>Obligation to Government: To put in place the legal, policy and institutional framework for the implementation of the Protocol and to establish competent authorities to act as focal points for the protocol and serve as the bio-safety clearing house.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Biosafety Act, 2009 implementing regulations on contained use, environmental release, import, export and transit.</p> <p>Developed National Biosafety Authority on Whistle Blowing Policy.</p> <p>Study by Pesticides & Agriculture Resource Centre on the import regulation for genetically modified food (GM) in the country.</p>	<p>Lengthy process of enacting regulations.</p> <p>Inadequate public awareness.</p> <p>Low funding to facilitate such study.</p>	<p>Fast track enactment of the regulation.</p> <p>Enhance awareness.</p> <p>Increase funding.</p>



VIENNA CONVENTION AND ITS MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER							
9.	<p>Convention adopted on: 2nd March, 1985. Convention entered into force on: 22nd September, 1988. Kenya signed the Vienna Convention in 1992 Accession to Vienna Convention on: 9th November, 1988.</p> <p>Protocol adopted on: 16th September, 1987. Protocol entered into force on: 26th august, 1989. Kenya signed on: 16th September, 1987. Kenya ratified on: 9th November, 1988.</p> <p>Obligation of Government: To share information to protect the ozone layer by taking precautionary measures to control global emissions of substances that depletes the ozone layer.</p>						
	<table border="1"> <thead> <tr> <th>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th>CHALLENGES</th> <th>RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td>Kigali Amendment (2016) is in the process of ratification. Introduced and adopted ozone-friendly alternatives to replace the Ozone Depleting Substances (ODS) through transfer of appropriate technology. Phased out methyl bromide use in soil fumigation in the agricultural sector. Trained over 600 Refrigeration and Air – Conditioning (RAC) servicing technicians, on good practices during repair and maintenance of refrigeration and air conditioning equipment. Trained 157 Customs Officers on control measures in trade, imports and exports of Ozone Depleting Substances (ODS). Implementation of Green Cooling Initiative II (GCI II) Project funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.</td> <td>Slow process of ratification. Expensive ozone and climate Friendly technologies. Inadequate public awareness. Inadequate funding to train the huge number of technicians. High turnover of trained customs officers.</td> <td>Fast track the process of ratification . Ozone and climate friendly technologies should be affordable, commercially available in the local markets. Create awareness. Increase funding. Maintain continuous training of customs officers. To initiate development of National Green Cooling Action Plan (NGCAP).</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Kigali Amendment (2016) is in the process of ratification. Introduced and adopted ozone-friendly alternatives to replace the Ozone Depleting Substances (ODS) through transfer of appropriate technology. Phased out methyl bromide use in soil fumigation in the agricultural sector. Trained over 600 Refrigeration and Air – Conditioning (RAC) servicing technicians, on good practices during repair and maintenance of refrigeration and air conditioning equipment. Trained 157 Customs Officers on control measures in trade, imports and exports of Ozone Depleting Substances (ODS). Implementation of Green Cooling Initiative II (GCI II) Project funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.	Slow process of ratification. Expensive ozone and climate Friendly technologies. Inadequate public awareness. Inadequate funding to train the huge number of technicians. High turnover of trained customs officers.	Fast track the process of ratification . Ozone and climate friendly technologies should be affordable, commercially available in the local markets. Create awareness. Increase funding. Maintain continuous training of customs officers. To initiate development of National Green Cooling Action Plan (NGCAP).
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10.	<p>MINAMATA CONVENTION ON MERCURY</p> <p>Adopted in: January, 2013. Signed on: 10th October, 2013. Obligation to Government: To protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Kenya has aligned the National Action Plan (NAP) to the UNCCD through the development of a 10-year Strategy ‘National Climate Change Action Plan’ (NCCAP) 2013-2017 and 2018-2022. Government in collaboration with Japan plans to construct a state of the art incinerator for Nairobi County and its environs to manage harmful chemical substance. Ratification of the Convention is in progress.</p>	<p>CHALLENGES Inadequate awareness. Slow process of construction. Slow process of ratification.</p>	<p>RECOMMENDATIONS Create awareness. Fast track the process. Fast track the process of ratification.</p>
11.	<p>BASEL CONVENTION ON THE CONTROL OF TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL</p> <p>Adopted on: 22nd March, 1989. Entered into force on: 5th May, 1992. Accession on: 1st June, 2000. Obligation to Government: To ensure environmentally sound management and transboundary movement of hazardous waste.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Domesticated through the Environmental Management and Coordination Act. Participated in all Conference of the Parties Meetings and its Technical Working Groups. Kenya has waste Guidelines and waste Regulations.</p>	<p>CHALLENGES Slow implementation of decisions. Lack of compliance. Inadequate awareness.</p>	<p>RECOMMENDATIONS Fast track the implementation process. Enforcement of compliance to implement the waste Regulations. Enhance awareness.</p>
12.	<p>STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPS)</p> <p>Adopted in: 22nd May, 2001 Ratified in: 24th September, 2004. Signed on: 23rd May, 2001. Entered into force on: 17th May, 2004.</p>		

	<p>Obligation to Government: To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Developed a National Implementation Plan (NIP).</p> <p>Developed Supporting Guidelines on Air Pollution Regulations for hazardous industrial chemicals.</p> <p>Roadmap for chemicals management.</p> <p>Development of Chemical Policy and ongoing.</p> <p>Supporting policy guidelines on Air Pollution Regulations for hazardous industrial chemicals.</p>	<p>CHALLENGES</p> <p>Inadequate funds.</p> <p>Slow process of adoption</p> <p>Inadequate capacity.</p>	<p>RECOMMENDATIONS</p> <p>Increase funding.</p> <p>Fast track the process of adoption.</p> <p>Increase capacity.</p>
13.	<p>ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE</p> <p>Adopted on: 10th September, 1988. Kenya ratified in: 3rd February, 2005. Entered into force on: 24th February, 2004. Obligation to Government: To promote shared responsibility and cooperative efforts among parties in the International trade of certain hazardous chemicals.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya has developed Regulations to restrict Prior Informed Consent (PIC) chemicals.</p> <p>Implementation of National action for the controlled chemicals for is up to date</p> <p>Kenya has cooperated with UNEP and WHO to organize training in Kenya and overseas to train Kenyans on decision-making Guidance Documents.</p>	<p>CHALLENGES</p> <p>Inadequate public awareness.</p> <p>Monitoring compliance.</p> <p>Slow process of implementation.</p>	<p>RECOMMENDATIONS</p> <p>Enhance awareness.</p> <p>Enforcement of legislation.</p> <p>Fast track the process.</p>
14.	<p>CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)</p> <p>Adopted on 3rd March, 1973. Ratification in: 13th December, 1978. Entry into force: 13th March, 1979. Obligation to Government: To ensure Kenya's endangered species are protected from dangers of international trade, protect their survival and regulate international trade in endangered species.</p>		



15.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Government has put in place an electronic system for inventory and management of elephant ivory and for Rhino horn stock pile</p> <p>Development of Regulations envisaged under the Wildlife Conservation and Management Act, 2013.</p> <p>Formulation and launch of the National Wildlife Strategy in 2018.</p> <p>Review of the 1975 Wildlife Policy and formulation of a new one to conform with the legal framework.</p> <p>Submission of proposals to the COP18 for consideration to restrict trade in elephant ivory and rhino horns.</p> <p>Kenya participated in COP 18 in Geneva, Switzerland in August, 2019 and made the following proposals aimed at countering proposals to trade in Rhino and rhino horns:</p> <ol style="list-style-type: none"> i. To restrict any ivory and rhino horn trade by ensuring all domestic ivory markets across the globe are closed; ii. To enhance management by parties of ivory and rhino horn stock piles to ensure such stocks do not leak from Government stores into the illegal markets; iii. To restrict trade in live elephants to only apply for purposes of promoting conservation of the species only in-situ respectively. <p>The COP 18 approved the proposed changes.</p> <p>In adopting the changes in Resolution 11.20 the COP approved a near complete ban on capturing and sending African Elephants from their natural habitats to zoos and other captive facilities abroad.</p> <p>COP 18 Proposal 37 was a proposal to transfer Pancake Tortoise from Appendix II to Appendix I to prohibit trade in specimens of Pancake Tortoise collected from the wild and control illegal trade in specimens of other species.</p> <p>Nearly all proposals to COP 18 on reptiles and amphibians including Kenya's proposal on Pancake Tortoise were adopted.</p>	<p>Inadequate human and financial resources.</p> <p>Slow process of enacting Regulations.</p>	<p>Enhance budget allocation and human resource capacity.</p> <p>Fast track adoption of the new Wildlife Policy, 2019 and the enactment of the new Bill.</p>

	<p>Kenya's proposals 44 and 45 for inclusion of White-Spotted Wedge Fish and Tea Fish respectively to regulate trade through CITES permits and certificates were approved.</p> <p>Proposal 5 to include Giraffe in Appendix II was accepted overwhelmingly.</p> <p>Designated KWS as the CITES Management Authority and KWS and National Museum of Kenya as CITES scientific authorities in accordance with Article 4 of the Convention.</p>		
<p>16.</p>	<p>CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (BONN CONVENTION) (CMS)</p> <p>Concluded on: 26th March, 1979.</p> <p>Entered into force on: 1st November, 1983.</p> <p>Ratified on: 26th February, 1999.</p> <p>Obligation to Government: To provide for the protection and conservation of migratory species, their habitats and migratory routes.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
	<p>The Government designated KWS as the focal point to coordinate CMS and implement Kenya's obligations.</p>	<p>Inadequate technical and financial resources.</p>	<p>Enhance budgetary allocation and human resource capacity.</p>
	<p>KWS implemented action plans and strategies for recovering and managing of species covered in the convention.</p>	<p>Habitat loss within and without Kenya.</p>	<p>Promote and encourage Habitat conservation.</p>
		<p>Disparities in laws across various jurisdictions that are range States for the migratory species.</p>	<p>Enhance coordination among various jurisdictions to harmonize the applicable laws.</p>
		<p>Slow domestication of decisions of CMS at National Level</p>	<p>Fast-track domestication of CMS at National Level.</p>
		<p>There is more focus on "Charismatic" Species such as Elephant and Rhinos at the expense of other species of conservation priority e.g. Vultures vs Elephant.</p>	<p>There is need to find a way of profiling other species.</p>
		<p>There is lack of proper coordination among relevant agencies in planning and implementation of the needed interventions to address threats to the raptors.</p>	<p>Sensitization and creation of awareness of other species other than the "Charismatic Species"</p>
			<p>Enforcement of the international instruments and National policies and laws</p>
			<p>Consolidate efforts and enhance inter-agency coordination and international cooperation towards the conservation of raptors across their range.</p>

17.		CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (RAMSAR)	
	<p>Adopted on: 2nd February, 1971. Entered into force on: 5th October, 1990. Obligation to Government: To designate wetlands and stem the progressive encroachment on and loss of wetlands</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Created public awareness through World Wetlands Day celebrations and other fora.	Inadequate awareness.	Enhance awareness on wetland value among public, leaders and policy makers.
	Designated Wetlands of International importance and development and implementation of management measures including management plans.	Budgetary constraints.	Increase funding of wetland management activities.
	Capacity building to key stakeholders was undertaken.		
	Participated in meeting of parties of RAMSAR Convention and inter-Sessional meetings.	Duplication on wetlands management.	Harmonize management of wetlands.
	Developed and implemented National Wetlands Policy, laws and regulations on wetlands management.	Limited enforcement of laws governing use of wetlands and land use planning.	Enforce compliance of laws, regulations and guidelines.
		Lack of coordinated approach towards implementation.	County governments to put in place more measures to development control.
18.		CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (THE 1997 UN WATERCOURSES CONVENTION)	
	<p>Adopted by the UN on: 21st May, 1997. Entry into force: 17th August, 2014. Obligation to Government: To co-operate internationally with regard to use and protection of shared water resources.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Kenya has already committed to ratify the Convention.	The Convention is already in force but Kenya is yet to ratify.	The Ministry of Water and Sanitation should initiate the ratification process in liaison with the Office of the Attorney General and the Ministry of Foreign Affairs.
		Lack of common legal and institutional	



		arrangements. Building consensus around shared water resources takes longer.	
	Coordination of the sustainable development of Lake Turkana and its basin.	Nationalistic approach in the utilization of trans-boundary waters and lakes.	Multi-agency approach be deployed to promote sustainable utilization of the trans-boundary resources.
	Establishment of an Inter-Ministerial Committee to negotiate on behalf of Kenya with Ethiopia on Gibe Dam III and Kura irrigation project.		Promote joint projects and information exchange.
	Coordination of the sustainable development of Lake Turkana and its basin.		
	Establishment of an Inter-Ministerial Committee to negotiate on behalf of Kenya with Ethiopia on Gibe Dam III and Kura irrigation project.		
19.	CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE WESTERN INDIAN OCEAN (NAIROBI CONVENTION) AND ITS PROTOCOLS Adopted on: 21 st June, 1985. Entered into force on: 11 th September, 1990. Obligation to Government: To protect and manage the marine environment and coastal areas of the Eastern Africa.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation of the Nairobi Convention and its protocols through enactment of relevant legislation and policies including EMCA 1999, Integrated Coastal Zone Management Policy and National Oceans Policy.	Limited funding to coastal zone management activities.	Increase funding of coastal ecosystems management activities.
	Developed the Wetlands Atlas	Low public awareness on values of coastal and marine ecosystems.	Enhance awareness on coastal zone ecosystem values among public, leaders and policy makers.
	Creating public awareness through World Oceans Day and other fora Participating in meeting of parties and inter-Sessional meetings.	Encroachment into and degradation of coastal and marine habitats and overexploitation of their resources.	Finalize approval of Integrated Coastal Zone Management Policy.
	Participation in regional projects and programs of the Convention including Western Indian Ocean Strategic Action Program (WIOSAP).	Duplications on coastal zone management, and security concerns.	Enhance enforcement activities by national Government institutions and county Governments.

	<p>Increasing the capacity of Western Indian Ocean nations to sustainably protect, manage and develop the coastal and marine environment.</p> <p>The West Indian Ocean Strategic Action Plan for the protection of West Indian Ocean from Land-based sources and activities (WIOSAP) is supporting the implementation of Waste Treatment Plant at Shimo la Tewa Prisons..</p> <p>Participated in the 4th negotiation meeting for the draft Integrated Coastal Zone Management (ICZM) Protocol held in Dar es Salaam, Tanzania.</p> <p>Amended Nairobi Convention.</p>	<p>Low capacity.</p> <p>Inadequate funding.</p> <p>Slow process of ratification of the Protocol.</p> <p>Slow process of ratification.</p>	<p>Building capacity at the county level on management of coastal and marine environment.</p> <p>Enhance funding.</p> <p>Fast track the process of ratification.</p> <p>Fast track the process of ratification.</p>
20.	<p>LUSAKA AGREEMENT ON COOPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA</p> <p>Adopted on: 10th December, 1996 Entered into force on: 10th December, 1996 Kenya Ratified: 17th January, 1997 Obligation to Government: To facilitate cooperation among State Parties to deter the illegal trade in wild fauna and flora</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya hosts the Secretariat of the Agreement (LATF).</p> <p>Review of the Agreement to restructure the Secretariat and its operations.</p> <p>Kenya continues to second its law enforcement officers.</p>	<p>CHALLENGES ENCOUNTERED</p> <p>Failure of State Parties to meet financial obligations makes the Lusaka Task Force unsustainable.</p> <p>Budgetary constraints in the running of the secretariat due to non-payment by State Parties.</p> <p>Stagnant membership.</p> <p>Dwindling donor support—mainly towards enforcement operations & capacity building.</p> <p>Financial challenges—most member countries not meeting their financial obligations.</p> <p>Response to requests for data.</p> <p>Slow/non-response by other governments e.g. MLA request.</p>	<p>RECOMMENDATIONS</p> <p>Proposal for consideration towards strengthening the Agreement.</p> <p>Review subscription fees.</p> <p>Kenya has raised concerns about low membership to the LA and the Agreement.</p>
<p>Controlled poaching through:</p> <ol style="list-style-type: none"> i. Wildlife Conservation Management Act, 2013; ii. East African Customs Management Act, 2004. 			<p>Expedite response to requests.</p>

	CHALLENGES	RECOMMENDATIONS
<p>21.</p> <p>REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (THE ALGIERS CONVENTION)</p> <p>Adopted and Signed on: 15th September, 1968. Entered into force on: 16th June, 1969. Kenya ratified on: 12th May, 1969. The Convention was revised and adopted on: 11th July, 2003. Kenya signed the revised edition on: 17th December, 2003. Revised Convention entered into force on: 23rd July, 2016. Obligation to Government: To enhance environmental protection, foster conservation and sustainable use of natural resources, harmonize and coordinate policies in this field.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>In May, 2019, the following Presidential Directives were issued under National Strategy for Achieving and Maintaining Over 10 percent Tree Cover By 2022:</p> <ol style="list-style-type: none"> i. Accelerated attainment of 10 percent national tree cover by 2022; ii. Commitment at One Planet Summit during the UNEA4 Conference to achieve and surpass Constitutional target of 10 percent National tree cover by 2022; iii. Review of teaching curriculum to include sustainable forest management ; iv. All Chiefs to revive Chief's tree nurseries; v. Allocation of 10 percent CSR budget for tree growing by all Ministries, Department and Agencies (MDAs) <p>At the United Nations General Assembly in September, 2019, Kenya set targets to increase its forest cover from the current 7 to 15 percent by 2022.</p>	
<p>22.</p> <p>EAST AFRICAN COMMUNITY PROTOCOL ON ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT</p> <p>Adopted on: 26th June, 2017 Ratified on: 26th June, 2017 Obligation to Government: To adopt a common vision in addressing the challenges of achieving sustainable development at the local, national and regional levels through sound environment and natural resources management.</p>	<p>CHALLENGES</p> <p>The Protocol has not come into force more than 10</p>	<p>RECOMMENDATIONS</p> <p>Partner States to have good will in the re-negotiation of</p>

	Partner States currently re-negotiating the Protocol as one Partner State declined to ratify due to various fundamental issues raised. Efforts to address the issues under the Protocol in order to finalize the ratification process and make the Protocol operational is ongoing under the guidance of the Council of Ministers.	years later due to delays in ratification by one Partner State.	the Protocol to conclude the same and have the Protocol come into effect.
23.	THE 2010 NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT (CFA) Adopted on: 19 th May, 2010. Signed on: 19 th May, 2010. Obligation to Government: To ratify the Cooperative Framework Agreement (CFA).		
24.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Kenya has been an active participant and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands. Kenya hosted the 27th Nile Council of Ministers meeting in Nairobi on 29 th November, 2019.	CHALLENGES Some member States have not signed.	RECOMMENDATIONS Continuous engagement with member States to sign the CFA.
25.	EAST AFRICAN COMMUNITY PROTOCOL FOR THE SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN Adopted on: 29 th November, 2003 Entered into force: 1st December, 2004. Signed on: 29 th November, 2003 Ratified in: December, 2004 Obligation to Government: To facilitate cooperation among Partner States in the areas as that relate to conservation and sustainable utilization of the resources of the Basin.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR Kenya hosts the Lake Victoria Basin Commission (LVBC) Secretariat in Kisumu, Kenya. The EAC has allocated funds to construct the headquarters of LVBC in the land allocated by the Government of Kenya. Ministry responsible for Environment and Ministry responsible for Water act as the National Focal Points to coordinate Kenya's implementation of the Protocol.	CHALLENGES Inadequate funding to operationalize the programs under the LVBC Inadequate capacity for LVBC to address all development matters of the Basin as enshrined in the Protocol. Limited stakeholder participation in the various projects and programs.	RECOMMENDATIONS Partner States to be urged to increase funding and resource mobilization for the activities of the Commission. Need for capacity building. National Focal Points to enhance stakeholder participation in the various projects and programmes of the Commission.

	<p>Key Programmes and Projects being implemented in the Basin:</p> <ul style="list-style-type: none"> i. Lake Victoria Water and Sanitation (LVWATSAN II Project); ii. Lake Victoria Environmental Management Project (LVEMP I and II are complete while preparations for Phase III are ongoing) <p>The LVBC has completed the following development projects under LVWATSAN II in Kenya:</p> <ul style="list-style-type: none"> iii. Keroka Water Supply; iv. Homabay Sewerage Treatment; v. Kisumu Sewerage Treatment; and vi. Kisumu Water Quality Laboratories. <p>Other crosscutting collaborative and Integrated projects include:</p> <ul style="list-style-type: none"> i. Planning for Resilience in East Africa through Policy, Adaptation, Research and Economic Development (PREPARED) Project; and ii. Population Health and Environment (PHE) Project. 	<p>Inadequate public awareness along the Basin.</p> <p>Lack of consensus. Inability to agree easily on strategies and programmes proposed by the Commission to be undertaken by Partner States.</p> <p>Competing interest between Partner States national interests and regional interest.</p>	<p>Create awareness.</p> <p>Enhanced Partner States involvement in decision making and planning in the activities of the Commission.</p> <p>Need for Political goodwill and consensus building.</p>
26.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES</p> <p>Adopted on: 2016. Kenya ratified on: May, 2019. Obligation to the Government: To cooperate with Partner States in the planning, designing and development of weather and climate observation networks and meteorological telecommunications system; the processing and analysis of data and sharing of meteorological information; and the development of early warning systems.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Protocol was ratified by Kenya in May, 2019.</p> <p>CHALLENGES ENCOUNTERED</p> <p>Partner States have not ratified the Protocol hence it is not operational.</p> <p>RECOMMENDATIONS</p> <p>Partner States should be urged to ratify the Protocol so that it can enter into force and its objectives met.</p>		



AGRICULTURE	
1.	<p>INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA)</p> <p>Adopted on: 9th November, 2001. Entered into force on: 29th June, 2004 Kenya became a State party on: 27th May, 2003. Obligation to Government: To guarantee food security through the conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Regulations on Access and benefit sharing of plant genetic resources are being formulated under the Seeds and Varieties Act Cap. 326.</p> <p>Kenya ratified the Treaty to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture in conformity with Article 43(1) (c) of the Constitution.</p> <p>Establishment of a gene bank under KALRO to preserve plant genetic material.</p>
	<p>CHALLENGES</p> <p>Delay in developing the Regulations.</p>
	<p>RECOMMENDATIONS</p> <p>Expedite the process of development.</p>
2.	<p>PHYTOSANITARY CONVENTION FOR AFRICA</p> <p>Adopted on: 13th September, 1967. Date of adherence: 1974. Convention revised in: 1997. Entry Into Force: 6th October, 1992. Obligation to Government: To take measures of quarantine, certification and inspection necessary in respect of any living organisms, plant, animal, plant material, seeds, soil, compost or packing material (including containers) or other article considered to constitute a threat to agriculture in any part of Africa.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Established and operationalized Kenya Plant Health Inspectorate Services (KEPHIS) to deal with Phytosanitary issues.</p> <p>KEPHIS and Directorate of Veterinary Services are members of the National SPS Committee and the National Trade Facilitation Committee. The two are implementing the Agreement through policies and regulations.</p> <p>Final Veterinary Policy due for Cabinet approval.</p> <p>The National SPS Committee meets every quarter.</p> <p>Review of legislation on animals' disease control ongoing.</p>
	<p>CHALLENGES</p> <p>Inadequate harmonization of control strategies for transboundary animal and plant diseases.</p>
	<p>RECOMMENDATIONS</p> <p>Harmonization of control strategies for controlled trans-boundary diseases between countries and countries.</p>

	<p>KEPHIS, as the secretariat to The Kenya Standing Technical Committee on Imports and Exports (KSTCIE), facilitates the process of risk assessment before introduction of live organisms as per Guidelines for Introduction and Use of Bio Products, biological control agents and related products.</p> <p>Applications for importation of GMOs are considered by Kenya National Biosafety Committee (NBC).</p>		
<p>3.</p>	<p>INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)</p> <p>Adopted on: 2nd December, 1961. Date of accession: 3rd March, 2014 Obligation to Government: To protect new varieties of plants by an intellectual property rights.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Seeds and Plant Varieties Act, Cap. 326 (Rev. 2013) conforms to UPOV system of plant variety protection.</p> <p>Ongoing revision of the Plant Breeder's Rights Regulations (published in 1994) in 2019.</p> <p>The Government also implements UPOV through the Kenya Plant Health Inspectorate Services (KEPHIS).</p>	<p>CHALLENGES</p> <p>Slow progress in improving the performance of traditional plant varieties.</p> <p>Inadequate infrastructure for undertaking technical activities.</p>	<p>RECOMMENDATIONS</p> <p>Investment in research to improve plant varieties.</p> <p>Improvement of infrastructures.</p>
<p>4.</p>	<p>INTERNATIONAL GRAINS AGREEMENT</p> <p>Adopted on: 7th December, 1994. Entered into force on: 1st July, 1995. Kenya became a State party to the Agreement in: 1994. Obligation to Government: To participate in information sharing analysis and consultations in the grain market.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Implementation of the National Cereals and Produce Board Act Cap 338</p> <p>Review of the Cereals Policy, 2013.</p> <p>Kenya has enhanced information-sharing, analysis and consultations on grain market.</p> <p>Kenya has developed and adopted a commodity value chain system.</p>	<p>CHALLENGES</p> <p>Slow review process.</p> <p>Inadequate awareness and sensitization</p> <p>Low awareness.</p>	<p>RECOMMENDATIONS</p> <p>Fast track review process.</p> <p>Sensitization and awareness creation.</p> <p>Improve policies on how Kenyan farmers will have easier and better access to the world market.</p>

	Kenya has developed a commodities exchange platform and is developing a Warehouse Receipt Bill, 2018 which is currently tabled at Parliament.	Difficulty of accessing the world market. Challenges in accessing marketing data.	Fast track development of Kenya commodities exchange.
5.	<p>The Warehouse Receipt System Act, 2019 and its Regulations have been enacted to support the cereal value chain improvement.</p> <p>INTERNATIONAL SUGAR AGREEMENT (ISA)</p> <p>Entry into force: 1993. Acceded on: November, 1994. Adopted on: 1st January, 1992 by United Nations Conference on Trade and Development Kenya is party to the Agreement Obligation to Government: To promote the trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for inter-Governmental discussions on sugar.</p>		
6.	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya is carrying out reform measures to improve the sugar sector by:</p> <ol style="list-style-type: none"> i. Implementation of the Privatization Policy and Act No. 2 of 2005 (Revised 2017)- Privatisation is ongoing for Chemelil, Nzoia and Sony Sugar Companies; ii. Privatisation Commission of Kenya is conducting due diligence to expedite the privatisation by March, 2020. <p>Privatization of Nzoia, Miwani, Chemillil, Muhoroni and Sony sugar mills to revitalize the sugar sector. The privatization will be 51 percent strategic partner, 24 percent out growers and 25 percent Government of Kenya. The Privatization process is expected to be complete by 2021.</p>	<p>CHALLENGES</p> <p>Inefficiency in the processing system.</p>	<p>RECOMMENDATIONS</p> <p>Modernization of the processing system.</p>
7.	<p>INTERNATIONAL COFFEE AGREEMENT (ICA)</p> <p>Adopted in: 1962. Reviewed and approved by members on: 28th September, 2007. Entry into force: 2nd February, 2011. Obligation to Government: To recognize Certificates of Origin and conduct trade policy with a view to long term price stability.</p>	<p>CHALLENGES</p> <p>Low diversification of sugar products.</p>	<p>RECOMMENDATIONS</p> <p>Research into diversification of sugar products.</p>

	<p>Kenya provides regular information to ICA relating to the coffee sector.</p> <p>The Draft Coffee Policy is under development.</p> <p>The Coffee Act was repealed by the Agriculture, Fisheries and Food Authority Act, 2013, as amended in 2016.</p> <p>The Draft Coffee (General) Regulations 2018 are under discussion to align them with the Constitution and the Crop Act, No. 16 of 2013.</p> <p>Kenya hosted the International Coffee Organization Council Conference from 25th – 29th March, 2019.</p> <p>The Government formed a task force in 2019 which presented a report on coffee improvement.</p> <p>Revival of the Kenya Planters Cooperative Union (KPCU) in order to improve the milling efficiency, remove the middlemen and streamline marketing.</p>	<p>Fluctuation of coffee prices in the world market.</p>	<p>Establish ways to maintain a stable price.</p> <p>Operationalize the proposed Cherry Fund.</p>
<p>8.</p>	<p>CONVENTION ON THE AFRICAN MIGRATORY LOCUST</p> <p>Adopted on: 25th May, 1962. Entered into force on: 13th April, 1963. Kenya became a State party to the Convention on: 29th November, 1963. Obligation to Government: To contribute money, supplies or services to the expenses of the equipment and operations of the Organisation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya has put in place the necessary infrastructure for the operation of the Agreement at the Wilson Airport's Plant Protection Unit which works directly with the Locust Control Organisation (LCO).</p> <p>Trained a team of officers to control migratory pest.</p> <p>Through its Desert Locust Control Organization For Eastern Africa (DLCO-EA) the Locust Control Organization (LCO) are currently (January 2020) battling to control the locust outbreak in parts of Kenya.</p>	<p>CHALLENGES</p> <p>Financial constraints.</p>	<p>RECOMMENDATIONS</p> <p>Increase funding to LCO.</p>

ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS			
1.	EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION, COMMUNICATIONS AND TECHNOLOGY		
	<p>Adopted on: 30th June, 2013. Signed on: 30th June, 2013. Ratified on: November, 2019. Obligation to Government: The Protocol seeks to promote ICT services in the Common Market Protocol, harmonise ICT policies and establish and manage technology networks across the bloc.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Consultations with the Parliamentary Committee on ICT to expedite the ratification of the Protocol is ongoing.	Delays in ratification of the Protocol by other Partner States.	Fast track the ratification. Establishment of implementation framework.
2.	DUBAI CONVENTION ON INTERNATIONAL TELECOMMUNICATION REGULATIONS 2012		
	<p>Adopted at: 14th December, 2012. Signed on: 6th October, 2015. Obligation to the Government: To develop Regulations to Control traffic flows between telecommunication network operators; quality of international services, sufficiency of facilities; international routing, charging, accounting and billing between operators; health and safety priorities; prevent harm to networks and services.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Amended the Kenya Information and Communication Act, 2010 (Rev. 2012).	Rapid Technological Development in ICT Industry.	Establishment of an integrated infrastructure among ITU Member States.



	<p>Development and implementation of the following legislation and regulations:</p> <ul style="list-style-type: none"> i. Data Protection Act, No. 24 of 2019; ii. Electronic Certification and Domain Name Administration Regulations, 2010; iii. Information and Communication Regulations, 2010; iv. Dispute Resolution Regulations, 2010; v. Tariff Regulations, 2010; vi. Compliance Monitoring, Inspections and Enforcement Regulations, 2010; vii. Fair Competition and Equality of Treatment Regulations, 2010; viii. Interconnection and Provision of Fixed Links, Access and Facilities Regulations, 2010; ix. Consumer Protection Regulations, 2010; x. Numbering Regulations, 2010; xi. Importation, Type Approval and Distribution of Communications Equipment Regulations, 2010; xii. Licensing and Quality of Service Regulations, 2010; and xiii. Electronic Certification and Domain Name Administration Regulations, 2010 	<p>Inadequate harmonization in telecommunication regulations among the ITU member states leading to inefficiency on telecommunication infrastructure and systems.</p>	<p>Periodic review of legal framework.</p>
	<p>Kenya has deployed over 8600km of National Fibre Backbone infrastructure to complement the undersea cables namely SEACOM, LION, TEAMS, EASSY to the border post to enhance cross border connectivity with the neighbouring country Uganda, Tanzania and Southern Sudan under the EAC declaration.</p>		
	<p>The government is laying 600km of fibre from Eldoret to Nandapal Southern Sudan Border to promote ease of doing business.</p>		



ETHICS, INTEGRITY AND PUBLIC SERVICE ADMINISTRATION					
1.	<p>UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)</p> <p>Adopted on: 31st October, 2003. Signed on: 9th December, 2003. Ratified on: 9th December, 2003. Entered into force on: 14th December, 2005 Obligation to Government: To take legislative, policy and administrative measures towards the fight against corruption, especially in relation to: Criminalisation and Law Enforcement; Prevention of Corruption; International Co-operation; Asset Recovery, and Technical Assistance.</p>				
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated the Convention through:</p> <ol style="list-style-type: none"> Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); Leadership and Integrity Act, 2012 (No. 19 of 2012); The Mutual Legal Assistance Act, No. 36 of 2011; Proceeds of Crime and Anti-Money Laundering Act; and Witness Protection Act, 2010 Bribery Act (No. 47 of 2016) 		<p>CHALLENGES</p> <p>Weak enforcement of the law.</p>	<p>RECOMMENDATIONS</p> <p>Enhanced enforcement of the law.</p>	
	<p>Review in process for anti-corruption laws resulting in the Draft Bill</p>				
	<p>Establishment and strengthening of institutions to fight corruption such as the:</p> <ol style="list-style-type: none"> Ethics and Anticorruption Commission; National Police Service/Directorate of Criminal Investigations; Office of the Director of Public Prosecutions; Asset Recovery Agency, the Judiciary; Financial Reporting Centre; and the National Anti-Corruption Steering Committee. <p>Ongoing public awareness and sensitization against corruption including through Corruption Prevention Committees and Integrity Assurance Officers across all MDAs.</p>			<p>Enhance synergy and collaboration amongst relevant implementing agencies.</p>	
<p>Kenya has undergone two (2) UNCAC review processes to identify measures taken</p>		<p>Weak anti-corruption committees across all MDAs</p>	<p>Strengthen committees across all MDAs through training, facilitation and capacity building.</p>		
		<p>Slow implementation of the</p>	<p>Enforce the law by prosecuting and punishing</p>		

	<p>to align policies and laws with the international standard under:</p> <ol style="list-style-type: none"> i. Chapter III and IV of the Convention on Criminalization and Law Enforcement and; ii. Chapter II and V of the Convention on Prevention of Corruption and Asset Recovery <p>Bilateral and regional cooperation in anti-corruption matters such as recently in June 2018 with Switzerland and in September 2018 with the UK.</p> <p>The Government together with partners launched the Open Government Partnership National Action Plan III in January 2019 to ensure transparency and accountability of the Big Four Agenda; ensure citizens' participation; facilitate cost-efficient delivery and use of digital solutions to achieve outcomes.</p> <p>In the financial year 2019/2020 the Ethics and Anti-Corruption Commission reported up to four corruption disruptions where a loss of approximately KSh. 502,000,000 was averted. Overall, the Government has made 114 corruption disruptions consequently averting a loss of approximately KSh. 135 billion since 2011.</p>	<p>recommendations following the UNCAC review process that identified certain gaps in the law.</p>	<p>the corrupt and requiring return of the proceeds of the crime for public good.</p>
<p>2.</p>	<p>AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION</p> <p>Adopted on: 1st July, 2003. Entered into force in: 5th August, 2006. Signed on: 17th December, 2003. Ratified on: 3rd February, 2007.</p> <p>Obligation to Government: To criminalize various acts of corruption; facilitate the provision of mutual legal assistance and cooperation between law enforcement agencies involved in the fight against corruption.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated and is implementing the Convention through the:</p> <ol style="list-style-type: none"> i. Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); ii. Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); iii. Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); iv. Leadership and Integrity Act, 2012 (No. 19 of 2012); v. Mutual Legal Assistance Act; vi. Proceeds of Crime and Anti-Money Laundering Act; and the vii. Witness Protection Act, 2010. 	<p>CHALLENGES ENCOUNTERED</p> <p>Weak synergy in implementation.</p>	<p>RECOMMENDATIONS</p> <p>Enhance synergy amongst relevant implementing agencies.</p>

	Kenya filed its first report with the African Union Commission under the Convention in June, 2012.	Weak enforcement of the law.	Strengthen the capacity of institutions such as EACC to independently investigate and take enforcement measures against corruption, through provision of adequate human and financial resources.
	The Kenya is a member of the AU Advisory Board on Corruption.		Conduct proper and thorough investigations to facilitate successful prosecutions in corruption cases.
3.	<p align="center">AFRICAN CHARTER ON VALUES AND PRINCIPLES OF PUBLIC SERVICE AND ADMINISTRATION</p> <p>Adopted on: 31st January, 2011. Entered into force on: 23rd July, 2016. Date of Ratification: 17th August, 2011. Obligation to Government: To take legislative and administrative actions to give effect to the Charter. The Government is expected to submit the first report on implementation of the Charter two years from when the Charter entered into force and thereafter every two years.</p>		
	MEASURES UNDERTAKEN AND ACHIEVED PROGRESS Kenya hosted the first Conference of state parties to the Charter to adopt reporting guidelines on its implementation.	CHALLENGES The provisions of the Charter cut across various sectors of Public Service which entails strong coordination of the Public Service.	RECOMMENDATIONS To form a multi-sectoral team to prepare the first and subsequent reports on the Charter.
	Kenya hosted the 7 th Continental African Public Service Day from 21 st – 23 rd June, 2019.	Inadequate awareness of activities under the Convention.	Enhanced publicity on the activities under the Convention.



LABOUR FUNDAMENTAL CONVENTIONS					
1.	<p>FORCED LABOUR CONVENTION 29 OF 1930</p> <p>Adoption: 28th June, 1930. Entry into Force: 1st May, 1932. Acceded on: 13th January, 1964. Obligation to Government: To adopt measures to eliminate forced labour which refers to all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Convention has been entrenched in the labour laws:</p> <ol style="list-style-type: none"> Employment Act, 2007; Labour Institutions Act, 2007; and Counter Trafficking in Persons Act, 2010 <p>Established institutions:</p> <ol style="list-style-type: none"> Labour Inspectorate; Director of Public Prosecutions (DPP); Department of Children Affairs; Ministry of Foreign Affairs; and State Department of Immigration 	<p>CHALLENGES</p> <p>The penalty for forced labour is not deterrent enough.</p> <p>Inadequate synergies among institutions.</p> <p>The practice of forced labour and trafficking in persons is clandestine and rarely reported</p> <p>High unemployment levels.</p>	<p>RECOMMENDATIONS</p> <p>Review penalties to make it deterrent.</p> <p>Amend the law to include deterrent measures against forced labour.</p> <p>Strengthen institutional capacity and create possible synergies to ensure protection from forced labour.</p> <p>Sensitization and awareness creation, and strengthen the capacity of enforcement agencies.</p> <p>Promote Innovation and Entrepreneurship</p>		
			2.	<p>RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING ILO CONVENTION, 98 OF 1949</p> <p>Adoption: 1st July, 1949. Entry into force: 19th July, 1951. Kenya acceded: 13th January, 1964. Obligation to Government: To ensure workers enjoy the Freedom of Association and protection of the right to organize</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Constitution and the Labour laws have domesticated ILO</p>	<p>RECOMMENDATIONS</p> <p>Strengthen social dialogue and engagement of</p>
					<p>CHALLENGES</p> <p>Inadequate understanding of Collective</p>



	<p>Convention 98 on the right to collectively bargain.</p> <p>The Salaries and Remuneration Commission (SRC) completed job evaluation exercise in the Public Service.</p> <p>The establishment of the Employment and Labour Relations Court and the Economic Planning Unit to support collective bargaining.</p> <p>The Government appointed an inter-ministerial committee to look into terms and conditions of employment in the health sector.</p> <p>Registration of 376 Collective Agreements negotiated by workers and employers</p> <p>The Government is working together with the ILO to undertake capacity building of social partners in tertiary education and health sector.</p> <p>The Government commenced in September 2019, the development of the Decent Work Country Programme to build capacity of social partners (employers and workers) and judicial officers in negotiation and collective bargaining.</p>	<p>Bargaining.</p> <p>Limited involvement of key professionals in the negotiation processes.</p> <p>Limited outreach of the SRC.</p> <p>Uncoordinated approach towards Collective Bargaining process.</p> <p>Too many disputes in court on collective bargaining.</p> <p>Inadequate capacity of Unions.</p>	<p>professional in collective bargaining.</p> <p>Development of projects and programmes for capacity building of parties for effective collective bargaining.</p> <p>Sensitization and awareness creation on collective bargaining processes.</p> <p>Capacity building of the SRC on collective bargaining.</p> <p>Enhance coordination by the Ministry of Labour on collective bargaining.</p> <p>Operationalization of Alternative Dispute Resolution in resolving labour disputes.</p> <p>Capacity building for the Unions and employers on negotiations, CBAs and application of scientific approach.</p>
		<p>Persisting unrest in the health and education sector.</p> <p>High wage bill in the public sector</p>	<p>Expedite conclusion of development of the policy on income and wages.</p> <p>Fast track recommendations from the committee and ILO programme.</p>

3.	<p>EQUAL REMUNERATION CONVENTION, NO. 100 OF 1951</p> <p>Adoption: 29th June, 1951. Entry into force: 23rd May, 1953. Kenya acceded: 7th May, 2001. Obligation to Government: To ensure that workers' remuneration is established without discrimination based on sex.</p>	<table border="1"> <thead> <tr> <th data-bbox="478 163 512 680">CHALLENGES</th> <th data-bbox="478 680 512 1973">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 163 571 680">Cultural biases and subjective evaluation of jobs in determination of remuneration.</td> <td data-bbox="512 680 571 1973">Sensitization and creation of awareness.</td> </tr> <tr> <td data-bbox="571 163 663 680">Delay in feedback from stakeholders.</td> <td data-bbox="571 680 663 1973">Expedite the process.</td> </tr> <tr> <td data-bbox="663 163 722 680">Out-dated occupational standards.</td> <td data-bbox="663 680 722 1973">Review and harmonize to international occupational standards.</td> </tr> <tr> <td data-bbox="722 163 791 680">Prolonged consultations.</td> <td data-bbox="722 680 791 1973">Set timelines for consultations and be provided with technical assistance</td> </tr> </tbody> </table>	CHALLENGES	RECOMMENDATIONS	Cultural biases and subjective evaluation of jobs in determination of remuneration.	Sensitization and creation of awareness.	Delay in feedback from stakeholders.	Expedite the process.	Out-dated occupational standards.	Review and harmonize to international occupational standards.	Prolonged consultations.	Set timelines for consultations and be provided with technical assistance
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Prolonged consultations.	Set timelines for consultations and be provided with technical assistance											
4.	<p>ABOLITION OF FORCED LABOUR CONVENTION NO.105 OF 1957</p> <p>Adoption on: 25th January, 1957 Entry into force on: 17th January, 1959 Kenya acceded on: 13th January, 1964 Obligation to Government: To cancel certain forms of forced labour which are allowed under Forced Labour Convention of 1930</p>	<table border="1"> <thead> <tr> <th data-bbox="791 163 850 680">CHALLENGES</th> <th data-bbox="791 680 850 1973">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="850 163 1074 680">The Convention has been domesticated through Section 4 of the Employment Act which prohibits forced labour</td> <td data-bbox="850 680 1074 1973"></td> </tr> <tr> <td data-bbox="1074 163 1134 680">The Government has continued to pursue a national employment policy which rids the system of all forms of forced labour.</td> <td data-bbox="1074 680 1134 1973"></td> </tr> </tbody> </table>	CHALLENGES	RECOMMENDATIONS	The Convention has been domesticated through Section 4 of the Employment Act which prohibits forced labour		The Government has continued to pursue a national employment policy which rids the system of all forms of forced labour.					
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5.	<p>DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION NO. 111 OF 1958</p> <p>Adoption on: 25th June, 1958 Entry into force on: 15th June, 1960 Kenya acceded on: 7th May, 2001 Obligation to Government: To abolish discrimination in all its forms without distinction</p>											

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Article 27 of the Constitution guarantees equality of treatment and benefit of the law to all persons. The Government has incorporated this principle in the Employment Act and other related Acts.</p> <p>Establishment of the Employment and Labour Relations Courts (ELRC)</p>		
6.	<p>MINIMUM AGE CONVENTION, 138 OF 1973</p> <p>Adoption on: 6th June, 1973 Entry into Force on: 19th June, 1976 Kenya acceded on: 9th April, 1979 Obligation to Government: To abolish child labour.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention has been domesticated through the Children Act, 2001; Labour Laws and Basic Education Act, 2013.</p>	<p>CHALLENGES</p> <p>Conflict of existing laws.</p>	<p>RECOMMENDATIONS</p> <p>Harmonization of existing laws Conduct stakeholder engagement.</p>
7.	<p>CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE WORST FORMS OF CHILD LABOUR NO. 182 OF 1999</p> <p>Adoption on: 17th June, 1999. Entered into force on: 19th November, 2000. Kenya acceded on: 7th May, 2001. Obligation to Government: Elimination of the worst forms of child labour with immediate action.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention has been domesticated through the policies, regulations and labour laws.</p> <p>The National Policy on the Elimination of Child Labour.</p> <p>Government has developed and is implementing various programmes to help eradicate worst forms of child labour.</p> <p>Government has increased funds for several social security support programmes for vulnerable groups of the society.</p>	<p>CHALLENGES</p> <p>Weak institutions and inadequate enforcement.</p> <p>Inadequate awareness of the worst forms of child labour.</p> <p>High prevalence of poverty.</p> <p>Data integrity issues. Low awareness.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen existing institutions and enhance enforcement of the existing laws.</p> <p>Enhancing public awareness Fast track implementation of the National Policy on the Elimination of Child Labour.</p> <p>Resource mobilization.</p> <p>Improved monitoring and evaluation of programmes.</p>

GOVERNANCE CONVENTIONS			
1.	<p>LABOUR INSPECTION (INDUSTRY) CONVENTION NO. 81 OF 1947</p> <p>Adoption: 11th June, 1947. Entry into force: 7th April, 1950. Kenya acceded: 13th January, 1964. Obligation to Government: To undertake labour inspection in industrial workplaces to ensure compliance with minimum labour standards.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention is domesticated through the:</p> <ol style="list-style-type: none"> Work Injury Benefits Act (WIBA), 2007; Labour Institutions Act, 2007; and Occupational Safety and Health Act, 2007 <p>Under the Occupational Safety and Health Act, 2007 it is obligatory on employers to ensure health, safety and welfare of persons at workplace.</p> <p>Established Labour Inspectorates.</p> <p>Strengthening the Labour inspectorate.</p>	<p>CHALLENGES</p> <p>Inadequate legal and institutional capacity.</p>	<p>RECOMMENDATIONS</p> <p>Enhance legal and institutional capacity.</p>
2.	<p>LABOUR INSPECTION (AGRICULTURE) CONVENTION NO. 129 OF 1969</p> <p>Adoption: 25th June, 1969. Entry into Force: 19th January, 1972. Kenya acceded: 9th April, 1979. Obligation to Government: To protect workers engaged in various sub sectors of Agriculture including cultivation, animal husbandry, livestock production and care, forestry and horticulture.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention has been domesticated by the Labour Institutions Act, 2007 and Occupational Safety and Health Act, 2007.</p> <p>The Government has put in place measures to boost institutional capacity in terms of provision of adequate resources for enforcement of existing laws.</p>	<p>CHALLENGES</p> <p>Shortage of inspectorate personnel and material resources.</p>	<p>RECOMMENDATIONS</p> <p>Additional recruitment and capacity building of inspectorate staff for agricultural industry.</p>



3.	<p>TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, NO. 144 of 1976</p> <p>Adoption: 21st June, 1976. Entry into force: 16th May, 1978. Kenya acceded: 6th June, 1990. Obligation to Government: To put in place procedures which ensure effective consultations, between representatives of the Government, of employers and of workers with respect to the matters concerning the activities of the International Labour Organisation.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domesticated through the Labour Laws.		
	Establishment of the National Labour Board, Wages Councils, and other advisory bodies to the government.	Multiplicity of tripartite bodies.	Institutional harmonization.
	Promoted and facilitated social dialogue and tripartite relations.	Limited understanding and awareness.	Strengthen social dialogue and tripartite relations through awareness raising and technical assistance programmes.
TECHNICAL CONVENTIONS			
1.	<p>UNEMPLOYMENT CONVENTION, NO. 2 OF 1919</p> <p>Adoption: 28th November, 1919. Entry into Force: 14th July, 1921. Kenya acceded: 13th January, 1964. Obligation to Government: To provide against unemployment and promote effective monitoring and proper planning to address unemployment.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Establishment of Affirmative funds to support Youth, Women and Persons with Disabilities.	Low uptake on the Affirmative Funds due to stringent lending conditions.	Review lending conditions.
	Establishment of the National Employment Authority.	Inadequate public awareness.	Create awareness.
			Create awareness and build capacity of the Authority.
			Training to suit job market.
	<p>Under the Big Four Agenda pillar on enhancing manufacturing:</p> <ul style="list-style-type: none"> i. 300 acres of cotton have been planted at Lambwe (Homa Bay County), at Lamu, <p>Under food security and nutrition pillar:</p> <ul style="list-style-type: none"> i. 1,743,148 tree seedlings were planted in various NYS units. <p>Under the Universal Health Coverage (UHC) pillar:</p>		There is need to transform Technical and Vocational Education Training (TVET) to respond to the contemporary labour market needs.



	<p>i. 22,541 NYS service men and women were registered under the National Hospital Insurance Fund (NHIF). In addition, 2,000 servicemen and women were registered as Volunteer Health Community (VHCs) workers.</p> <p>Under Affordable Housing:</p> <p>i. Government will facilitate capacity building to TVETs and community groups in the manufacturing of inter-locking soil blocks.</p>		Job seekers should be encouraged and supported to venture into entrepreneurship
2.	<p>RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION NO. 11 OF 1921</p> <p>Adoption: 12th November, 1921. Entry into Force: 11th May, 1923. Kenya acceded: 13th January, 1964. Obligation to Government: To put in place policy, legislative and institutional framework to ensure workers in the agricultural sector are properly compensated through wage fixing mechanism.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Labour Relations Act, 2007. Registered Trade Unions to represent workers in the Agricultural Sector. Established Wages Council for the Agricultural sector. The Agricultural Professionals Licensing and Registration Bill, 2009 is awaiting submission and tabling in Parliament.</p>	<p>CHALLENGES</p> <p>Inadequate awareness. Weak representation. low institutional capacity.</p>	<p>RECOMMENDATIONS</p> <p>Need to raise awareness. Capacity building of trade unions and members. Enhance institutional capacity.</p>
3.	<p>WEEKLY REST (INDUSTRY) CONVENTION, 1921</p> <p>Adoption: 17th November, 1921. Entry into Force: 19th June, 1923 Kenya acceded: 13th January, 1964. Obligation to Government: Ensure that all workers in both private and public sector enjoy at least one rest day in every period of seven days. .</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Employment Act, 2007.</p>	<p>CHALLENGES</p> <p>Low compliance and enforcement.</p>	<p>RECOMMENDATIONS</p> <p>Enhance enforcement and compliance.</p>
4.	<p>MARKING OF WEIGHTS (PACKAGES TRANSPORTED BY VESSELS CONVENTION), 1929 No. 27.</p> <p>Adoption: 11th November, 1921. Entry into force: 9th March, 1932</p>		



	<p>Kenya acceded: 9th February, 1971. Obligation to Government: To have any package or object weighing 1000kg (1 metric ton) and above consigned within the territory of any member state shall have its gross weight clearly marked on it before it is loaded.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated under the Merchant Shipping Act, Cap. 389, Kenya Ports Authority Act, Cap. 391, the Occupational Safety and Health Act, 2007.</p> <p>Renamed and strengthened Bandari Maritime Academy</p>	<p>CHALLENGES</p> <p>Inadequate funds.</p>	<p>RECOMMENDATIONS</p> <p>Resource mobilization.</p> <p>Continuous training.</p>
5.	<p>PROTECTION AGAINST ACCIDENTS DOCKERS CONVENTION REVISED, 1932 NO. 32</p> <p>Adoption: 27th April, 1932. Entry into force: 30th April, 1934 Kenya acceded: 13th January, 1964. Obligation to Government: To protect workers (Dockers), against accidents and injuries, hazard control in loading and unloading ships.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated under the Merchant Shipping Act, Cap. 389, Kenya Ports Authority Act, Cap. 391.</p> <p>Kenya Ports Authority (KPA) has put in place comprehensive and effective Occupation Safety and Health Policy.</p>	<p>CHALLENGES</p> <p>Inadequate awareness.</p>	<p>RECOMMENDATIONS</p> <p>Create awareness.</p>
6.	<p>LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTIONS, NO. 94 of 1949</p> <p>Adoption: 29th June, 1949. Entry into force: 20th September, 1952. Kenya acceded: 13th January, 1964. Obligation to Government: To ensure that in contracting for execution of public works or supply of goods and services, public authorities should concern themselves with working conditions under which operations are carried out.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the:</p> <ol style="list-style-type: none"> i. Public Finance Management Act, 2012; ii. Public Private Partnership Act, Public Procurement and Asset Disposal Act, 2015; and iii. Labour laws. 	<p>CHALLENGES</p> <p>There are weaknesses in the framework such as non-competitive procurement market in certain sectors and dominance of foreign investment.</p>	<p>RECOMMENDATIONS</p> <p>Enhance stakeholders' engagement and consultations.</p> <p>Enforce compliance with the law.</p> <p>Enhance public awareness and sensitization</p>

	<p>The Access to Government Procurement Opportunity (AGPO) policy introduced in 2013 that set as 10 percent now increased to 30 percent of Government contracts to be awarded to disadvantaged groups.</p> <p>Established the Public Procurement Regulatory Authority.</p>	<p>Weak enforcement mechanisms.</p> <p>Inadequate information to intended groups.</p> <p>Misuse of appellate process by disgruntled parties.</p>	<p>Enhance enforcement mechanisms.</p> <p>Undertake sensitization of intended groups.</p> <p>Streamline process to avoid frivolous litigations.</p>
7.	<p>MIGRATION FOR EMPLOYMENT CONVENTION, NO.97 OF 1949</p> <p>Adoption: 1st July, 1949. Entry into Force: 22nd January, 1952. Acceded: 30th November, 1965. Obligation to Government: To report to the ILO measures on migration for employment and the conditions for work and livelihood of migrant workers</p>	<p>CHALLENGES</p> <p>Low synergy and coordination among stakeholders</p> <p>Failure by some foreign investors to abide by the domestic Laws.</p>	<p>RECOMMENDATIONS</p> <p>Enhance synergies among the relevant stakeholders and multi-agencies involved</p> <p>Sensitization of investors on the applicable Laws of the land.</p>
8.	<p>MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 99 of 1951</p> <p>Adoption: 28th June, 1951. Entry into Force: 23rd August, 1953. Acceded: 9th February, 1971. Obligation to Government: To undertake to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.</p>	<p>CHALLENGES</p> <p>Low compliance in the informal sector with the minimum wages stipulated by the regulation.</p> <p>Slow consultation process by stakeholders</p> <p>Slow work progress</p>	<p>RECOMMENDATIONS</p> <p>Enhance Compliance through awareness creation.</p> <p>Expedite the process of consultation</p> <p>Enhance enforcement of the minimum wage.</p> <p>Speedy conclusion of the policy</p>



	Salaries has conducted a job evaluation exercise for the public sector	Results of the Job Evaluation are controversial	A review of the Job Evaluation
	A second review (2019) of the Kenya National Occupations Classification (KNOCS) 2000 is ongoing.		Phased approach to implementation of KNOCS
9.	<p>DOCK WORK CONVENTION, 137 OF 1973</p> <p>Adopted on: 25th June, 1973. Entered into force: 24th July, 1974. Kenya acceded to the Convention on: 9th April, 1979.</p> <p>Obligation to Government: To afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention is domesticated by the Merchant Shipping Act Cap. 389 and Kenya Ports Authority Act Cap. 391.</p> <p>Kenya Ports Authority has made improvements to the Port by increasing its operational efficiency in terms of transport volume, use of containers and sophisticated technology.</p> <p>The Kenya Ports Authority has developed training programmes to support workers to upgrade their skills.</p>	<p>CHALLENGES</p> <p>Limited funding to modernize the Port to optimal standards.</p>	<p>RECOMMENDATIONS</p> <p>Increase budgetary allocation.</p>
10.	<p>MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 143 OF 1945</p> <p>Adoption: 24th June, 1975. Entry into Force: 9th December, 1978. Acceded: 9th April, 1979.</p> <p>Obligation to Government: To suppress clandestine movement of migrants for employment and illegal employment of migrants.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Government has put in place the Counter Trafficking in Persons Advisory Committee and the National Assistance Trust Fund for Victims of Trafficking in Persons to combat trafficking.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p>Negotiations to sign bilateral agreements to secure reasonable terms of employment and social protection with Bahrain, Jordan and Kuwait are underway.</p> <p>Gazettement of Legal Notice No.110 to streamline recruitment of migrant labour.</p> <p>On 29th January 2019, the Government launched a Labour Migration Website to provide relevant information about the countries for prospective migrant workers and employers.</p> <p>Kenya established three labour attaché positions in Qatar, Saudi Arabia and UAE to secure interests in migrant labour.</p>		
11.	<p>WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 19 OF 1925</p> <p>Adoption: 10th June, 1925. Entry into Force: 1st April, 1927. Acceded: 13th January, 1964. Obligation to Government: Ensuring adequate compensation of workers injured or killed in the course of employment.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Convention has been domesticated by the Work Injury Benefits Act, 2007 (WIBA).</p> <p>Establishment of an Institutional framework for implementation of the Work Injury Benefits Act, 2007 (WIBA).</p>	<p>Inadequate funds.</p> <p>Increase budgetary allocation</p>	<p>RECOMMENDATIONS</p> <p>Expedite amendment to align the Act with the Convention in order to meet its objectives.</p> <p>Expedite the procedures of establishment.</p>
12.	<p>MINIMUM WAGE-FIXING MACHINERY CONVENTION, 26 OF 1928</p> <p>Adoption: 16th June, 1928. Entry into Force: 14th June, 1930. Acceded: 13th January, 1964. Obligation to Government: To ensure that the lowest paid workers (particularly in home-working trades) are not paid below the minimum wage and that they are paid wages adequate for them to meet the cost of living in prevailing economic circumstances.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domestication through the Labour Institutions Act, 2007 establishes sectoral Wages Councils to set minimum wages for all sectors.</p> <p>A Wages and Remuneration policy is being developed.</p> <p>Restructuring of the National Productivity and Competitiveness Centre</p>	<p>Large informal economy.</p> <p>Slow restructuring process.</p>	<p>RECOMMENDATIONS</p> <p>Sensitization of all the employers and workers.</p> <p>Expedite the restructuring process of the National</p>



			Productivity and Competitiveness Centre.
13.	<p>CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK OF 1938 NO. 63</p> <p>Adoption: 20th June, 1938. Entry into Force: 22nd June, 1940. Acceded: 13th January, 1964. Obligation to Government: To collect, compile and submit statistics relating to wages and hours of work to the ILO in quarterly or periodic intervals.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Domesticated by the Labour Institutions Act, 2007.</p> <p>Government collects and publishes data to ensure effective monitoring for compliance with labour standards to the International Labour Office.</p> <p>The Government launched the Kenya Labour Market Information System (KLMIS) on 12th July, 2017. The KLMIS System is one of the Vision 2030 Flagship Projects which brings the trainers, job seekers and potential employers into one platform. KLMIS also provides a research database for Human Resource related research. Training institutions are also able to identify the market needs and develop market driven curriculum.</p>	<p>CHALLENGES Inadequate technical capacity</p> <p>Low awareness among stakeholders.</p>	<p>RECOMMENDATIONS Enhance technical capacity</p> <p>Build the capacity of Kenya National Bureau of Statistics (KNBS) to enable it discharge its function effectively.</p> <p>Enhance public awareness.</p> <p>Adapt the best international practices in data collection and management.</p>
14.	<p>EMPLOYMENT SERVICE CONVENTION, NO. 88 of 1948</p> <p>Adoption: 9th July, 1948. Entry into Force: 10th August, 1950. Acceded: 13th January, 1964. Obligation to Government: To Ensure the maintenance of a free public employment service that embraces the best possible Organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Enactment of the National Employment Authority Act, No. 3 of 2016.</p> <p>The Authority has also developed a homecare management syllabus, trainers guide and a trainers' manual. Launched the Kenya Labour Market Information System (KLMIS).</p>	<p>CHALLENGES The National Employment Authority is not fully operationalized. Inadequate public awareness and stakeholder support.</p>	<p>RECOMMENDATIONS Fast-track and complete operationalization of the National Employment Authority. Enhance public awareness and stakeholder support. Enhance awareness and encourage use of the</p>

		system.
15.	<p>NIGHT WORK (WOMEN) CONVENTION (REVISED) OF 1948 NO. 89</p> <p>Adoption: 9th July, 1948. Entry into Force: 27th February, 1951. Acceded on: 30th November, 1965. Obligation to Government: Regulation of conditions for night work for women.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is considering the possibility of denunciation of the Convention.</p>	<p>CHALLENGES</p> <p>Delay in initiating the denunciation process</p> <p>RECOMMENDATIONS</p> <p>Expedite the denunciation process</p>
16.	<p>EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, NO. 118 of 1962</p> <p>Adoption: 28th June, 1962 Entry into Force: 25th April, 1964 Ratification: 9th February, 1971. Obligation to Government: To respect any one or more of the of the following branches of social security: medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment benefit and family benefit.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government provides social security through the NSSF, NHIF, Retirement Benefits Authority, and Work Injury Benefits Act 13 of 2007.</p> <p>Provision of cash transfer programs for older persons, Persons With Disabilities (PWDs) and Orphans And Vulnerable Children (OVCs).</p> <p>Under the Big 4 Agenda the government has mobilized citizens for NHIF registration of school students in public schools under <i>Edu Afya Scheme Programme</i>. In 2017/2018, 50,112 members have been registered. 17,074 NYS men and women were facilitated under the NHIF medical scheme during 2018/2019.</p>	<p>CHALLENGES</p> <p>Insufficient funds to cater for all social security needs. Inaccuracy in data collection for the potential beneficiaries</p> <p>RECOMMENDATIONS</p> <p>Allocation of more funds. Develop an adequate and reliable database for the potential beneficiaries.</p>

17.	<p>MINIMUM WAGE FIXING CONVENTION, NO. 131 of 1970</p> <p>Adoption: 22nd June, 1970. Entry into Force: 29th April, 1972. Accession: 9th April, 1979. Obligation to Government: To establish a system of minimum wage which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Establishment of wages councils to fix wages in various sectors to ensure reasonable terms and conditions of employment for workers in the relevant sectors.</p> <p>The Public Service Commission Act, 2017 has made provisions for minimum wage in the Public Service.</p> <p>Gazettement of minimum wages for the General and Agricultural Orders.</p> <p>Draft Public Service Commission Act Regulations, 2018, have been developed.</p>	<p>CHALLENGES</p> <p>Workers in the informal sector are not covered by the wage fixing machinery.</p>	<p>RECOMMENDATIONS</p> <p>Enhance enforcement measures to ensure workers who are not covered by set wage fixing machinery are covered</p>
18.	<p>HOLIDAYS WITH PAY CONVENTION (REVISED), 132 of 1970</p> <p>Adoption: 24th June, 1970. Entry into Force: 30th June, 1973. Ratification: 9th April, 1979. Obligation to Government: To ensure provision of holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Domesticated through the Employment Act, 2007 and Public Service Commission Act, 2017 which has provision on entitlement to an annual paid leave.</p> <p>Implementation of the Human Resource Policies and Procedures Manual for Public Service May, 2016.</p>	<p>CHALLENGES</p> <p>Poor implementation of provisions on annual paid leave in the Public Sector.</p>	<p>RECOMMENDATIONS</p> <p>Strengthen enforcement Need for sensitization of the Public Sector.</p> <p>Sensitization and awareness for workers.</p>
19.	<p>WORKERS' REPRESENTATIVES CONVENTION, NO. 135 OF 1971</p> <p>Adoption: 23rd June, 1971. Entry into Force: 30th June, 1973. Ratification: 9th April, 1979.</p>	<p>Inadequate awareness within the Public Service on the provisions of the Manual.</p>	<p>Sensitization and awareness for workers.</p>

	Obligation to Government: To provide protection of workers against anti-union discrimination in respect of their employment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domestication of the Convention through the Labour Relations Act, 2007.	Limited understanding amongst workers and employers.	Enhance sensitization and awareness creation.
20.	PAID EDUCATIONAL LEAVE CONVENTION, NO. 140 1974 Adoption: 24 th June, 1974. Entered into force on: 23 rd September, 1976. Accession: 9 th April, 1979 Obligation to Government: To formulate and apply policies designed to promote granting of paid educational leave for purposes of training at any level, general, social and civic education and trade union education.	CHALLENGES There are no policy guidelines on paid educational leave.	RECOMMENDATIONS Develop policy guidelines on paid educational leave.
21.	RURAL WORKERS' ORGANISATIONS' CONVENTION, NO. 141 OF 1975 Adoption: 23 rd June, 1975. Entry into Force: 24 th November, 1977. Accession: 9 th April, 1979. Obligation to Government: To ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.	CHALLENGES Low level of awareness.	RECOMMENDATIONS Enhance sensitization and awareness creation.
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Domestication of the Convention has been done through the Labour Relations Act, 2007.		
22.	HUMAN RESOURCES DEVELOPMENT CONVENTION, NO. 142 OF 1975 Adoption: 23 rd June, 1975. Entry into Force: 19 th July, 1977. Accession: 9 th April, 1979. Obligation to Government: To ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems.		



MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>Establishment of the National Industrial Training Authority under the Industrial Training (Amendment) Act, 2011, through the Technical Vocational Education and Training Act (TVET), 2013, responsible for industrial and technical training.</p> <p>Established the State department for Post Training and Skills Development which is mandated to spear head skills development of the Kenyan workforce.</p> <p>In 2019, the public Service Commission offered internship opportunities in MDAs to 5,459 youths. The Teacher's Service Commission developed internship guidelines in 2019 and engaged 10,000 teacher interns (4,300 posts for Primary Schools and 6,000 posts for Secondary Schools).</p> <p>The Government through the National Youth Service (NYS) recruited 11,724 servicemen and women who included 8,620 servicemen and 3,104 service women. Among them were 31 persons living with disabilities; 19 servicemen and 12 servicewomen recruits. Over the year 2019, a total of 5,503 have joined NYS Vocational Training Institutions and 8,321 have been sponsored to study in other Technical and Vocational Education and Training Institutions (TVETs) across the country.</p> <p>Government has institutionalized vocational training through upgrading, equipping and establishing new TVET institutions in every constituency to equip the youth with the necessary skills to meet the current labour market demands.</p> <p>Government in partnership with the World Bank has developed the Kenya Youth Employment and Opportunities Project (KYEOP) from 2016 to 2021.</p>	<p>Low uptake of the skills training offered by the TVET institutions.</p> <p>Human and financial resource constraints</p> <p>Low absorption of the trained servicemen and women in the labour market.</p>	<p>Enhance sensitization and awareness creation.</p> <p>Optimize resources.</p> <p>Develop an absorption mechanism for the skilled servicemen and women.</p>
<p>Work place Based Training (WNB) Policy Gap Analysis Study was conducted in 2019.</p>		<p>Establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.</p> <p>Adapt and harmonize vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.</p> <p>Develop Policies and programmes of vocational</p>

23.	<p>NURSING PERSONNEL CONVENTION, NO. 149 of 1977</p> <p>Adopted in: 21st June, 1977. Entry into force: 11th July, 1979. Accession: 6th June, 1990. Obligation to Government: To adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.</p>		guidance and vocational training formulated and implemented in co-operation with employers' and workers' organizations and, as appropriate and in accordance with national law and practice, with other interested bodies
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Establishment of a Nursing Services Unit (NSU) and a Nursing Council of Kenya (NCK) that has set standards relating to the education and practice of nurses.</p> <p>Implementation of the Revised Scheme of Service for Nursing Personnel.</p> <p>Ensures that Nurses continuously maintain and update their competencies by providing CPD Programmes</p>	<p>CHALLENGES</p> <p>Understaffing of functional health facilities.</p> <p>Limited training and development opportunities.</p> <p>Inadequate funds to implement the revised scheme of service for Nursing Personnel.</p> <p>Non-conducive working conditions for Nursing Personnel.</p>	<p>RECOMMENDATIONS</p> <p>Equip health facilities and recruit additional nurses.</p> <p>Provision of adequate funding to enhance training and development</p> <p>Provision of adequate funding to implement the revised scheme of service.</p> <p>Improve working conditions and existing infrastructure.</p>



SPORTS, ARTS AND CULTURE	
1. THE 2003 UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (ICH)	
<p>Adopted in: 17th October, 2003. Entered into force on: 20th April, 2006. Kenya became a State party to the Convention on: 24th October, 2007. Obligation to Government: To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.</p>	
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES
<p>Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March, 2008.</p> <p>Baseline survey carried out in Western region of Kenya by the Department of Culture and National Museums of Kenya to identify ICH elements, for documentation and nomination for submission to UNESCO for consideration for safeguarding.</p>	<p>Financial constraints.</p> <p>Late notifications.</p> <p>Lack of community awareness on the Conventions' opportunities due to inadequate sensitization.</p> <p>Lack of a mechanism for monitoring and evaluation of funded programmes e.g. UNESCO has been funding several local organizations directly without the knowledge of the Ministry making M&E and impact assessment difficult.</p> <p>Under-developed institutional and cultural infrastructure.</p> <p>Lack of synergy among stakeholders involved in the UNESCO-ICH.</p> <p>Lack of documentation, fading away of Intangible Cultural Heritage (ICH) and failure to plant and maintain flora and fauna.</p>
	RECOMMENDATIONS
<p>Other similar programmes /activities currently being implemented in the Rift Valley, Eastern and Nyanza regions.</p> <p>Participation in regional and international meetings to promote the element of UNESCO-ICH.</p>	<p>Enhance funding</p> <p>Enhance synergies among the stakeholders.</p> <p>Document ICH and provide mentorship programmes.</p>



UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS			
<p>Adopted in: 20th October, 2005. Entered into force on: 18th March, 2007. Kenya became a State party to the Convention on: 24th October, 2007. Obligation to Government: To formulate and implement cultural policies, to adopt measures to protect and promote the diversity of cultural expressions and strengthen international Co-operation to achieve the purposes of this Convention:</p>			
2.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domesticated by Protection of Traditional Knowledge and Cultural Expression Act, 2016 and Copyrights Act, 2001. Draft National Culture and Heritage Policy 2019. Draft Culture Bill, 2019.	Low awareness.	Sensitization on the law.
	Organised symposia, mapped Kenya's Creative Cultural Industries.	Inadequate investment, resource mobilization, and lack of community awareness and sensitization on Convention.	More allocation of resources and timely notifications.
	Kenya created and launched a database of plundered natural artefacts in June 2019.	Expensive negotiations and follow up for the repatriation exercise.	Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage.
	Repatriation of cultural and religious artefacts and totems in July 2019, (30 <i>Giriama Vigungo</i>).	Competing interests among the actors and negative fragmented culture legislation measures.	Recognize the importance of culture sector to the growth of the economy.
	Draft National Music Policy, 2019.	Poor monitoring and evaluation of funded programmes.	Carry out a National mapping of the cultural/creative industries.
	Kenya has been remitting annual subscription to UNESCO as required by the convention although no contribution has been remitted for the last two years.	No legal framework.	Government and stakeholders should develop a national monitoring and evaluation framework for the Convention
	Kenya has been submitting its quadrennial reports to UNESCO as required by the Convention.	Policies and legislative frameworks take unnecessarily too long to enact.	Fast-track the process of drafting the laws.
		Lack of coordinated implementation plan on culture between National and County Governments and other culture stakeholders negatively affect reporting on achievements in implementation of the	The Government to provide adequate funds for cultural development. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture.



Kenya has conducted capacity building and dissemination workshops for County governments, culture Stakeholders and community leaders on the 2005 UNESCO Convention	Kenya has designated a national Point of contact to coordinate implementation of the convention.	Inadequate investment in culture sector. Culture sector usually receives low funding from Treasury.	Recognize the importance of culture sector to the growth of the economy.	
Kenya has designated a national Point of contact to coordinate implementation of the convention.	Lack of cooperation among the sector players leading to competing interest.	Lack of cooperation among the sector players leading to competing interest.	Government should address issue of fragmentation of culture functions across government agencies by enacting the Culture Bill	
The department of Culture has been working with civil society especially the creative economy working group and KNATCOM to capacity build cultural industry players in preparing a framework for implementation of the Convention.	Financial constraints and follow ups.	Financial constraints and follow ups.	Government should develop a coordinated national implementation framework for promotion and protection of the diversity of cultural expressions.	
Kenya has negotiated and implemented bilateral regional and internal agreements to promote diversity of Cultural Expressions.	UNESCO funds are inadequate to meet the demands from all African countries (International Fund for Cultural Diversity).	UNESCO funds are inadequate to meet the demands from all African countries (International Fund for Cultural Diversity).	Government should engage civil society and other stakeholders more in promotion and protection of the diversity of cultural expressions.	
The department of culture in partnership with KNATCOM and Civil Society has developed a national framework for implementation of the 2005 UNESCO Convention.	Lack of a national mechanism for monitoring and evaluation of cultural programmes undertaken by private organizations, NGO'S and government.	Lack of a national mechanism for monitoring and evaluation of cultural programmes undertaken by private organizations, NGO'S and government.	Government should encourage public and private partnerships in cultural programmes.	
Conducted a mapping study on cultural and creative industries in Kenya through partnership with East Africa Community secretariat			Government in consultation with stakeholders should develop a national monitoring and evaluation framework for National mapping of the cultural/creative industries.	

DELIMITATION, DEMARCATION AND DELINEATION OF BOUNDARIES			
DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)			
1.	Adopted in: 25 th March, 2010 Entered into force on: 25 th March, 2011 Obligation to Government: To delineate Kenya's land and maritime boundaries.	CHALLENGES	RECOMMENDATIONS
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Exclusive Economic Zone (EEZ) has been declared.	Kenya is not a full member of the International Hydrographic Organization (IHO) and hence cannot make hydrographic charts on her own.	Fast-track upgrading of Kenya's membership in International Hydrographic Organisation from an associate member to a full member.
	Delineation of Extended Continental Shelf (ECS) in progress.	Language barrier among the communities along the border presents challenges to the reaffirmation process.	Provision of translators.
	Reaffirmation of Kenya's international boundaries with Tanzania, South Sudan, Ethiopia and Uganda are in progress with neighboring countries.	Accessibility to communities located in remote areas along the boundaries.	Provision of all-weather terrain vehicles able to handle remote area conditions.
	Kenya/South Sudan boundary sensitization and confidence building was carried out with the community living along the border in Kaboita, Kenya in July, 2019. In September, 2019 communities along the border were sensitized in Libindi and Namma, Kenya.	Insecurity	Provision of security escort to officials conducting reaffirmation exercises.
	Reaffirmation of the Kenya/Tanzania boundary is to be undertaken in 3 phases: In the first phase, the demarcation was completed and 173km was covered along Isabania/Sarare/Namanga, Kenya; the second phase is to start soon.		
	The Treaty between the Republic of Kenya and the Empire of Ethiopia Respecting the Boundary Between the Two Countries which was signed on 9 th June, 1970 and governs the reaffirmation of Kenya/Ethiopia boundary.		
	An MOU was signed in March 2019 for the purposes of reaffirmation of the Kenya/Uganda boundary. The reaffirmation exercise is expected to commence soon.		
	A Tripartite Arrangement was agreed between Kenya, South Sudan and Uganda in December, 2019 to establish, coordinate and deliberate on the documents established by the tripoint between the three parties.		
	Ratification in process for Kenya to become full member of the International Hydrographic Organization (IHO).		

2.	<p align="center">ADDIS ABABA DECLARATION ON GEOSPATIAL INFORMATION MANAGEMENT</p> <p>Pronounced on: 22nd April, 2016. Obligation to Government: To develop a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies.</p> <table border="1" data-bbox="411 192 568 1982"> <tr> <td data-bbox="411 1249 480 1982">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</td> <td data-bbox="411 701 480 1249">CHALLENGES</td> <td data-bbox="411 192 480 701">RECOMMENDATIONS</td> </tr> <tr> <td data-bbox="480 1249 568 1982">Kenya has established Kenya Geodetic Reference Frame (KENREF), under Ministry of Lands, Housing and Urban Development.</td> <td data-bbox="480 701 568 1249">Resource constraints. Incompatible geospatial data.</td> <td data-bbox="480 192 568 701">Resource mobilization. Creation of the National Spatial Data infrastructure to standardize spatial data collection.</td> </tr> </table>			MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Kenya has established Kenya Geodetic Reference Frame (KENREF), under Ministry of Lands, Housing and Urban Development.	Resource constraints. Incompatible geospatial data.	Resource mobilization. Creation of the National Spatial Data infrastructure to standardize spatial data collection.									
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3.	<p align="center">AFRICAN UNION STRATEGY FOR ENHANCING BORDER MANAGEMENT IN AFRICA, 2012</p> <p>Adopted by all AU Member States. Entered into force on: March, 2010. Obligation to Government: To cooperate and coordinate border management all levels.</p> <table border="1" data-bbox="727 192 1184 1982"> <tr> <td data-bbox="727 1249 1002 1982">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</td> <td data-bbox="727 701 1002 1249">CHALLENGES</td> <td data-bbox="727 192 1002 701">RECOMMENDATIONS</td> </tr> <tr> <td data-bbox="1002 1249 1066 1982">Border patrol, administration and border survey unit launched and operationalized.</td> <td data-bbox="1002 701 1066 1249">Water hyacinth is hindering movement of security personnel.</td> <td data-bbox="1002 192 1066 701">Fast-track mechanical removal of water hyacinth. Strengthen internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, and intelligence to reduce threats related to immigration.</td> </tr> <tr> <td data-bbox="1066 1249 1129 1982">Cross border consultative meetings among security agencies, CEWARNs and National Focal Points ongoing.</td> <td data-bbox="1066 701 1129 1249">Poor coordination among stakeholders.</td> <td data-bbox="1066 192 1129 701">Undertake research on border management and control. Enhance regional cooperation in border control.</td> </tr> <tr> <td data-bbox="1129 1249 1184 1982">Training of personnel at the HPSS/IPSTC on border control is being enhanced.</td> <td data-bbox="1129 701 1184 1249">Inadequate funding for training and equipment.</td> <td data-bbox="1129 192 1184 701">Provide adequate funding for capacity building and training of relevant personnel.</td> </tr> <tr> <td data-bbox="1184 1249 1184 1982">Use of development and peace dividends along cross border areas so as to co-opt local communities in border management efforts is on-going.</td> <td data-bbox="1184 701 1184 1249">Inadequate research to inform policy on border security.</td> <td data-bbox="1184 192 1184 701">Develop a mechanism for follow up.</td> </tr> </table>			MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	Border patrol, administration and border survey unit launched and operationalized.	Water hyacinth is hindering movement of security personnel.	Fast-track mechanical removal of water hyacinth. Strengthen internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, and intelligence to reduce threats related to immigration.	Cross border consultative meetings among security agencies, CEWARNs and National Focal Points ongoing.	Poor coordination among stakeholders.	Undertake research on border management and control. Enhance regional cooperation in border control.	Training of personnel at the HPSS/IPSTC on border control is being enhanced.	Inadequate funding for training and equipment.	Provide adequate funding for capacity building and training of relevant personnel.	Use of development and peace dividends along cross border areas so as to co-opt local communities in border management efforts is on-going.	Inadequate research to inform policy on border security.	Develop a mechanism for follow up.
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PART V

ANNEXES





ANNEX I - CONFERENCES HELD IN KENYA IN 2019-2020

NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
1.	4 th Session of the United Nations Environmental Assembly (UNEA) Venue-UNON Expected Delegates -5,000	11-15 th March, 2019	United Nations Environment Programme (UNEP) GoK	High-Level (Ministerial with 2 Heads of State)	Ministry of Foreign Affairs Ministry of Environment and Forestry
2.	One Planet Summit (OPS) Venue-UNON Expected Delegates -200	14 th March, 2019	GoK, France, UN & World Bank	High-Level (Ministerial with 2 Heads of State)	Ministry of Foreign Affairs Ministry of Environment and Forestry
3.	2 nd Session of the Ad Hoc Open-Ended Working Group established pursuant to the General Assembly Resolution 72/277 "Towards a Global Pact for the Environment" Venue-UNON Expected Delegates- 500	18-20 th March, 2019	UNEP	Technical	Ministry of Foreign Affairs Ministry of Environment and Forestry
4.	Africa Regional Preparatory Meeting for the 2019 Conference of State Parties to the Basel Rotterdam & Stockholm Conventions Venue- UNON Expected Delegates-500	18-20 th March, 2019	Basel Rotterdam & Stockholm Conventions Secretariat	Technical	Ministry of Foreign Affairs
5.	Kalasha International TV & Film Market Venue-K.I.C.C. Expected Delegates -1000	26 th -28 th March, 2019	Kenya Film Commission GoK	Film & TV Industry Stakeholders	Ministry of Information, Communications and Technology
6.	123 rd Session of the International Coffee Organization (ICO)	25-29 th March, 2019	GoK ICO	High-Level	Ministry of Foreign Affairs Ministry of Agriculture, Livestock, Fisheries

NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
	Venue-K.I.C.C Expected Delegates -550				And Irrigation
7.	Afrochampions Boma Conference On Infrastructure Financing And Delivery Venue- Windsor Golf Hotel Expected Delegates-200	15 th -17 th April, 2019	Ministry of Transport, Infrastructure, Housing and Urban Development African Union High Representative for Infrastructure Development,	High-Level	Ministry of Foreign Affairs Ministry of Transport, Infrastructure, Housing and Urban Development
8.	Conference on Statelessness Venue-Radisson Blu Expected Delegates –120	16 th -18 th April, 2019	UNHCR ICGLR Ministry of Interior and Coordination of National Government	Ministerial Technical	Ministry of Interior and Coordination of National Government
9.	The 6 th Africa Think Tank Summit Venue-K.I.C.C. Expected Delegates-100	24 th -26 th April, 2019	National Treasury and Planning	High-Level	National Treasury and Planning
10.	East African Petroleum Conference and Exhibition 2019 (EAPCE'19) Venue- Pride Inn Paradise Beach Resort, Mombasa Expected Delegates -600	8 th -10 th May, 2019	EAC Ministry of Petroleum	Global, Governments	Ministry of Petroleum and Mining
11.	Justice and Good Governance in the Great Lakes Region Venue- Radisson Blu Hotel Expected Delegates -100	13 th - 15 th May, 2019	ICGLR GoK	Ministerial	Ministry of Foreign Affairs
12.	2019 Annual Scientific Committee of the International Whaling Commission (IWC) Venue- Safari Park Hotel Expected Delegates-130	10 th -22 nd May, 2019	IWC & Ministry of Fisheries Blue Economy	Technical	Ministry of Foreign Affairs Ministry of Agriculture, Livestock, Fisheries And Irrigation



NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
13.	27 th Session of the UN-Habitat Governing Council/First Session of UN-Habitat Assembly Venue-UNON Expected Delegates -5000	27 th -31 st May, 2019	GoK UN-Habitat	High-Level (Ministerial with a segment for selected Heads of State)	Ministry of Foreign Affairs State department for Housing and Urban Development
14.	International Flower Trade Expo (IFTEX) Venue- Visa Oshwal Centre Expected Delegates- 500	5 th -7 th June, 2019	HPP Exhibition and Kenya Flower Council	Flower Growers and Stakeholders in the Floriculture Industry	Kenya Embassy in Netherlands
15.	15 th Comprehensive Africa Agriculture Development Programme (CAADP) Partnership Platform Meeting Venue-Safari Park Hotel Expected Delegates-250	11 th -14 th June, 2019	GoK African Union	Ministerial	State Department of Crop Development DICE
16.	Konza Investors Conference	June 2019	Kenya Technopolis Development Authority(KoTDA) Ministry of Information, Communication & Technology	High Level All round industry players	Kenya Technopolis Development Authority(KoTDA) Ministry of Information, Communication & Technology
17.	African Regional Counter-Terrorism Conference Venue- UNON Expected Delegates -700	10 th -11 th July, 2019	GoK UNOCT	High-Level (Ministerial Level)	Ministry of Foreign Affairs
18.	21 Common Market for Eastern and Southern Africa (COMESA) High Level Business Summit and International Trade Fair Venue-K.I.C.C Expected Delegates- 1800	17 th -21 st July 2019	State Department of Trade		Ministry of Foreign Affairs State Department of Trade
19.	Promotional visit by the African	22 nd -26 th July, 2019	African Commission on Human and	Ministerial	Office of the Attorney General and



NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
	Commission on Human and Peoples' Rights Venue-Nairobi		Peoples' Rights Office of the Attorney General and Department of Justice		Department of Justice
20.	1 st Edition of the African Women Leadership Network- Intergenerational Dialogue Retreat Venue-Safari Park Hotel Expected Delegates- 100	16 th -18 th August, 2019	AU Office of the Special Envoy for Women Peace & UN Women	Technical	Office of the Attorney General and Department of Justice
21.	23 rd Session of Food and Agriculture Organization (FAO)/ World Health Organization (WHO) Coordinating Committee meeting for Africa Venue- Nairobi Expected Delegates -300	2 nd – 6 th September, 2019	State Department for Agriculture Research Ministry of Agriculture	High Level Ministerial	Ministry of Foreign Affairs Ministry of Agriculture
22.	International Medical & Health Care Products & Equipment Trade Exhibition Venue-K.I.C.C	September, 2019	Expo. Group Exhibitors worldwide, UAE	Health Care industry stakeholders	Kenya Embassy in Netherlands
23.	Youth and the Blue Economy Proposed themes; i. Investing in youth potential in the Blue Economy sector ii. Facilitating youth innovation and enterprise in the Blue Economy Venue-Mombasa Expected Delegates -1000	September, 2019	Ministry of Foreign Affairs Co-hosts: i. State department of Maritime and Fishing Affairs ii. Ministry of Public Service Youth and Gender Affairs	1000 youth in different cadres (MFA, learning institutions and general youth)	Ministry of Foreign Affairs Ministry of Public Service Youth and Gender Affairs
24.	12 th Commonwealth Women Affairs Ministerial Meeting (WAMM) Venue-Movenpick hotel	17 th -20 th September 2019	GoK Commonwealth Secretariat	High Level	Ministry of Foreign Affairs



NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
	Expected Delegates-500				
25.	National Anti-Gender Based Violence Conference Venue-K.I.C.C Expected Delegates-400	16 th - 17 th October, 2019.	GoK UN Family Embassy of Finland	Ministerial	Ministry of Foreign Affairs Ministry of Public Service Youth and Gender Affairs
26.	The Kenya Sanitation Conference Venue-K.I.C.C Expected Delegates-1000	28 th -31 st October, 2019	-Ministry of Water and Sanitation	Ministerial Level	Ministry of Water and Sanitation
27.	Clean Cooking Forum 2019 National Steering Committee Venue-Radisson Blu Expected Delegates-400	5 th -7 th November 2019	Ministry of Energy Clean Cooking Alliance		Ministry of Energy Ministry of Foreign Affairs
28.	International Steering Committee meeting (ICPD25) Venue-MFA Expected Delegates-50	8 th -9 th November, 2019	GoK UNFPA Denmark	Technical	Ministry of Foreign Affairs
29.	International Conference on Population and Development (ICPD25) – The Nairobi Summit Venue-K.I.C.C Expected Delegates -5000	12 th -14 th November, 2019	United Nations Population Fund (UNFPA)	High-Level Summit	Ministry of Foreign Affairs
30.	African Protected Areas Congress (APAC) Venue- 2000 Expected Delegates –K.I.C.C.	19 th -25 th November, 2019	International Union for Nature Conservation (IUCN) & Ministry of Tourism and Wildlife	High-Level	Ministry of Foreign Affairs Ministry of Tourism and Wildlife
31.	59th Inter-Africa Coffee Organization Conference (IACO)Annual General Assembly (AGA) Venue-Safari Park Hotel	25 th -29 th November, 2019	-IACO -Ministry of Agriculture, Livestock, Fisheries and Irrigation	Regional Level	Ministry of Foreign Affairs Ministry of Agriculture, Livestock, Fisheries and Irrigation

NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
	Expected Delegates -400				
32.	7th African Coffee Symposium Venue-Safari Park Hotel Expected Delegates -400	25 th -29 th November, 2019	IACO -Ministry of Agriculture, Livestock, Fisheries and Irrigation	Regional Level	Ministry of Foreign Affairs
33.	Routes Africa Conference Venue-Pride Inn Paradise Beach, Mombasa Expected Delegates -400	8 th -10 th December, 2019	Kenya Airports Authority Routes Africa	Global	Ministry of Transport, Infrastructure, Housing and Urban Development Kenya Airports Authority
34.	9th Africa, Pacific and Caribbean (ACP) Summit To be preceded by -10 th ACP) Council of Ministers 110 th ACP Council of Ministers Meeting Council and ACP Foreign Ministers Venue-K.I.C.C Expected Delegates -2000	9 th -10 th December, 2019 6 th -7 th December, 2019 8 th December, 2019	GoK State Department of trade ACP Secretariat National Treasury MFA	High-Level	State Department of Planning Ministry of Foreign Affairs
35.	Global Partnership for Education (GPE) Board of Directors Meeting Venue-UNON Expected Delegates -100	10 th -12 th December, 2019	Ministry of Education, Science and Technology -MFA		Ministry of Foreign Affairs Ministry of Education, Science and Technology
36.	High level panel for a Sustainable Oceans Economy West Indian Ocean Regional Block Meeting Venue-Mombasa Expected Delegates -200	13 rd -15 th December, 2019	GoK	Sherpas	PSU
37.	African Youth Conference Venue-Safari Park	13 th -15 th December	Ministry of Public Service, Youth and Gender	Regional	Ministry of Public Service, Youth and Gender



NO.	NAME OF CONFERENCE/ MEETING	DATES	CONVENING ORGANIZATION	LEVEL OF PARTICIPATION	KEY MDAS INVOLVED
	Expected Delegates -300		-AU -Youth Envoy		Ministry of Foreign Affairs
38.	Regional Workshop in the Framework of the preparatory phase of the United Nations Decade of Ocean Science for Sustainable Development Venue-UNON Expected Delegates-60	21 st -23 rd January 2020	GoK Intergovernmental Oceanographic Commission (IOC)	Technical	Ministry of Foreign Affairs State Department of Fisheries, Aquaculture and Blue Economy
39.	IGAD's National consultation on the Red Sea and Gulf of Aden Venue- Hilton Hotel	30 th -31 st January, 2020	GoK IGAD	Technical	Ministry of Foreign Affairs Ministry of Defence Ministry of Interior and Co-ordination of National Government Kenya Maritime Authority (KMA)

ANNEX II - KENYA'S CANDIDATURES IN 2019
COUNTRY (KENYA) SPECIFIC CANDIDATURES

YEAR OF ELECTIVE POST/ POSITION	ORGANIZATION	POSITION	STATUS	TERM
2019	International Maritime Organization (IMO)	Council Member "C"	Elected	2020-2021
	United Nations Economic, Social & Cultural Council (ECOSOC)	Member	Current Member	2019-2021

INDIVIDUALS (KENYANS) SPECIFIC CANDIDATURES

YEAR OF ELECTIVE POST/ POSITION	INDIVIDUAL CANDIDATE	ORGANIZATION	POSITION	STATUS	TERM
2019	H.E. Uhuru Kenyatta	African, Caribbean and Pacific Group of States 2019-2022 H.E. Uhuru Kenyatta	President	Successful	2019-2022
	H.E. Uhuru Kenyatta	The African Union (Culture and the Arts Program)	Champion	Successful	—
	Samuel Mbithi Kimeu	The African Union (Advisory Board on Corruption)	Board Member	Successful	2019-2021
	Abbas Guillet	Standing Commission of the Red Cross and Red Crescent	Member	Successful	2019-2022
	John Omo	Africa Telecommunication Union (ATU)	Secretary General	Current Member	2019-2022



INDIVIDUAL (KENYANS) SPECIFIC AWARDS

YEAR OF AWARD	INDIVIDUAL CANDIDATE	ORGANIZATION	AWARD
2019	Najib Balala	The World Tourism & Travel Council (WTTTC)	Global Champion
	Peter Tabichi	Varkey Foundation	Global Teacher Award
	Erick Ademba	The African Union (AU)	Continental Teacher Prize



ANNEX III- KENYA'S SUBSCRIPTIONS TO INTERNATIONAL ORGANIZATIONS 2019-2020

	INTERNATIONAL/REGIONAL ORGANIZATION	REQUIRED ANNUAL SUBSCRIPTION 2019-2020	PAID ANNUAL SUBSCRIPTION 2020	OUTSTANDING SUBSCRIPTION AS AT JANUARY, 2020
OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE				
1.	International Criminal Court (ICC)	USD 19,706	USD 9,950	USD 9,756
2.	International Tribunal for the Law of the Sea	USD 4,335	NIL	USD 4,335
3.	Permanent Court of Arbitration	USD 4,907	USD 359,082	CLEARED
4.	Asian African Legal Consultative Organization	USD 3,941	USD 3,941	CLEARED
LABOUR				
5.	International Labour Organization (ILO)	USD 124,641	NIL	USD 88,439
6.	World Association of Private Employment Services	USD 13,302	NIL	USD 2,496
AGRICULTURE				
7.	International Fund for Agricultural Development (IFAD)	USD 88,678	USD 3,242,022	CLEARED
8.	International Red Locust Control Organization for Central and Southern A	USD 125,134	USD 48,051	USD 32,685
9.	Desert Locust Control Organization	USD 1,012,035	NIL	USD 54,046
HUMAN RIGHTS				
10.	International Coordination Committee for Protection of Human Rights	USD 6,207	USD 586,081	USD 423,231
LIVESTOCK				
11.	OIE - World Organization for Animal Health	USD 76,854	USD 1,5676,900	CLEARED
MARITIME TRANSPORT				
12.	International Maritime Organization	USD 80,955	NIL	USD 26,094
13.	Inter-Governmental Standing Commission on Shipping (ISCOS)	USD 382,838	USD 490,510	USD 828,032
FISHERIES				
14.	Statutory Organizations (Indian Ocean Tuna Commission; South West Indian Ocean Fisheries Commission INFO)	USD 226,621	USD 9,040,440	USD 2,751,432

EAC INSTITUTIONS

15.	East African Community Secretariat	USD 8,371,320	USD 6,681,154	USD 1,690,166
16.	East African Court of Justice (EACJ)			
17.	East African Legislative Assembly (EALA)			
18.	Lake Victoria Basin Commission (LVBC)			
19.	East African Science and Technology Commission (EASTECO)			
20.	East African Health Research Commission (EAHRC)			
21.	East African Competition Authority (EACA)			
22.	Inter University Council for East Africa (IUCEA)	USD 1,572,129	USD 744,436	CLEARED
23.	Lake Victoria Fisheries Organization (LVFO)	USD 525,550	NIL	USD 1,965

ENVIRONMENT

24.	International Organization of Legal Metrology	USD 17,573	NIL	USD 124,305
25.	African Centre for Meteorological Applications for Development	USD 29,564	USD 29,564	CLEARED
26.	Convention on International Trade in Endangered Species (CITES)	USD 14,780	NIL	USD 74,134
27.	Convention on Conservation on Migratory Species of Animals (CMS)	USD 14,780	NIL	USD 167,051
28.	Africa Eurasian Water Birds Agreement (AEWA)	USD 19,706	NIL	USD 14,739
29.	Lusaka Agreement Against Illegal Trade in Wild Fauna and Flora (L/ATF)	USD 133,016	NIL	USD 14,739
30.	International Union of Conservation of Nature	USD 142,870	NIL	USD 19,653
31.	Lusaka Agreement Against Illegal Trade in Wild Fauna and Flora(L/ATF)	USD 133,016	NIL	USD 132,658
32.	International Union of Conservation of Nature	USD142,870	NIL	USD 142,485
33.	World Meteorological Organization	USD 49,274	NIL	USD 8,845
34.	Nile Basin Initiatives	USD 312,671	USD 54,046	CLEARED

MINING

35.	Africa Minerals and Geoscience Centre (AMGC)	USD74,334	NIL	USD 132,658
36.	International Union of Geological Sciences (IUGS)	USD 495	NIL	USD 2,067,375
37.	Commission for the Geological Map of the World (CGMW)	USD 990	USD 10,253	USD 8,402
38.	Regional Centre for Mapping Resources for Development (RCMRD)	USD133,016	NIL	USD 3,636
39.	Geologists Registration Board	USD7,932	NIL	USD 494
TOURISM				
40.	World Tourism Organization	USD 37,209	NIL	USD 7,910
TRANSPORT				
41.	International Civil Aviation Organization (ICAO)	USD 26,263	NIL	USD 6,878
42.	African Civil Aviation Commission (AFCAC)	USD 49,743	NIL	USD 49,743
43.	Northern Corridor Transit and Transport Coordination Authority	USD 829,392	NIL	USD 1,965
SPORTS ARTS AND CULTURE				
44.	International Olympic Commission	USD1,971	NIL	CLEARED
PEACE AND SECURITY				
45.	International Atomic Energy Agency (IAEA)	USD 11,824	NIL	USD 114,545
46.	Eastern and Southern Africa Anti Money Laundering Group	USD72,731	NIL	USD 72,535
47.	Regional Centre on Small and Light Weapon	USD881,600	NIL	USD 13,266
INTERNATIONAL TRADE AND INVESTMENT				
48.	African Caribbean and Pacific Group of States Secretariat	USD 261,106	USD 260,404	CLEARED
PLANNING AND STATISTICS				
49.	African Institute for Economic Development and Planning	USD 22,662	NIL	USD 22,662
INFORMATION, COMMUNICATION AND TECHNOLOGY (ICT)				
50.	International Centre for Cinema and Television	USD 6,897	USD 381,807	CLEARED
INTELLECTUAL PROPERTY				

51.	World Intellectual Property Organization (WIPO)	USD 5,419	USD 13,134	USD 36,007
CO-OPERATIVES				
52.	International Cooperative Alliance	USD 19,706	USD 827,160	CLEARED
PUBLIC SERVICE AND ADMINISTRATION				
53.	African Association of Public Administration (AAPAM)/CAAPAM/CLGF	USD 285,739	USD 39,412	USD 246,327
FOREIGN AFFAIRS				
54.	Commonwealth Foundation	USD 232,302	USD 63,639	USD 168,663
55.	Commonwealth Region Health Community Secretariat	USD 197,061	0	USD 197,061
56.	Commonwealth Secretariat	USD 430,396	USD 430,396	Nil.
57.	Commonwealth Technical Assistance Fund	USD 819,950	USD 439,288	USD 380,958
58.	Contribution to Commonwealth Parliamentary Association	USD 29,559	NIL	USD 4,324
59.	Common Market for East and Southern Africa (COMESA)	USD 1,100,894	NIL	USD 1,100,894
60.	East AFRITAC	USD 167,502	NIL	USD 19,653
61.	G77 Development Bank	USD 3,449	NIL	USD 3,439
62.	Inter-Governmental Authority on Development (IGAD)	USD 3,250,946	NIL	USD 11,791
63.	International Conference on Great Lakes Region (IGCLR)	USD 2,072,953	NIL	USD 4,893
64.	New Partnership for Africa's Development (NEPAD)	USD 635,523	USD 524,136	CLEARED
65.	African Union	USD 12,808,992	USD 9,064,830	USD 2,758,855
66.	UN Habitat and Human Settlement	USD 68,971	NIL	USD 58,959
67.	UN Missions	USD 1,545,254	USD 68,785	CLEARED
68.	UN Regular Budget	USD 797,317	USD 1,541,096	CLEARED
69.	UN African Institute for Prevention of Crime	USD 30,742	USD 225,763	USD 569,404
70.	UN Emergency Fund (Middle East)	USD 411,615	USD 30,658	CLEARED
71.	UN International Fund for Training and Research	USD 8,869	NIL	USD 410,507
72.	World Trade Organization (WTO)	USD 917,321	USD 153,160	USD 764,161



OTHER INTERNATIONAL AND REGIONAL ORGANIZATIONS				
73.	Africa Capacity Building Foundation (ACBF)	USD 403,976	USD 403,976	CLEARED
74.	Asian African Legal Consultative Organisation	USD 403,976	USD 403,976	CLEARED
75.	Eastern and Southern African Management Institute	USD 3,941	USD 3,930	CLEARED
76.	International Organizations	USD 59,118	NIL	USD 58,959
77.	International Organization of Supreme Audit Institution	USD 1,322,100	NIL	USD 17,525
78.	Microeconomic and Financial Management Institute of Eastern and Southern	USD 59,118	NIL	USD 226,010
79.	World Association of Debt Management Offices	USD280,411	NIL	USD 29,479
80.	African Economic Research Consortium	USD2,504	NIL	USD 279,656
81.	Regional Disaster Management Centre	USD 360,051	USD 106,418 772,805	USD 106,418
82.	East and Southern African Association of Accountants General (ESAAG)	USD54,192	NIL	USD 986
83.	Collaborative African Budget Reform Initiative	USD 54,192	USD 37,109	CLEARED
84.	African Ombudsman and Mediators Association	USD54,192	USD 311,829	CLEARED
85.	African Ombudsman Research Centre	USD 54,192	USD 23,588	USD 52,469



ANNEX IV KENYA'S UNITED NATIONS SECURITY COUNCIL (UNSC) TEN POINT AGENDA



**KENYA - AFRICA UNION ENDORSED CANDIDATE FOR
UNITED NATIONS
SECURITY COUNCIL
2021 - 2022**

**PEACE AND SECURITY FOR
SUSTAINABLE DEVELOPMENT**



KENYA FOR THE UN SECURITY COUNCIL 2021 – 2022

'Peace and Security for Sustainable Development'

The Republic of Kenya seeks the support and vote of each and every member of the United Nations family to enable her serve as a Non-Permanent Member of the United Nations Security Council (UNSC), for the period 2021-2022. On 21st August 2019, Kenya was endorsed as African Union's candidate for the UNSC seat, whose elections will be conducted in June 2020.

Why Kenya

Kenya aspires for a United Nations (UN) rooted at the center of a rules based international system. A UN where all states exercise all rights due to them equally as enshrined in the Charter of the global body. Kenya will work with the entire UN membership in executing the mandate of the UNSC in an inclusive, responsive and consultative manner.

Since admission to the UN, Kenya's commitment to the principles and ideals of the UN has been resolute and consistent, particularly on matters of peace and security, sustainable development, global environmental and climate change issues. Kenya believes strongly that sustainable development, which is humanity's aspiration, can only be achieved when there is peace and security for all. Similarly, peace and security will be at risk in any situation where development is not inclusive and sustainable.

Located at the Coast of the Indian Ocean, making her the Eastern gateway to Africa, Kenya straddles East, Horn, Great Lakes and Southern African regions of the continent. Owing to the fragility of her locale, Kenya has been relentless in the promotion and maintenance of peace, security and stability in Africa, and the world at large. Our anchor role in pursuit for peace particularly in the Horn of Africa has led to a strong and evolving peace making doctrine within and beyond our borders. Kenya's promise is to bring its wealth of experience in preventive diplomacy, peacekeeping, conflict resolution and post conflict reconstruction to the UNSC.

This orientation frames our campaign for the UNSC seat: Peace and Security for Sustainable Development.



"Today's problems, risks and threats call for more, not less cooperation, and more not less observance of the rule of law. Addressing the drivers and root causes of the absence of peace and security is of critical importance for the global community. Conflicts, poverty, climate change, violation of human rights and lack of respect for the rule of law can converge to threaten peace and security. We must all unite and commit to strengthen the various organs of the United Nations, we must together address these global challenges towards a better future for all."

President Uhuru Kenyatta

KENYA'S 10 POINT AGENDA TO THE WORLD

Kenya is a safe pair of hands and will be a steadfast partner at the Security Council. Kenya will leverage on its wealth of experiences and work towards delivering peace for sustainable development with all the United Nations Member States. Kenya is willing, ready and able to serve in the United Nations Security Council, and calls on all the members of the United Nations to Support Africa by Voting Kenya into the Council in June 2020.

BUILDING BRIDGES

We have continued to use our diversity to build bridges within our region and globally. We believe in the equality of all States regardless of size; and as such we have partnered with all member states to address critical and contemporary global issues



Kenya will be a bridge and consensus builder between permanent and non-permanent members of the UNSC, the Peace Building Commission (PBC) and the United Nations General Assembly (UNGA).



Multilateralism is at the core of Kenya's Foreign Policy. Kenya has consistently sought and found lasting solutions to challenges to regional peace & security through inclusive consultations.

REGIONAL PEACE AND SECURITY

As an anchor state and guarantor to various peace processes within the Africa region, Kenya will bring a wealth of experience in peace-building and post-conflict reconstruction to the Security Council.



Kenya is a Member of the African Union Peace and Security Council (AU PSC) serving a second term that ends in 2022. Within the AU PSC Kenya has contributed to efficient responses to conflict and crisis situations in Africa, including the ongoing COVID-19 pandemic.



Kenya has been recognised for the role it plays in hosting and facilitating peace negotiations between its neighbouring countries.



Kenya is an active member of the Peace Building Commission since 2014 and has been able to change the limiting narrative around peace building to ensure that it is no longer considered as just a post conflict activity

PEACE KEEPING AND SUPPORT OPERATIONS

We have contributed over 40,000 peacekeepers including mission leadership in Africa, the Middle East, the Balkans, and Asia. We believe inclusive triangular consultations between the Security Council, the UN Secretariat and Troop and Police contributing countries are essential in making peace operations fit for purpose.



Kenya has contributed to more than 55,000 troops and other personnel to peacekeeping operations in over 40 countries



Kenya hosts the International Peace Support Training Center which is one of the largest and oldest peace keeping training centers on the continent



Kenya is ranked the 13th largest African Union contributor of uniformed UN peacekeepers.

COUNTERING TERRORISM & PREVENTION OF VIOLENT EXTREMISM

Kenya as a member of the Security Council will continue to push for technical assistance, capacity building and enhanced coordination to strengthen global counter terrorism capacities including through the Counter-Terrorism Committee Executive Directorate (CTED), the Office of Counterterrorism (OCT) and other UN entities



Kenya is committed to fighting Terrorism and Violent Extremism and hosted the first ever African Regional High-level Conference on Counter Terrorism and the Prevention of Violent Extremism Conducive to Terrorism



The Kenya National Counter Terrorism Centre (NCTC) is a multi-agency instrument primarily of security agencies built to strengthen coordination in counter terrorism

HUMANITARIAN ACTION

Reaffirm our commitment towards the protection of refugees, with regards to future large-scale refugee movements, as well as to existing protracted refugee situations, including realization of the social and economic rights of all persons of concern.



Kenya has hosted over 600,000 refugees from Eastern and Central Africa



Kenya has hosted 5 of the worlds largest refugee camps for over 20 years - including Dadaab, Kakuma Refugee Camp, Hagadera Refugee Camp, Dagahaley Refugee Camp and Ifo Refugee Camp



In 2016, 5 refugee athletes from Kenya competed in the International Association of Athletics Federations (IAAF) World Athletics championships

JUSTICE, HUMAN RIGHTS & DEMOCRACY

Kenya believes strongly that peace and security, development and human rights are mutually reinforcing and will champion a people centered, Sustainable Development approach to securing peace. Peace, security and stability cannot be enjoyed without Justice, Human Rights and Democracy.



Kenya has served two terms at the United Nations Human Rights Council where it contributed immensely to the promotion and protection of human rights globally.



Kenya is member of the Committee on the Rights of Persons with Disabilities from 2019 and has been instrumental in the monitoring of the implementation of the Convention by the State Parties.

WOMEN, PEACE AND SECURITY

Kenya recognizes the crucial link between women, peace and security particularly as critical change agents and catalysts for peace. Kenya has and will continue to leverage gender perspectives in seeking lasting solutions to peace and Security.



Kenya ranks high in female deployment currently standing at more than 19%



Kenya is implementing the landmark UN Security Council resolution 1325 (2000) which calls for women's participation in peace building.

YOUTH EMPOWERMENT

Kenya recognises that the youth play a significant role in maintaining and promoting peace & security. Kenya will therefore continue to promote the empowerment and inclusion of youth as agents of peace, security and development.



President Uhuru Kenyatta is the United Nations global Champion of the Young People's Agenda



Innovations such as expansion of 4G Networks, the rise of Fintech solutions has led to Kenya being referred to as the Silicon Savannah where the youth develop solutions that create employment

ENVIRONMENT & CLIMATE CHANGE AGENDA

Kenya has a long and distinguished tradition in environmental conservation and protection. Kenya believes in the sustainable management of the environment and natural resources for socio-economic development. Kenya advocates for constructive, consultative and inclusive dialogue on the nexus between adverse effects of climate change and conflict.



Kenya hosts the United Nations Environment Programme (UNEP) and UN – Habitat and builds consensus on the environmental and sustainable development agenda



Kenya hosted the first ever Sustainable Blue Economy Conference in Nairobi in November, 2018, which focused on creating economic growth, ensuring healthy waters and building safe communities.



Kenya is currently powered by 70% renewable energy sources, three times more than the global average.



Kenya is the largest geothermal power producer in Africa, and the 8th largest in the World

SUSTAINABLE DEVELOPMENT GOALS AGENDA

Kenya recognizes that sustainable development and peace, security and stability are mutually dependent. Kenya will work with others to support a reformed UN system that can deliver peace, security and development and one that will address the challenges of development as central to international peace and security.



Kenya and Hungary Co-Chaired the 13th session of the Open Working Group (OEWG) which tabled the global Sustainable Development Goals (SDGs) in 2014/2015.



Kenya also co-facilitated with Ireland the Post-2015 Development Agenda Process leading to adoption of the 2030 Agenda for Sustainable Development.



Kenya will use its special leadership roles in global and regional organizations such as its presidency of the Organization of African, Caribbean and Pacific States (OACPS) and membership of the Bureau of the Assembly of the African Union (AU) to drive the implementation of the United Nations Agenda 2030 and the Sustainable Development Goals.

SUPPORT AFRICA VOTE KENYA

KENYA-- READY TO SERVE

