



REPUBLIC OF KENYA



The Presidency



Report

on

Progress made in fulfilling the International Obligations of the Republic

by

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

President and Commander-in-chief of the Defence Forces
of the Republic of Kenya

March, 2015



PARLIAMENT
OF KENYA
LIBRARY

President's Report

on

Progress made in fulfilling the International Obligations of the Republic of Kenya

March, 2015

TABLE OF CONTENTS

LIST OF ABBREVIATIONS:	ix	
PREFACE.....	xiii	
EXECUTIVE SUMMARY	xv	
PART I I		
1.1 The Importance of Treaties	2	
1.2 Kenya's Policy on Ratification of International Treaties and Conventions	3	
1.3 Legal Framework on Treaty Making and Ratification	3	
1.3.1 The Constitution	3	
1.3.2 Treaty Making and Ratification Act No. 45 of 2012	4	
1.3.3. Case Law	4	
1.4 INTERGOVERNMENTAL RELATIONS IN THE DISCHARGE OF KENYA'S INTERNATIONAL OBLIGATIONS 4		
1.4.1. Parliament's Role in Kenya's International Obligations	5	
PART II		7
2.0 MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANIZATIONS	7	
2.1 The United Nations (UN)	7	
2.2 The International Court of Justice (ICJ)	7	
2.3 The African Union (AU)	8	
2.5. Intergovernmental Authority on Development (IGAD)	9	
2.6 The Common Market for Eastern and Southern Africa (COMESA)	10	
3. TREATIES AND CONVENTIONS	11	
3.1 DIPLOMATIC PRIVILEGES AND IMMUNITIES	11	
3.1.2 1948 Convention on the Privileges and Immunities of the Specialized Agencies;	12	
1.3.1. 1961 Vienna Convention on Diplomatic Relations	12	
3.1.4 1963 Vienna Convention on Consular Relations;	12	
3.2 DEFENCE AND SECURITY CONVENTIONS, TREATIES AND PROTOCOLS	12	
3.2.2 Comprehensive Nuclear Test-Ban Treaty (CNTBT)	13	
3.2.3 Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare 13		
3.2.4 Treaty on the Non-Proliferation of Nuclear Weapons	14	
3.2.5 Protocol Relating to the Establishment of Peace and Security Council of the African Union	14	
3.2.6 African Nuclear Weapon Free Zone Treaty (TREATY OF PELINDABA)	15	
3.2.7 Geneva Conventions (CONVENTION I TO IV AND ADDITIONAL PROTOCOLS I AND II)	15	
3.2.8 UN Optional Protocol on Involvement of Children in Armed Conflict	16	
3.2.9 UN Convention against Transnational Organized Crime (2000)	16	
3.3. CONVENTIONS ON TERRORISM	16	
3.3.1 Biological and Toxin Weapon Convention (BTWC)	17	
3.3.2. Small Arms and Light Weapons	18	
3.3.3. African Union Strategy for Enhancing Border Management in Africa (2012)	18	
3.3.4. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States	18	
3.3.5. Protocol on Combating Drug Trafficking in The East African Region	19	
3.3.6 EAC Protocol on Foreign Policy Coordination	19	

3.4. HUMAN RIGHTS TREATIES AND CONVENTIONS.....	19
3.4.1. The International Covenant on Civil and Political Rights (ICCPR)	19
3.4.2. The International Covenant on Economic, Social and Cultural Rights (ICESCR)	20
3.4.3 The International Convention on the Elimination of All Racial Forms Discrimination (ICERD).....	20
3.4.4 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).....	21
3.4.5 The African Youth Charter.....	21
3.4.6 Conventions on the Status of Refugees	22
3.4.7 THE UN Convention on the Rights of the Child (UNCRC)	22
3.4.8 The Convention on Persons Living With Disabilities	23
3.4.9 Convention on Prisoners' Rights	24
3.4.10 The Rome Statute of The International Criminal Court (ICC).....	24
3.5 TREATIES AND CONVENTIONS GOVERNING INTERNATIONAL TRADE AND INVESTMENT.....	26
3.5.1 Treaty Establishing the World Trade Organization	26
3.5.2 Doha-Development Agenda Round and Bali Package (2001-2013)	26
3.5.3 Economic Partnership Agreements (EPAS).....	28
3.5.4 World Trade Organization Technical Barriers to Trade (WTO/ TBT) Agreement-National Enquiry Point	29
3.5.5 WTO Trade Related Investment Measures (TRIMS)	30
3.5.6 The WTO Dispute Settlement System.....	30
3.5.7 Constitution of the United Nations Industrial Development Organisation in Vienna 8th April, 1979 (UNIDO).....	31
3.5.8 WTO/SPS/OIE Including Sub Regional Office.....	32
3.5.9 The Office International Des Epizooties(OIE)	33
3.5.10 Cotonou ACP-EU Partnership Agreement	33
3.5.11 Tokyo International Conference on African Development (TICAD)	33
3.6 STANDARDIZATION ORGANIZATIONS AND CONVENTION.....	34
3.6.1 The Metre Convention	34
3.6.2 Codex Alimentarius Commissions	34
3.6.3 African Accreditation Co-operation (AFRAC)	35
3.6.4 International Accreditation Forum (IAF).....	35
3.6.5 International Laboratory Accreditation Co-operation (ILAC)	35
3.6.6 International Measurement Confederation (IMEKO).....	36
3.6.7 International Organization for Standardization (ISO).....	36
3.6.8 International Electro-technical Commission (IEC).....	37
3.6.9 International Bureau Of Weights And Measures(Bureau International des Poids et Mesures, BIPM).....	37
3.6.10 African Electro-technical Standardization Commission (AFSEC).....	38
3.6.11 The African Organization For Standardization (ARSO).....	38
3.6.12 Asia Pacific Metrology Programme (APMP).....	38
3.6.13 Conference of Africa Union Ministers Of Industry (CAMI).....	39
3.6.14 Intra-Africa Metrology System (AFRIMETS).....	40
3.6.15 South African Development Community Co-operation in Measurement Traceability (SADCMET).....	40
3.6.16 East African Accreditation Board (EAAB).....	40
3.6.17 East Africa Community-Standardization Quality Assurance Metrology and Testing Act (SQMT ACT).....	41
3.6.18 African Accreditation Co-operation (AFRAC)	41

3.7	CO-OPERATIVES CONVENTIONS AND MEMBERSHIPS	42
3.7.1	World Council for Credit Unions (WOCCU)	42
3.7.2	International Cooperative Alliance (ICA)	42
3.7.3	African Confederation of Co-operative Saving Association	43
3.8	INTELLECTUAL PROPERTY RIGHTS	43
3.8.1	Convention Establishing the World Intellectual Property Organization was ratified in Stockholm 14th July, 1967	43
3.8.3	Madrid Agreement Concerning the International Registration of Marks Madrid 1891	44
3.8.4	Patent Co-operation Treaty, Washington, 1970	44
3.8.5	Singapore Treaty on The Law of Trademarks	45
3.8.6	Berne Convention.....	45
3.8.7	Trade Related Aspects of Intellectual Property Rights (TRIPS)	45
3.8.8	Lusaka Agreement (1976) and Harare Protocol (1982)	45
3.9	EDUCATION, SCIENCE AND TECHNOLOGY	46
3.9.1	Statutes of International Centre For Genetic Engineering and Biotechnology (ICGEB) Acceded To In July 2010 In Italy. 48	
3.9.2	Protocol on the Establishment of The East African Science and Technology Commission	48
3.10	OUTER SPACE TREATIES	49
3.11	TREATIES ON DEVELOPMENT OF STATISTICS.....	49
3.11.1	African Charter on Statistics	49
3.11.2	Strategy for the Harmonization of Statistics in Africa (SHASA).....	50
3.12	HEALTH	50
3.12.1	League of Nations, Conference of Parties World Health Organization 1948.	50
3.12.2	CONVENTIONS ON ILLICIT AND PSYCHOTROPIC DRUG	51
3.12.3	WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL 2003	52
3.13	TRANSPORT	52
3.13.1	ROAD TRANSPORT	52
3.13.1.1	Geneva Convention on Road Traffic Accident	52
3.13.1.2	Protocol Amending the Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority, 1986.	53
3.13.3	One Stop Border Posts (OSBPS)	53
3.13.4	EAC Act on Axle Load Control	53
3.13.1.5	Protocol on Harmonization and Mutual Recognition of Academic & Professional Qualification	54
3.13.1.6	Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor (LAPSSET)	54
3.13.1.7	RCTG AGREEMENT (RATIFIED BY 10 MEMBER STATES)	54
3.13.1.8	1993 Comesa Protocol For The Establishment Of A Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation	54
3.13.1.9	Lake Victoria Basin Commission (LVBC)	54
3.13.1.10	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	55
3.13.2	AIR TRANSPORT	55
3.13.2.1	Convention on International Civil Aviation (1944 Chicago Convention)	55
3.13.2.2	Convention on The Unification of Certain Rules of International Carriage By Air, (1999 MONTREAL CONVENTION)	56
3.13.2.3	Convention on The Marking of Plastic Explosives for the Purpose of Detection (1991 MONTREAL).....	56

3.13.2.4 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 2001.....	57
3.13.2.5 Convention for The Suppression of Unlawful Acts Against The Safety of Civil Aviation (1971 MONTREAL CONVENTION).....	57
3.13.2.6 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).....	58
3.13.2.7 Convention on Damage Caused By Foreign Aircraft to Third Parties on the Surface (1952 ROME CONVENTION)	58
3.13.2.8 Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA).....	58
3.13.2.9 Convention on the International Recognition of Aircraft (1948 GENEVA CONVENTION).....	59
3.13.2.10 Protocol to amend the Rome Convention of 1952 (1978 Montreal) on The International Recognition of Aircraft (1948 GENEVA CONVENTION).....	59
3.13.2.11 Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 WARSAW).....	59
3.13.2.12 Protocol to Amend the Warsaw Convention of 1929 (1955 HAGUE).....	59
3.13.2.13 Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 TOKYO).....	60
3.13.2.14 Convention for the Suppression of Unlawful Seizure of Aircraft (1970 HAGUE).....	60
3.13.3 MARITIME CONVENTIONS.....	60
3.13.3.1 Convention on the International Maritime Organization (IMO CONVENTION) As Amended.....	60
3.13.3.2 Intergovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended.....	60
3.13.3.3 The Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority, 1986 and Its Protocol.....	61
3.13.3.4 African Maritime Charter.....	61
3.13.3.4 Maritime Labour Convention, 2006.....	61
3.13.3.6 International Convention for the Safety of Life at Sea, 1974, As Amended (SOLAS 1974).....	62
3.13.3.7 International Convention for the Prevention of Pollution from Ships (MARPOL).....	62
3.13.3.8 International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as Amended (STCW 1978).....	63
3.13.3.9 International Convention on Load Lines, 1966 (LL 1966).....	63
3.13.3.10 International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969).....	64
3.13.3.12 International Convention For Safe Containers, 1972, as Amended.....	64
3.13.3.13 International Convention on Maritime Search and Rescue (SAR).....	65
3.13.3.14 Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965).....	66
3.13.3.14 Convention on The Prevention of Marine Pollution By Dumping of Wastes and other Matter, (LONDON CONVENTION), 1972.....	66
3.13.3.16 Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992).....	66
3.13.3.17 Convention on The International Mobile Satellite Organization, as Amended (IMSO C 1976)/INMARSAT C 76 /INMARSAT OA 76.....	67
3.13.3.18 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).....	67
3.13.3.19 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.....	67
3.13.3.20 International Convention on Salvage, 1989 (Salvage 1989).....	67
3.13.3.21 International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, as Amended (OPRC 1990).....	68
3.13.3.22 International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.....	68
3.14 LAW OF THE SEA AND FISHERIES.....	69

3.14.1 1982 United Nations Convention on The Law of The Sea(UNCLOS)	69
3.14.2 United Nations Fish Stock Agreement (UNFSA) for Straddling and Highly Migratory Fish, 1995	70
3.14.3 UN 1993 FAO Compliance Agreement, 1993	70
3.14.4 Code of Conduct for Responsible Fisheries, 1995 (CCRF) of FAO	70
3.14.5 International Convention For Regulation of Whaling, 1946	71
3.14.6 The World Conservation Union (IUCN)	71
3.14.7 Indian Ocean Tuna Commission (IOTC) AGREEMENT	71
3.14.8 South West Indian Fisheries Commission Convention (SWIOFC)	72
3.14.9 Intergovernmental Oceanographic Commission/ UNESCO's (UNESCO-IOC)	72
3.14.10 Western Indian Ocean Marine Science Association (WIOMSA)	72
3.14.11 Port State Measures Agreement (PSMA) against Illegal, Unreported and Unregulated Fishing (IUU) 2009	72
3.14.12 The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS)	73
3.14.12 Lake Victoria Fisheries Organization (LVFO) CONVENTION OF 1994	73
3.15 ENVIRONMENT, FORESTRY AND AGRICULTURE	74
3.15.1 The Kyoto Protocol to the United Nations Framework Convention on Climate Change	74
3.15.2 Protocol for The Sustainable Development of Lake Victoria Basin	75
3.15.3 Food and Agriculture Organization of the United Nations (FAO)	76
3.15.4 Convention on Sustainable Development.	76
3.15.5 Cartagena Protocol on Bio-Safety Signed In 2000 and Ratified In 2013	76
3.15.6 Agreement Establishing International Fund for Agricultural Development (IFAD)	77
3.15.7 International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	77
3.15.8 International Grains Agreement	78
3.15.9 WTO Agreement on the Application of Sanitary and Phytosanitary Measures	78
3.15.10 Agreement of The World Organization for Animal Health (OIE)	79
3.15.11 Treaty Establishing The Common Fund For Commodities	79
3.15.12 Organization for Economic Co-Operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes	80
3.15.13 International Seed Testing Association (ISTA)	81
3.15.14 African Convention on the Conservation of Natural Resources (1968)	81
3.15.15 Convention on The African Migratory Locust	82
3.15.16 Phytosanitary Convention for Africa	82
3.15.17 Convention on the Establishment of the African Centre for Fertilizer Development	83
3.15.18 Convention of Biological Diversity (CBD)	83
3.15.19 United Nations Convention to Combat Desertification (UNCCD)	84
3.15.20 Stockholm Convention on Persistent Organic Pollutants	84
3.15.21 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	84
3.15.22 Minamata Convention on Mercury	84
3.15.23 Vienna Convention and Its Montreal Protocol on Substances that Deplete the Ozone Layer	85
3.15.24 United Nation Environment Assembly (UNEA)	85
3.15.25 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)	86
3.15.26 International Union for the Protection of New Varieties of Plants (UPOV)	86
3.16 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS	86

3.16.1 International Telecommunications Union	86
3.16.2 African Telecommunications Union	87
3.16.3 Universal Postal Union	88
3.16.3 Pan African Postal Union (PAPU).....	89
3.17 CONVENTIONS DEALING WITH CORRUPTION	89
3.17.1 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)	89
3.17.2 AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION	91
3.18 LABOUR, SOCIAL SECURITY AND EMPLOYMENT	91
3.18.1.1 FORCED LABOUR CONVENTION, 29 OF 1930.....	92
3.18.1.2 UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES	92
3.18.1.3 RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 98 OF 1949	93
3.18.1.4 UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME	93
3.18.1.5 CONVENTION ON THE RIGHTS OF THE CHILD, HAGUE, 2nd SEPTEMBER, 1999	94
3.18.1.6 MARITIME LABOUR CONVENTION, 2006 (MLC, 2006).....	94
3.18.1.7 EQUAL REMUNERATION CONVENTION, 100 OF 1951	95
3.18.1.8 MINIMUM AGE CONVENTION, 138 OF 1973	95
3.18.1.9 WORST FORMS OF CHILD LABOUR CONVENTION, 182 OF 1999	96
3.18.2 GOVERNANCE (OR PRIORITY) CONVENTIONS	96
3.18.2.1 LABOUR INSPECTION (INDUSTRY) CONVENTION, 81 OF 1947	96
3.18.2.2 LABOUR INSPECTION (AGRICULTURE) CONVENTION, 129 OF 1969	97
3.18.2.3 TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976.....	97
3.18.3 TECHNICAL CONVENTIONS	98
3.18.3.1 UNEMPLOYMENT CONVENTION, 2 OF 1919	98
3.18.3.2 C011 - RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	98
3.18.3.3 C014 - WEEKLY REST (INDUSTRY) CONVENTION, 1921	99
3.18.3.4 C016 – SHOULD BE CONDUCTED MEDICAL EXAMINATION OF YOUNG PERSONS CONVENTION, (1921).....	99
3.18.3.5 C017 - WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	99
3.18.3.6 C026 - MINIMUM WAGE-FIXING MACHINERY CONVENTION, 19281	99
3.18.3.7 C027 - MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	100
3.18.3.8 C032 - PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932	100
3.18.3.9 C063 - CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938.....	101
3.18.3.10 C088 - EMPLOYMENT SERVICE CONVENTION, 1948	101
3.18.3.11 C089 - NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948	101
3.18.3.12 C094 - LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949	101
3.18.3.13 MIGRATION FOR EMPLOYMENT CONVENTION 97 OF 1949	102
3.18.3.14 MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION (1951)	102
3.18.3.15 MINIMUM AGE (FISHERMEN) CONVENTION, 1959	102
3.18.3.16 C118 - EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (NO. 118)	103
3.18.3.17 C131 - MINIMUM WAGE FIXING CONVENTION, 1970	103
3.18.3.18 C132 - HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 (NO. 132)	103
3.18.3.19 C134 - PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970	103
3.18.3.20 C135 – DOCK WORKERS' REPRESENTATIVES CONVENTION, 1971	103

3.18.3.21 C140 - PAID EDUCATIONAL LEAVE CONVENTION, 1974	104
3.18.3.22 C141 - RURAL WORKERS' ORGANIZATIONS' CONVENTION, 1975	104
3.18.3.23 C142 - HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	104
3.18.3.25 C149 - NURSING PERSONNEL CONVENTION, 1977	105
3.19 SOCIAL PROTECTION	105
3.19.1 OPTIONAL PROTOCOL ON THE SALE OF CHILDREN CHILD PROSTITUTION AND CHILD PORNOGRAPHY	105
3.19.2 INTERNATIONAL PLAN OF ACTION ON AGEING ADOPTED IN 1982 IN VIENNA, AUSTRIA DURING THE FIRST WORLD ASSEMBLY ON AGEING	106
3.19.3 WORLD FIT FOR CHILDREN (WFFC) - A SPECIAL DECLARATION BY WORLD LEADERS AT A UN GENERAL ASSEMBLY IN 2002.....	106
3.20 SPORTS, ARTS AND CULTURE	106
3.20.1 INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT	106
3.20.3 THE UNESCO 2005 CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS.....	108
3.21 LANDS, HOUSING AND URBAN DEVELOPMENT	109
3.21.1 UN-HABITAT	109
3.21.2 DELIMITATION AND DEMARCATION OF BOUNDARIES	109
3.21.2.1 DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)	109
3.22 COMMERCE AND TOURISM.....	110
3.21.1 United Nations World Tourism Organization (UNWTO).....	110
3.22.3 Association of Hotel Training Schools in Africa – AHTSA	110
3.22.4 International Air Transport Association (IATA).....	110
4.0 RECOMMENDATION	110
5.0 CONCLUSION	111
92. LAMU PORT AND LAMU-SOUTHERN SUDAN-ETHIOPIA TRANSPORT CORRIDOR.....	192
REPORTING MECHANISM	192
CHALLENGES	192
RECOMMENDATIONS	192
BENEFITS TO KENYA	192
3. Lack of funds for the project.....	192

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
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 Weapon 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 Radioactive and Nuclear
CBS	Community Based System
CCK	Communications Commission 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
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICJ	International Court of Justice
ICT	Information and Communication Technologies
IDD	Iodine deficiency disorders
IEC	International Electrotechnical 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
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 Plants Health Inspectorate Service
KIPI	Kenya Intellectual Property Institute
KMFRI	Kenya Marine and Fisheries research institute
KPA	Kenya Ports Authority
LDC	Least developed countries
LOAC	Law of Armed Conflict
LRIT	Long Range Identification Tracking
LVFO	Lake Victoria Fisheries Organization
MCS	Monitoring, Control and Surveillance
MFN	Most Favoured Nation
MRCC	Mombasa Regional Coordination Centre
NC	National Committee
NACADA	National Campaign Against 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
T	Traceability
SAR	Search and Rescue
SHaSA	Strategy for the Harmonization 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

PREFACE

The Constitution requires a report annually on the progress made in fulfilling international commitments Kenya has made. This second edition for the period 2013-2014, and subsequent annual reports to the National Assembly on the benefits, achievements or objectives of the ratification of treaties by Kenya, will document and inform Kenyans of treaties which have been entered into since independence, including the status of their implementation.

I release this report, against the backdrop of the recent launch of the Kenya Foreign Policy in January 2015. Kenya's Foreign Policy is informed by our common desire for a peaceful, united and prosperous nation as embodied in Kenya's National Anthem, the Constitution, Kenya Vision 2030 and other government documents including Manifestos of the ruling political parties, in tandem with the national political cycle hence the Jubilee Agenda for Kenya 2013-2017 and beyond. The policy is anchored on five interlinked pillars of diplomacy namely: Economic; Peace; Environmental; Cultural and Diaspora. The policy has undergone realignment in response to the emerging trends in international affairs such as globalization, regional integration and to new and non-conventional security threats to global peace and stability.

The promotion of peaceful co - existence is the main function of multilateral and bilateral treaties because the common principles and values that bind the world are generally codified in the treaty relations between States. In view of the fact that globalisation has intensified the world's interdependence in areas such as technological innovation, international trade and development as well as trans-nationalism and security challenges, States need to enter into treaties for purposes of co-operation and advancement of mutual interests. This report mirrors our engagement with the international community. The Diaspora has become a key instrument of that engagement, hence my launch of the Diaspora Policy in January 2015 and the successful bid by Kenya to the African Union to host the African Institute for Remittances (AIR).

Kenya joined the UN in December 1963, as a member of the international community. Since then, Kenya has ratified and acceded to various conventions and treaties thereby deriving benefits for the good of the Republic, and in the process assuming various international obligations. Kenya is also a member to several international Organisations and Institutions in the international system. This report explores the international commitments derived from Kenya's international engagements and details their relevance and status of implementation thereof.

In pursuing her national interests in the international arena, Kenya continues to enjoy a favourable international profile. As a result of relentless efforts at multilateral levels, Kenya has become an attractive investment destination; the AU's AIR is now operational and headquartered in Nairobi and UNEP has been upgraded and now has a universal character with membership increased from the previous 54 to the entire membership of the United Nations of 193. Hosting the United Nations Environment Assembly (UNEA) in June 2014 and the upcoming 10th World Trade Organization (WTO) Ministerial Conference in December 2015 continue to raise Kenya's profile in the international scene.

Kenya firmly believes in a just and fair world order where rule of law should apply to both the national and international levels, and will continue to champion necessary reforms at the UN and other multilateral fora in pursuit of a common ideal of living in a safer and more prosperous world.

I trust that this publication will not only promote public awareness of the country's foreign policy predisposition and the country's international engagements, but also serve as a guide for consistency and effectiveness in pursuit of our national interests and commitment to international obligations as expressed in various global, regional and sub-regional instruments.

The success of these undertakings calls for a coherent and cross-sectoral approach and coordination through all arms of government and stakeholders.

Indeed, Kenya will remain steadfast in its commitment to honour her international obligations and continue to ensure that its international relations remain mutually beneficial and contribute to meeting development challenges and objectives in line with national development strategies and plans. In addition, through enhanced diplomatic engagement and strategic partnerships, Kenya shall continue to pursue strengthened relations at bilateral, regional and multilateral levels, to project, protect and promote Kenya's national interests.

I acknowledge the Ministry of Foreign Affairs and International Trade and other actors who continue to ensure that Kenya actively engages and complies with international obligations, including Parliament for ensuring that the legislation processes have put into consideration debate on international obligations.

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

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

EXECUTIVE SUMMARY

Under the Constitution of Kenya 2010, Article 132 (1) (c) (iii), the President of the Republic of Kenya shall “once every year... submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.” This Report is made in compliance of the foregoing constitutional provision. This is more so important in view of Article 2(5) and (6) which provide 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.” This report covers the period 2013/2014.

Kenya is committed to her international obligations as expressed in various international treaties, conventions, soft law instruments and inter-governmental institutional arrangements among others. These various obligations are in form of global, regional (Africa) and sub-regional (Eastern Africa) instruments and other arrangements. As an independent and sovereign country, we take our pride of place in international relations and diplomacy. We are always committed to peaceful co-existence with our neighbours and other nations, underpinned by peaceful relations and mutually beneficial bilateral and multi-lateral engagements.

As this report indicates, we have made tremendous progress over the years in both making international commitments and carrying through with our obligations. Our large compliment of international treaty and other obligations traverse a wide variety of topics and fields as detailed in this report. The subjects of our international obligations reported herein include our membership of major international Organizations led by the United Nations (UN) and the African Union (AU) among others. Key themes defining our international obligations include international peace, security and justice; trade, investments and development; human and people’s rights including special categories such as children, women, youth and persons with disabilities; environment, forestry and agriculture; intellectual property rights; education, science and technology; health; labour, social security and employment; sports, arts and culture; and lands, housing and urban development. Other key themes are: transport including road, air and maritime; standardization; regional integration; anti-corruption and good governance; and ICT, radio regulations and telecommunications.

In 2014, Kenya ratified the Protocol on the Establishment of East African Community Monetary Union; the African Maritime Transport Charter; the International Maritime Labour Convention, 2006; the African Youth Charter; the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization; the Agreement on Privileges and Immunities of the Organization for the Prohibition of Chemical Weapons; the Doha Amendment to the Kyoto Protocol; the Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer; and acceded to the International Telecommunications Regulations (Dubai 2012).

Even as we take all our international obligations seriously, we place special interest and emphasis on our regional (Africa) and sub-regional (Eastern Africa) obligations in tandem with our commitment to Pan-Africanism and regional integration.

Finally, in this report I have recommended that the Office of Registrar of Treaties be set up as soon as possible, in order to discharge its statutory mandate as provided for in the Treaty Making and Ratification Act.

PART I

1.0 INTRODUCTION & BACKGROUND

- 1) The Vienna Convention on the Law of Treaties 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: international conventions, international agreements, covenants, final acts, charters, memoranda of understanding (MOUs), protocols, pacts, accords, and constitutions for international organizations. Treaties may be bilateral (two parties) or multilateral (between several parties) and a treaty is usually only binding on the parties to the agreement. An agreement "enters into force" when the terms for entry into force as specified in the agreement are met.
- 2) It is noteworthy that for a treaty to be binding, the contracting party must have capacity. This in turn, results in the creation of rights and obligations under international law which are distinct from those arising under countries' national laws.¹The 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.
- 3) 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.
- 4) Therefore, having in mind the constitutional requirements under Article 132 (1) (c) (iii) and (5) of the Constitution, it is my duty to submit a report to the National Assembly annually on the progress made in fulfilling the international obligations of the Republic.
- 5) This mandate founded under the Constitution of Kenya, 2010. It is noteworthy that previously it was not necessary for a report to be made before the National Assembly on the benefits, achievements or objectives of the ratification of treaties by Kenya.
- 6) In order to fulfil this constitutional requirement, a credible well organized registry of treaties must be maintained. While the Ministry of Foreign Affairs and International Trade commenced establishment of the registry, another law, i.e. the Office of the Attorney General Act (OAGA) also provided for a similar function. This overlap and duplication in the law necessitated an amendment to the OAGA, considering that there can only be one registry or depositary of Treaties. I have since assented to the proposed amendment and hence the registry should be fully operationalized.
- 7) The Constitutional requirement envisages that this and subsequent reports will inform Kenyans of all treaties which have been entered into since independence including the documentation of their status of implementation.
- 8) Kenya attained independence from Britain on 12th December, 1963 and joined the United Nations (UN) on 16th December, 1963 as a member of the international community. Since then, Kenya has ratified and acceded to various Conventions and treaties thereby deriving benefits for the good of the Republic and in the process assuming various international obligations.

¹Dixon, M: International Law, 2000 London, Blackstone Press Limited, pp. 50 - 82

- 9) For the first time in the history of Kenya, a documented Kenya Foreign Policy was launched on 20th January 2015. The policy outlines the evolution of our foreign relations and engagements with our partners over the last five 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 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 national objectives enhances the fulfilment of international obligations. My Government has inclined its foreign policy towards fostering better relations with our neighbors, the rest of the African continent and the world at large.

1.1 The Importance of Treaties

- 10) I make this report in order for the citizens to appreciate the need and purpose of treaties, and to underscore that they are a part and parcel of the practice of official diplomacy, as well as an expression of the sovereignty and inter-dependence of States.
- 11) States rely on each other in different spheres such as trade, economic relations, political affairs and social welfare. Furthermore, treaties mirror the realities in contemporary international life.² Treaty relations are therefore key to formalizing and enhancing international relations with other States and non - state actors in the international sphere. Globalisation has intensified the world's interdependence in areas such as technological innovation, international trade and development. 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.
- 12) Treaties provide a framework that enables States to tackle the arising challenges at both national and international levels through sharing of knowledge and expertise. For example, piracy, drug trafficking and terrorism are global security challenges that affect not only Kenya but the international community as a whole and require cooperative action at the international level to tackle them.
- 13) 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. Kenya has fulfilled her obligations under many treaties; others are in the process of total compliance whilst there are instances, albeit few where the country is yet to fulfil, with good reasons, her international obligations. We continually evaluate our performance and plan for better outcomes.
- 14) In our international role as a country known for various achievements, we have hosted a number of diplomatic conferences where important treaties were concluded e.g. the Nairobi Treaty on the Protection of the Olympic Symbol, 1982, the Nairobi Declaration on the illicit Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa, 15th of March 2000 and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 21st of April 2004. Kenya hosted the elections into the Second General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC) on December 18th 2014. As a member of the World Trade Organisation (WTO) we have actively participated in multilateral trade negotiations. In December,

²Makumi Mwangi: Diplomacy: Documents, Methods and Practice IDIS Publications on International Studies.

2014, Kenya won the bid to host the tenth WTO Ministerial Conference (MC 10) in December 2015. The WTO MC is the top decision-making Organ of the global trade organization. The meeting in Kenya will be the first one ever in Africa.

- 15) Before the promulgation of the Constitution of Kenya, 2010, and the enactment of the Treaty Making and Ratification Act, No. 45 of 2012, the process of ratifying treaties was executive-centric. The legislature did not have any role to play. Due to the lack of a specific legal framework, the treaty making and ratification process was initiated by the relevant Ministry through a Cabinet Memorandum for approval. Upon approval, the Ministry of Foreign Affairs & International Trade prepared an instrument of ratification for signature which was subsequently deposited with the relevant body. This paved the way for the consequent domestication of the Treaty or Convention through an Act of Parliament.
- 16) 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.
- 17) In general, Kenya has a strong record of ratifying major international and regional human rights instruments. Kenya has ratified numerous multilateral instruments. These include over one hundred and eight (120) Conventions, over twenty eight (30) treaties and agreements, over nineteen (20) Protocols and a number of Charters/ Constitutive documents to International Organizations and these are considered to be in harmony with the country's plans for sustainable development.

1.2 Kenya's Policy on Ratification of International Treaties and Conventions

- 18) The President and the Cabinet Secretary of the Ministry of Foreign Affairs and International Trade are empowered to enter into treaties and agreements on behalf of the Government. Similarly, the President and Cabinet Secretary in charge of Foreign Affairs can delegate authority with full powers to any Cabinet Secretary to conclude agreements that fall under their specific line Ministry. This must however be with the approval of Parliament.

1.3 Legal Framework on Treaty Making and Ratification

- 19) Treaty making and ratification process in Kenya is currently underpinned by a legal framework that includes the Constitution, domestic legislation, national policy as well as case law made by the courts.

1.3.1 The Constitution

- 20) The Constitution of Kenya 2010 is, by all accounts a revolutionary document. One of its fundamental aspects is the recognition of international law as part of Kenyan law. The Constitution of Kenya is the supreme law of the land and binds all persons and all State organs at both levels of Government. It directs under Article 2(5) and (6) that "general rules of international law and any treaty or Convention ratified by Kenya shall form part of the laws of Kenya". Article 2(5) and (6) are open ended provisions that are not self-executing and require to be domesticated either by amending existing laws or enacting legislation to give the provisions clarity for ease of their implementation. This provision imports the Treaties and Conventions that Kenya ratified.

- 21) The Constitution at Article 94(5) vests the power of law making on Parliament,³ meaning that Parliament must sanction the ratification of a treaty. Parliament is given the role of examining all proposed treaties and the authority to enact legislation to give those treaties effect. The Judiciary is given the oversight role to ensure that the legislation and treaties are not inconsistent with the Constitution. The separation of powers gives the ratification process credibility.

1.3.2 Treaty Making and Ratification Act No. 45 of 2012

- 22) The Treaty Making and Ratification Act, No. 45 of 2012 was enacted by the Eighth Parliament to give effect to Article 2(5) and (6) of the Constitution and to enable Kenya honour her international obligations as well as streamline the treaty ratification process. The Act prescribes the procedure for the initiation, negotiation, adoption, signature and ratification of treaties by Kenya.
- 23) The Act gives the Cabinet Secretary for Foreign Affairs and International Trade 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 then submits the treaty together with the memorandum to the Speaker of the National Assembly who then subjects it to the rigours of legislation. According to Section 3 (2) (a), (b) (i-v) and (3) of the Act, Parliament has to sanction the ratification of 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 Organisation or similar body; and
 - e) The environment and natural resources.

1.3.3. Case Law

- 24) 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 Section 2(6) of the Constitution of Kenya, 2010. 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.

1.4 INTERGOVERNMENTAL RELATIONS IN THE DISCHARGE OF KENYA'S INTERNATIONAL OBLIGATIONS

- 25) The Constitution of Kenya 2010 established a two tier government structure, namely the national government and county governments. Article 6(2) of the Constitution, which underscores the link between the two levels of Government, expressly provides

³The Article 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."

that they are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

- 26) To facilitate the interrelationship between the two levels of government, the Constitution in Schedule IV clearly outlines their individual roles. It is only the national government which is mandated to transact the country's foreign policy and international trade affairs through the Ministry of Foreign Affairs and International Trade. County governments lack the legal authority to discharge this mandate. However, every Kenyan and indeed the second level of government, in accordance with national values and principles of governance, should be involved in the formulation and implementation of these policies. Cooperation between national and county governments is further espoused by Article 189 (1) and (2)⁴ of the Constitution.
- 27) A workshop on international travel and fiscal responsibility held from 24th -25th October 2014 for all County Governors, County Secretaries, Speaker and Clerk of the Senate, Speaker and Clerk of the National Assembly, relevant committees of Parliament and their teams, the National Treasury, Ministry of Devolution and Planning, Office of the Attorney General and Department of Justice, and Constitutional bodies to dialogue. The outcome was a joint communiqué to guide policy on international travel and engagement with diplomatic corps, particularly by the counties, based on which the Head of Public Service issued a circular on international travel and fiscal responsibility on 24th January 2015. Various other trainings have been conducted for County Governments at their request and more training is planned for the future with a view of enhancing exposure on dealings relating to international relations.
- 28) The Intergovernmental Relations Act of 2012 expounds Article 189 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 intergovernmental disputes.

1.4.1. Parliament's Role in Kenya's International Obligations

- 29) As stated earlier, Kenya's international obligations stem from the treaties and conventions that it has ratified or acceded to. 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. However, Article 94(5) vests the power of law making on Parliament, meaning that Parliament must sanction the ratification of a treaty for it to have the force of law in Kenya.
- 30) It is on the basis of these provisions that the Treaty Making and Ratification Act was enacted to outline the procedure for initiation, negotiation, adoption, signature and ratification of treaties.

⁴Article 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.

- 31) The Act elaborates Parliament's role in the ratification process, which had hitherto been the prerogative of the Executive. In terms of Article 8(2) thereof, both the Senate and the National Assembly may play a part in the ratification, depending on the subject of the Treaty. Further, Article 8(3) 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. They should therefore scrutinize the treaties that are the subject of ratification process, examine their impact and make proposals for consideration by Parliament.
- 32) The Senate and National Assembly Committees on Defence and Foreign Relations have been critical in guiding Parliament on international affairs.

PART II

2.0 MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANIZATIONS

- 33) As a part of the international community, Kenya is a member to several international organizations and institutions formed to bring order to an anarchic international system.
- 34) This part of the report explores these memberships and details their objectives, relevance and subsequent obligations arising.

2.1 The United Nations (UN)

- 35) The UN is an intergovernmental organization established to promote international co-operation. A replacement for the ineffective League of Nations, the organization was created following the Second World War to prevent another such conflict. The objectives that guided the formation of the UN are contained in the UN Charter. This is the foundational and constituent treaty of the UN signed in San Francisco, United States on 26th June, 1945 and which entered into force on 24th October, 1945.
- 36) Kenya became a member of the UN on 16th December, 1963. Since then, Kenya has been a consistent and committed contributor to the UN, both in budgetary terms as well as to the substance of its work. Kenya is committed to continue playing a constructive role in all issues on the UN agenda and attaches special importance to undertaking active duties and responsibilities within the UN system. Today, Nairobi, Kenya's capital is the host of the UN headquarters in Africa, and hosts a vibrant community of several UN agencies that include; the UN Environment Programme (UNEP) and the UN Human Settlements Programme (UN-Habitat) both of which have their headquarters in Nairobi. Other agencies with Regional offices in Nairobi are 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), UN Development Fund for Women (UNIFEM), 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 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), (WHO) and UN Center for Regional Development (UNCRD).
- 37) Kenya recognizes the critical role of the UN Security Council (UNSC) in the maintenance of global peace and stability. In that regard, Kenya has already 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, among them, pacific settlement of disputes; noninterference in the internal affairs of other nations; upholding sovereignty and territorial integrity of all nations and investing and pursuing post conflict peace-building efforts, a position which evolved and was adapted in keeping with our national and regional mediation efforts.

2.2 The International Court of Justice (ICJ)

- 38) The ICJ is the equivalent of a World Court where UN Member States refer their legal disputes for settlement. It is the principal judicial Organ of the UN. All members of the

UN are parties to the Statute of the International Court of Justice according to Article 93 of the UN Charter and only States may be parties in cases before the Court.

- 39) Kenya recognized the compulsory jurisdiction of the Court in 1964. This means that Kenya submits to the jurisdiction of the Court and undertakes to comply with any decisions of the Court. Kenya has recourse to the Court in case of any dispute with another Member State. Kenya can rely on the Advisory opinions of the Court, as authoritative and binding and are crucial in the maintenance of international peace and security. The ICJ has the backing of the UNSC and its decisions are binding on all States. Kenya is bound by the decisions of the Court in cases to which it is a party. Failure to comply with the Court's decision may result in the UNSC making recommendations or taking drastic measures to give effect to the judgment.

2.3 The African Union (AU)

- 40) The AU was established on 26 May 2001 in Addis Ababa and launched on 9 July 2002 in South Africa⁵ to replace the Organisation of African Unity (OAU). Kenya was among the 33 founding members of the Organization of African Unity (OAU) in 1963.
- 41) The AU spearheads Africa's development and integration in close collaboration with AU Member States, the Regional Economic Communities (RECs) and African citizens. Its vision is to accelerate progress towards an integrated, prosperous and inclusive Africa, at peace with itself, playing a dynamic role in the continental and global arena, effectively driven by an accountable, efficient and responsive Commission.
- 42) In partnership with the AU, Kenya sent 170 health workers to ebola affected countries in Africa. The general consensus among African leaders who addressed the official opening of the pre deployment training of 170 Kenyan health workers was that through solidarity, the continent will defeat the Ebola virus disease that has so far claimed thousands of lives, mainly in Liberia, Sierra Leone and Guinea. The Kenyan contingent departed for the affected countries on 9th January 2015.
- 43) Kenya hosted the elections into the Second General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC) on December 18th 2014. The elections were held in compliance with the Decision of the Executive Council and Assembly of Heads of State of the Union (EX/CL 849(XXV) adopted in Malabo, Equatorial Guinea in July 2014.
- 44) Membership to the AU opens up vast opportunities for Kenyan youth with the joint intra Africa infrastructure development as the beginning of economic Co-operation. The Union has led to increased talks on the way forward as a unified Continent through sub-regional blocs such as EAC, COMESA, ECOWAS and SADC among others, on pertinent issues such as the creation of a free trade area, a customs union and a central bank.
- 45) The AU membership reinforced Kenya's quest for fairness and impartiality in the international criminal justice system in the global administration of justice by the International Criminal Court.

2.4 The East African Community (EAC)

- 46) The Treaty for Establishment of the East African Community was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the

⁵Thabo Mbeki (9 July 2002). "Launch of the African Union, 9 July 2002: Address by the chairperson of the AU, President Thabo Mbeki". ABSA Stadium, Durban, South Africa: africa-union.org. Retrieved 8 February 2009.

original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007.

- 47) The EAC has led to increased regional trade, infrastructure development, free movement of people and services, increased foreign direct investments and created more markets and jobs for Kenyan people and goods. The Community has also led to elimination of internal tariffs, development of regional infrastructure projects, and reduction of non-tariff barriers to trade, efficient movement of people and goods and created additional job markets. Presently, the EAC has implemented the Customs Union, the Common Market and has approved a Protocol on COMESA.
- 48) A common foreign and security policy of the partner states is envisaged in Article 123 of the East African Treaty and related provisions. Kenya has endorsed this policy as an ideal instrument for ensuring the requisite stability for regional economic development. Ensuring the success of the EAC remains Kenya's most important regional objective. In this regard, Kenya is expeditious in implementing decisions by the EAC Partner States. Nonetheless, challenges are experienced in harmonizing laws and policies.
- 49) I was the Chairman of the EAC for one year (2013-2014). The chairmanship is rotational among partner states as per Article 12 of the Treaty establishing EAC. I handed the Chairmanship to H.E President Kikwete of Tanzania in the Summit that was held in Nairobi this Year (2015). Kenya has handed over after one year of marked success where the country fast-tracked the free movement of goods and people across the border, deepened integration and carried out infrastructure improvements. Last year, I led the other partner states in signing the Monetary Union protocol and now a number of EAC countries are in the process of ratifying the Protocol. A number of other milestones were achieved under the Tri-lateral arrangements of EAC Partner States.

2.5. Intergovernmental Authority on Development (IGAD)

- 50) The Intergovernmental Authority on Drought and Development (IGADD) began as environmental cooperation forum in 1986 to deal with drought in the Eastern Africa Region, and later transformed into conflict resolution machinery, hence change of its name to "the Inter-Governmental Authority on Development (IGAD)." Kenya together with Djibouti, Ethiopia, Somalia, Sudan and Uganda are founding members and were later joined by Eritrea.
- 51) IGAD provides a regular forum where leaders of Eastern African Countries are able to tackle regional political and socio-economic issues. IGAD is seized with the South Sudanese peace process among other issues.
- 52) Kenya's primary focus has been to mobilise international support to facilitate consolidation of regional peace, particularly in Somalia, 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, proliferation of small arms and light weapons, forced migration within and across borders, banditry, piracy, and more recently international terrorism linked to Islamic extremism.
- 53) Infrastructural developments e.g. highways, railways, airports, pipelines and seaports is central to effectively addressing the region's security, environmental, and

developmental challenges. Hence, the construction of the Northern Corridor linking Kenya to its northern neighbours particularly Ethiopia, Somalia and Sudan.

- 54) The Ministry of Devolution and Planning has been participating in IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI). The objective of this initiative is to develop a new framework to manage disasters in the region in the form of Horn of Africa *Regional Disaster Resilience and Sustainability Strategy*, with a clarion call for stakeholders to act differently to meet the substantial and growing risk reduction needs of vulnerable communities.
- 55) Through the Ending Drought Emergencies (EDE) Initiative, Kenya is obligated to ensure drought in the Horn of Africa does not reach emergency levels. Hence, Kenya's Country Programming Paper (CPP) with six components, namely peace and human security, humanitarian preparedness, climate proofed infrastructure development, building human capital, sustainable livelihoods adaptive to climate change and multi sector and multi stakeholder coordination.
- 56) From the CPP, Vision 2030 Sector Medium Term Plan (MTP) 2013–2017 on drought risk management and Ending Drought Emergencies has been developed to conform with the IGAD Drought Disaster Resilience and Sustainability – Initiative (IDDRSI).
- 57) In my capacity as the rapporteur of IGAD, I managed to secure the release of political prisoners in early January, 2015 who had been detained by the South Sudan Government in a move to accelerate the peace process in Africa's youngest nation. The deal, struck in Nairobi was in line with the Arusha agreement in which the three factions of the SPLM agreed on the unification of the liberating party.

2.6 The Common Market for Eastern and Southern Africa (COMESA)

- 58) The Common Market for Eastern and Southern Africa (COMESA) was established 'as an organisation of free independent sovereign States which have agreed to co-operate in developing their natural and human resources for the good of all their people' and as such it has a wide-ranging series of objectives which include in its priorities the promotion of peace and security in the region. COMESA replaced the Preferential Trade Area for Eastern and Southern Africa (PTA) which had been established to take advantage of a larger market size and to share the region's common heritage and destiny. The Treaty for the establishment of COMESA came into force on 30th September 1982.
- 59) The overall objective of COMESA is to create an integrated market where there is free movement of goods, services, capital, labour and persons, in order to attain sustainable development within the region.
- 60) Kenya's benefits for joining COMESA include, customs exemptions on all imports of products originating from member states, a market for goods from Kenya, co-operation of member States in financial and monetary matters that establishes convertibility of their currencies throughout the Common Monetary Union making it easy for Kenyans to carry out economic activities within the region, a wider, harmonised and more competitive market, greater industrial productivity and competitiveness, increased agricultural production and food security, a more rational exploitation of natural resources, more harmonised monetary, banking and financial policies, More reliable transport and communications infrastructure.

- 61) Kenya is obliged to pay its assessed contributions to the institution, in addition to honouring its reporting obligations.
- 62) Kenya won an extension of special safeguards on the importation of duty-free sugar from the COMESA, giving the country more time to complete reforms in the ailing industry.
- 2.7 New Partnership for Africa's Development (NEPAD)
- 63) The New Partnership for Africa's Development (NEPAD) is both a vision and a policy framework for Africa in the twenty-first century meant to address critical challenges facing the continent: poverty, development and Africa's marginalization internationally.
- 64) The NEPAD/APRM Kenya Secretariat is a Semi-Autonomous Agency in the Ministry of Devolution and Planning mandated to;
- a) Promote Kenya's effective participation in the activities of NEPAD and the domestication of the AU Mission, Core Principles and Values
 - b) Provide leadership, guidance and direction to the implementation of the Africa Peer Review Mechanism (APRM) in Kenya.
 - c) Coordination of NEPAD/APRM activities in the Eastern African Region; and liaison with the Continental NEPAD/APRM offices with a view of incorporating and promoting Kenya's and Eastern African region interests in NEPAD.
- 65) NEPAD Kenya Secretariat coordinates the implementation of 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, Infrastructure programme and the APRM. The APRM is an instrument voluntarily acceded to by AU member States as a self-monitoring mechanism for good governance.

3. TREATIES AND CONVENTIONS

3.1 DIPLOMATIC PRIVILEGES AND IMMUNITIES

- 66) Diplomatic immunity is a principle of international law which provides that Diplomats and certain government officials are not subject to the jurisdiction of foreign Courts and other authorities of the countries where they serve. This privileged positions of diplomats is traditional, and is meant to enable diplomats perform their functions, free from any pressures. The privileges and immunities are applicable both to the diplomatic mission and its functions, and to the individual. The privileges and immunities accorded to diplomatic missions and their functions are also applicable to the UN and its functions.

1946 Convention on the Privileges and Immunities of the United Nations.

- 67) The convention, adopted by the UN General Assembly on 13th February 1946 to accord the UN the status of a legal person under the domestic law of its Member States, was ratified by Kenya on July 1st 1965. Such a domestic legal personality is a prerequisite for international Organizations to effectively manage numerous practical needs such as procurement contracts, the acquisition of property and the capacity to pursue its private law rights before national courts. The UN Charter only very generally responded to these needs by providing in its Article 104 that "[t]he Organization shall

enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.”

3.1.2 1948 Convention on the Privileges and Immunities of the Specialized Agencies;

- 68) The purpose of the convention that was approved on 21 November 1947 and came into force on 2 December 1948 is to protect the UN and specialized agencies from being subject to more than 160 national laws and judicial systems. National governments and courts would direct the work of the Organization, staff would feel unprotected and the financial burden on the organizations’ budgets would increase.

1.3.1. 1961 Vienna Convention on Diplomatic Relations

- 69) The Convention provides a complete framework that governs diplomatic relations between States. It was ratified by Kenya on July 1st 1965. Kenya opened resident diplomatic representation in Algeria and Angola during the reporting period.

3.1.4 1963 Vienna Convention on Consular Relations;

- 70) The convention ratified by Kenya on July 1st 1965, defines the conduct of consular relations between countries. A consul performs the function of protecting in the host country the interests of countrymen, and furthering the commercial and economic relations between the two countries. While a consul is not a diplomat, under this treaty they are afforded most of the same privileges, including a variation of diplomatic immunity called consular immunity.

- 71) Kenya has domesticated the treaties under this category in the Privileges and Immunities Act, Chapter 179 of the Laws of Kenya, giving them force of law locally. Kenya ensures that the diplomatic Corp and international staff are afforded the privileged status due to them while ensuring that the diplomats respect the law.

3.2 DEFENCE AND SECURITY CONVENTIONS, TREATIES AND PROTOCOLS

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

- 72) Kenya ratified the CWC on 29th April, 1997. The Convention obliges the Government to prohibit production and use of chemical weapons, undertake destruction (or monitored conversion to other functions) of chemical weapons production facilities and ensure destruction of all chemical weapons (including chemical weapons abandoned outside the state parties territory. It aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by State Parties.

- 73) Kenya is a signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction. In addition, it is a member of the following international organizations: Conference on Disarmament, International Atomic Energy Agency, Organization for the Prohibition of Chemical Weapons, Comprehensive Test Ban Treaty Organization Preparatory Commission. As a result of its membership in these organizations, Kenya can protect its citizenry and the environment from the harmful effects of chemical weapons with international Co-operation and assistance. Kenya is also receiving technical assistance in the areas of:-

- i. Joint training in nuclear, chemical and biological weapons technology.
- ii. Provision of necessary technical knowledge to customs and police officers to enable them to identify weapons of mass destruction

iii. Availability of technical devices to police officers and customs staff to assist such identification.

- 74) In keeping with its obligations under the Convention, a Cabinet memorandum on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction has been developed. The focal point designation is still under deliberation as to which Ministry is best placed to handle the obligations under the Convention while a Chemical Weapons Convention Bill has been prepared under the Ministry of Defence.
- 75) On 09/04/2013 Kenya presented a statement at the Third Special Session of the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons proposing review of the Operation of the Chemical Weapons Convention.
- 76) On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to the OPCW. Effectively, the OPCW shall enjoy in the territory of Kenya, such privileges and immunities as are necessary for the fulfilment of its purposes.

3.2.2 Comprehensive Nuclear Test-Ban Treaty (CNTBT)

- 77) Under the treaty which Kenya ratified on 30th November, 2000, Kenya 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. 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.
- 78) Kenya has enjoyed the benefits of ratification of the treaty as the treaty has contributed to regional and international peace and security. By joining a community of like-minded States, it facilitates information-sharing and participation in various forms of international Co-operation. Kenya may also make use of a range of technologies used in collecting, transmitting, processing and analyzing verification related data. The Commission assists in the establishment of National Data Centres (NDCs) and provide access to the Experts Communication System (ECS).
- 79) The Republic of Kenya remains steadfast in its commitment to nuclear non-proliferation and nuclear disarmament. Kenya recognizes only one use for nuclear potential, and that is in energy applications. Nuclear energy is an important infrastructural development component to countries, like Kenya, who are still developing. However, only when there are strict mechanisms in place to ensure that nuclear energy has only one use, will its potential be fully realized and all countries will benefit from nuclear technology

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

- 80) The objective of this Protocol which entered into force on 8th February, 1928 and which Kenya ratified on 6th July, 1970 is to prohibit the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare.
- 81) Under the Practice Relating to Rule 73, Biological Weapons, Kenya's LOAC Manual (1997) prohibits the use of "bacteriological methods of warfare." Under the Practice Relating to Rule 74, Chemical Weapons, Kenya's LOAC Manual (1997) prohibits the use of "asphyxiating, poisonous or other gases, all analogous liquids, materials or devices."

- 82) Other National Practices
- 83) In 1966, during a debate in the First Committee of the UN General Assembly, Kenya supported the principle that international law prohibits the use of chemical weapons as a result of the 1925 Geneva Gas Protocol.

In 1987, during a debate in the First Committee of the UN General Assembly, Kenya maintained that “all States should co-operate in efforts to prevent the use of chemical weapons, in accordance with the principles and objectives of the Geneva Protocol of 1925” until a general convention prohibiting chemical weapons was enacted. At the First Conference of States Parties to the Chemical Weapons Convention in 1997, Kenya made statements in support of the object and purpose of the 1993 Chemical Weapons Convention. This position obtains.

3.2.4 Treaty on the Non-Proliferation of Nuclear Weapons

- 84) This Treaty entered into force on 5th March, 1970. Kenya acceded to it on 11th June, 1970. The objective of the treaty is to control and monitor the spread and use of nuclear materials. It also 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 them. NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them. NWS are obligated to place all nuclear materials in peaceful nuclear activities under IAEA safeguards.
- 85) Kenya is a member of the 65 Nation Conferences on Disarmament and plays an active role in the deliberations of this body which is the sole negotiation Organ of all international treaties on disarmament and non-proliferation. Kenya is also an active member of the Group of 21 countries (non-nuclear states) within the Conference on Disarmament that advocates for total disarmament. This membership keeps Kenya abreast on disarmaments and helps to ensure that its interests are not threatened.
- 86) Affirming the commitments made in the Non-Proliferation Treaty, and resolutions A/54/423, NPT/CONF.2000/16, NPT/CONF.2000/18 and A/54/2000, Kenya sees denuclearization as an essential issue. Additionally, Kenya is proud to report its involvement in the Comprehensive Nuclear Test Ban Treaty (CTBT).
- 87) As a participant in the CTBT, Kenya has hosted two international monitoring stations under the trusteeship of the CTBT Organization Preparatory Commission (CTBTO-PREPCOM). These monitoring stations consist of a primary seismic monitoring station (PS 24) and an infrasound station (IS 32), both of which are linked to 321 other stations worldwide in an effort to prevent and/or identify illegal nuclear testing. The United States and Kenya have worked together through the IAEA to promote the transfer of technology, Equipment, services and training on the peaceful use of nuclear energy. As a member of the African Nuclear-Free-Zone Treaty, Kenya’s stance is clear, nothing but the complete denuclearization of the globe is acceptable.

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

- 88) Kenya ratified this Protocol on 19th December, 2003. It entered into force on 26th December, 2003. The objective of this protocol is to enhance capacity to address the scourge of conflicts in the Continent and to ensure that Africa, through the AU, plays a central role in bringing about peace, security and stability in the Continent.

- 89) Kenya is a member of the African Standby Force Military programme and the Peacemaking and Post-conflict reconstruction initiative. It has been at the forefront of peace diplomacy in inter-African conflicts. These endeavours are rewarded with protection of Kenyans and opportunities for trade in the absence of conflict.
- 90) Kenya's position in the region obligates her to be in the frontline in inter-African conflict mediation. She continues to be engaged in peace initiatives concerning the ongoing conflict in the region. Kenya sent its troops to Somalia to help fight the Al Qaeda-affiliated extremist group Al Shabaab with the aim of establishing peace and security in the African continent, and lobbied for the integration of Kenya Defence Forces (KDF) into AMISOM, elevating AMISOM's mandate from peace keeping to peace enforcement and renewal of the mandate of AMISOM for another year up to March, 2014
- 91) Kenya hosted the Peace and Security Council 455th Meeting at the Level of Heads of State and Government held on 2nd September 2014 on the prevention and combating of terrorism and violent extremism in Africa.

3.2.6 African Nuclear Weapon Free Zone Treaty (TREATY OF PELINDABA)

- 92) The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties.
- 93) The Treaty also prohibits any attack against nuclear installations in the zone by Treaty parties and requires them to maintain 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 parties to apply full-scope international Atomic Energy Agency safeguards to all their peaceful nuclear activities.
- 94) The Radiation Protection Board and Government chemist are the implementing bodies. There is a Chemical Biological Radioactive and Nuclear (CBRN) materials Non-Proliferation policy and proposed Bill in place.

3.2.7 Geneva Conventions (CONVENTION I TO IV AND ADDITIONAL PROTOCOLS I AND II)

- 95) The basic principles of Geneva Conventions repose on respect of the human being and human dignity. The additional Protocols oblige warring sides and combatants not to attack civilians and civil objects and to guarantee the provision of military operations in compliance with generally accepted humanitarian law.
- 96) The Country has fully domesticated the four Geneva Conventions through The Constitution, The Geneva Conventions Act (Chapter 198 of the Laws of Kenya), and the Kenya Defence Forces Act. The Geneva Conventions 1968 Act incorporates portions of the 1949 Geneva Conventions into Kenyan law. Section 3 provides for the punishment of persons who commit, or are accessories to, grave breaches of the 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. Kenya signed an instrument ratifying the protocol additional to the Geneva Conventions of the 12th August 1949 relating to the adoption of an additional distinctive emblem for the ICRC in addition to the Red Cross and Red Crescent on 26th September, 2013.

- 97) To ensure non-violation of International Humanitarian Law, Kenya Defence Forces has employed Military Legal advisors and taken disciplinary measures against service members who violate IHL. The members of the Kenya Defence Forces also undergo trainings on engagement under IHL.

3.2.8 UN Optional Protocol on Involvement of Children in Armed Conflict

- 98) The Protocol ensures protection of children from being recruited to serve in conflict as Armed Forces or any other forms of military engagement.
- 99) Africa has seen proliferation of recruitment of Child Soldiers which is an international crime. Poverty and unemployment places children at the risk of being recruited into outlawed groups like the *Al-Shabaab*. Kenya is obligated by the Protocol to ensure that this does not happen.
- 100) Kenya's Children Act (2001) states: "It shall be the responsibility of 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."
- 101) Kenya's LOAC Manual (1997) states: "Children under the age of 15 shall not be recruited into the armed forces. In Kenya, a child is considered to be below 18 years thus the Kenya Defence Forces only recruits persons with the age of 18 years and above.

3.2.9 UN Convention against Transnational Organized Crime (2000)

- 102) The Convention aims at formulating policies, laws and their enforcement to eliminate all forms of transnational organized crime.
- 103) The Convention offers a framework for preventing and combating organized crime and a platform for cooperating with other state parties through a framework for mutual legal assistance and extradition and a platform for strengthening Co-operation in law enforcement. Organized crime transcends national boundaries and no country can fight it on its own.
- 104) In meeting the objectives of the Convention Kenya has enacted the Counter-Trafficking in Persons Act, 2010. Facilitation of human trafficking is prohibited. Following reports linking Kenya to human (child) trafficking, I suspended international adoption of Kenyan children for one year to put in place mechanisms for monitoring the welfare of those of our children who are adopted abroad.
- 105) Ivory trafficking is a serious international crime, and it involves organized criminal cartels. It threatens Kenya's economy, security, and future aspirations. An ivory trade kingpin was arrested last year and is facing charges.

3.3. CONVENTIONS ON TERRORISM

- 106) Kenya has been a victim of terrorism, and has therefore sought to partner with other States to confront this emergent global threat through sharing knowledge and experiences. To this end, she is party to:-
- i. OAU Convention on the Prevention and Combating of Terrorism
 - ii. International Convention against taking of hostages
 - iii. International Convention for the Suppression of Terrorist Bombings
 - iv. International Convention for the suppression of Acts of Nuclear Terrorism.
 - v. International Convention for the suppression of the Financing of Terrorism.

vi. EAPCCO Agreement on Combating Terrorism.

- 107) The Government has developed the Prevention of Terrorism Act, 2012 whose implementation is ongoing. Some of the challenges encountered in implementing this instrument include corruption among law enforcers, porous borders which make it easy for terrorists to cross.
- 108) In efforts to fight terrorism and ensure security for all of Kenyan citizens, the NGO Board deregistered hundreds of NGOs for failing to file their audited reports and another 15 for suspected links to terrorism. The bank accounts of affected NGOs were frozen and revoked work permits revoked for some foreign employees.
- 109) The speed and ease with which funds can be moved within the international financial system allows terrorists to move funds efficiently and effectively and often without detection between jurisdictions. To curb this, the Central bank of Kenya (CBK) has issued guidance to the commercial banks meant to stop finances to terrorist organizations and activities. Ongoing monitoring of transactions and scrutiny of the sources of funds is critical to identifying/establishing patterns that may indicate possible financing of terrorism.
- 110) CCTV cameras have been installed in strategic areas to capture the movements of terrorists as an important step towards curbing terrorism.
- 111) The Government has conducted crackdowns in places perceived to be recruiting the youth to join the al-shabaab group in Somalia.

3.3.1 Biological and Toxin Weapon Convention (BTWC)

- 112) This Convention was acceded to on 7th January, 1976 in Geneva and prohibits 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.
- 113) Through the implementation of this Convention, Kenya has received support in capacity building in areas of biosciences i.e. handling of toxin material and support in capacity building at the universities i.e. setting up of laboratories for testing and other activities related to Biological and Toxin Weapons. Kenya also benefits from trained personnel with ability to detect and respond to outbreak of any biological danger i.e. terrorist threat, pandemic and others. The Government is obliged to domesticate the BTWC by having a legal framework in place, participate in the meeting of Experts and meeting of States Parties and to provide annual reports on specific activities relating to the BTWC. The Government under the Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons.
- 114) Kenya established an inter-Ministerial National Biological and Toxin Weapons Committee in 2009 to address issues relating to bio-security and weapons to meet Kenya's international obligations as state party to the BWC and to develop a comprehensive policy and legal framework for national bio-security. A draft National Biosciences Bill, 2012 and Policy are in place.
- 115) There is lack of adequate funds to undertake activities towards the implementation of the Convention. Another challenge is inadequate capacity in matters relating to

biosciences in the relevant Ministries and Research Institutions i.e. submission of the Confidence Building Measures (CBM) Forms and Lack of adequate capacity in management of biological and toxin weapons.

3.3.2. Small Arms and Light Weapons

- 116) Countless lives have been lost to the turmoil in the great lakes and the Horn of Africa. Proliferation of small arms and light weapons has resulted from the conflicts. Subsequently, Kenya is a part of; the UN Programme of Action on SALW-2001, The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000), Circulation and Trafficking of Small Arms and Light Weapons (2000), 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. These efforts are aimed at transforming the region into a peaceful zone to realize development.
- 117) The process of marking of firearms is ongoing and finalizing of the Small Arms and Light Weapons Management Bill is on course. Procurement of borders entry and exit points scanners, metal detectors and screening facilities is envisioned in the long term. It is also imperative to acquire canine sniffers and dog handling at border points.
- 118) Training efforts are being undertaken by relevant government agencies.

3.3.3. African Union Strategy for Enhancing Border Management in Africa (2012)

- 119) 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 border is also encouraged.
- 120) Cross border co-operation and harmonization of policies will lead to reduction of cross border conflicts, territorial disputes and concerted 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, customs, armed forces, specialized units, intelligence to reduce threats related to immigration.
- 121) Implementation of the objectives is plagued by inadequate funding for training and equipment. There is also lack of follow up on agreed upon 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.
- 122) Border patrol, administration and border survey unit have been launched and operationalized. There has also been cross border consultative meetings among security agencies, CEWERNs and National focal points. Continuous and select training of personnel at the HPSS/IPSTC on border control is being enhanced and use of development/peace dividends along cross border areas in co-option of community members is ongoing.

3.3.4. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States

- 123) The objective of the protocol is to promote regional peace, security and stability and create mechanisms for the prevention, management and resolution of inter- and intra-state conflicts through dialogue. The relevance of the protocol is to preserve peace,

security and stability in the region, to enhance regional co-operation and to eliminate all forms of threats thereto.

- 124) Kenya has benefited from exchange of information with member States on conflicts in the region through the Conflict Early Warning and Response Mechanism (CEWARN). 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.
- 125) Kenya as an IGAD member is obligated under the protocol to contribute to the resources of CEWARN and to disseminate information to the authorized networks.
- 126) Implementation of the CEWARN can be improved.

3.3.5. Protocol on Combating Drug Trafficking in The East African Region

- 127) This Protocol seeks to combat drug trafficking in the EAC region. It also seeks to eradicate the use of narcotic drugs and psychotropic substances in Kenya. Under the Treaty, Kenya is required to co-operate with other state parties in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.
- 128) Kenya is therefore obligated to co-operate in the eradication of narcotic drugs and psychotropic substances in the region and to ratify international instruments on narcotic drugs and psychotropic substances and promulgate enabling domestic legislation.
- 129) NACADA works with different partners and stakeholders in its effort to bridge the gap of knowledge about drug and substance abuse through campaigns. Its main role is to coordinate and facilitate an all-inclusive effort towards prevention, control and mitigation of alcohol and drug abuse in Kenya. In partnership with international partners it has been able to intercept large drug hauls. NACADA has also been active to ensure that alcohol production and consumption is controlled as well as ensuring that the production of illicit brews is curbed.

3.3.6 EAC Protocol on Foreign Policy Coordination

- 130) The Protocol on Foreign Policy co-ordination's objectives are to safeguard the common values, fundamental interests and independence of the Community. It provides for collaboration on diplomatic and consular matters and aims at harmonizing efforts in addressing regional needs in the international fora on the basis of mutual trust, political will and sovereign equality.
- 131) In an increasingly globalizing 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. In line with this, partner States of the EAC liaise on issues of mutual interest relating to regional and global affairs.

3.4. HUMAN RIGHTS TREATIES AND CONVENTIONS

3.4.1. The International Covenant on Civil and Political Rights (ICCPR)

- 132) The ICCPR was adopted by the UN General Assembly on 19th December, 1966 and entered into force 23rd March, 1976. The objective is to ensure that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Kenya acceded to the International Covenant on Civil and Political Rights on 1st of May, 1972.
- 133) Since the accession to the ICCPR by Kenya, there have been significant changes to the legal environment in Kenya, not least of which has been the promulgation of the 2010

Constitution. Kenyans ratified a new Constitution in August 2010 through a national referendum. It provides for an elaborate legal, policy and institutional framework to ensure substantive protection and promotion of fundamental rights including the express prohibition of torture and provides avenues for redress.

- 134) In a case in point: *The Matter of Zipporah Wambui Mathara (2010)* eKLR, the Court declared that provisions of Kenya's Civil Procedure Code were in conflict with Article 11 of the ICCPR which prohibits imprisonment for inability to pay civil debt. In this instance, the Court took on Article 11 of the ICCPR appreciating that Article 2(6) of the constitution made the Covenant part of Kenya's law.
- 135) Civil society and individual citizens' participation has been very active in all aspects relating to the protection of human rights.

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

- 136) ICESCR was adopted by the UN General Assembly on the 16th December, 1966 and entered into force on the 3rd January, 1976. The aim is to guarantee people their economic, social and cultural right. These rights are founded on a belief that we can enjoy our rights, our freedoms, and economic justice all at the same time. Kenya became a State party to the ICESCR on the 1st May, 1972.
- 137) Article 19 (1) of the Constitution prefaces the Bill of Rights by stating that it: "... is an integral part of Kenya's democratic State and is the framework for social, economic and cultural policies." The promotion of social justice is a key purpose for the recognition and protection of human rights and fundamental freedoms.
- 138) The Bill of Rights provides for Economic Social and Cultural (ESC) rights under three classes. Stand-alone ESC rights governed by the principle of progressive realisation of rights are encapsulated in Article 43 of the Constitution. Then, ESC rights are included in the group rights enumerated for women; consumers; children; persons with disabilities; youth; older persons; the whole community rather than to the individual). Finally, even rights classically understood as civil and political include norms essential to the realisation of ESC rights.
- 139) Among the deliverables is that Government expenditure on education has increased over the years. A free maternal health care policy is in place.

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

- 140) The ICERD was adopted by the UN General Assembly on 21st December, 1965, and entered into force on 4th January, 1969. Its objective is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Kenya became a State party to the Convention on 13th September, 2001 and guarantees the rights under the Constitution.
- 141) Provisions on antidiscrimination are scattered in various pieces of legislation. Key of these is the National Cohesion and Integration Act, which was enacted to facilitate and promote equality of opportunity, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya. The Act establishes the National Cohesion and Integration Commission to discharge the mandate. The Constitution in Article 27 (4) expands the prohibited grounds of discrimination and the use of the phrase 'including' leaves room for further developments. Moreover, the Kenya National Human Rights and Equality Commission was established pursuant to S. 59 of

the Constitution to promote respect for human rights and develop a culture of human rights in the country and to receive and investigate complaints about alleged abuses of human rights. The implementation of Article 59 presents an opportunity to institutionalize all human rights issues-not only those enumerated in the bill of rights but all those in international conventions or treaties to which Kenya is a party.

- 142) **HIV and AIDs Prevention and Control Act of 2006** established to *inter alia* for the appropriate treatment, counseling, support and care of persons infected or at risk of being infected with HIV and AIDs, dedicates Part VIII to the prohibition of discrimination on the ground of one's actual, perceived or suspected HIV status. The Act expressly prohibits discriminatory acts and policies in employment, in schools, when travelling or in the choice of abode, in seeking elective or other public office, in accessing credit facilities or insurance, health care services and burial services (**Sections 31 - Section 37**). **Section 38** provides that any person who commits these prohibited acts would be liable to a penalty.

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

- 143) This Convention was adopted by the General Assembly of the UN on 10th December, 1984 and entered into force on 26th June, 1987. Its objective is to prevent torture and other cruel, inhuman or degrading treatment or punishment. Kenya became a state party to the CAT on 21st February, 1997 and guarantees these rights under the Constitution.
- 144) Article 25 of the Constitution reinforces the Convention's provisions by embracing freedom from torture and cruel, inhuman or degrading treatment or punishment as fundamental rights which cannot be limited, whatever the circumstances. The Government of Kenya has developed a Prevention of Torture Bill 2011 that provides the definition of torture in line with CAT and criminalizes torture and other cruel, inhuman or degrading treatment. The proposed law also provides stiff penalties for those convicted of offences and seeks to establish institutional mechanisms for the support and assistance of victims of torture.
- 145) No one including police officers is allowed to commit torture in Kenya. There are mechanisms to reduce overcrowding in prisons. Measures are in place to improve the condition of detainees. Kenya is host to numerous refugees fleeing conflict in the region. Other measures include increase in training budget for relevant sectors of Government and adherence to the 24 hour for holding suspects in police custody, as well as eradication of the practice of hospitals holding back women who have given birth until they pay their bills.

3.4.5 The African Youth Charter

- 146) The African Youth Charter was adopted during the seventh ordinary session of the conference of Heads of State and Government held on July 2nd, 2006 in Banjul, Gambia. Kenya ratified the Charter on 23rd January, 2014. Its objective is to ensure the constructive involvement of Youth in the development agenda of Africa and their effective participation in the debates and decision-making processes about the development of the continent; 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; and to outline the responsibilities of Youth to their own development and to their countries and continent.

- 147) The African Youth Charter, not only provides the Governments, Youth, Civil Society and International Partners, with a continental framework, which, underlines to the rights, duties and freedoms of youth, but also paves the way for the development of national programmes and strategic plans for their empowerment.
- 148) The realization of Kenya's Vision 2030 and the attainment of the Millennium Development Goals (MDGs) critically depend on the degree of inclusion of the youth in the development agenda. Kenya has established a National Youth Council to boost the voice of the youth and increase their participation in decision making.
- 149) A Youth Enterprise Fund to build an entrepreneurial culture among the youth and create employment is in place.

3.4.6 Conventions on the Status of Refugees

- 150) Kenya is party to the 1951 UN Convention relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee problems in Africa. The Conventions on refugees define refugees, set out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum.
- 151) State parties to the UN Refugee Convention and its 1967 Protocol have the following obligations: Co-operation with the United Nations High Commission for Refugees (UNHCR) in the exercise of its functions and in supervision of the implementation of the provisions in the Convention; inform the UN Secretary General about the laws and regulations adopted to ensure application of the Convention; and exemption from reciprocity.
- 152) Kenya has been host to a large number of refugees and asylum-seekers from the region; and exceeded its obligations under the Convention.
- 153) The obligation of non-refoulment takes no account of the potential financial, social, political and environmental impact of the receiving country and the Convention places no requirement on burden sharing between States. The large number of refugees in Kenya has caused challenges to the country including health and security threats. Kenya is also experiencing overwhelming difficulty in continuing to host more refugees and asylum-seekers. There is a Tripartite agreement in place for repatriation of refugees in accordance with the established international normative principles and values. A thousand (1000) refugees voluntarily returned to Somalia in 2014.

3.4.7 THE UN Convention on the Rights of the Child (UNCRC).

- 154) Kenya ratified the Convention on the Rights of the Child on July 31, 1990. The enactment of the Children's Act of 2001 gives effect to the obligations of Kenya under the Convention on the Rights of the Child (CRC) and the African Children's Charter. Since its ratification, Kenya has been working to implement its ideals in domestic legislation concerning childcare and protection. The Convention spells out the rights that should be enjoyed by children 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, ensuring the best interest of the child principle in all matters affecting children education, health care, food, affordable.
- 155) The Convention together with the African Charter on the rights of the Child recognizes a child as any human being under the age of 18 years. They provide that the child has rights as any other human being appertaining to issues concerning a child. It obligates State Parties to uphold the "Best Interests of the Child" as the key principle while

dealing with matters affecting children. State Parties should respect and ensure the rights guaranteed in the Convention without discrimination on any of the grounds including the legal status of the child's or his or her parent's or legal guardian' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property and disability.

- 156) Children enjoy human rights and are protected from abuse and child labour. They are able to enjoy the right to free basic education guaranteed under the Basic Education Act, 2012 and develop their full potential.
- 157) Provisions of the Convention are entrenched in the Constitution, the Children's Act, 2001 and other legislations including the labour laws which protect the rights of children. They guarantee protection against child abuse and exploitation. The Employment Act prohibits child labour.
- 158) On signing Optional Protocol 1 to the Convention on the Rights of the Child Kenya made a declaration stating that "the minimum age for the recruitment of persons into the armed forces is by law set at eighteen years" and that recruitment is "entirely and genuinely voluntary", an interpretative declaration indicating that the government considers its obligation to "ensure" that those under the age of 18 are not recruited into the armed forces thereby discharged. The declaration goes on to state that the Government of Kenya reserves the right to "add, amend or strengthen the present declaration".

3.4.8 The Convention on Persons Living With Disabilities

- 159) Kenya ratified the UN Convention on Rights of Persons with Disabilities (CRPD) on 19 May, 2008 and subsequently became part of the law by virtue of Article 2(6) of the Constitution of Kenya 2010. The effect of this ratification was that the State undertook to ensure and promote the full realization of all human rights and fundamental freedoms for persons with disabilities, without discrimination of any kind on the basis of disability.
- 160) Article 33 (2) of the CRPD on national implementation and monitoring obligates the state to "maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention." In doing so, the state is required to take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
- 161) Foremost, Kenya enacted the Persons with Disability Act of 2003 which came into force in June 2004. The Act provides a legislative framework for access to services and inclusion of Persons with disabilities in all facets of life. It provides for the achievement of equalization to 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.
- 162) The Convention is also being implemented through the National Policy on Disability and the Persons with Disabilities Act ensure that persons with various types of Disabilities are not discriminated and have access to public services. The Council ensures rehabilitations and the Cash Transfer Programme for persons with severe disabilities ensures support for such people. Mainstreaming of disability in various spheres of life is being undertaken.

- 163) Mainstreaming of disability is slow, besides the low awareness of the rights of persons with disabilities, due to the weak institutional frameworks and partnerships for effective management of disability issues.

3.4.9 Convention on Prisoners' Rights

- 164) The Convention on Prisoners' rights provides that the State should ensure that the rights of prisoners are upheld: These include the right to life, liberty, security, use of force, protection against torture and any form of mistreatment, right to make complaints and requests and communication among others. It further provides that the State has to ensure 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.
- 165) Implementation of the treaties makes it easier to monitor progress of the realization of their objectives as relates to the promotion and protection of the human rights of the various groups. The process of reporting has provided the Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it has made it possible for the government to address any gaps or violations that may hinder the full enjoyment of human rights for its people. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require.
- 166) By becoming a party to these treaties, Kenya undertook to initiate appropriate measures including legislative, executive and administrative actions necessary to give effect to the rights and fundamental freedoms recognized and guaranteed by the various treaties. The Government of Kenya is further obliged to submit initial and periodic Country Reports to the various human rights monitoring mechanisms as recognized in the treaties on the measures it has taken, to implement its obligations under those treaties. Kenya has also ratified a number of Conventions on social security and social protection.
- 167) Kenya has established a Human Rights and Equality Commission that not only ensures that Kenya meets its obligation but also makes periodic reports to the UN Human Rights Council.
- 168) The Children's Act, 2001 provides for a penalty of imprisonment not exceeding twelve months or a fine of fifty thousand Kenya shillings or both for acts of torture and other forms of ill-treatment of children. This is not commensurate with the gravity of some of the crimes perpetrated on children.

3.4.10 The Rome Statute of The International Criminal Court (ICC)

- 169) 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 and crimes against humanity. Kenya enacted the International Crimes Act in 2008 which domesticated the Rome Statute and gave it force of law in Kenya. The Government is keenly aware of the importance of States Parties providing the necessary Co-operation and assistance to the Court in line with the obligations of Part IX of the Rome Statute. The former and current Prosecutor of the ICC, staff members of their Office, Registry Officials of the ICC, Defence Counsel, Victims' Counsel and their respective investigators have all been permitted entry into Kenya and allowed to engage with all Organs of government freely. The Co-operation includes facilitation of

- witness attendance in Court through video link and access to witnesses and police files. Kenya's cooperation with the Court has also included release of various other documents including phone records and information on the assets identification. Kenya has however declined ICC's request for information whenever such information's release would be in contravention of Kenya's constitutional law and policy. Equally, Kenya has also resisted the Court's request for compulsion of witness attendance when such request would fall outside the remit of Kenya's legal obligations.
- 170) The Kenyan Government has taken measures to address the welfare of Post-Election Violence victims and Internally Displaced Persons (IDPs). These measures include the purchase of land for resettlement of the IDPs, construction of houses for the IDPs, offering counselling services, cash transfers, access to free medical attention for some IDPs in government facilities; periodic food distribution to victims; An effective and robust witness protection program has been established and is available to all. The Victims of Crimes Act 2014 was commenced on 3rd October 2014. It was enacted to give effect to Article 50(9) of the Constitution. It provides for protection of victims of crime and abuse of power and to give them better information and support services to afford reparation. In addition, the Government has enacted several pieces of Legislation that complement its co-operation with the Court. These include the Prevention of Organized Crimes Act, Prevention of Terrorism Act, the Mutual Legal Assistance Act and the Proceeds of Crime and Anti-Money Laundering Act. This is backed by institutional reforms in the criminal justice system, which includes the Kenya National Police Service, Independent Policing Oversight Authority, the Judiciary, and Office of the Director of Public Prosecutions, among others. Member states to the Rome Statute are required to punish international crimes since the ICC cannot deal with all post election violence cases. While Kenya's obligations under the Rome Statute require it to support the ongoing ICC process, it is equally important to create an institutional framework to ensure that national prosecutions for serious crimes take place. In this light, establishment of an International and Organized Crimes Division within the High Court to deal with International Crimes is in process.
- 171) While Kenya continued to honour its obligations under the Statute, she raised concern regarding the selective administration of justice. The crimes that fall under the Court's jurisdiction are not limited to Africa, yet Africa has been targetted, creating the perception that international justice has become a tool of judicial neo-colonialism and imperialism. Stemming from this, Kenya championed for reform of the international Criminal Justice system within the framework of the Assembly of States Parties and the UN Security Council.
- 172) Kenya is also engaged in efforts to create a robust continental judicial architecture to ensure that international crimes do not go unpunished. Consequently, Kenya is among African States that are keen on the ratification and implementation of the Amendments to the Protocol on the Statute of the African Court of Justice and Human and Rights which was adopted in Malabo, Equatorial Guinea on 27 June 2014. The Malabo Protocol extends the jurisdiction of the African Court to include an international criminal mandate. Once the Protocol enters into force - after gaining the requisite 15 instruments of ratification - the Court will be vested with three distinct but interconnected jurisdictions. These are: human and peoples' rights; 'general affairs' as well as individual criminal responsibility and corporate criminal liability for a wide range of international crimes. The Kenyan government will shortly be submitting the Malabo Protocol for ratification by the National Assembly in line with the provisions of our Constitution and the Treaty Making and Ratification Act, 2012.

- 173) The National Executive is aware that National Assembly of the 10th Parliament approved a resolution "To Suspend Any Links, Cooperation and Assistance" with the ICC. This position was subsequently affirmed by a Resolution of the National Assembly on 5th September 2013 and by the Senate on 11th September 2013 respectively. Parliament is urged to take such necessary measures to ensure the actualization of this Resolution but to do so in a manner that respects our Constitutional Order.
- 174) To protect the sovereignty of Kenya and the integrity of countries friendly to Kenya, H.E. the President on 6th October, 2014 made an extraordinary and unprecedented choice of prioritizing the nation's interest by protecting the more than forty million Kenyans from trial at the ICC. The President underwent the mechanics of handing over power to H.E. the deputy President to enable him attend a status conference at the Hague, in the Netherlands in person. H.E. the President handed over power and H.E. the deputy President accepted the position of Acting President for the duration of the status conference. This resolve demonstrated the Presidency's submission to the rule of law, reprehensible as this may be, and despite the AU Resolution that states that, "no sitting African President should appear before the International Criminal Court."

3.5 TREATIES AND CONVENTIONS GOVERNING INTERNATIONAL TRADE AND INVESTMENT

3.5.1 Treaty Establishing the World Trade Organization

(THE MARRAKECH AGREEMENT)

- 175) The WTO supervises and liberalizes international trade. It officially commenced on 1st January 1995 replacing the General Agreement on Tariffs and Trade (GATT) of 1948. The organization deals with regulation of trade between participating countries; it provides a framework for negotiating and formalizing trade agreements, and a dispute resolution process aimed at enforcing participant's adherence to WTO agreements, which are signed by representatives of member governments and ratified by their parliaments. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Rounds (1986–1994).
- 176) The WTO enables international trade by eliminating tariff barriers that restrict trade and prohibits dumping of goods. It provides Kenya with a platform in which to negotiate trade agreements with other countries in the global sphere with favourable terms for her development.
- 177) As of now Kenya has negotiated trade agreements with other countries that will further development in line with vision 2030.

3.5.2 Doha-Development Agenda Round and Bali Package (2001-2013)

- 178) The Doha Development Round of talks was launched in 2001 with an explicit focus on addressing the needs of developing countries.
- 179) The Treaty endeavours to provide an equal playing field for all member states to participate in international trade for their economic development. It also gives developing and least developed countries (LDCs) a chance to catch up with the developed countries through the principle of asymmetry and by allowing LDCs to export their goods duty free which makes their goods cheaper than those of developed countries in the international market.

- 180) Proper implementation of the customs agreement will ensure a significant increase in Kenya's economic activity, number of new jobs and a decrease in the cost of doing international trade.
- 181) Kenya is categorized as a developing country and not as a least developed country. It therefore does not qualify for the benefits accorded to LDCs and is also not as fully developed as the developed countries. This poses a challenge for Kenya which is required to trade with other developed countries on the principle of reciprocity even though Kenya is not there yet.
- 182) Developing countries such as Kenya are obliged to meet stiff export standards, when exporting both Agricultural and Industrial products to developed countries. This includes: export subsidies, tariff peaks and tariff escalation for value added products, while being required to open up our markets to products that they produce cheaply under subsidized production in Agriculture.

183) **The Bali Package:**

The Ninth Ministerial Conference was held in Bali, Indonesia from 3rd to 7th December 2013 produced the Bali package. The issues in the package included the following:

- i) **Trade Facilitation:** A new WTO Agreement on Trade Facilitation (TF) was adopted in Bali. 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 the 161 countries and is expected to cut red tape, 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. A Regional Workshop is scheduled to be held from 2nd- 6th March to harmonize trade facilitation measures that have a regional bearing.
- (II) **Agriculture:** including food security, export competition, Tariff Rate Quota (TRQ) administration. On the food Security issue, the present WTO rules on agricultural subsidies that hinder the ability of government to purchase and stock staple foods from farmers were the focus of the discussions. An interim measure a "peace clause" whereby WTO legal cases will not be taken against countries having a public food stocktaking programme was agreed upon. It was agreed that WTO members would negotiate a permanent solution within four years, and that countries would refrain from taking cases to the WTO Dispute Settlement Body until that solution was found. The interim measure is in line with Kenya's National Food and Nutrition Policy objectives. This will allow Kenya National Cereal Produce Board (NCPB) to procure staple food such as maize, rice, beans from poor resource farmers at Government administered prices (higher than the market price) and distribute to needy areas without facing any challenges at the WTO. Kenya's interest in this area is to negotiate for a permanent solution as agreed in Bali.
- (III) **Development and Least Developed Countries (LDC) issues:** The issues in this area included the monitoring mechanism for special and differential treatment, preferential rules of origin for LDCs, a waiver on preferential treatment to services and services suppliers of LDCs, Duty-Free and Quota-Free (DFQF) Market Access for LDCs and Cotton. The outcome on development was modest since for example the Monitoring Mechanism was adopted before the strengthening of Special and Differential treatment provisions as mandated by paragraph 44 of the Doha Ministerial Declaration. The

decisions to assist LDCs adopted at Bali however were not binding and therefore these decisions should be seen as a starting rather than an end point, with further negotiations for future decisions that are more useful.

184) **Post Bali Work Programme**

- i) Ministers at the Bali Ministerial Conference reaffirmed their commitment to the Doha Development Agenda. The Ministers instructed the WTO Trade Negotiations Committee (TNC) to prepare within the next 12 months a clearly defined Work Programme on the remaining issues in the Doha Development Agenda. Discussions on the post- Bali work programme will proceed in two tracks namely: implementation of decisions and agreements reached at Bali; and clear work program on remaining DDA issues.
- ii) The Post Bali Work Programme is intended to cover areas of the Doha Development Agenda that were not discussed and agreed upon by Ministers in Bali. The key issues of interest to Kenya include improving market access for goods (agricultural and industrial products) and services, improving trade in environmental goods and services, simplifying and improving WTO rules on trade and ensuring that the country has policy space to address its developmental concerns including Vision 2030 e.g. food security rural development and addressing poverty.

185) To ensure that Kenya Complies with its international trade obligations it has domesticated most of the WTO agreements such as the enactment of the industrial property Act, implementing the WTO Agreement on customs valuation, setting up enquiry points at the Kenya Bureau of Standards (KEBS) and the Kenya Plant Inspectorate Service (KEPHIS) to ensure compliance with international standards on quality, technical regulations and safety in goods and plant health. In addition the Ministry has finalized the preparation of a trade remedies bill and once approved by the Cabinet will address trade distortions (dumping, and import surges) in the domestic market.

186) To ensure that Kenya's trade interests are identified with the involvement of stakeholders, an active National Committee on the World Trade Organization (NCWTO) was set up in 1995 with the mandate of preparing the Country's Positions in the WTO negotiations. This Committee has since been replaced by the National Standing Committee on Trade Negotiations (NSCTN). In addition, the body also advises the Government on all international trade matters.

3.5.3 **Economic Partnership Agreements (EPAS)**

187) Kenya is part of the African, Caribbean and Pacific (ACP) member states that have previously benefitted from Economic Partnership Agreements (EPAs) with the EU starting with the Lome Agreement to the Cotonou Agreement that gave duty free access to the goods emanating from ACP countries. The EPAs were first negotiated with the United Kingdom and were later taken over by the EU. The EPAs are about to expire which will require goods emanating from ACP member states to be treated like goods from any other WTO member state. The ACP Countries feel they goods are not ready for the competition and need an extension of the preferential treatment.

188) Kenya, along with other East African Community (EAC) Partner States concluded EPA Negotiations with the European Union (EU) on 14th October 2014. This ended a 12 years protracted negotiation of the trade agreement, whose negotiation was launched at all ACP regions in 2002 with the objective of contributing towards sustainable

development, the gradual integration of the EAC into the world economy and fostering the structural transformation of EAC, among other objectives.

- 189) 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. The preferential access and trade with the EU were based on the Lome Conventions of 1975 to 2000 and the Cotonou Partnership Agreement of 2000 to 2007 and under the Market Access Regulation (MAR) 1528/2007 of 31st December 2007.
- 190) The initialled EPA will be subjected to legal scrubbing aimed at ensuring legal soundness of the Agreement. The final EPA will then be translated into 24 EU languages and Kiswahili as provided for in the Agreement. The final EPA agreement will then be signed after approval by the EU Council. It is expected that the signing of the EPA will take place around the summer (2015) or soon after. The signed EPA will then be subjected to each countries process of ratification. The period of ratification varies from country to country. Ideally this should take place within one year.
- 191) Full benefits of the EPA, beyond the duty free market access that has been assured through 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.
- 192) The benefits that are right now not available under MAR 1528/2007 include the following:
 - i. Access to flexible and enabling Rules of Origin that are only available under the EPA,
 - ii. Opportunity to spearhead industrial development through the very generous cumulation provision of the Rules of Origin,
 - iii. 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,
 - iv. Opportunity to exploit the provisions of the fisheries chapter of the EPA in stimulating manufacture of marine fisheries products targeting the multibillion Euro market,
 - v. Trade related development assistance that is provided for in the development chapter of the EPA.

3.5.4 World Trade Organization Technical Barriers to Trade (WTO/ TBT) Agreement- National Enquiry Point

- 193) KEBS is the designated WTO/TBT National Enquiry Point (NEP) which is an obligation under the WTO/TBT agreement. The NEP is very important for global trade facilitation across the borders as it ensures that there are no trade barriers to Kenyan producers who try to access international markets for their products.
- 194) Kenyan stakeholders both public and private have access to relevant information on the international market relating to standards and technical regulations requirements so as to ensure continued access to international markets.
- 195) The TBT Agreement also ensures that member States do not use technical reasons to bar entry of goods from some member states into their markets.

- 196) For every benefit that Kenya derives under this treaty, there is a resultant obligation from member states that she has to honour as and when required.
- 197) Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT." It allows KEBS to more efficiently inform private and public sector stakeholders of notifications on technical regulations and standards that the WTO member countries propose to introduce. The purpose of informing the stakeholders of the proposed technical regulations and standards is to allow them to comment on any elements impeding market access before the WTO member country eventually introduces the regulations or standards. Under the WTO Technical Barriers to Trade (TBT) agreement, stakeholders are given 60 days, after which no comments can be entertained. This ensures that technical regulations, standards, testing, and certification procedures do not create unnecessary obstacles to trade.
- 198) Kenya, through its KEBS TBT National Enquiry Point has been disseminating WTO TBT notifications through a bi-monthly publication. The delays in disseminating the information reduced the comment period from 60 to about 45 days. The system was slow and reached only 1,600 users. A projected 50,000 stakeholders will use the electronic system. 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.

3.5.5 WTO Trade Related Investment Measures (TRIMS)

- 199) 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 Agreement relates to goods only and not services.
- 200) 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 country members, while ensuring free competition.
- 201) TRIMS focus on investment measures that infringe GATT Articles III and XI that discriminate between imported and exported products and/or create import or export restrictions.
- 202) TRIMS ban local content requirements and trade balancing rules that were used to promote the interests of domestic industries and combat restrictive business practices.
- 203) Developing countries are 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.
- 204) TRIMS prohibit trade related investment measures that are discriminatory. The rules restrict preference of domestic firms and enable international firms to operate easily within foreign markets.
- 205) Kenya's road to sustained industrialization is on the balance as the policy space available to her has been substantially reduced by TRIMs.

3.5.6 The WTO Dispute Settlement System

- 206) 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 the all the WTO multi-lateral Agreements.

- 207) The system has operated against the interests of the developing countries as it is costly for developing countries to initiate the dispute settlement process for exercise of their rights unlike the developed countries.
- 208) There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy. Kenya or any other member state can initiate a dispute settlement process on any trade dispute she may have with another country.
- 209) Kenya needs to enhance her domestic legal capability to handle the dispute settlement process on her own as well as start initiatives in the General Council for improvements in the dispute settlement process.

3.5.7 Constitution of the United Nations Industrial Development Organisation in Vienna 8th April, 1979 (UNIDO)

- 210) The 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 at its second session held at Vienna from 19th March to 8th April 1979. In accordance with its Article 24(1), it was open for signature at the Federal Ministry of Foreign Affairs of the Republic of Austria at Vienna from 8th April 1979 until 7th October 1979, by all States referred to in sub-paragraph (a) of Article 3 and after that date at the United Nations Headquarters in New York until its entry into force.
- 211) Pursuant to Article 25, the Constitution entered into force when at least eighty States having deposited instruments of ratification, acceptance or approval had notified the Secretary-General that they had agreed, after consultation among themselves, that the constitution entered to force under Article 25 on 10th June 1985.
- 212) Kenya ratified this Constitution on 13th November, 1981 and became a member in terms of article 25 on 10th June, 1985. Its mandate is to promote industrial development for poverty reduction, inclusive globalization and environment sustainability.
- 213) The mandate of UNIDO is to promote and accelerate sustainable industrial development in developing countries and economies in transition by focusing its activities on poverty reduction, inclusive globalization and environmental sustainability.
- 214) Being a member of the organization contributes to the development of a country's industrial development; hence Kenya became a member so as to benefit from the technical assistance from UNIDO to the process of Industrialization in the Country.
- 215) To date 100 projects have been implemented in Kenya with a total disbursement of over US\$ 30 million for the last 26 years. Other projects such as the Promotion of Special Economic Zones and Free Trade Zones are yet to be implemented. Kenya has also gained extensively from the services and deliberations at the Organization.
- 216) Kenya through the Ministry of Industrialization and Enterprise Development pays an annual assessed contribution to UNIDO.
- 217) The amount of assessed contribution has been rising due to the fact that several Countries from the developed world have been withdrawing, such as United Kingdom,

France leaving the remaining States to foot the bill. A good example is that the assessed contribution to Kenya in 2014 was € 13876.

- 218) UNIDO intends to carry out a number of projects in Kenya such as the Promotion of Special Economic Zones and Free Trade Zones.
- 219) So far implementation of the requirements has not been easy to achieve especially payment of assessed contributions as the amount of assessed contributions has been rising due to the fact that several Countries from the developed World have been withdrawing their financial support from UNIDO.

3.5.8 WTO/SPS/OIE Including Sub Regional Office

- 220) It was ratified in 1994, to facilitate international trade in animal and animal products. The WTO Sanitary and Phytosanitary Agreement was negotiated to ensure that agricultural products are safe, and do not pose risks to human, animal and plant health. It is also meant to ensure food safety, and to avoid the introduction of diseases and pests through trade. Countries are thus allowed to impose regulations to protect human and animal health (Sanitary) and plant health (Phytosanitary) measures.
- 221) Some of the obligations to Government include disease reporting, Certification of animals and animal products for export. Members can raise specific trade concerns, for example when their products are facing Sanitary or Phytosanitary barriers to entry into other members' markets.
- 222) Kenya will benefit by gaining access to international markets and seeking assistance in the areas of processing technologies, research and infrastructure and in the establishment of national regulatory bodies. Developed Countries Members are requested to provide this assistance especially where the imports are from developing countries like Kenya. The Government established the Kenya Plant Health Inspectorate Services (KEPHIS), a regulatory body, to co-ordinate all matters relating to crop pests and to establish services laboratories to monitor the quality and levels of toxic residues in plants, soils and crop and animal produce. Dealing with Sanitary and Phytosanitary Measures (SPS) is a complex and expensive affair and KEPHIS' operations have been supplemented with donor funding. Furthermore, in an attempt to maintain and enhance market access for Kenyan exporters of horticultural products, the government, rather than contest the regulations, is negotiating with the EU to ensure that in implementing SPS-related regulations the EU takes into account the constraints faced by Kenya's exporters in complying with these.
- 223) Kenya has been adopting the international standards developed by Office of Epizootics (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food safety.
- 224) Kenya became a member so as to gain access to regional and international market for its fish and fish products. Assistance is provided bilaterally by developed Countries and since it is not an obligation, it must be actively lobbied and developed countries are not always willing.
- 225) The major challenge is the high cost of laboratory analysis due to lack of an accredited referral fish laboratory, samples have to be taken out of the country.
- 226) Kenya's fish has access to lucrative European market (Kenya on list one at the EU). This has led to growth in fish processing and export industry and has guaranteed better incomes for the fishers. The fish industry has undertaken good management practices for sustainability of the fish resources. Kenya has developed the fish safety and quality

assurance regulations 2007 under the Fisheries Act, Cap 378, Terrestrial and Aquatic Codes, Animal Diseases Act Cap 364, Fertilizers and Animal Foodstuffs Act Cap 345 to domesticate the requirements.

3.5.9 The Office International Des Epizooties(OIE)

- 227) This is the world organization for animal health and is mandated with informing members of the occurrence and course of animal diseases throughout the world. It also Co-ordinates international research devoted to the surveillance and control of animal diseases and promotes the harmonization of health regulations for trade in animal products among members.
- 228) Kenya is an exporter of agricultural goods and animal products and benefits greatly from the standards, guidelines and recommendations established by OIE pertaining to animal health.
- 229) Kenya needs resources for capacity building and training to ensure it has enough manpower that can be trained for the benefit of Kenya.
- 230) The Agreement aims at coordinating 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. The Agreement has been revised twice in 2005 and 2012 to include emerging issues that were not included during the conception and signing in 2000.
- 231) The Council of Ministers responsible for ACP meets twice in a year to review progress of activities and programme activities on a yearly basis. At the same time, a comprehensive review is done every five years.
- 232) The Ministry of Devolution and Planning put in place an inter-ministerial Committee which meets twice in a year to review progress. Resources should be committed to the National Indicative Programme (NIP). There should also be improvement on utilization and reporting of EU funds.

3.5.10 Cotonou ACP-EU Partnership Agreement

- 233) The Cotonou Partnership Agreement which has been in existence since 2000 is the basis upon which ACP countries, Kenya included, get development support, duty and quota free access to the European market. The second revision was signed in June 22, 2010. The 2nd revision streamlines the Cotonou Agreement adapting it to global changes in trade and aid policies that have occurred over the last five years. It will further strengthen the relationships between ACP and the EU, accelerate the attainment of the MDGs, address critical issues of aid effectiveness, economic and financial crisis, climate change, poverty eradication, achievement of sustainable development and gradual integration of the ACP States into the world economy. The Agreement also underpins the EPA negotiations centre for Enterprise Development established in Nairobi as a result of the cooperation. The third and last review of the Agreement will be undertaken in 2015.

3.5.11 Tokyo International Conference on African Development (TICAD)

- 234) Tokyo International Conference on African Development (TICAD) is a development cooperation arrangement between Japan and African countries. It has become a major global framework for Asia and Africa to collaborate in promoting Africa's development. TICAD aims to mobilize the wisdom and resources of all stakeholders interested in African development under the concept of African ownership and

partnership between Africa and the international community. The first Conference was held in 1993 and ushered in a continuing process of support for Africa and consensus-building around African development priorities. That process was bolstered with a second Tokyo conference in 1998. Since then a number of summits have been held. The last TICAD V Summit was held in May 2013 where the Government of Japan pledged 3.2 trillion yen (approximately 32 billion USD) to support African growth over the next five (5) years.

- 235) The first TICAD V Inter-Ministerial meeting was held in Yaoundé Cameroon in May 2014 to track the implementation of TICAD V pledges. TICAD is greatly involved in projects that favour Kenya economically i.e. the Mwea Irrigation Project which will help in the double rice production in ten years. Through TICAD, Japan is funding the Olkaria geothermal project and rural electrification using solar.

3.6 STANDARDIZATION ORGANIZATIONS AND CONVENTION

- 236) Standardization is the process of developing and implementing technical standards. Standardization can help to maximize compatibility, interoperability, safety, repeatability, or quality. It can also facilitate commoditization of formerly custom processes. Kenya implements standardization through the Kenya Bureau of Standards (KEBS). In order to meet the international standardization standards, Kenya is a party to the following;

3.6.1 The Metre Convention

- 237) 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. Kenya as a member state of the *Bureau international des poids et mesures* (BIPM) since 1st January, 2010; is obliged to pay annual contributions of (€ 56 123) and attend and vote at the *Conférence générale des poids et mesures* (CGPM). It also participates in BIPM activities.
- 238) Kenya's Membership subscription is up to date. 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).

3.6.2 Codex Alimentarius Commissions

- 239) The Purpose of Codex Alimentarius Commissions which was established in 1963 in Rome, Italy is to develop international science based food standards aimed at facilitation of fair food trade and protection of consumer health. The role of Codex Alimentarius Commission [CAC] includes standards for all the principle foods, whether processed, semi-processed or raw, for distribution to the consumers for international trade.
- 240) Kenya Bureau of standards adopts codex standards as a national food standard and implements them to facilitate trade nationally, regionally and worldwide for all of Kenya's animal and plant products.
- 241) Kenya uses the safe levels on food additives, contaminants, aflatoxin, Achromycin, veterinary drugs residues in food, pesticide residues in foods set by the three CAC Research independent scientific advisors committees. Codex food Standards are used in case there is dispute in trade and also during harmonization EAC-COMESA

standards among the five partner states. Currently Kenya is an African regional representative to CAC.

3.6.3 African Accreditation Co-operation (AFRAC)

- 242) The AFRAC is an umbrella organization founded in 2009 comprising of members who are national accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies i.e. Inspection Bodies, testing and calibration laboratories, medical laboratories and certification Bodies for systems, processes, products and persons. It is key in trade facilitation of intra and inter-African trade.
- 243) 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.
- 244) Kenya joined so as to benefit from contribution of ideas that will improve the credibility, trust and confidence in conformity assessment results. The country has also been exposed to new ideas in the profession and is thus up to date with emerging technologies. It has also enabled the country foster greater Co-operation and institutional linkages with other members.

3.6.4 International Accreditation Forum (IAF)

- 245) IAF is a worldwide organisation 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).
- 246) Kenya joined IAF 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. This has a direct contribution towards facilitation of global trade a critical component of our economy's sustainable development, now and in the future.
- 247) 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), United Nations Framework Convention on Climate Change (UNFCCC) etc.
- 248) The country pays a subscription of five hundred and forty (540) US dollars annually.

3.6.5 International Laboratory Accreditation Co-operation (ILAC)

- 249) ILAC is the international umbrella organisation that oversees accreditation activities in the field of laboratory testing and inspection in all fields that was established in 1977.

ILAC became a formal Co-operation with a charter to establish a network of mutual recognition agreements among accreditation bodies that would fulfil this aim.

- 250) The country has gained through exposure to new ideas in the profession and being 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 as well. It has also enabled the country to foster greater co-operation and institutional linkages with other Accreditation Body members and stakeholders.
- 251) The country pays membership subscription fee of USD one thousand five hundred (1500) dollars annually. Membership subscription payment is up to date.

3.6.6 International Measurement Confederation (IMEKO)

- 252) IMEKO is a non-governmental federation of 38 Members Organizations individually concerned with the advancement of measurement technology.
- 253) 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 and industry.
- 254) Kenya became a member in order to achieve metrological capability in specific activities through exchange of knowledge in seminars, conferences and congresses.
- 255) The country pays a subscription of 900 Euros annually.
- 256) KEBS has enhanced control of counterfeit products and adherence to international standards.

3.6.7 International Organization for Standardization (ISO)

- 257) ISO was established in 1947 and 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. KEBS became a member of ISO in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country. The country pays a subscription of US\$ 64,000 annually.
- 258) Kenya is therefore represented by the Kenya Bureau of standards (KEBS). KEBS is a participating member on several technical committees of national importance to Kenya. There are over 19,500 published International Standards covering almost all aspects of technology and manufacturing.
- 259) KEBS membership to ISO is beneficial by;
- i. Giving early access to information that could shape the global markets,
 - ii. Giving Kenya and its stakeholders a voice in the development of standards,
 - iii. Helping to keep market access open.
- 260) **ISO 3166-2:KE** is the entry for Kenya in ISO 3166-2, part of the ISO 3166 standard published by the International Organization for Standardization (ISO), which defines codes for the names of the principal subdivisions (e.g., provinces or states) of all countries coded in ISO 3166-1. Institutions are fighting to be ISO certified & the processes of the institutions which have been certified has contributed to the efficiency and re-engineered the business processes, it has contributed to the professionalism of

the human resources in the Institutions. Thereby it has improved on the confidence levels in the institutions and the Stakeholders.

3.6.8 International Electro-technical Commission (IEC)

- 261) The IEC was founded in 1906 and is charged with the responsibility to promote 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 which must be fully representative of national interests in the fields of activity of the Commission. The National Committee has its Secretariat at KEBS and Kenya participates in four (4) IEC Committees as a P-Member with full voting rights due to its membership status as an Associate Member (the other class of Membership is Full Member).
- 262) 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 electro technical equipment is significantly affected by the climatic conditions. Most of the IEC standards address altitudes up to 1000 m which is below most of the parts in Kenya. Hence, Kenya needed to influence the inclusion of altitudes above 1000 m in the standards to cater for our climatic conditions. The country pays an annual subscription of CHF 23,800 to the commission.
- 263) IEC has provided KEBS with materials and equipment and carried capacity building for KEBS staff. This had made it possible for KEBS in collaboration with relevant National Organization develop Kenyan Standards for Electrical/Electronic sector thereby being able to regulate the sector.

3.6.9 International Bureau Of Weights And Measures(Bureau International des Poids et Mesures, BIPM)

- 264) The Convention of the Metre (*Convention du Metre*) is a treaty that created the International Bureau of Weights and Measures (BIPM), an intergovernmental organisation 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.
- 265) Kenya became a member so as to benefit from its activities that lead to the most effective manner of obtaining international recognition of our national metrology programmes. Further, 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.
- 266) The BIPM also serves as a liaison between its Member States and other intergovernmental 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.
- 267) Kenya currently contributes Euros 56 126.00 as annual subscription.

- 268) Kenya is able to provide confidence to all measurements carried to the its products so that they can access international markets especially when traceability is carried out on the products.

3.6.10 African Electro-technical Standardization Commission (AFSEC)

- 269) AFSEC was founded in 2008 by a declaration of the Conference of African Ministers of Energy held in Algiers on 17th February 2008 and established as a subsidiary body under the auspices of the African Energy Commission. AFSEC constitutes corporately organized association and enjoys legal status in accordance with Article 24 of the Convention of the African Energy Commission. The role of AFSEC is to facilitate trade on the African continent by removing the different technical obstacles, thus opening new markets and furthering economic integration and economic growth by creating the conditions guaranteeing the interoperation of complex systems.
- 270) Kenya is a founding member of AFSEC and participates in the Management Committee and all the five (5) Technical Committees so far established by the Commission. Membership is through the National Committee which has its Secretariat at KEBS.
- 271) Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. The Country pays an annual subscription of USD 5,000 to the Commission.
- 272) Kenya has managed to influence which IEC standards to be adopted through the AFSEC TCs. IEC has provided KEBS with materials and equipment and carried capacity building for KEBS staff. This had made it possible for KEBS in collaboration with relevant National Organization develop Kenyan Standards for Electrical/Electronic sector thereby being able to regulate the sector. Kenya has managed to influence which IEC standards to be adopted through the AFSEC TCs .

3.6.11 The African Organization For Standardization (ARSO)

- 273) The African Organization for Standardization (ARSO) is a continental standardization body that aims at addressing the factors that may affect interoperability in the African markets.
- 274) Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. ARSO's presence in Kenya is key to understanding the emerging challenges and opportunities which can be addressed through standardization. The country pays an annual subscription of USD 16,000 to ARSO.
- 275) Through membership in ARSO, Kenya has the right to influence Management decisions through its membership in the Management Committee and also influence Technical Committee (TC) decisions through membership in the TCs. Kenya has managed to influence several council decisions and standards to be adopted through the African Organization For Standardization Technical Committee (ARSOTCs). Kenya gains by influencing these decisions as KEBS is a head of most standards body in Africa this will ensure that Kenyan products are able to access more market and also the standards of the products emanating from the Continent keeps improving.

3.6.12 Asia Pacific Metrology Programme (APMP)

- 276) The Asian Pacific Metrology Programme (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. The country pays a subscription of US dollars 600 annually.

- 277) Kenya through KEBS is an associate member of APMP's. 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.
- 278) APMP's vision is to become an inclusive, representative and transparent regional metrology organization providing leadership for meeting the measurement challenge of the region.
- 279) The member economies benefit by getting support from APMP in establishing or improving metrological capabilities through:
- i. transferring expertise in metrological fields between Members through conferences, seminars, workshops, training programs, consultancies and technical publications;
 - ii. fostering information exchange and sharing among members and facilitating collaboration among interested members on specific projects;
 - iii. encourage participation in CIMP comparisons and initiating regional comparisons of measurement standards in order to gain international recognition of measurement capability of member laboratories;
 - iv. giving special attention to the needs of less developed Members and initiate, develop and implement activities to assist them in achieving metrological capability in specific activities;
 - v. implementing other resolutions and actions as decided by the APMP General Assembly.

3.6.13 Conference of Africa Union Ministers Of Industry (CAMI)

- 280) CAMI is the highest political forum in the AU where issues relating to industrial development of Africa are discussed and promoted. 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 and is held every two years. Later in 1975, it was taken up with the organisation of African Unity the precursor of African Union (AU) as an event. It is under the auspices of the African Union but it is held in partnership with the United Nations Industrial Development Organisation (UNIDO) and United Nations Economic Commission for Africa (UNECA). So far as twenty editions have been held the last one (CAMI 20), in Nairobi in June 2013
- 281) Kenya became a member so as to benefit from the technical assistance from CAMI and also propagate its position in the African Continent on issues of Industrialization.

3.6.14 Intra-Africa Metrology System (AFRIMETS)

- 282) AFRIMETS was established in order to harmonize metrology activities in Africa based in the Regional Metrology Organization (RMO) of the Americas, SIM (Sistema Interamericano de Metrologia). The initiative is supported by the New Partnership for Africa's Development (NEPAD), the Physikalisch Technische Bundesanstalt (PTB), the National Metrology Institute of South Africa (NMISA) and legal metrology at the National Regulator for Compulsory Specifications (NRCS) of SA.
- 283) Kenya through KEBS is a participating member of AFRIMETS through the sub-regional metrology organization EAMET. KEBS participates in the relevant technical committees and chairs some of them.
- 284) Kenya benefits from the following;
- i. Regional interactions and exchange of members;
 - ii. Harmonization of regulations and policies;
 - iii. Put quality systems in place and comply with ISO 9000 and 17025;
 - iv. Facilitate the removal of Tatts;
 - v. Put in place continuous improvement strategies;
 - vi. Improve capacity of members;
 - vii. Improve standard of metrology;
 - viii. Training people at lower cost;
 - ix. Establishment of databases for use by members;
 - x. Use of African experts for training;
 - xi. Become a forum for exchange between metrology organisations;
 - xii. Facilitate the technical competence of personnel;
 - xiii. Share of expertise and awareness;
 - xiv. Develop world-class metrologists;
 - xv. Establish a culture of continued learning.

3.6.15 South African Development Community Co-operation in Measurement Traceability (SADCMET)

- 285) The SADC Co-operation in Measurement Traceability co-ordinates metrology activities and services in the Region, in order to provide regional calibration and testing services, including regulatory bodies, with readily available traceability to the SI units of measurement, through legally defined and regionally and internationally recognized national measurement standards.
- 286) The benefits to Kenya include, participation in SADCMET organised measurement comparisons and exchange of knowledge and expertise within the member states.

3.6.16 East African Accreditation Board (EAAB)

- 287) The 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) that include Accreditation.

- 288) Kenya joined the EAAB so as to play its role in the process of the EAC integration. Besides, this will enable her to increase the volume of its trade particularly increase of its exports of products and services to the EAC region and beyond considering the key potential of the EAC market with a population of 1.2 billion people.
- 289) Further, through the EAC, Kenya will also play a significant role in facilitating trade considering the membership of the Country to COMESA and the quest by the COMESA-SADC-EAC Tripartite initiatives aimed at avoidance of duplication of effort through synergy of efforts to increase Africa regional trade.
- 290) Kenya's trade has been enhanced through mutual recognition of accredited conformity assessment results products accompanied by inspection reports, test reports/certificates or certificates based EAC harmonized standards and or regulations gain access to the EAC markets without the need for retesting, re-inspection or recertification. This enables faster movement of products in the national markets and across borders besides reducing the cost of doing business to the business community.

3.6.17 East Africa Community-Standardization Quality Assurance Metrology and Testing Act (SQMT ACT)

- 291) The aim of the SQMT Act is to enable trade facilitation across the border. KEBS participates in standards, quality assurance metrology testing and other conformity assessment activities under the SQMT Act to ensure that there are no trade barriers to Kenyan product to access regional markets.
- 292) Kenya must undertake its obligations to ensure that Kenyan products access regional markets without barriers related to technical regulations and standards. Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by EAC, participate in policy organs of the SQMT Act meetings and operate within the rules and procedures.
- 293) Kenya participates in standards harmonization technical committees and is secretariat to various sectoral technical committees.

3.6.18 African Accreditation Co-operation (AFRAC)

- 294) AFRAC was founded in 2009 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.
- 295) Kenya's membership to AFRAC has enabled contribution of ideas that will improve the credibility, trust and confidence in conformity assessment results. This has lead to improved trade hence creation of the much needed wealth that will transform our country towards the set goals and objectives of Kenya vision 2030. Besides this, AFRAC gives Africa a stronger voice in articulating the interest of its members taking into account the evolution of conformity assessment standards, market requirements, applicable regulatory requirements against the backdrop of our stage of economic developments vis-à-vis the need to ensure global competitiveness.

- 296) The country has gained through exposure to new ideas in the profession and being able to keep up to date with emerging technologies. It has also enabled the country to foster greater Co-operation and institutional linkages with other members.
- 297) Kenya is required to participate in meetings, projects, symposia and other programs organised by AFRAC as part of fulfilling the requirements needed to maintain its membership.

3.7 CO-OPERATIVES CONVENTIONS AND MEMBERSHIPS

3.7.1 World Council for Credit Unions (WOCCU)

- 298) This is the global confederation of Co-operative Financial Institutions (CFIs).WOCCU brings together all Savings and Credit Co-operatives (SACCOS) in the world, creating a huge network. Kenya has been rated as having the fastest growing financial co-operatives and hence the need for Kenya to benchmark with the rest of the World. This creates an avenue for sourcing financial partners.
- 299) Kenya became a member so as to gain from experiences of other CFIs in the world for purposes of boosting the Cooperative movement in Kenya.
- 300) Kenya can market and export expertise and products within the network; Kenya can also access alternative affordable financial credit sources for the movement; Membership can lead to the development of the movement by accessing alternative financial sources which will result in job creation. Kenya is ranked number (1) one in Africa in terms of number of enterprises, membership, capital and contribution to national economy. Today, Kenya has about 15,000 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 critical role in mobilizing savings and providing credit to the middle and low income segment both for household and enterprise development.
- 301) 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 many unemployed Kenyans.
- 302) Subscription is by individual co-operative institution. The obligation of the Government is to participate in the council for purposes of boosting the co-operative movement in Kenya.

3.7.2 International Cooperative Alliance (ICA)

- 303) This is a worldwide co-operative body with headquarters in Geneva, Switzerland; it has an Africa Regional Office in Kenya. The ICA Regional Office for Africa is based in Nairobi with a main aim of forming networks within the co-operative movement in Kenya and the rest of the World. The Co-operative movement in Kenya is number one in Africa hence it is used to spearhead the Co-operative initiative in Africa. Subscription of US \$ 20,000 yearly.
- 304) The Co-op Bank has been cooperating with the Cooperative Movement in South Sudan to establish the Cooperative Bank of South Sudan as a partnership thereby the bank has opened a branch in South Sudan. Kenya has a Co-operative University, used to train Co-operative Officers within the region.
- 305) Kenya became a member so as to benefit from networking for the purposes of boosting the cooperative movement in Kenya.

- 306) Kenya has marketed and exported expertise of Cooperative products in the region.
- 307) 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.

3.7.3 African Confederation of Co-operative Saving Association

- 308) ACCOSCA is an African Co-operative body with headquarters in Kenya. Its aim is to form network within the cooperative movement in Kenya and African Countries; Kenya's Co-operative movement is used for benchmarking in Africa. The Co-operative Bank of Kenya has been partnering with the Co-operative Movement in South Sudan for instance in the establishment of the Co-operative Bank of South Sudan. The Co-operative University also trains Co-operative Officers within the region.
- 309) Kenya became a member so as to benefit from networking for the purpose of boosting the cooperative movement in Kenya.
- 310) Kenya is involved in marketing and exporting expertise of Co-operative products in the region.
- 311) Kenya also plays a leading role in the formation and capacity building of Co-operative movement bodies of the member states.
- 312) As a member of AAOSCA, Kenya contributes to the development of the country's Co-operative movement and creates jobs for Kenyan citizens and the Cooperative movement bodies.
- 313) Implementation is being undertaken smoothly given the Main Office is based in Nairobi.

3.8 INTELLECTUAL PROPERTY RIGHTS

3.8.1 Convention Establishing the World Intellectual Property Organization was ratified in Stockholm 14th July, 1967

- 314) The World Intellectual Property Organisation (WIPO) is the global forum for intellectual property services, policy, information and cooperation WIPO. Kenya Industrial Property Institute, a parastatal under the Minister of Industrialization and Enterprise Development has the mandate nationally in coordinating Intellectual Property issues. Kenya has established policy, legal and institutional frameworks necessary for the promotion, protection, and utilization of all main aspects of IP within its territory.
- 315) 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 and, besides the TRIPS Agreement, is party to the main regional/international treaties/agreements on the same.
- 316) The Government has continued to improve its IP system including intensification of creation of public awareness, enhancement of service delivery by the IP offices, improvement of IP legislation including those on geographical indication, finalization of the National IP policy and operationalization of an IP
- 317) Presently enforcement of Intellectual Property Rights (IPRs) in Kenya is undertaken by various Government agencies in conjunction with the Anti-Counterfeit Agency.

- 318) Such agencies include the police, 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.
- 319) Criminal proceedings for counterfeiting or infringement of IPRs can be initiated before the subordinate courts (Magistrate's Courts) while civil proceedings may be pursued before the Industrial Property Tribunal or the High Court.
- 320) KIPRI administers industrial property rights, provides technological information to the public and promotes inventiveness and innovativeness in Kenya by providing training on industrial property. Through KIPRI's work in the protection of intellectual property, the country is experiencing an "innovation sprout" in the tech, creative and performing arts industries. KIPRI helps protect innovations by issuing out patents.

3.8.2 Paris Convention For The Protection of Industrial Property

- 321) The Paris Convention is an international convention for promoting trade among the member countries, devised to facilitate protection of industrial property simultaneously in the member countries without any loss in the priority date. It also ensures administrative Co-operation among the IP Unions established by the Treaties that WIPO administers. All the member countries provide national treatment to all the applications from the other member countries for protection of industrial property rights.

3.8.3 Madrid Agreement Concerning the International Registration of Marks Madrid 1891

- 322) The objective of this Agreement is to ensure that nationals of contracting countries 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. Kenya became a party in 1998.
- 323) The Treaty has enhanced protection of trademarks, helped the applications from Kenya reduce costs by filing a single trademark application and designating countries one seeks for protection. The Government is obliged with Protection and registration of trademarks and is actively involved in protecting Industrial Property Rights through KIPRI. The trademark law is in place.
- 324) Inadequate funding impacts on the implementation of the Agreement, for developing countries in general and smaller Companies existing in Kenya given its very technical nature.

3.8.4 Patent Co-operation Treaty, Washington, 1970

- 325) The main objective of this treaty is the mainstreaming of patent application filing and novelty of such procedures, for applicants wishing to obtain patent protection in a wide number of countries around the world. The government is obliged with the protection and registration of patents. Kenya became a party in 1994.
- 326) The agreement has enabled the protection of national innovations hence promoting financial gain from patents. The System is however expensive and the need for publicity of the same still remains.
- 327) Kenya is actively involved in protecting Industrial Property Rights through KIPRI

3.8.5 Singapore Treaty on The Law of Trademarks

- 328) The objective of the Singapore treaty is to create a modern and dynamic international framework for the harmonization of the administrative trade mark registration procedures by establishing common standards for procedural aspects of trademark registration and licensing and Patent Cooperation Treaty.
- 329) The obligation of the government is to ensure protection and registration of trademarks.
- 330) The implementation of the treaty has led to the protection of trademarks. Kenya has complied through its active involvement in protecting Industrial Property Rights through Kenya Industrial Property Institute (KIPI)

3.8.6 Berne Convention

- 331) The Berne Convention is for the protection of Literary and Artistic Works. It requires all 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, which is the obligation placed upon Kenya.
- 332) In meeting the obligations arising from the Convention, Kenya has enacted the Copyright Act Cap 130 Laws of Kenya. A key challenge that Kenya has encountered in trying to meet the objectives of the Convention is that there is lack of understanding of copyright and related rights.
- 333) The Nairobi Treaty on protection of the Olympic symbol compels Kenya to protect the symbol.

3.8.7 Trade Related Aspects of Intellectual Property Rights (TRIPS)

- 334) The objectives of TRIPS are to reduce distortions and impediments to international trade; promotion of effective and adequate protection of intellectual property rights; and ensuring that measures and procedures to enforce IP rights do not themselves inhibit legitimate trade. It sets out minimum standards that allow members to provide more extensive protection of intellectual property if they so wish. It gives members a free choice to determine the appropriate method of implementation within their own legal systems and practice.
- 335) The Government has amended laws such as the Copyright Act, Trademarks Act and the Industrial Property Act to comply and conform to TRIPS and regional instruments.
- 336) Under TRIPS, Developing and Least Developing Countries have had difficulties in importation of cheap generic drugs to management of HIV/AIDS. Multinational Drug manufacturers like Pfizer and Smithkline Beecham pursued conclusion of this Agreement which includes stringent conditions that are imposed when a country wants to import generic drugs or manufacture the same under licence.

3.8.8 Lusaka Agreement (1976) and Harare Protocol (1982)

- 337) The agreement led to the development of the African Regional Intellectual Property Organization (ARIPO). The organization is mandated with the registration of patents and industrial designs. Kenya became a party in 1976.
- 338) The implementing agencies in Kenya are Kenya Industrial Property Institute (KIPI) and Kenya Copyright Board (KECOBO).

- 339) Kenya is complying through the Industrial Property Act, 2001 which established the Kenya Intellectual Property Institute (KIPI). Kenya submits annual reports to the ARIPO Assembly of Member States.

3.9 EDUCATION, SCIENCE AND TECHNOLOGY

- 340) The policies in the education sector to ensure that education is accessible are the Free Primary Education Policy, 2003, Early Childhood Policy, 8-4-4 Education Policy, 1985, The Kenya Literature Bureau Act Cap 209, Science and Technology Act Cap 250 Higher Education Loan Board and the Kenya National Examinations Council Act.
- 341) In order to increase access the Government through the Ministry of Education Science and Technology has undertaken the following:
- 342) Increased the number of universities from seven (7) public universities to twenty two (22) public universities and established nine (9) university constituent colleges. Plans are underway to establish more public university colleges. The universities are distributed all over the country.
- 343) Expansion of existing public universities through the provision of both recurrent and development grants from the exchequer, and supplemented by self generated funds from universities increasing their admission capacity.
- 344) The establishment of satellite campuses of existing public and private universities in far flung areas of the country thus increasing further access to university education.
- 345) Providing an enabling environment for private universities to be established resulting in Kenya having one of the most vibrant private university sector in Africa boasting of 37 private universities including five constituent colleges.
- 346) The expansion of the university sector in Kenya has resulted in a tremendous increase in student enrolment that is now approximated to stand at over 400,000 students.
- 347) Establishment of the Open University of Kenya: all the necessary documentation is in place including a draft charter. In accordance with the universities Act 2012, The Open University of Kenya is supposed to be established as a specialized university that would need parliamentary approval. A motion will thus need to be developed and tabled in parliament.
- 348) Increase in the amount of funds provided as loans and bursaries to university students in public and private universities including those studying in EAC countries through the Higher Education Loans Board. The amount in the current financial year 2014/2015 now stands at Kshs. 3.34 billion as compared to Kshs. 3.04 billion in 2013/2014 financial year.
- 349) **Scholarships:** The Ministry has continued to administer scholarships offered by various foreign Governments and agencies. **Over two hundred (200)** scholarships are provided annually, enabling Kenyans to study in **Countries** such as: Algeria, China, Cuba, Czech, Egypt, India, Indonesia, Mexico, Morocco, New Zealand, Pakistan, Russia, Serbia, Slovakia, South Korea, Switzerland, Turkey, Ukraine, United Kingdom and Japan. Scholarships are also awarded through **Agencies such as:** German Student Exchange Programme (DAAD), Commonwealth Scholarship and Commonwealth Endowment Fund. **Scholarships provided** in the last two years, 2013/2014 and 2014/2015 are **201** and **259** respectively.

- 350) **The Kenya Universities and Colleges Central Placement Service:** was operationalized in 2013 to Coordinate placement of government sponsored students to Universities, and Colleges among other functions.
- 351) The **Universities Fund** provided for by the Universities Act, 2012 is in the process of being established to provide funds for financing universities. The selection panel that will identify members of the Board of trustees has already been constituted by the Cabinet Secretary.
- 352) The Government of Kenya has continued to meet its international obligations related to higher education by the following:
- 353) Payment of subscriptions and subventions to international organizations such as:
- Inter University Council for East Africa- Kshs 70 Million paid in the last financial year 2013/2014.
 - Provided grants to Pan African University of Basic Sciences, Technology and Innovation (PAUISTI) (**Kshs 65 Million 2013/2014 and 62.6 million** in 2014/2015). The first cohort of 54 students out of 55 from 12 African countries graduated with a joint degree from Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Pan African University on 28th November, 2014. The admission of second cohort of 100 master's and doctorate students from across Africa is currently ongoing at PAUISTI in JKUAT, Kenya.
 - Provided grants to the African Institute for Capacity Development (AICAD).
 - Provided the required funds for the continued implementation of the scholarship programme between the Kenya Government and German Student Exchange Programme (**Kshs. 20 million** annually).
- 354) Implementing GOK/African Development Bank Support to Enhancement of Quality and Relevance in Higher Education, Science and Technology (HEST) Project. The Government is implementing the project activities that include supply of engineering and applied sciences equipment to target universities and has also provided the required counterpart funds.
- 355) The Ministry has initiated infrastructure development by way of construction of new Technical and Vocational Education and Training (TVET) institutions across the country as follows:
- 356) (I) Revitalization of TVET
- i) In the first phase of the project of construction of a TVET institution in every constituency, it is expected that 60 institutions will be constructed. So far, award of contracts have been completed for 59 of them and sites handed over to the contractors. Construction is already in progress at various stages. In addition, contracts have been awarded for five sites for construction of TTIs in counties that do not have any.
 - ii) Thirteen (13) new GoK/ADB funded technical training institutions have been constructed in underserved regions.
 - iii) Eight (8) campuses of existing TVTET institutions were constructed.
 - iv) Twenty (20) TVET institutions have received equipment from the Peoples Republic of China and the Netherlands Governments in the first phase of the project.

- v) As part of rebranding of TVET, thirty six (36) institutions out of the 40 targeted have been connected to the fibre optic cable. Local Area Network installation is complete and all active components have been delivered to all the remaining four (4) technical institutions. Furthermore, the configuration of the 40 institutions is on course and is expected to be completed and connection to the Internet effected by the June 2015.

357) (II). Curriculum reform

Major strides have been made towards the operationalization of the TVET ACT 2013 as follows:

- i) The TVET Authority has already been established and is currently re-registering all TVET institutions that meet the acceptable quality standards as per the TVET Act 2013.
- ii) The TVET Curriculum Development Assessment and Certification Council (TCDAAC) Board has been established and inaugurated.
- iii) The Selection Panel members of the TVETFund Board have been appointed.
- iv) In response to the high demand for artisans in the construction industry, the Ministry through the Directorate of TVET entered into a memorandum of understanding with Housing Finance Foundation of Kenya in a project aimed at providing one million artisans. Through this project, occupation standards in 8 trade areas in building construction sector have been developed.

3.9.1 Statutes of International Centre For Genetic Engineering and Biotechnology (ICGEB) Acceded To In July 2010 In Italy.

358 The objectives of the ICGEB is 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.

359 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 and remit annual contribution of US\$ 5000 since 2011.

360 There is inadequate funding for sensitization at the county levels on ICGEB. There are limited opportunities under ICGEB.

361 Kenya has been training 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 funds by ICGEB. It has also linked Kenyan Researchers with those of South Africa (2013).

3.9.2 Protocol on the Establishment of The East African Science and Technology Commission

362 The Commission's 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. Through its membership, Kenya can

improve its research capacity through co-operation with other partner States in the EAC.

- 363 The implementation of the Protocol has been hampered by the delayed finalization of the hosting arrangements for the East African Science and Technology Commission.
- 364 It will establish 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.

3.10 OUTER SPACE TREATIES

- 365 The Outer Space Treaties provide the basic framework on international space law. The Government is obliged to participate in state members meetings held annually in Vienna and to domesticate the treaties by enacting national laws for outer space activities.
- 366 Kenya is a party to a number of treaties relating to Outer Space. These include Treaty on Principles Governing the Activities of states in the Exploration and use of Outer Space including the moon and outer celestial bodies (outer Space Treaty) (ratified 1967); Convention on international liability for Damage caused by Space objects (ratified 1972) and Agreement governing the activities of states on the Moon and other celestial Bodies (accession 1984). Benefits attributable to this treaty include: Capacity building in outer space programmes, Information sharing on outer space activities, Access of data from member states and Assistance with establishing legal framework for States Parties. Kenya has nominated two nationals for capacity building in 2015 in Vienna.
- 367 In keeping with implementation of this Treaty, the country has a draft National Space Agency Bill 2013 and National Space Policy. It has also provided under the Science, Technology and Innovation Act 2013, earth and space sciences as programmes to be undertaken by the Government.
- 368 There is lack of co-ordination at national level to facilitate space related data and information exchange and adequate transfer of technology which tends to inhibit the emergence of space science and technology as a tool for national development. Lack of a legal frame work for co-ordination of outer space activities as well as inadequate funds for implementation of activities under the Space programme is another challenge.

3.11 TREATIES ON DEVELOPMENT OF STATISTICS

3.11.1 African Charter on Statistics

- 369 The African Charter on Statistics was adopted on the 3rd February, 2009 by the Assembly of Heads of State and Government of the AU. The Charter aims to serve as an advocacy tool of statistics development, strengthen the coordination of statistical activities across the continent, promote adherence to international standards and professionalism in statistics, and ensure the production of quality data.
- 370 Kenya has signed the Charter and the process of ratification is ongoing. The emergence of consistent and harmonized African statistics is limited by institutional incapacity, duplication and dispersion of efforts, and lack of adequate resources (both financial and human).
- 371 Kenya has already initiated the process of developing a National Strategy for Development of Statistics (NSDS). The NSDS borrows heavily from the African Charter on Statistics (ACS) principles and the Strategy for the Harmonization of Statistics in Africa (SHaSA) themes and objectives.

- 372 KNBS is also in the process of revising the Statistics Act to align it with the Constitution and international best practices.
- 373 There is a huge gap between the supply of statistical information and its demand, which undermines proper monitoring of the African continent's development and integration process. Development and integration require that quality statistics that inform public decision-making are harmonized.

3.11.2 Strategy for the Harmonization of Statistics in Africa (SHASA)

- 374 Its main objective is to develop a National Strategy for Development of Statistics (NSDS). Kenya has initiated the process of developing a National Strategy for Development of Statistics (NSDS).
- 375 It is expected to lead to the improvement of efficiency in monitoring and evaluation of statistics, reduce the gap between the supply of statistical information and facilitate the monitoring of the African development and integration process.
- 376 SHASA lacks adequate financial and human resources to implement its programmes and activities. The Government should devise a mechanism for the implementation of the Charter.

3.12 HEALTH

3.12.1 League of Nations, Conference of Parties World Health Organization 1948.

- 377 The main objective of the Conference is the attainment by all people of the highest level possible of health, responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence based policy options, providing technical support to countries and monitoring and assessing health trends.
- 378 Its functions in Kenya include assisting government through the Ministry of health in strengthening health services; establishing and maintaining administrative and technical services, such as epidemiological and statistical services; stimulating the eradication of diseases; improving nutrition, housing, sanitation, working conditions and other aspects of environmental hygiene; promoting Co-operation among scientific and professional groups; proposing international conventions and agreements on health matters; conducting research; developing international standards for food, and biological and pharmaceutical products; and developing an informed public opinion among all peoples on matters of health.
- 379 Kenya became a member so as to benefit from the rich pool of health experts within the WHO, to influence international matters on health and interact with other member states and share best practices on health.
- 380 The obligation of Kenya is to participate in national, regional and global WHO activities as a member state and prepare reports on various health outcomes.
- 381 Population growth has been slowed dramatically in many of the most populous parts of the country and diseases such as Smallpox have been eradicated. Other successes include the control of lice-borne typhus and yaws not to mention that Polio and guinea worms are on the verge of total elimination. A number of other communicable and tropical diseases, including onchocerciasis and schistosomiasis, are in retreat and the universal salt iodization is in place. This means that the prospect of virtually eliminating iodine deficiency disorders (IDD), the major cause for brain damage among young children, is also in sight.

- 382 Kenya working in collaboration with WHO, has put in place various programmes such as disease surveillance and eradication, immunization, procurement of medication from other international agencies, disaster management and research.
- 383 To eliminate preventable maternal and child deaths, “the beyond zero campaign” by the First Lady has so far delivered 21 mobile clinics to 21 counties and contributed to improvement of access to information and health services in the most marginalized, disadvantaged and underserved population. Nine fixed community clinics are in place in the high density slum area of Kibera in Nairobi.

3.12.2 CONVENTIONS ON ILLICIT AND PSYCHOTROPIC DRUG

- 384 The Conventions seek to regulate the illicit use of narcotics and Psychotropic agents. The trafficking and abuse of illicit drugs and psychotropic drugs is a global malaise and Kenya in conjunction with other countries has tried to mitigate the spread of this vice by joining other states in conventions including:
- I. The United Nations Conventions on Illicit Drug Control
 - II. The Convention on Psychotropic 21, 1971
 - III. The Single Convention on Narcotic Drugs (1961)
 - IV. The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
- 385 Under the Conventions, Kenya is obligated to report annually the on important changes in its laws and regulations concerning psychotropic substances; developments in the abuse of and the illicit traffic in psychotropic substances within its territory; notify the depositary of the names and addresses of the governmental authorities dealing with psychotropic substances; furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic; 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; Co-operate with other State Parties in order to combat illicit drug trafficking; and enact laws to curb possession, trafficking and cultivation of certain plants used as narcotics and psychotropic substances.
- 386 These conventions guide Kenya’s ability to control and use of Psychotropic and addictive substances thereby leading to the formation of clear guidelines in the management of persons addicted or abusing narcotic substances.
- 387 Kenya as a state party to the above International Drug Control Conventions has enacted the Narcotic drugs and psychotropic substances (control) Act, 1994 to domesticate the treaty provisions. It details the regulations pertaining to the production, trafficking, possession and consumption of narcotic drugs, and psychotropic substances in Kenya. The penalties related to infractions to these regulations are also detailed, therein. To monitor the activities related to this act, the Kenya Government established “The Anti-Narcotics Unit” within the Criminal Investigations Department (CID) of the Kenya Police. It is this Unit which is charged, with the responsibility of enforcing this Parliamentary Act throughout Kenya and beyond.
- 388 The Pharmacy and Poisons Board implements the objectives of the Convention and the obligations that arise to Kenya from it. The Board regulates the Practice of Pharmacy and the Manufacture and Trade in drugs and poisons. It also aims to implement the appropriate regulatory measures to achieve the highest standards of safety, efficacy and

quality for all drugs, chemical substances and medical devices, 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. There are also future projects that have been proposed that seek to provide free needles to drug addicts to prevent the spread of HIV/ AIDS.

3.12.3 WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL 2003

- 389 Its objectives are to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke" by enacting a set of universal standards stating the dangers of tobacco and limiting its use in all forms worldwide. Kenya is required to enact national laws and a framework that will seek to reduce tobacco consumption.
- 390 It helps to preserve present and future generation from the health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.
- 391 Kenya has so far enacted the Tobacco control Act 2007. There is currently increase in the tax imposed on tobacco products up to at least 75 % of retail price. Further to this, the country is working on the developing Tobacco Control Regulations and creating awareness and information availability through public education will be carried out in the near future. To further achieve the objectives of the Convention there is need to operationalize the Tobacco control board fund. There have been challenges in relation to complaints from tobacco farmers and the tobacco industry in general since implementation of the Convention will lead to loss of income.

3.13 TRANSPORT

3.13.1 ROAD TRANSPORT

3.13.1.1. Geneva Convention on Road Traffic Accident

- 392 The Convention mandates state parties 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 Traffic Act (Cap. 403). The road sector also ensures that development of roads does not impact the environment negatively; hence prior to road construction, EMCA issues Environmental Impact Assessment licenses to ensure the necessary issues are covered, in harmony with international best practices.
- 393 The Government has enacted measures aimed at reducing carnage which stands at 3000 deaths per year. All bus companies are 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.
- 394 In a bid to reduce drunk driving- related accidents, breathalyzers have been deployed throughout the Country. The year 2015 saw a reduction of fatal road crash victims by 9.7 % with a total of 311 lives saved. Licensing of individual matatu owners is to be stopped. Instead only owners of a minimum of 30 vehicles will be licensed to operate Public Service Vehicles (PSVs).

3.13.1.2 Protocol Amending the Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority, 1986.

- 395 The new Northern Corridor Transit & Transport Agreement (NCTTA) was signed in Nairobi, Kenya, on October 7, 2007, between the Governments of Burundi, Democratic Republic of the Congo, Kenya, Rwanda, and Uganda. It entered into force on December 6, 2012. The Republic of South Sudan acceded to the Agreement as the sixth member state on March 7, 2013. This new Agreement extends the mandate and scope of the 1985 Agreement.
- 396 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.
- 397 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 transit time between Mombasa, Kenya, and Bujumbura, Burundi, has been reduced 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.-

3.13.3 One Stop Border Posts (OSBPS)

- 398 One-stop border posts as implied are border posts established at which all traffic utilizing the border post stops only once in each direction of travel and both exit and entry procedures are undertaken from within the same control zone.⁶The main objective of such border posts shall be to enhance trade facilitation through the efficient movement of goods, persons and services within the Community and with adjoining regions⁷. The East African Legislative Assembly (EALA), sitting in Kigali, passed the long awaited One Stop Border Posts Bill, 2012, paving way for it to become an East African Community (EAC) Law if assented to by the EAC Heads of State. The law is critical because it provides a regional legal framework.

3.13.4 EAC Act on Axle Load Control

- 399 The EAC Load Control Bill, passed in May 2013, harmonises the gross vehicle weight limits to 56 tonnes as different weights were a source of conflict and confusion among the Northern Corridor States. Measurement is based on axle load, with the maximum for a single axle being 10 tonnes. This is to achieve efficient and effective control of vehicle overloading in the region as a basis for reducing accelerated deterioration of road networks and transport costs.
- 400 The implementation of the axle load control limit is applied per single axle, group axle and Gross Vehicle Weight as provided under the Traffic Act Cap 403 across various weighbridges. Measures to allow axle load control weighing through existing conventional methods are in place.

⁶ East African Community Act

⁷ Section 3(2) East African Community Act

3.13.1.5 Protocol on Harmonization and Mutual Recognition of Academic & Professional Qualification

- 401 The Protocol obligates member States to accord mutual recognition to Professional and academic qualifications of engineers from member states; actively participate in meetings, and provide verification of engineers on timely basis.
- 402 It is important that the Engineers Act which does not envisage the integration of East Africa be amended in order to do so. It does not take special consideration of engineers in the East African region, yet integration will allow free movement of labour within the member countries. Engineers will be able to move from other East African countries and ply their trade in Kenya without limitations.

3.13.1.6 Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor (LAPSSET)

- 403 This is a Vision 2030 transport and infrastructure flagship project and Kenya's second transport corridor, besides the Mombasa port and Mombasa -Uganda transport corridors. It passes through Nairobi and much of the Northern Rift. Its objectives are to foster transport linkage between Kenya South Sudan and Ethiopia; dynamic promotion of the region's socio-economic development along the transport corridor especially North, Eastern, North-Eastern and Coastal Parts of Kenya; and it is anticipated that when the project is complete it will impact a growth value of approximately between 2% to 3% of GDP.

3.13.1.7 RCTG AGREEMENT (RATIFIED BY 10 MEMBER STATES)

- 404 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, standardised declaration documents and a reliable guarantee mechanism that will protect the interest of all stakeholders. The RCTG provides a uniform basis for transit movement throughout the region. Kenya is a participating surety.

3.13.1.8 1993 Comesa Protocol For The Establishment Of A Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation

- 405 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 required by the laws in force in Member States when a vehicle is transiting.
- 406 In Kenya, it is a mandatory minimum for motorists who cannot take out a comprehensive insurance policy for their vehicles, to have at third party (motor vehicle risks) insurance cover.

3.13.1.9 Lake Victoria Basin Commission (LVBC)

- 407 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 is to be 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. Currently there is an (LVEMP-II) project which is an East African Community (EAC) regional initiative coordinated by the Lake Victoria Basin Commission (LVBC) Secretariat and currently implemented by the five EAC Partner States that share the Lake Victoria Basin. It is a trans boundary project

designed to achieve two development/global environmental objectives. Firstly, the project is meant to improve collaborative management of the trans-boundary natural resources of the Lake Victoria Basin among the Partner States and, secondly, to improve environmental management of targeted pollution hotspots and selected degraded sub-catchments for the benefit of communities who depend on the natural resources of Lake Victoria Basin.

3.13.1.10 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

- 408 Obligations include; harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services, and people and the establishment of residence; Develop and improve a coordinated and complementary infrastructure, particularly in the areas of transport and energy. The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at Mombasa, and is also aggressively seeking to enhance the link between the port and Northern Corridor land transport routes. In addition, KPA envisages developing a second international trade port, with Lamu located along Kenya's north eastern coast considered a candidate site, although a corridor would need to be developed to provide an inland connection.
- 409 Construction of a railway line connecting Lamu port with the Sudan and Ethiopia was launched. The new \$US 4.7 billion network will improve transit times and reduce the cost of transporting freight from Mombasa to Kisumu by as much as 79%. China has agreed to fund the first phase of a standard gauge railway line linking the Kenyan port city of Mombasa to Uganda, Burundi, Rwanda and South Sudan. China Exim Bank will fund 90% of the \$3.6 billion first phase of the project that will cover 609.3 kilometres from the port of Mombasa to Nairobi. The standard gauge railway is envisioned to provide efficient and cost-effective rail transport for both freight and passengers.

3.13.2 AIR TRANSPORT

3.13.2.1 Convention on International Civil Aviation (1944 Chicago Convention)

- 410 The Convention aims to ensure the safe and orderly growth of international civil aviation throughout the world; encourage the arts of air craft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others.
- 411 The Convention establishes the International Civil Aviation Organization which is the specialized UN body for civil aviation matters. The Convention has 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. Kenya was elected to the ICAO Council in October, 2013 for a period of 3 years.
- 412 The Government formulates policies and regulations that govern civil aviation, implements programs including ratification, implementation, yearly subscriptions and active participation at meetings on instruments adoption/implementation. Currently, the subscriptions are fully paid up.

- 413 Kenya ratified the Convention on 1st May 1964. Kenya has enacted the Civil Aviation Act, 2013 and the Civil Aviation Regulations as the main instruments of implementation of the Convention. It has also established the Kenya Civil Aviation Authority. Kenya makes reports to ICAO which also conducts regular Audits.
- 414 The Authority faces the challenge of attracting and retaining qualified technical staff due to the remuneration offered as against what is offered 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.
- 415 The benefits to Kenya are a safe and orderly civil aviation industry in the country, thereby allowing the growth of the industry and enabling operators thrive.
- 416 Several benefits are attributable to the implementation of this Convention including: Collaboration with other aviation-nations, technical assistance on aviation training/equipment, development of regulations/laws and domestication and assessments in ensuring clean, safe secure civil aviation for international trade.

3.13.2.2 Convention on The Unification of Certain Rules of International Carriage By Air, (1999 MONTREAL CONVENTION)

- 417 The Convention attempts to re-establish uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo. Whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime).
- 418 The Convention achieves modernization in a number of key areas. It 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 \$75,000 in damages, which should eliminate or reduce protracted litigation. The main obligation is for Kenya to ratify and implement the Convention.
- 419 The Montreal Convention 1999 addresses rules relating to the international carriage of passengers, baggage and cargo relating to damages, lost baggage and disabled passengers and mobility equipment. Kenya ratified the Convention in 7th January 2002.
- 420 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 subsequent litigation. It is recommend that safety and consumer protection should be enhanced.
- 421 The ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage.

3.13.2.3 Convention on The Marking of Plastic Explosives for the Purpose of Detection (1991 MONTREAL)

- 422 The Convention on the Marking of Plastic Explosives for the Purpose of Detection is a multi-lateral 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 target. It further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts. The main obligation is for Kenya to ratify and implement the Convention.

- 423 Kenya is not a producer State of plastic explosives. A state that ratifies the Convention agrees to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in its territory.
- 424 The Convention establishes an International Explosives Technical Commission, which is composed of experts in the field explosives.
- 425 Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. It is recommended that there be continuous surveillance to prohibit the manufacture, storage, transport or entry of unmarked plastic explosives in our territory. Implementation of the framework reduces the ability and risk of terrorists utilizing plastic explosive within our territory.

3.13.2.4 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 2001

- 426 The Convention and Protocol recognize the need 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; the advantages of asset-based financing and leasing for this purpose and desiring to facilitate these types of transaction 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.
- 427 The main obligation was for Kenya to ratify, domesticate and implement the Convention. Kenya ratified the Convention and Protocol on 13th October, 2006 and enacted the International Interests in Aircraft Equipment Act, 2013 in January 2013.
- 428 The challenges include; Lack of appreciation by Operators of the Convention and Protocol. Lack of capacity and technical know-how at the Kenya Civil Aviation Authority to implement the Convention and use of the International Registry at Dublin, Ireland. It is recommended that operators' access to funds be enhanced.
- 429 The benefits to Kenya are that local airlines are able to acquire aircraft at discount due to assurance to the sellers, that their interests in such equipment are recognized and protected.

3.13.2.5 Convention for The Suppression of Unlawful Acts Against The Safety of Civil Aviation (1971 MONTREAL CONVENTION)

- 430 The Convention recognizes that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize 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; there is an urgent need to provide appropriate measures for punishment of offenders.
- 431 The ratification of the Convention by the government demonstrates its commitment towards ensuring that acts of unlawful interference are eliminated.
- 432 Kenya ratified the Convention on 11th January, 1977. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.

- 433 Kenya reports to the International Civil Aviation Organization (ICAO).
- 434 Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. It is recommended that our security agencies and continuous surveillance be strengthened to promote and enhance deterrence. In addition, it is proposed that the Beijing Convention 2010 which modernizes and consolidates the Montreal Convention, 1971 and the Montreal Protocol, 1988 be ratified.
- 435 Kenya prohibits and punishes behavior which may threaten safety of civil aviation.

3.13.2.6 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)

- 436 The Protocol recognizes 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 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
- 437 Kenya ratified the Protocol on 5th October 1995. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.
- 438 Terrorism is a challenge to most States and terrorist will use any means to achieve their goals. It is recommended that our security agencies and continuous surveillance be strengthened to ensure that security is maintained at our airports.
- 439 The benefit is that this will prohibit and punish behavior which may threaten safety of civil aviation.

3.13.2.7 Convention on Damage Caused By Foreign Aircraft to Third Parties on the Surface (1952 ROME CONVENTION)

- 440 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. Kenya ratified the Convention on 5th July 1999.
- 441 The ratification of the Protocol by the government demonstrates its commitment towards adequate compensation to those who suffer damage.
- 442 The challenge is the Adequacy of compensation especially when relating to aircraft accidents tends to lead to litigation. It is recommended that the two (2) Conventions that seek to modify the Rome Convention and provide for better and adequate compensation be ratified. The two Conventions are the Compensation for Damage to third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009 (the Unlawful Interference Convention) and the Convention on Compensation for Damage caused by aircraft to Third Parties, 2009 (General Risks Convention).
- 443 The benefit is that this standardizes compensation relating to damage suffered.

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

- 444 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. Kenya reports to the EAC Secretariat.

445 The Agency faces the challenge of attracting and retaining qualified technical staff and adequacy of funding. It is recommended that there be timely release of funds to CASSOA and contribution of expertise when required.

446 The benefit is that this will improve aviation safety in the region.

3.13.2.9 Convention on the International Recognition of Aircraft (1948 GENEVA CONVENTION)

447 The convention applies to international sale and lease of aircrafts. The ratification of the Convention demonstrates our commitment of International commercial sale and leasing of aircrafts. Kenya ratified the convention on 15th January 1997.

448 Kenya reports to the International Civil Aviation Organization (ICAO).

449 The challenge faced is that upcoming airlines are not strong to do international services. It is recommended that an enabling environment to encourage more airlines to operate internationally be created.

450 The benefit being that the principles of the Convention are expected to encourage investors to make financial assistance possible for the purchase of new aircrafts to be used in international services.

3.13.2.10 Protocol to amend the Rome Convention of 1952 (1978 Montreal) on The International Recognition of Aircraft (1948 GENEVA CONVENTION)

451 The Protocol addresses compensation relating to damage caused by the international flights on the ground. Ratification of the Protocol demonstrates the government commitment towards adequate compensation to those who suffer damage caused by an aircraft on the ground. Kenya ratified the protocol on 23rd October 2002.

452 To enhance safety and consumer protection, it is recommended that the General Risks Convention of 2009 and the Unlawful Interference Convention of 2009 be ratified.

3.13.2.11 Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 WARSAW)

453 The Convention is about compensation of damage or loss to all international carriage of persons, luggage or goods performed by aircraft for reward. Ratification of the Convention demonstrates the government commitment towards compensation. Kenya ratified the Convention on 12th December 1963. Kenya reports to the International Civil Aviation Organization (ICAO).

454 Airlines have challenges dealing with damages and lost baggage due to human emotions.

455 Implementation of the Convention enhances passengers' confidence.

3.13.2.12 Protocol to Amend the Warsaw Convention of 1929 (1955 HAGUE)

456 The Protocol improved compensation of international carriage of persons, luggage and goods. Ratification of this Protocol demonstrates Kenya's commitment to consumer protection. Kenya ratified the Protocol on 4th October 1999.

457 Airlines have challenges dealing with damages and lost baggage due to human emotions.

458 The benefit is that there is enhanced compensation and consumer protection.

3.13.2.13 Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 TOKYO)

459 The Convention is applicable to offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft. Ratification of the Convention demonstrates government commitment to fighting terrorism and punishment of offenders. Kenya ratified the convention on 20th September 1970. Kenya reports to the International Civil Aviation Organization (ICAO).

460 Terrorism remains a big challenge to civil aviation.

461 The benefit is that there is improved security of persons on board.

3.13.2.14 Convention for the Suppression of Unlawful Seizure of Aircraft (1970 HAGUE)

462 The convention is on punishment of offenders to deter unlawful seizure or exercise of control of aircraft in flight. Ratification of this Convention demonstrates government's commitment to fighting terrorism. Kenya ratified the convention on 10th February 1977. Report to the International Civil Aviation Organization (ICAO).

463 Terrorism remains a big challenge to civil aviation.

464 It is recommended that security be improved.

3.13.3 MARITIME CONVENTIONS

3.13.3.1 Convention on the International Maritime Organization (IMO CONVENTION) As Amended

465 The International Maritime Organization is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. Kenya is signatory since 22nd August, 1973.

466 The purpose of the Organization, is to provide machinery for Co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, 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.

467 The Government formulates policies and implements programs including ratification, implementation, yearly subscriptions and active participation at meetings on instruments adoption/implementation. Currently, Kenya has paid up its Subscription. Kenya is a member of the IMO Governing Council.

468 Several benefits are attributable to the implementation of this Convention including: Collaboration with other maritime nations, technical assistance on maritime training/equipment, development of regulations/laws and domestication and assessments in ensuring clean, safe secure seas for international trade.

469 Inadequate funding has affected the implementation of the Agreement.

3.13.3.2 Intergovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended

470 Kenya ratified the ISCOS protocol in 2013. The obligations include Ratification and implementation, yearly Subscriptions and active participation at meetings.

- 471 Kenya reports to the Council of Ministers and Executive Board meetings.
- 472 The benefits include, representing the interests of Member Governments and Shippers in the region, especially in the field of Ocean Freight rates, port productivity, and research among its activities.

3.13.3.3 The Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority, 1986 and Its Protocol.

- 473 The objectives of the NCTA are to:
- a. Ensure freedom of transit among the member states
 - b. Safeguard right to access to/from the sea for landlocked countries
 - c. Develop and integrate the regional transport facilities and services
 - d. Facilitate inter-state and transit trade
- 474 The Northern Corridor is probably the only one in the east, central and southern African region with a multilateral treaty governing transit transport operations between a group of countries over access to and from the sea. Kenya ratified the protocol in 2012.
- 475 The obligations include Ratification and implementation, yearly Subscriptions and active participation at meetings. The authority Reports to the Council of Ministers and Executive Board meetings of member Governments.
- 476 The benefits include;
- i. Facilitates the smooth flow of cargo and the movement of vehicles and persons along
 - ii. the Corridor;
 - iii. Simplification of Port Clearance Procedures;
 - iv. Simplification of Transit Documentation;
 - v. Motor Third Party Insurance scheme;
 - vi. Harmonization of Transit Charges;
 - vii. Private/Public Sector Partnerships;
 - viii. Application of ICT solutions;
 - ix. Establishment of one-stop border posts;
 - x. Enhanced cooperation with related regional and international institutions;

3.13.3.4 African Maritime Charter

- 477 Kenya ratified the Reviewed African Maritime Charter in 2014. The obligation to the Government is the Ratification and implementation of the Charter.
- 478 The benefits include opportunities for job creation and Investments in the maritime sector.

3.13.3.4 Maritime Labour Convention, 2006

- 479 Ratification and implementation of the MLC is part of Kenya's commitment to seafarers who perform a crucial function for the shipping industry. The Government of Kenya will now be able to continue to move forward and transpose the provisions of

the Convention into national law in order to ensure that ships flying its flag are duly inspected and certified in accordance with international standards set in the Convention and that it provides effective protection for Kenyan seafarers.

480 Benefits include;

- i) Promotion of decent working and living conditions of seafarers;
- ii) Ensuring conditions of fair competition for ship-owners;
- iii) Ensuring that seafarers enjoy the rights set out in the Convention;
- iv) Ensuring that ships flying its flag are duly inspected and certified in accordance with international standards set in the Convention and that it provides effective protection for Kenyan seafarers;
- v) Provide opportunity for capacity building.

3.13.3.6 International Convention for the Safety of Life at Sea, 1974, As Amended (SOLAS 1974)

481 The SOLAS Convention is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The main objective of the SOLAS Convention is to specify minimum 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 Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control. The current SOLAS Convention includes Articles setting out general obligations and amendment procedures etc.

482 Kenya ratified the Convention in 21st October, 1999 and is implementing it through the Merchant Shipping Act, 2009 vide several regulations under operation while others are in development.

483 Shortages of human capacity during implementation, and inadequate funding have been an impediment to achieving the objectives in this treaty.

3.13.3.7 International Convention for the Prevention of Pollution from Ships (MARPOL)

484 The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international Convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations - and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in most Annexes.

485 Kenya ratified annexes 1 to V in 1993 and the Marpol Protocol 1997 in 2007. Implementation is supposed to ensure provision of oil waste reception facilities at ports, legislation of relevant laws and regulations, capacity building, sensitization etc.

486 Development of Shipping Operations (Marine Pollution) Bill, 2014 is ongoing together with regulations, Measures for handling packed dangerous goods, port reception facilities for sewage and oil waste in place, Port State Control measures, Continuous stakeholders' workshops and seminars on implementation of the Convention amongst

other activities. A draft Marine Pollution Bill and regulations have been developed, and once enacted into law, will form the legal framework to implement the Convention.

487 Shortage of human/technical capacity in development of a Bill and Regulations and inadequate funding has made the implementation process a challenge.

488 The Kenya Maritime Authority's objective is to regulate ship and offshore installation sources pollution in all Kenyan navigable waters for safe navigation and protection of the marine environment.

489 To reduce the risk of marine pollution from ships, KMA provides technical assistance regarding implementation, monitoring, development and evolution of relevant Kenyan and international legislation. The three main areas of work currently include different aspect of oil and HNS spills, sewage and garbage from ships, ballast water management, offshore structures source pollution, the reception and handling of ships' waste.

3.13.3.8 International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as Amended (STCW 1978)

490 The 1978 STCW Convention was the first to establish basic requirements on training, certification and watch keeping for seafarers on an international level. Previously the standards of training, certification and watch keeping of officers and ratings were established by individual governments, usually without reference to practices in other countries. As a result standards and procedures varied widely. The Convention therefore prescribes minimum standards for countries in relation to training, certification and watch keeping for seafarers.

491 Government is required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention education and training courses, certification procedures and other factors relevant to implementation. Implementation is supposed to ensure legislation of relevant laws and regulations, training facilities (simulation facilities, training ship for sea-time, swimming pool etc), capacity building, sensitization etc.

492 This is being implemented through the MSA and STCW regulations that have already been gazetted and are operational. Several pieces of curricula have been developed for training and monitoring, Institutions for training have identified and accredited (JKUAT), Concept paper for training shipping is under development, MoUs with other maritime nations have been developed for consideration to train Kenyan seafarers.

493 Inadequate trainers in technical areas, lack of training ships to place cadet for sea-time and inadequate funding is an impediment.

3.13.3.9 International Convention on Load Lines, 1966 (LL 1966)

494 The Convention deals with the limitations on the draught to which a ship may be loaded making significant contribution to its safety. These limits are given in the form of freeboards, which constitute, besides external weather-tight and watertight integrity.

495 The regulations take into account the potential hazards present in different zones and different seasons. The technical annex contains several additional safety measures concerning doors, freeing ports, hatchways and other items. The main purpose of these measures is to ensure the watertight integrity of ships' hulls below the freeboard deck. All assigned load lines must be marked amidships on each side of the ship, together with the deck line. Ships intended for the carriage of timber deck cargo are assigned a

smaller freeboard as the deck cargo provides protection against the impact of waves. Kenya acceded to the Convention in 1975.

496 It helps in determining the freeboard of ships by subdivision and damage stability calculations for safety hence preventing loss of lives/ships/cargo and prevention marine pollution from ships. Kenya is enforcing the Convention through the Merchant Shipping Act, the Maritime Authority Act, Port State Control, and inspections and survey. Currently, draft regulations are under consideration.

497 There is a shortage of human capacity during implementation.

3.13.3.10 International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)

498 The Convention, adopted by IMO in 1969, introduced a universal tonnage measurement system. The Convention provides for gross and net tonnages, both of which are calculated independently. Kenya acceded to the Convention in 1993. Kenya's obligation to domesticate the Convention was achieved through the MSA, Port State Control, inspections and survey measures. These will be enhanced once draft regulations under consideration are finalized for implementation.

499 The tonnage measurement is used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics & limitations of liability.

500 Shortage of human capacity during implementation, and slow process in gazettelement of regulations constitute a challenge.

3.13.3.11 Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)

501 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. Kenya acceded to the Convention in 1992.

502 Kenya has ratified the statute and is ensuring implementation by establishing mandatory traffic separation schemes for ship navigation to avoid collisions.

503 Through the MSA, KPA Act (pilotage), Navigational Watch Tower operational with regard to traffic control and safety and Automatic Identification System /Long Range Identification (LRIT) implemented (KPA), Kenya is implementing the Convention. Draft distress and collision regulations have been developed for approval.

504 Shortage of Human capacity during implementation, and slow process in gazettelement of regulations constitute a challenge.

3.13.3.12 International Convention For Safe Containers, 1972, as Amended

505 The Convention for Safe Containers has two goals:

- a) 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.
- b) To facilitate the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. In this way, proliferation of divergent national safety regulations can be avoided.

3.13.3.13 International Convention on Maritime Search and Rescue (SAR)

- 506 The Convention was adopted in Hamburg in 1979. Its objective is centralization of international SAR, so that, no matter where accidents occur, the rescue of persons in distress at sea is co-ordinated by a SAR organization and, when necessary, by co-operation between neighbouring SAR organizations. Parties to the Convention are required to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters. Parties are encouraged to enter into SAR agreements with neighbouring States involving the establishment of SAR regions, the pooling of facilities, establishment of common procedures, training and liaison visits. The Convention stipulates that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties.
- 507 It further stipulates preparatory measures to be taken, including the establishment of rescue co-ordination centres and sub-centres, and outlines operating procedures to be followed in the event of emergencies or alerts and during SAR operations. This includes the designation of an on-scene commander and his duties.
- 508 Following the adoption of the 1979 SAR Convention, IMO's Maritime Safety Committee divided the world's oceans into 13 SAR areas, in each of which the countries concerned have delimited SAR regions for which they are responsible. The Mombasa Regional Co-ordination Centre (MRCC) is the regional centre for SAR.
- 509 Deriving from the above, Kenya is obliged, either individually or in co-operation with other States, to establish basic elements of a SAR service that include a legal framework; communication facilities; coordination and operational functions; and training.
- 510 Further, Kenya is expected to establish SAR regions within each sea area - with the agreement of the Parties concerned. Parties then accept responsibility for providing SAR services for a specified area. Apart from arranging SAR services and developing national capabilities, Government is to establish full time rescue co-ordination centres with trained staff that have working knowledge of English; ensure the closest practicable co-ordination between maritime and aeronautical services; co-ordinate SAR organizations, and, where necessary, SAR operations with those of neighbouring States; authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory for rescue units of other Parties solely for the purpose of SAR; update rescue Co-ordination Centres and Rescue Sub-Centres with information on search and rescue facilities and communications in the area and equip them with detailed plans for conduct of SAR operations. Procedures during an emergency must be followed and SAR activities should be co-ordinated on scene for the most effective results, and continue, when practicable, until all reasonable hope of rescuing survivors has passed.
- 511 Kenya entered into a Regional Agreement on SAR in 2002 with Seychelles and Tanzania for implementation of its obligations under this Agreement. A SAR National Plan and Operational Manuals are in place whereas a maritime SAR office in Kisumu - Lake Victoria is operational. Continuous and regional trainings/sensitizations are undertaken. Maritime and Aeronautical plans have been harmonized. Radio Stations at the Coast and Kisumu are in place. Implementation is in progress in consultation with the IMO and the Djibouti Code of Conduct with a view to make the MRCC an information sharing centre for piracy.

512 Inadequate capacity and equipments to set up SAR sub centres are the major inhibitions.

3.13.3.14 Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965)

513 The Convention's main objectives are 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. In particular, the Convention reduces the number of declarations which can be required by public authorities.

514 In order to facilitate trade and eliminate non tariff barriers, the Convention prescribes standards, recommended practices and provisions, for formulation and adoption of uniform measures in international maritime traffic.

515 Kenya acceded to the Convention in 1973 and KPA is implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS).

3.13.3.14 Convention on The Prevention of Marine Pollution By Dumping of Wastes and other Matter, (LONDON CONVENTION), 1972

516 The Convention aims at controlling pollution of the sea by preventing dumping of wastes which could create hazards to human health; living resources and marine life; damage amenities; and interfere with other legitimate uses of the sea. It also encourages regional agreements supplementary to the Convention.

517 A special permit is required prior to dumping of a number of identified materials and a general permit for other wastes or matter.

518 Kenya acceded to the Convention in 1976 and is implemented through the MSA.

519 Kenya is limited by inadequate capacity for surveillance and inadequate resources.

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

520 The Convention governs the liability of ship owners for oil pollution damage by laying down the principle of strict liability for ship owners and creating a system of compulsory liability and insurance.

521 The Convention requires ships covered by it to maintain insurance or other financial security in sums equivalent to the owner's total liability for one incident. The Convention applies to all seagoing vessels actually carrying oil in bulk as cargo, but only ships carrying more than 2,000 tons of oil are required to maintain insurance in respect of oil pollution damage.

522 The 1992 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. The Protocol covers pollution damage as before 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.

523 The Protocol also covers spills from sea-going vessels constructed or adapted to carry oil in bulk as cargo. It applies to both laden and unladen tankers, including spills of bunker oil from such ships.

524 The Protocol allows its States Parties to issue certificates to ships registered in States which are not Party to the Protocol. By virtue of this, a ship-owner can obtain certificates to both the 1969 and 1992 CLC, even when the ship is registered in a country which has not yet ratified the 1992 Protocol. This is important because a ship which has only a 1969 CLC may find it difficult to trade in a country which has ratified the 1992 Protocol, since it establishes higher limits of liability.

3.13.3.17 Convention on The International Mobile Satellite Organization, as Amended (IMSO C 1976)/INMARSAT C 76 /INMARSAT OA 76

525 The objectives of INMARSAT are to improve maritime communications, thereby assisting in improving distress and safety of life at sea communications, the efficiency and management of ships, maritime public correspondence services, and radio determination capabilities. INMARSAT's obligation to provide maritime distress and safety services via satellite were enshrined within the 1988 amendments to SOLAS which introduced the Global Maritime Distress and Safety System (GMDSS). Ships sailing in specified sea areas are required to carry INMARSAT communications equipment for distress and safety calls and to receive navigational warnings. At present, the INMARSAT system is the only mobile-satellite system recognized by SOLAS Contracting Governments for use in the GMDSS, and ensures uniformity across member states.

526 Kenya is party to both INMARSATs, and is currently implementing Long Range Identification Technology (LRIT) system and GMDSS.

3.13.3.18 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)

527 The Protocol is supplementary to the Civil Liability Convention. It establishes an International Fund for Compensation for Oil Pollution Damage for victims who do not obtain full compensation under the 1992 Civil Liability Convention.

528 It also gives relief to ship owners in respect of the additional financial burden imposed on them by the 1969 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other Conventions.

529 Kenya is expected to submit annual oil reports to the Fund Secretariat, but failure by Oil importing companies in Kenya to submit reports has proved a challenge to the realization of the objectives of the Convention.

3.13.3.19 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

530 The main 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.

531 The Convention entered into force in 1992. Kenya acceded to it in 2002. Contracting Governments are obliged either to extradite or prosecute alleged offenders.

3.13.3.20 International Convention on Salvage, 1989 (Salvage 1989)

532 The Convention 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.

- 533 Kenya acceded to the Convention in 1993 which is implemented through the MSA and the East African Harbour regulations (under revision).
- 534 Slow gazettelement of regulations by the office of the Attorney General impacts on the implementation process.

3.13.3.21 International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, as Amended (OPRC 1990)

- 535 The Convention develops further measures to prevent pollution from ships aimed by providing a global framework for international co-operation in combating major incidents or threats of marine pollution. Parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard oil pollution emergency plan. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be co-ordinated 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.
- 536 Parties to the Convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided. IMO is obliged to Co-ordinate.
- 537 Kenya is committed to protection of the marine environment and by being party is required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries, in addition to meeting the above requirements. In this regard, an Oil Spill Response Contingency Plan in place (*with sensitivity mapping and dispersants policy*); Stock pile of equipment and facilities is undertaken in Co-operation with oil industry (OSMAG); an Oil Spill Response centre is in place and an Oil spill Response team (KPA) are in place; Stakeholders' workshops and seminars have been organized for public awareness; a Shipping Operations (Marine pollution) Bill, 2014 and draft regulations are pending legislation.
- 538 Limitations to implementation include expensive Equipment and slow gazettelement of regulations.

3.13.3.22 International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004

- 539 The Convention, adopted in 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.

- 540 Under the Convention, all ships are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. All ships have to carry a ballast water record book and an international ballast water management certificate, and install an on-board ballast water treatment system.
- 541 A number of guidelines have been developed to facilitate the implementation of the Convention.
- 542 Parties to the Convention are given the option to take additional measures which are subject to criteria set out in the Convention and to IMO guidelines.

3.14 LAW OF THE SEA AND FISHERIES

3.14.1 1982 United Nations Convention on The Law of The Sea(UNCLOS)

- 543 The Convention was adopted on 10th December 1982 and ratified on 2nd March 1989.
- 544 The Convention often described as a “constitution for the oceans” also called the Law of the Sea Convention or the Law of the Sea Treaty defines the rights and responsibilities of nations in their use of the world’s oceans. Its provisions *inter alia* set out a comprehensive regime on delimitation of the maritime zones, and establish general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas; contains an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction through an International Seabed Authority. It 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. In a nutshell, the Convention emphasizes the orderly and stable regulation of the uses of the oceans without compromising the security and welfare of any state.
- 545 Kenya ratified the UNCLOS in March 1989. It is implemented through the *Territorial Waters Act, 1972*; the *Maritime Zones Act, 1989 Cap 371* which defines the EEZ, The Fisheries Act, Cap 378 of 1989 (Revised in 2012) which domesticates part of the treaty to guide in governance of the living marine resources in Kenya’s EEZ; as defined in the Maritime Zones Act, Cap 371 and, the *Presidential Proclamation* of 9 June 2005 published in the Kenya Gazette Notice No. 55 of 22nd July, 2005 in respect of Kenya’s territorial sea and EEZ (Legal Notice No. 82 (Legislative Supplement No. 34). This proclamation, which was deposited with the UN and reproduced in *Law of the Sea Bulletin No. 61*, contains an illustrative map number SK 90 (edition 4) and two lists of geographical Co-ordinates of points, specifying the straight baselines from which the breadth of the territorial sea is measured and the outer limits of the EEZ.
- 546 Proclamation of the outer limits of the continental shelf is pending determination.
- 547 Kenya benefits from this treaty through having a legal instrument to help it settle disputes that are concerned with exploitation of living marine resources within its territorial waters, EEZ and the high seas.
- 548 UNCLOS allows countries to engage in bilateral and multilateral arrangements regarding the control and management of the maritime zones.
- 549 Kenya is obliged to ensure a sustainable exploitation and management of her marine resources while observing rights of other nations with regards to the same. The treaty is enforced through the operationalization of the Fisheries Act, Cap 378, and (Revised in 2012) in combination with Cap 371.

- 550 In the economic, social, cultural and environmental effects, this Law enabled Kenya to designate the 200nm Exclusive Economic Zone (EEZ), and use it to explore the living and non –living marine resources for economic gains. So far Kenya has been able to gain economically by giving foreign fishing vessels access to the fishing in the EEZ. These vessels pay a royalty of USD 50,000 annually.
- 551 On implementation, Kenya is yet to build capacity to patrol the vast area. Administratively collaboration between the Kenya Navy and the Fisheries Department has undertaken limited surveillance. Fisheries Department has procured the Vessel monitoring system.
- 552 The major challenges in implementation include weak coordination and/or ineffective command and control of the maritime zones leading to rampant Illegal, Unreported and Unregulated fishing (IUU); piracy and lack of technological capacity to exploit the resources of the deep sea bed.

3.14.2 United Nations Fish Stock Agreement (UNFSA) for Straddling and Highly Migratory Fish, 1995

- 553 This Convention was adopted on 4th August 1995 and Kenya ratified the Agreement in 2004 and has since domesticated it through Legal Notices on foreign fishing fleets. It has also subscribed as a full member to the Regional Fisheries Organizations for a Co-ordinated management of the migratory fish such as IOTC, South West Indian Ocean Commission (SWIOFC) 2005 and Lake Victoria Fisheries Organization (LVFO).
- 554 Based on the UNCLOS framework, the main objective of the UNFSA is to enhance 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 gets assistance for implementation of programmes aimed at international conservation, management and development of fisheries resources. The Agreement is enforced through the State Department of Fisheries under the Fisheries Act, Cap 378 (Revised in 2012). Its role has been more of advisory. Some states have not ratified this Agreement.
- 555 Challenges to 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.

3.14.3 UN 1993 FAO Compliance Agreement, 1993

- 556 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.
- 557 Kenya lacks capacity for implementing this agreement.

3.14.4 Code of Conduct for Responsible Fisheries, 1995 (CCRF) of FAO

- 558 This is a non-obligatory instrument developed under the UN in 1995 to address emerging issues in management of fisheries. States are encouraged to use it in developing their policies and legal frameworks.
- 559 FAO supports the Codes implementation in a variety of ways including through regular and field programme activities.

- 560 Kenya has fisheries and aquaculture resources, which need to be sustainably managed and developed for socio economic gain. Kenya has received technical support in development of the National Fisheries Policy, Aquaculture policy, review of its legal framework, enhanced aquaculture fish production and development of the fish marketing system. Capacity building for Fish traders association and fish farmers has enhanced financial management and commercialization of the fisheries sub sector.
- 561 The Code is domesticated through the National Oceans and Fisheries policy, 2008 and the Fisheries Act; Cap 378 (revised 2012). In addition, several institutional arrangements such as the establishment of the Beach management Units (BMUs) to incorporate local communities into fisheries management and creation of a competent Authority for certification of fish safety and subscription to the RFMOs.

3.14.5 International Convention For Regulation of Whaling, 1946

- 562 The objective of the Convention is proper 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.
- 563 Kenya domesticated the Convention through the Fisheries Act, Cap 378 and 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 ban 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.
- 564 Implementation is through the Fisheries Department and Kenya Wildlife Service.

3.14.6 The World Conservation Union (IUCN)

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

3.14.7 Indian Ocean Tuna Commission (IOTC) AGREEMENT

- 567 The IOTC Agreement establishes the IOTC, a Regional Fisheries Management Organization (RFMO) within the framework of the Food and Agriculture Organization (FAO) of the UN. The IOTC has 31 State Parties. The RFMO co-ordinates the regulation and management of the highly migratory and straddling tuna and tuna like fish species in the Indian Ocean and adjacent seas. The Agreement came into force in 1996. Kenya is obliged to pay an annual subscription fee of USD 18,000.
- 568 The Agreement is open to any coastal State within the Indian Ocean region (or adjacent seas) as well as States that fish for tuna in the Indian Ocean region. The agreement is also open to economic Organizations.
- 569 On implementation, Parts of this Agreement and the IOTC resolutions (2010) were domesticated during the review of the Fisheries Act, Cap 378 (revised in 2012) and the Maritime Zones Act Cap 371. Kenya benefits from membership by getting data from

the IOTC and assistance from FAO to build human capacity to implement the IOTC resolutions and participate in regional fisheries programmes.

3.14.8 South West Indian Fisheries Commission Convention (SWIOFC)

- 570 Kenya is a signatory to the establishment of a regional fisheries advisory commission, known as the South West Indian Ocean Fisheries Commission (SWIOFC), was established in 2004 by Resolution 1/127 of the FAO Council under Article VI 1 of the FAO Constitution, to promote the sustainable utilization of the living marine resources of the South West Indian Ocean (SWIO) region by the proper management and development of the living marine resources without prejudice to the sovereign rights of coastal States and to address common problems of fisheries management and development faced by the Members of the Commission.
- 571 Kenya joined to address common problems of fisheries management and development faced by the Members of the Commission, and has benefitted through programmes and capacity building. Kenya is promoting sustainable utilization of living marine resources of the SWIO region, by the proper management and development of the living marine resources, without prejudice to the sovereign rights of coastal States.
- 572 The largest project in the SWIO Fisheries Project was in Kenya, where valuable data on our marine resources and capacity building for observer programme was undertaken. On implementation, Kenya participates in the technical and scientific committees. Through the organization, the regional SWIOFP project was initiated and Kenya with the headquarters in Kenya.

3.14.9 Intergovernmental Oceanographic Commission/ UNESCO's (UNESCO-IOC).

- 573 The Commission 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, in particular in developing countries; through programmes in marine research, services, observation systems, hazard mitigation, and capacity development in order to understand and effectively manage the resources of the ocean and coastal areas. Kenya is a member of IOC whose headquarter is at UN Kenya.
- 574 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.
- 575 Kenya participates in 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.

3.14.10 Western Indian Ocean Marine Science Association (WIOMSA)

- 576 Membership of the Association was to share research based knowledge relating to management and governance issues affecting marine and coastal ecosystems in the region.
- 577 Ideas are implemented through the KEMFRI and WIOC. Shared information has enabled Kenya to formulate knowledge based policies and programmes for the benefit of the fisher folks in the coastal areas such as the KCDP.

3.14.11 Port State Measures Agreement (PSMA) against Illegal, Unreported and Unregulated Fishing (IUU) 2009.

- 578 Kenya signed the agreement in 2010 and is a member of the Indian Ocean Tuna Commission (IOTC), which adopted most of the PSMA for application in the region under the IOTC Resolutions of 2010. Kenya is also a signatory to the Code of Conduct for Responsible Fisheries (CCRF) which encourages States to form Regional Fisheries Management Organizations (RFMOs) and to apply the Ecosystem Approach to fisheries management (EAF). Kenya pays annual subscription fees of Kshs 23 Million.
- 579 The Agreement obligates states parties to establish a legal inter- agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU. Kenya participates in the technical and scientific Committee meetings and capacity building activities.
- 580 The Agreement has been domesticated in the revised Fisheries Management Bill, 2014. Currently, Kenya is in the process of establishing an Inter-agencies Monitoring, Control and Surveillance Unit (MCS) and Fisheries Enforcement Unit. In addition, apart from receiving capacity building for MCS under the Smart fish programme and attending meetings, Kenya is able to manage her fisheries resources as a single ecosystem and to market her fish in the European Union as Lake Victoria Fish.
- 581 Kenya is working collectively with Partners States to fight against IUU fishing and deter vessels flying flags of convenience from using our ports for fish laundering.
- 582 On implementation, Kenya has so far been able to participate as a full member. However, the major challenges include inadequate legal framework and capacity for enforcement of the regulations, lack of a designated fish port and inadequate funding for payment of annual subscriptions.

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

- 583 Kenya became a signatory to the COMESA fisheries strategy in 2008 and participates in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at restoring agricultural growth, food security, reduce poverty and promote rural development partner states and Africa as a whole.
- 584 Kenya has benefited from this Agreement through regional integration, development and implementation of common regional agricultural/fisheries policies and investments across the entire value chain.

3.14.12 Lake Victoria Fisheries Organization (LVFO) CONVENTION OF 1994

- 585 The Lake Victoria Fisheries Organization (LVFO), established in June 1994 following the signing of the convention. This institution is a Regional Fisheries Management Organization (RFMO) under the UN and so the depository of the Convention is FAO. This is an institution of the East African Community. Kenya pays annual subscription fees of Kshs 23 Million.
- 586 The aim of the Organization is to harmonize, develop and adopt conservation and management measures for the sustainable utilization of living resources of Lake Victoria, and to optimise socio-economic benefits from the basin for the three partner states; Kenya, Tanzania and Uganda. The institution is an RFMO under the UN with FAO as the depository of the Convention.
- 587 Kenya benefits from the membership through participating in harmonized fisheries conservation, management and development initiatives and increase fish trade and

advocate for better prices for their fish exports. This ensures sustainability and an improvement in the socio-economic status of its population that draws its livelihood from the lake's fisheries resources. The Organization also serves as the depository for fisheries data.

- 588 The Organization has managed to get funding for capacity building in fisheries management, research and trade has been given through the Organization. Through the Organization, harmonized fisheries Policies, fisheries management measures, EAC Sanitary and Phyto-sanitary Standard Operating procedures and Protocols have been developed.
- 589 Regional donor funded projects through the Organization have been successfully implemented by the Partners States. These include: 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.
- 590 As a member Kenya is able to work together with the Partners States to apply harmonized fisheries conservation, management and development initiatives and increase fish trade. Under the Code of Conduct for Responsible Fisheries, States are encouraged to form Regional Fisheries management Organizations (RFMOs) and to apply the Ecosystem Approach to fisheries management (EAF).
- 591 Kenya is obliged to participate in the technical and scientific Committee meetings and capacity building activities, the Regional Policy Steering Committees and the Council of Ministers for LVFO meetings and activities. Kenya implements the harmonized agreed actions for sustainability of Lake Victoria.
- 592 As a member Kenya is able to manage her fisheries resources as a single ecosystem and to market her fish in the European Union as Lake Victoria Fish.
- 593 On implementation, Kenya has so far been able to participate as a full member.
- 594 Insufficient funding for annual subscriptions and other liabilities poses a major challenge.

3.15 ENVIRONMENT, FORESTRY AND AGRICULTURE.

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

- 595 The main objective of the Protocol is to stabilize greenhouse concentrations in the atmosphere. It set mandatory and binding greenhouse emission limitation or reduction targets for industrialized countries and economies in transition to be achieved in the first commitment period from 2008-2012 with a view to reducing their overall emissions of the same by at least 5% below 1990 levels during this period.
- 596 It offers flexibility in how countries may meet their targets by allowing for international emissions trading. They trade emissions quotas among themselves and or receive credit for financing emissions reductions in developing countries.
- 597 Kenya as a developing country does not have binding targets but is still committed to reduce her emissions. She is however allowed to grow her emissions in accordance with her development agenda.
- 598 Some major industrialized countries that account for the world's largest emissions are yet to ratify the Protocol due to the exclusion of developing countries particularly China and India from binding targets and harm to the economy.

- 599 Reducing emissions or lowering them is key to Kenya realizing her vision of becoming a middle-income economy through development. Climate change is already negatively impacting Kenya as witnessed through flooding and famine in the same extent.
- 600 From a legislative and institutional perspective, Kenya has made some impressive progress on climate change response to date. This includes the constitutional recognition of sustainable development, public participation in environmental decision making, and socioeconomic rights, the intensification of forest rehabilitation and reforestation through a set level of mandatory forest cover, and the requirement for agro-forestry practices on all farms, amongst many others. Most recently, draft climate change legislation has been developed with significant civil society involvement and put forward as a private member's Bill.
- 601 Regarding the current institutional framework, a range of institutions have been created that have a specific mandate to address climate change or have substantial engagement with the issue. These include the National Climate Change the other of climate desks in key sectoral ministries.
- 602 Kenya launched its National Climate Change (NCCAP) Action Plan on 27th March 2013. The plan was developed from 20 months of analysis and consultations; and addresses the options for a low-carbon climate resilient development pathway as Kenya adapts to climate impacts and mitigates growing emissions. The plan also addresses the enabling aspects of finance, policy and legislation, knowledge management, capacity development, technology requirements and monitoring and reporting. The comprehensive NCCAP document is supported by almost sixty technical reports developed by teams of international consultants guided by Kenya based thematic working groups and under the oversight of a multi-sectoral multi-stakeholder taskforce.
- 603 Kenya ratified the Doha amendment to the Kyoto Protocol that was adopted at the eighteenth session of the Conference of the Parties of the United Nations framework Convention on climate change on 3rd March 2014. The amendment establishes a legal framework on reduction targets of Green House Gas (GHG) emissions by developed Countries or individually.

3.15.2 Protocol for The Sustainable Development of Lake Victoria Basin

- 604 The Protocol obliges EAC Partner states and stakeholders to protect, conserve, and where necessary rehabilitate L. Victoria basin and its ecosystems; it also seeks to develop programmes to reduce environmental degradation within the Lake Victoria basin and explore means of having co-ordinated implementation of programmes on the Lake Victoria basin by different institutions.
- 605 The Protocol is also intended to promote regional co-operation, conservation of Lake Victoria waters and facilitate the economic growth and improve livelihoods within the Lake Victoria Basin.
- 606 The Protocol creates the Lake Victoria Basin Commission as the institutional framework to facilitate and Co-ordinate the activities of the different actors towards the sustainable development and poverty eradication of L. Victoria basin.
- 607 As a party, Kenya pays annual subscription fees to the institution, 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 in the Lake Victoria Basin.

3.15.3 Food and Agriculture Organization of the United Nations (FAO).

- 608 The main objectives of the treaty are help to eliminate hunger, food insecurity and malnutrition; make agriculture, forestry and fisheries more productive and sustainable; reduce rural poverty; enable inclusive and efficient agricultural and food systems; and increase the resilience of livelihoods from disasters. Annual Subscription amounts to Kenya Shillings 2,287,928.
- 609 Kenya initiated three Bills which when enacted into law will provide the legal framework to improve the agricultural sector. They are the Crop Development Bill, 2012, the Agriculture and Livestock Bill 2012 and the Agriculture Fisheries and Food Authority Bill, 2012. The Agriculture Fisheries and Food Authority Act is now in full force. Further, Kenya has signed the comprehensive African Agricultural Development Programme and has also launched Kenya Agricultural Sector Development Strategy, 2010-2020.
- 610 As a UN member State, Kenya automatically becomes a member of FAO which is an Organization of the UN tasked with handling issues of food security, water and environment.
- 611 Programs under FAO are supposed to lead to eradication of Hunger and poverty and conservation of the environment for sustainable development.
- 612 Kenya will continue with programs aimed at eradication of Hunger and poverty and conservation of the environment for sustainable development.

3.15.4 Convention on Sustainable Development.

- 613 The main objective of the Convention is to ensure mainstreaming of climate change and issues of biodiversity in the planning process. This is to promote sustainable development especially in the area of non-renewable resources to safeguard the ability of future generation to meet their own needs.
- 614 Climate change and biodiversity have already been included the 2nd Medium-Term Plan through the Ministry of Environment and Mineral Resources.
- 615 Kenya suffers from inadequate resources to fund programmes on sustainable development and lack of human capacity on climate change and biodiversity has had a negative impact on the implementation of the Convention.

3.15.5 Cartagena Protocol on Bio-Safety Signed In 2000 and Ratified In 2013.

- 616 The objective of the Cartagena Protocol is to ensure an adequate level of protection in the field for the safe transfer, handling and use of living modified organisms resulting from the modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health, and specifically focusing on Trans-boundary movement.
- 617 The Government is obliged to establish a legal regulatory framework, designate a national focal point and competent authority and facilitate trans-boundary movement, import/export use of GMOs subject to risk assessment.
- 618 The Bio-safety Act domesticates this Protocol and regulations have been developed for its implementation. Further, the National Bio safety Authority has been established as the lead agency in implementation.
- 619 Implementation of this protocol has led to capacity building in areas of genetically modified organisms as well as control of GMOs.

620 The current ban on importation of foods derived from genetically modified crops has a negative impact on the implementation of the Protocol since it is seen to arbitrary take away the role of the National Biosafety Authority.

3.15.6 Agreement Establishing International Fund for Agricultural Development (IFAD).

621 IFAD is a specialized agency of the UN focussed on eradication of rural poverty and improvement of food security in developing countries. The Annual Subscription is KSh.6,786,196.

622 The objectives of IFAD resonate with Kenya's goals in Vision 2030, particularly the flagship projects under implementation, namely, the consolidated agricultural reform legislation, fertilizer cost-reduction initiative, setting up of five livestock disease-free zones in the ASAL regions and ASAL development projects.

623 Further, Kenya has signed the comprehensive African Agricultural Development Programme and has also launched Kenya Agricultural Sector Development Strategy, 2010-2020.

624 IFAD contributes to the empowerment and capacity building of the rural poor through creation of employment, affordable financial services, improved agricultural technologies.

625 The national interest analysis is that Kenya is still a developing country and IFAD supports development so as to improve the livelihoods of the rural population.

626 As a UN member State, Kenya is a member of IFAD and stands to gain from funds provided for developing the rural areas to ensure that rural population has access to, and the skills and organization needed to take advantage of:

- Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices
- Improved agricultural technologies and effective production services
- A broad range of financial services
- Transparent and competitive markets for agricultural inputs and produce
- Opportunities for rural off-farm employment and enterprise development
- Local and national policy and programming processes
- Implement pro rural poor programs funded by IFAD.

627 The future progress is to continue to implement pro rural poor programs funded by IFAD for improved livelihoods.

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

628 This treaty is aimed at guaranteeing food security through the fair and equitable benefit sharing arising from the use of the world's genetic plant resources. The treaty entitles farmers 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.

629 The reason why Kenya became a member is to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture. The Constitution at Article 43(1) (c) mirrors the objectives of the treaty. The article

provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.

630 The national interest analysis is that it recognizes the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.

631 The advantage of Kenya joining the Organization is that it creates diversity in plant genetic resources.

632 The treaty under Article 9 obliges countries to:

Take responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights.

633 The economic, social, cultural and environmental effect is protection of traditional knowledge relevant to plant genetic resources for food and agriculture.

634 Kenya will continue implementing the Agreement for Protection of traditional knowledge relevant to plant genetic resources for food and agriculture.

3.15.8 International Grains Agreement

635 The Agreement comprises a Grains Trade Convention (GTC) and a Food Aid Convention (FAC). The GTC's main aim is to provide for information-sharing, analysis and consultations on grain market and policy developments while the FAC creates a forum where donor countries pledge to provide annually specified amounts of food aid to developing countries in the form of grain suitable for human consumption, or cash to buy suitable grains in recipient countries.

636 Kenya has a well developed seed industry and strives to access the world market and promote expansion, openness and fairness in the sector. Kenya is therefore 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 in which to improve seeds and in turn crops for better produce.

3.15.9 WTO Agreement on the Application of Sanitary and Phytosanitary Measures

637 The Agreement requires stringent measures to be applied to maintain high sanitary and Phyto-sanitary standards in guaranteeing the safety of food as well as animal and plant health. The Agreement sets out the basic rules to assure protection of human, animal and plant life and ensure safe trade. The measures (standards) for animal health and zoonosis and food safety are developed by the World Organization for animal health (OIE) and Codex Alimentarius Commission (CAC) respectively.

638 These standards are embedded in national legislation and sector policies to protect Kenya's trade on both animal and plant products through KEPHIS and the Kenya Veterinary Department. The department of veterinary services provides the technical reference point for animal health and zoonosis. There is in place a multi-competence National codex Committee under KEBS to deal with food safety.

639 The national interest analysis is that Kenya is a major exporter of agricultural produce to international markets. It is also an importer of many food items .To ensure safety of

the produce whether exported or imported it is important that stringent measures are applied to maintain high sanitary and phytosanitary standards hence the need for the application of the Agreement. These standards are mandatory for international trade. As a member of the World Trade Organization (WTO), Kenya is obliged to become a member to this agreement.

- 640 Being a member of the Global Economy it is to Kenya's advantage to sign the Agreement so as to protect its trade on both plant and animal products.
- 641 The obligations include; application of food safety and animal and plant health measures (sanitary and phytosanitary or SPS measures) sets out the basic rules in to assure protection of human, animal and plant life and ensure safe trade.
- 642 The Agreement on SPS also obliges Kenya to take measures dealing with food safety and animal and plant health. **Sanitary:** for human and animal health. **Phytosanitary:** for plants and plant products.
- 643 The agreement expects the country to participate in WTO-SPS committee meetings, notify regulations, laws and decrees in a timely manner to allow members make comments before adoption.
- 644 Also participate in work of International standard setting bodies i.e. OIE, CODEX & IPPC.
- 645 Ensures stringent sanitary and phytosanitary standards not only for export but also for products that are consumed locally as they are produced under the same high standards.
- 646 Kenya has implemented the Agreement by creating an organization for handling Phytosanitary issues, i.e. Kenya Plant Health Inspectorate Services (KEPHIS).

3.15.10 Agreement of The World Organization for Animal Health (OIE)

- 647 The Agreement requires the country to align its animal health, zoonosis and animal welfare and production measures with OIE standards, guidelines and recommendations. This opens up the country to international trade in animals and animal products.
- 648 The Department of Veterinary Services is the technical reference point on this Agreement. Kenya hosts the sub-regional office for OIE in Nairobi. Focal points on veterinary products, on veterinary public health, on animal welfare, communication and WAHIS are yet to be appointed.

3.15.11 Treaty Establishing The Common Fund For Commodities

- 649 The main aim of the Fund is to enhance the socio-economic status of commodity producers and contribute to the development of the society as a whole. The focus is on commodities in countries which are highly dependent on the commodity trade. Annual Subscription amounts to KSh.10,180,832.
- 650 The Fund mainly targets small to medium-sized projects for better and wider impact, in three broad categories, namely: (a) pre-harvest productivity improvement (including research); (b) Post-harvest processing, marketing and quality testing; and (c) Market expansion projects.
- 651 Through co-operation with other development institutions, the private sector and civil society, the Fund endeavours to achieve overall efficiency and impact in commodity development. The commodities covered by these projects, such as bananas, coffee,

groundnuts, rice, sisal, cane sugar and tea, are produced almost entirely in developing Countries.

- Research and development;
- Productivity and quality improvements;
- Transfer of technology; diversification and processing;
- Improvement of marketing and market access.

- 652 Small scale farmers get capacity building and funding for their commodities, benefit from transfer of technology and better market access.
- 653 The national interest analysis is that Kenya produces quite a number of commodities. In fact the export of Agricultural commodities is the leading foreign exchange earner. CFC promotes and funds commodity value chain development hence its importance to Kenya.
- 654 The reasons why Kenya became a member include; the benefit from the commodity value chain approach and to promote value addition so that the country can earn more from its commodities.
- 655 The Advantage of Kenya joining the Organization is that there are improved incomes for its farmers.
- 656 Obligations include; Annual subscriptions and implementing programs on commodity value chain development funded by CFC.
- 657 The Economic, Social, Cultural and Environmental Effects include; improved incomes for small scale and medium scale farmers involved in commodity production.
- 658 Currently Kenya is implementing a program on the cotton value chain.

3.15.12 Organization for Economic Co-Operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes

- 659 OECD is the main 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.
- 660 Kenya as a member is required to apply OECD standards in inspection and labeling of seeds; make financial contribution towards the day to day running of OECD schemes; participate in meetings for making legal, administrative and technical decisions of OECD schemes; and share information/Data with other OECD schemes' members.
- 661 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.
- 662 Since our commodities have to be exported this Agreement provides for movement of Kenyan seeds, fruits and vegetables into the international market. It also ensures application of OECD standards in inspection and labeling of seeds.
- 663 Kenya became a member to ensure that smooth movement of seeds, fruits and vegetables into the international markets and also ensure the application of OECD standards in inspection and labelling of seeds.

- 664 One of the advantages of Kenya joining the organisation is that it ensures easier integration into the international markets.
- 665 Kenya is obliged to:
- provide for movement of Kenyan seeds, fruits and vegetables into the international market;
 - application of OECD standards in inspection and labeling of seeds;
 - make financial contribution towards the day to day running of OECD schemes and Participate in meetings for making legal, administrative and technical decisions of OECD schemes; and
 - share information/Data with other OECD schemes' members.
- 666 Kenya Implemented OECD seed schemes, fruits and vegetables schemes and forestry seed schemes.

3.15.13 International Seed Testing Association (ISTA)

- 667 The organization was founded with the main 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 seeds coming from outside meet the required standards. This is turn to ensure increased agricultural production and productivity. Annual subscription A for Kenya amounts to KSh.47, 520
- 668 Kenya is therefore obligated to ensure that its seed testing procedures comply with the standards that are established by ISTA to enable it not only to source and export high quality seeds internationally, but to improve production and ensure food security.
- 669 Kenya is also required to make financial contributions towards the day to day running of ISTA, participate in meeting for making legal, administrative, and technical decisions of ISTA, and host ISTA meetings.
- 670 The advantage of Kenya joining the organization is that, Kenya can source or export high quality seed internationally.
- 671 The challenge is to acquire necessary equipment in order to obtain accreditation for a second laboratory.

3.15.14 African Convention on the Conservation of Natural Resources (1968)

- 672 The objectives of the Convention are:
- i) To co-operate and collaborate in the sustainability, protection, conservation and rehabilitation of shared natural resources.
 - ii) To participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources.
 - iii) To co-operate and collaborate in the sustainable management of shared natural resources.
 - iv) To co-operate and domesticate the Convention.
- 673 Implementation promotes a regional approach on management and conservation of shared natural resources.

3.15.15 Convention on The African Migratory Locust

- 674 The Convention provides a pool of resources in mitigation of the effects of locusts on food security and economy.
- 675 Kenya supports the activities and programmes of the Organization on the basis of the proportions indicated in the annex to the Convention.
- 676 The national interest analysis is that Kenya is an agricultural country relying on agriculture as its main foreign exchange earner. So it is in its interest to make sure all diseases and pests which affect the sector are controlled and where possible eliminated. So it's in the interest of the country to be a member of the Convention on the African Migratory Locust which is a Trans boundary pest and also very destructive to all kinds of vegetation.
- 677 The reasons why Kenya became a member is to join the other African countries in the control of the African Migratory Locust.
- 678 The advantage of Kenya joining the Organization is to keep the pest under control and limit the damage it can cause.
- 679 The obligations include; each Contracting Government shall contribute in money, supplies or services to the expenses of the equipment and operations of the Organization on the basis of the proportions indicated in the annex to the present Convention. These proportions maybe revised by the Contracting Governments: Each Contracting Government shall facilitate the construction on its own territory of the buildings necessary to the operation of the Organization;
- i) Give every possible assistance requested by the Organization for the destruction of incipient swarms;
 - ii) Fulfil its financial obligations
 - iii) Parties shall accord to the staff of the Organization operating in their countries the same privileges and immunities as they accord or would accord to the staff of a Specialized Agency of the United Nations.
- 680 Control of migratory pests which cause damage to the environment.

3.15.16 Phytosanitary Convention for Africa

- 681 Kenya has neither signed nor ratified the Convention. However, Kenya being a member of Inter African Phytosanitary Council is bound by the Convention Adopted in Kinshasa, DRC, on 13th September, 1967. The Convention does not contain any provision relating to its entry into force.
- 682 Kenya is a major producer and exporter of agricultural commodities especially of the plant variety. To ensure that the export and also the protection of plant material is translocated in a safe manner the country has to be a member of forum to articulate its fears and opinions in order to protect its trade in flora globally. The advantage to membership of this organization is that it offers an opportunity to help the country protect its plant genetic resources and biodiversity.
- 683 The implementation of the Convention minimizes the introduction and spread of diseases. Kenya started adhering to the Convention on 7th May, 1974 and abides by the revised Convention (1997).

- 684 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.
- 685 On implementation, Kenya started adhering to the convention on 7 May 1974 and abides by the revised convention (1997).Details of ratification by Parliament under the Treaty making and ratification Act, 2012 to be determined.
- 686 Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity is a challenge.

3.15.17 Convention on the Establishment of the African Centre for Fertilizer Development

- 687 Any State which becomes a Member of the Centre shall designate, as soon as is practicable establish a national institution as its National Association for Fertilizer Technology to carry out the following functions:
- i) Facilitate the collection, exchange and dissemination of information; and
 - ii) 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.
- 688 The national interest analysis is that low production of fertilizer use is because of its availability, and even when available it is expensive. The Agreement is therefore important in the promotion of increased fertilizer use for increased production in the Agriculture Sector.
- 689 Kenya stands to benefit from technologies on fertilizer use to attain food security and increased export earnings.

3.15.18 Convention of Biological Diversity (CBD)

- 690 The Convention entered into force on 29th December, 1993, signed on 11th June 1992 and ratified in 26th July 1994.
- 691 Kenya actively participated in the 12th Conference of Parties (COP12) in October, 2014 in Korea where key decisions on conservation of biological diversity were agreed upon.
- 692 For the implementation of the convention, the Government has started the review and updating of National Biodiversity Strategy and Action Plan and aligning with the CBD strategic plan and Aichi targets.
- 693 Furthermore, the Government has finalised the development of the Atlas of our natural capital. The atlas takes into account our national wealth and how it can be sustainably be used in the context of poverty alleviation, food security for sustainable development. The natural capital atlas will form the basis of economic valuation and assessment of our biodiversity for economic development.
- 694 The Ministry is in the process of finalising the 5th National report on the implementation of the convention to the CBD secretariat detailing the country efforts to implement the convention and fulfil its obligations.

695 Further, Government has received funding from Global Environment Facility (GEF) for enabling activities on biodiversity conservation to the tune of \$300,000. The support is intended to assist the country to come up with a national action plan on biodiversity conservation both at national and county levels.

3.15.19 United Nations Convention to Combat Desertification (UNCCD)

696 The Convention entered into force on April 4th 1984 and was ratified in May 1st 1984.

697 The Country has been implementing the convention following the UNCCD 10 year strategy. In this regard, the Ministry is finalizing the alignment of the National Action Plan (NAP) on desertification aligning it to the UNCCD 10 year strategic plan.

698 The plan aims at engaging all stakeholders to carry out activities aimed at halting land degradation and desertification in the country.

699 The Government also aims at mainstreaming land degradation and desertification in all sectors by incorporating these issues in sector plans. Further the Ministry has finalized the 5th National report for 2014 on the implementation of the convention and submitted to the UNCCD secretariat.

700 Kenya was elected to serve in the Bureau of Committee for the Review of the Implementation of the Convention during the last COP and has been attending its intersessional meetings.

3.15.20 Stockholm Convention on Persistent Organic Pollutants

701 This Convention was signed on May 23rd 2001, entered into force on May 17th 2005 and ratified on September 24th 2004.

702 The Government together with other relevant stakeholders through a consultative forums participated in the development of the National Implementation plan for the convention. The plan has been adopted for implementation.

703 Further it has developed a concept on solid Waste disposal embracing corporate partnership in solid waste management. In this regard, the ministry is in the process of mobilising financial resources from Global Environment facility (GEF) for a project to finance management of medical waste disposal in Nairobi, Nakuru and Kisumu. There is also a proposed JICA/Ministry project to establish a modern incinerator in Nairobi that will receive medical waste from any hospital in the country.

3.15.21 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.

704 The Government participated in the first meeting of parties to Nagoya protocol in October, 2014 in Korea. It has prepared regulations for access to genetic resources and benefit sharing which need to be harmonised with Nagoya protocol provisions. On 3rd March 2014, Kenya ratified The Nagoya Protocol.

705 The Government spearheaded the ratification of the Nagoya protocol on access to genetic resources and benefit sharing (ABS) that will enable the country exploit its Genetic Resources and safeguard them from misappropriation.

3.15.22 Minamata Convention on Mercury

706 The Country participated and engaged in developing a legally binding instrument on Mercury which was agreed at the fifth session of the Intergovernmental Negotiating

Committee (INC) in Geneva, Switzerland on Saturday, 19 January 2013. The Convention was signed on 10th October, 2013.

- 707 Kenya has been implementing the Dental Amalgam phase down project with activities which included training and Instalation of Mercury Seperation in major dental institutions.
- 708 Kenya is in the process of actively engaging with stakeholders to put in place measures to domesticate the convention leading to its ratification. In addition the country is binding to host the Convnetion's secretariat to be based at UNEP in line with Rio+20 outcome document.

3.15.23 Vienna Convention and Its Montreal Protocol on Substances that Deplete the Ozone Layer

- 709 The Country ratified the Beijing Amendment to the Montreal Protocol on May 1st 1964. Kenya participated in the Joint Tenth Meeting of the Conference of Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twenty Sixth Meeting of the Parties to the Montreal Protocol on substances that deplete the Ozone Layer held in Paris, France in November, 2014. Initiatives including the commemoration of the International Day for the Preservation of the Ozone Layer, to enhance public awareness on the ozone protection issues were undertaken. Kenya signed the instrument ratifying the Beijing Amendment to the Montreal Protocol on substances that deplete the ozone layer on 26th September, 2014.
- 710 The Government has been promoting adoption of ozone friendly technologies to replace ozone depleting substances (ODS). In this regard the Ministry rolled out a project in partnership with the National Cereals and Produce Board (NCPB) to phase out use of methyl bromide in maize grain storage (silos) and replace it with phosphine, which is an ozone friendly alternative to methyl bromide. Toward this end,it has received equipment worth over US \$70 million and the same has been handled over to the NCPB.
- 711 The Government in collaboration with training institutions trained refrigeration service technicians on good practices during repair and maintenance of refrigeration and air conditioning equipment. Further, it coordinated the training of customs officers of the Kenya Revenue Authority (KRA) on control measures of ODS imports. To this end, it has distributed refrigeration tools and equipment to the selected training institutions.

3.15.24 United Nation Environment Assembly (UNEA)

- 712 The Government spearheaded the participation of the country in the landmark First United Nations Environment Assembly (UNEA) meeting which was held in Nairobi in June, 2014. The meeting had universal membership for upgraged UNEP to enable it manage the global environmental concerns.
- 713 The meeting attracted over 163 Member States, 113 Ministers and held several side events and meetings. In the meeting several key decision on environment were passed including illegal trade in Wildlife, Suistanable Development Goals, Green Growths Initiatives among others.

3.15.25 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

- 714 This is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from June 3 to 14, 1992.
- 715 The objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.
- 716 Kenya ratified the United Nations Framework Convention on Climate Change (UNFCCC) on 30th August 1994. Non-Annex I Parties, such as Kenya, must periodically prepare and submit a National Communication (NC) as part of their commitment to the UNFCCC. Article 4, paragraph 1, and Article 12, paragraph 1, of the United Nations Framework Convention on Climate Change (UNFCCC), provide for each Party to report to the Conference of the Parties (COP) information on its emissions by sources and removals by sinks of all 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 (general description of steps taken or envisaged by the Party to implement the Convention); and any other information that the Party considers relevant to the achievement of the objective of the Convention. All these information form the National Communication (NC).
- 717 Kenya has made some progress in preparing greenhouse gas inventory consistent with the requirements of the Intergovernmental Panel on Climate Change (IPCC), as exemplified by the submission of the first national communication in June 2002. The Second National Communication is in progress and will be ready by June 2015.

3.15.26 International Union for the Protection of New Varieties of Plants (UPOV)

- 718 The objective of the Convention is the protection of new varieties of plants by an intellectual property right. By codifying intellectual property for plant breeders, UPOV aims to encourage the development of new varieties of plants for the benefit of society.
- 719 Kenya aims to take advantage of the Agreement to make sure new varieties of plants benefit society.
- 720 UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and revised in 1972, 1978 and 1991. The objective of the Convention is the protection of new varieties of plants by an intellectual property right. By codifying intellectual property for plant breeders, UPOV aims to encourage the development of new varieties of plants for the benefit of society.

3.16 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

3.16.1 International Telecommunications Union

- 721 The International Telecommunication Union (ITU) is the United Nations specialized agency for information and communication technologies (ICTs). The ITU sets and publishes regulations and standards relevant to electronic communication and broadcasting technologies of all kinds including radio, television, satellite, telephone and the Internet . The Organization conducts working parties, study groups and meetings to address current and future issues and to resolve disputes. The ITU

- organizes and holds an exhibition and forum known as the Global TELECOM every four years.
- 722 Another important aspect of the ITU's mandate is helping emerging countries to establish and develop telecommunication systems of their own.
- 723 As a state party Kenya is obligated to ensure that it provides ICT services as per the regulatory requirements of ITU, hence its ratification of the following instruments in a bid to meet the requirements of ITU:
- i) The Final Acts of Union of the 2010 Plenipotentiary Conference;
 - ii) The Final Acts at the World Radio communication Conference of 2012;
 - iii) The instruments at the Geneva 84 (GE84) on FM Broadcasting; and
 - iv) The instruments at the Regional Radio communications Conference of 2006 (RRC-06) on Digital Migration.
- 724 The Communications Commission of Kenya (CCK) established in 1999 by the Kenya Communications Act (KCA) No. 2 of 1998, is the regulatory authority for the communications sector in Kenya. CCK's initial mandate was regulation of the telecommunications and postal/courier sub-sectors, and the management of the country's radiofrequency spectrum.
- 725 In recognition of the rapid changes and developments in technology 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. This statute enhanced the regulatory scope and jurisdiction of CCK, and effectively transformed it to a converged regulator.
- 726 CCK is now responsible for facilitating the development of the information and communications sectors (including broadcasting, multimedia, telecommunications and postal services) and electronic commerce.
- 727 As an Associate member, Kenya has achieved the following:
- i) Increased social networking in the country
 - ii) Increased cultural diffusion, exchange and learning
 - iii) Accelerated and integrated development of rural areas by playing a catalytic role in development
 - iv) Increased improved citizenry empowerment e-government services, m-banking, e-health, e-education etc.
 - v) Increased access to relevant information for marketing and distribution of agricultural products and other goods manufactured in rural Africa.
- 728 All payments to ITU and other bodies are up to date.

3.16.2 African Telecommunications Union

- 729 ATU is the leading continental organization fostering developments of information and communications technologies infrastructure and services. It is the first inter-governmental Organization dedicated to fostering ICT infrastructure development in Africa's search for prosperity. The Union has a mission to promote rapid development of info-communication in Africa to achieve universal access and service as well as full

interconnectivity among countries. Its vision is to be a full and active participant in the global information and knowledge society.

- 730 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 address the connectivity gap among the nations in Africa and for universal access throughout Africa.
- 731 Kenya has however laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communications.
- 732 Impediments include the high cost of computers and information services as resulting from lack of infrastructure to manufacture advanced technologies. Apart from ICT networks being limited, both telephone and Internet infrastructure are externally owned.
- 733 The brain drain of Africa's brightest researchers and scientists negatively impacts on the continent in terms of research and development.

3.16.3 Universal Postal Union

- 734 Universal Postal Union (UPU) is a specialized agency of the United Nations that aims to organize and improve postal service throughout the world and to ensure international collaboration in this area. The UPU is the primary forum for Co-operation between postal sector players among its members.
- 735 It helps to ensure a truly universal network of up-to-date products and services. In this way, the organization fulfils an advisory, mediating and liaison role, and provides technical assistance where needed. It sets the rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial services volumes and improve quality of service for customers.
- 736 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.
- 737 Kenya provides postal services through the Postal Corporation of Kenya. The Universal Postal Union (UPU) efforts to separate postal services from those of Telecommunications were initiated in the late 1980s. They bore fruit in Kenya and in July 1999, the KP&TC was split to create, among others, the Postal Corporation of Kenya (PCK) whose mandate under the Postal Corporation Act of 1998 is to provide and operate postal services, postal financial services, and perform other functions and duties as the minister of communications may assign. All payments and other obligations by Kenya are up to date.
- 738 Kenya derives the following benefits from being a member:
- i) It provides delivery of mail services to the desired destination in a timely manner;
 - ii) Provides employment opportunities for the people living in rural areas; and

- iii) Improves varied facilities like banking in the rural areas besides the mailing facilities.

3.16.3 Pan African Postal Union (PAPU)

739 PAPU was established with a view to coordinating all decisions pertaining to the development of postal services in Africa and aims to improve co-operation on postal matters in Africa.

740 The Union aims to:

- i) Maintain and extend co-operation among Member-States for the improvement and rational use of postal services.
- ii) Harmonize tariff structure among Member-States with the view of establishing tariffs compatible with good services and a sound financial management of postal services.
- iii) Promote the establishment of multi-national regional and sub-regional postal training institutes in Africa, in co-operation with international and African Regional and sub-regional organizations with legitimate interest in postal services in Africa
- iv) Harmonize, as far as possible the position of the Member –States during international meetings in the field of postal services and in particular at UPU meetings.
- v) Publish information and research material on postal services for the benefit of Member–States of the Union and to encourage the exchange of information and staff between the administrations of Member-States.
- vi) Act as a servicing institution for its Member-States for integrated postal development providing them with the necessary technical support.

3.17 CONVENTIONS DEALING WITH CORRUPTION

3.17.1 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

741 The objectives of UNCAC are preventing corruption, criminalizing certain conducts, strengthening international law enforcement and judicial Co-operation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for implementation of the Convention, including the Conference of the States Parties to the United Nations Convention against Corruption.

742 It requires States Parties to implement several anti-corruption measures which may affect their laws, institutions and practices.

743 Kenya has implemented the electronic procurement and payment system in order to eliminate middlemen and corruption in the country's procurement system.

744 The establishment of a treasury single account from which all payments shall be processed in compliance with the Financial Management Act will greatly help in curbing corruption.

745 Kenya has enacted most of the laws that are required under the Convention, especially: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act,

2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act, 2010.

746 In addition, Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and Special Magistrates for hearing and determining corruption and economic crime cases on priority basis.

747 Kenya has also filed with the UN Secretary General, the depository of the Convention, various notifications required under the Convention – relating to, *inter alia*: the name and address of the national anti-corruption agency (previously Kenya Anti-Corruption Commission but now the Ethics and Anti-Corruption Commission); the name and address of the central authority for mutual legal assistance (the Attorney-General), and a declaration on the status of the Convention under Kenya's legal system

748 Kenya derives the following benefits from being a State party:

- i) Technical assistance towards the fight against corruption, especially in the areas of criminalization and law enforcement; international co-operation; prevention, and asset recovery.
- ii) Capacity building of Kenyan officials engaged in the war on corruption and economic crime, such as: judicial officers; investigators; prosecutors and other public officers.
- iii) Expert advice on model laws, policies and strategies for effective onslaught against corruption.
- iv) Enhanced opportunities for provision of Mutual Legal Assistance and mutual assistance to Kenya and Kenyan institutions by other UNCAC States parties or their anti-corruption bodies. This enhances efficiency in anti-corruption investigations and asset recovery.
- v) Exchange of new ideas, techniques and best-practices in the war on corruption as may arise from time to time through research.
- vi) Receive an objective commentary on the efficacy of Kenya's anti-corruption institutions, laws, policies and anti-corruption measures generally, especially following reviews of the implementation of UNCAC or the AUCPCC.
- vii) Assessment of technical assistance needs to address the gaps identified in the implementation of UNCAC and the fight against corruption generally.
- viii) Enhanced international profile and increased opportunities for technical assistance as well as foreign investments in Kenya owing to Kenya's compliance with its international anti-corruption obligations.
- ix) Demonstration of Kenya's commitment to co-operating with other countries and international organizations, to the fight against corruption locally and internationally.
- x) Election or appointment of Kenyan officials to serve in the Organs of some of the institutions established under UNCAC or AUCPCC. For instance, in 2008, a Kenyan (former Permanent Secretary, Ministry of Justice and Constitutional Affairs) was elected by the AU Summit to serve in the African Union Advisory Board on Corruption; and
- xi) Improved rankings in corruption perception surveys.

749 Challenges include lack of empirical data on the extent of the problem and the complex nature of the crime requires training and surveillance.

3.17.2 AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION

750 State Parties to the Convention are among other things supposed to criminalize various acts of corruption; facilitate the provision of mutual legal assistance and co-operation between law enforcement agencies involved in the fight against corruption.

751 Kenya has criminalized corruption through a number of laws, such as: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act, 2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act, 2010.

752 Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and Special Magistrates (Judiciary) who hear and determine corruption and economic crime matters on priority basis.

753 Kenya is required to file reports with the AU Commission on the implementation of the Convention. To this end, in 2008, Kenya filed with the AU Commission, various notifications required under the Convention – relating to, *inter alia*: the names and addresses of the various institutions responsible for the implementation of various provisions of the Convention.

754 Kenya has also been represented in the AU Advisory Board on Corruption.

755 There is enhanced transparency in the management of government affairs, however, delays of feedback from the Commission is hindering implementation.

3.18 LABOUR, SOCIAL SECURITY AND EMPLOYMENT

Under this thematic area, there are three types of Conventions:-

756 **Fundamental Conventions:** The ILO's Governing Body has identified eight Conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: 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.

Fundamental Conventions

- a) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- b) Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- c) Forced Labour Convention, 1930 (No. 29)
- d) Abolition Age Convention, 1973 (No. 138)
- e) Worst Forms of Child Labour Convention, 1999 (No. 182)
- f) Equal Remuneration Convention, 1951 (No. 100)
- g) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Kenya has not ratified Convention 87 – Freedom of Association and Protection of the Right to Organize.

- 757 **Governance (or Priority) Conventions:** The ILO's Governing Body has also designated another four Conventions as "priority" instruments, thereby encouraging members states to ratify them 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.

Governance Conventions

- a) Labour Inspection Convention, 1947 (No. 81)
 - b) Employment Policy Convention, 1964 (No. 122)
 - c) Labour Inspection (Agriculture) Convention, 1969 (No. 129)
 - d) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
 - e) Kenya has not ratified Convention 122 Employment Policy Convention.
- 758 **Technical Conventions:** All other Conventions that set out basic principles and rights at work. Kenya has, ratified 7 out of 8 Fundamental Conventions; 3 out of 4 Governance (or Priority) Conventions, and 39 of the 177 Technical Conventions.

3.18.1 FUNDAMENTAL CONVENTIONS

3.18.1.1 FORCED LABOUR CONVENTION, 29 OF 1930

- 759 It was adopted on 28th June 1930 and ratified by Kenya in 13th January 1964.
- 760 The Convention outlaws forced labour. This refers to all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily. Its provisions are entrenched in the Constitution and in the Employment Act. Article 30(2) of the Constitution, 2010 provides that "A person shall not be required to perform forced labour." Section 4(1) of the Employment Act, Cap 226 states that "No person shall use or assist any other person in recruiting, trafficking or using forced labour."
- 761 Kenya's Counter-Trafficking in Persons Act went into effect in October 2012.

3.18.1.2 UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

- 762 The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. Kenya ratified on 19th May 2008.
- 763 Obligations include; implementing the Convention and regularly submitting Country Reports to the UNCRPD Committee, as well as responding to queries on the initial report.

- 764 Kenya's public procurement system entitles vulnerable groups to 30% of all procurement business.
- 765 Foremost, Kenya enacted the Persons with Disability Act of 2003 which came into force in June 2004. The Act provides a legislative framework for access to services and inclusion of Persons with disabilities in all facets of life. It provides for the achievement of equalization to 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.
- 766 The Convention is also being implemented through the National Policy on Disability and the Persons with Disabilities Act ensure that persons with various types of Disabilities are not discriminated and have access to public services. The National Council for Persons with Disabilities ensures rehabilitations and the Cash Transfer Programme for persons with severe disabilities ensures support for such people. Mainstreaming of disability in various spheres of life is being undertaken.
- 767 As part of participation in the UNCRPD activities, Kenya presented a Candidate Dr.Kibaya Imaana Laibuta to the 2014 Elections of the Committee Membership.

3.18.1.3 RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 98 OF 1949

- 768 Kenya adopted the Convention on 1st July 1949 and ratified it on 13th January 1964. The Convention guarantees protection against acts of anti-union discrimination by ensuring that workers' right to join or leave a union and not to be dismissed or otherwise prejudiced by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours are not violated.
- 769 The Constitution in Article 41 and the Labour Relations Act has domesticated ILO Convention 98 on the right to collectively bargain and workers are able to realize the labour rights guaranteed in the Protocol, the Constitution and the labour laws.
- 770 Ratification of the Convention has ensured workers have a greater bargaining power and benefit from better terms and conditions of work through collective bargaining. However, Kenya has not ratified ILO Convention No. 87 on freedom of Association.
- 771 Exercising the right to organize and collective bargaining has led to negotiations on high wages for workers, sometimes leading to retrenchment of some workers for firms to be able to pay the remaining ones higher negotiated wages. It has also led to a very high wage bill in the public sector affecting the economy of the country.
- 772 There has been increased litigation and industrial unrest and strikes in the country including in the private sector. This has affected the economy of the country, sometimes leading to loss of jobs. The Central Organization of Trade Unions (COTU) is a national trade union center in Kenya. It handles workers grievances of both the members of its affiliates and non-members.

3.18.1.4 UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

- 773 The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime.

- 774 The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by organized crime, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.
- 775 The legal framework that helps curb transnational organized crime in Kenya includes, the Constitution, Proceeds of Crime and Anti Money Laundering Act, 2009, Counter Trafficking in Persons Act, 2010, Counter - trafficking in Persons Advisory Committee gazetted and operationalized in the Ministry of Labour, Social Security and Services vide Gazette Notice No. 3385 of May 2014.

3.18.1.5 CONVENTION ON THE RIGHTS OF THE CHILD, HAGUE, 2nd SEPTEMBER, 1999.

- 776 This is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under a state's own domestic legislation.
- 777 Obligations include; Developing laws, policies and put measures in place to ensure protection of children.
- 778 The enactment of the Children's Act of 2001 gives effect to the obligations of Kenya under the Convention on the Rights of the Child .Since its ratification, Kenya has been working to implement its ideals in domestic legislation concerning childcare and protection. The Convention spells out the rights that should be enjoyed by children 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, ensuring the best interest of the child principle in all matters affecting children education, health care, food, affordable.
- 779 Children enjoy human rights and are protected from abuse and child labour. They are able to enjoy the right to free basic education guaranteed under the Basic Education Act, 2012 and develop their full potential. Kenya declared a moratorium on new international adoptions in November 2014. An Expert Committee is in place to review and develop a detailed policy and legal framework to regulate and manage child adoptions in Kenya in order to curb human trafficking. The Expert Committee will review domestic and international adoption procedures. It is also empowered to review and make decisions on all applications for resident and inter country adoptions that had been initiated before the issuance of the moratorium.

3.18.1.6 MARITIME LABOUR CONVENTION, 2006 (MLC, 2006).

- 780 The Maritime Labour Convention, 2006 or MLC, 2006 is an international instrument adopted by the International Labour Organization (ILO), and is widely known as the "seafarers' bill of rights." It was adopted by government, employer and workers representatives at a special ILO International Labour Conference in February 2006. It aims both to achieve decent work for seafarers (it covers almost every

aspect of their work and life on board), and to secure economic interests through fair competition for quality ship owners. It sets international standards that include:

- minimum age
- seafarers' employment agreements
- hours of work or rest
- payment of wages
- paid annual leave
- repatriation at the end of contract
- onboard medical care
- the use of licensed private recruitment and placement services
- accommodation, food and catering
- health and safety protection and accident prevention and
- seafarers' complaint handling

781 On 31 July 2014, the Government of Kenya deposited with the International Labour Office the instrument of ratification of the MLC, 2006. The ratification by Kenya of the MLC, 2006 represents an important commitment by the country to ensure that its seafarers enjoy the rights set out in the Convention. The Government now plans to transpose the provisions of the Convention into national law in order to ensure that ships flying its flag are duly inspected and certified in accordance with international standards set in the Convention and that it provides effective protection for Kenyan seafarers.

782 The Convention will enter into force for Kenya on 31 July 2015, a year after its ratification.

3.18.1.7 EQUAL REMUNERATION CONVENTION, 100 OF 1951

783 The Convention was adopted on 29th June 1951 and Kenya ratified it 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. The Constitution in Article 27 and section 5 of the Employment Act provide for the enjoyment of labour rights by both men and women without discrimination.

784 There still exists different wage fixing mechanisms and criteria for women and men leading to disparities in remuneration levels in formal employment. Inspections are conducted by the Labour Inspection Department for compliance.

3.18.1.8 MINIMUM AGE CONVENTION, 138 OF 1973

785 The Convention was adopted on 26th June 1973 and ratified by Kenya on 9th April 1979.

786 The Convention requires States to adopt policies designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of children. The Convention makes the minimum age for admission to work the age for completion of the compulsory schooling age.

- 787 Implementation of the Convention protects children against child labour. The Basic Education Act stipulates the minimum age for engagement in work as 18. Section 53 of the Employment Act prohibits employment of children as harmful to the health, safety or morals of a child. Section 56 prohibits employing a child below 13 years in any form of undertaking. However it allows employment of children from the ages of 13 to 16 years for light work, and defines those of 16 to 18 as employable. In section 58 and 59, the minimum age for employment in an industrial undertaking is 16, unless he/she is an apprentice under the Industrial Training Act.
- 788 Section 7 of the Children's Act, 2001 guarantees the right to education while section 10 guarantees the right to protection from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development and recruitment to hostilities armed conflicts, and where armed conflict occurs.
- 789 The Draft Child Labour Policy that for a long time was gathering dust, was approved by Cabinet. Once this bill becomes a law, child labour eradication will be planned and funded by the government of Kenya. In that case, the structures built over the last three years to eliminate all forms of child labour will have legal mandate to operate. The Policy provides for implementation of programmes on elimination of child labour and minimum age for admission to work.
- 790 Children engage in child labour due to high levels of poverty and low awareness on their rights. Inadequate data on children engaged in child labour is a challenge as well as the different provisions regarding the minimum age for admission to work.

3.18.1.9 WORST FORMS OF CHILD LABOUR CONVENTION, 182 OF 1999

- 791 The Convention aims to prohibit and eliminate the worst forms of child labour as a matter of urgency. Implementation of the Convention guarantees protection of children from child labour and worst forms of child labour.
- 792 Kenya ratified the Convention on 7th May, 2001. The Government has been implementing various programmes to eliminate child labour including the worst forms of child labour and ensuring that children remain in school.
- 793 High levels of poverty, low awareness on the rights of children, inadequate data on children engaged in child labour and the effects of HIV/ AIDS make many children leave school to engage in child labour including the worst forms of child labour.
- 794 The National Action Plan for the Elimination of Child Labour (2004-2015) aims to eliminate the worst forms of child labour by this year by targeting vulnerable populations and addressing the root causes of child labour, such as poverty and lack of access to education.
- 795 The National Council for Children's Services (NCCS) coordinates government offices on child related issues, including child labour.

3.18.2 GOVERNANCE (OR PRIORITY) CONVENTIONS

3.18.2.1 LABOUR INSPECTION (INDUSTRY) CONVENTION, 81 OF 1947

- 796 This Convention was adopted on 11th June 1947 and ratified in Kenya by 13th January 1964.
- 797 The Convention requires maintaining a system of labour inspection in industrial workplaces to ensure compliance with minimum labour standards.

- 798 The Convention targets effective enforcement of labour standards through effective inspection of workplaces and ensures reasonable terms and conditions of employment and safety of workers. It requires separation of the enforcement function from the inspectorate function. Labour officers carry out enforcement duties like inspections and dispute resolution through conciliation.
- 799 Compliance with labour standards ensures that workers work under reasonable conditions and this reduces likelihood of industrial unrest. Industrial harmony is vital for the political stability, economic and social development of countries.
- 800 The occupational, safety and health services in Kenya are governed by two pieces of legislation: the Occupational Safety and Health Act, 2007(OSHA) and the Work Injury Benefits Act, 2007(WIBA).The purpose of OSHA 2007, is to secure the safety, health and welfare of people at work, and to protect those not at work from risks to their safety and health arising from, or in connection with, the activities of people at work. The purpose of WIBA 2007 is to provide compensation to employees for work-related injuries and diseases contracted in the course of their employment, and for connected purposes.
- 801 In accordance with Section 6 of the Occupational Safety and Health Act, 2007 it is obligatory on the employer to ensure health, safety and welfare of persons at workplace.
- 802 Convention 150 on Labour Administration has not been ratified. Apart from low staffing levels, there aren't adequate tools, equipment and vehicles to carry out inspections as required. The Ministry of Labour, Social Security requires more allocation of funds to facilitate effective inspections to ensure compliance.Labour inspectors do not have recourse to fines or other penalties if they come across a workplace violation while inspecting an establishment.

3.18.2.2 LABOUR INSPECTION (AGRICULTURE) CONVENTION, 129 OF 1969

- 803 The Convention which was adopted on 25th June 1969 and ratified by Kenya on 9th April, 1979 aims to protect workers engaged in various sub sectors of Agriculture including 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. The Regulation of Wages (Agricultural Industry Wages Council Establishment) Order determines maximum working hours. For male workers, the limit is 42 hours over six days per week (72 hours over seven days for some occupations, e.g. herdsmen); for female workers, the limit is 36 hours over six days per week.

3.18.2.3 TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976

- 804 The Convention was adopted on 21st June 1976 and ratified by Kenya in 6th June 1990. The Convention requires Governments to set up 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 ILO. Tripartite Consultations among representatives of the governments, of employers and of workers is an important pillar for harmonious industrial relations.
- 805 The National Labour Board (LAB) was set up under the Labour Institutions Act, 2007 (No. 12 of 2007). It operates as a tripartite advisory body to the Minister of Labour on general issues pertaining to various elements of the labour market, including

- employment, productivity and wages, training, employment relations, labour legislation and matters relating to trade unions. It deals also with issues relating to the institutions and processes pertaining to the settlement of labour disputes. At another level, the NLB advises the Minister on Kenya's participation in international organizations, notably the ILO and other regional and continental institutions dedicated to labour, such as the African Union's Labour and Social Affairs Commission.
- 806 The under-funding of tripartite institutions inhibits their performance and threatens their continuity. The absence of an adequate budgetary allocation, material resources and staff has undermined the enormous role that tripartite institutions can play in policy formulation and implementation. These shortcomings are reflected in the irregularity of the meetings of the various institutions.
- 807 The unratified Conventions include the following:
- i) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87),
 - ii) The Social Security (Minimum Standards) Convention, 1952 (No. 102),
 - iii) The Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168),
 - iv) The Maternity Protection Convention, 2000 (No. 183),
 - v) The Safety And Health In Agriculture Convention, 2001 (No. 184),
 - vi) The Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),
 - vii) The Work in Fishing Convention, 2007 (No. 188).
 - viii) The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187),

3.18.3 TECHNICAL CONVENTIONS

3.18.3.1 UNEMPLOYMENT CONVENTION, 2 OF 1919.

- 808 The Convention was adopted on 28th November 1919 and ratified by Kenya on 13th January 1964. Member States are required to communicate to ILO all available statistical information, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. They must also establish a system of free public employment agencies under the control of a National authority.
- 809 Implementation of the Convention ensures effective monitoring of unemployment and ensures proper planning to combat unemployment. Kenya has been providing and shall continue providing statistical information concerning unemployment to the ILO. There are a large number of unemployed qualified persons due to limited job opportunities. There are cases where training does not match the requirements of the job market.

3.18.3.2 C011 - RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921

- 810 The Convention was adopted on 12th November 1921 and Kenya ratified this Convention on 13th January 1964. The Convention requires Member States to ensure the right of association for workers engaged in agriculture just as industrial workers. It also requires Governments to put in place legislative, policy and institutional framework to ensure workers in the agriculture sector are properly compensated through set wage fixing machinery.

3.18.3.3 C014 - WEEKLY REST (INDUSTRY) CONVENTION, 1921

- 811 The Convention was adopted on 17th November 1921 and Kenya ratified the Weekly Rest (Industry) Convention on 13th January, 1964. The Convention requires that all workers in both private and public sector enjoy at least one rest day in every period of seven days.
- 812 The Convention ensures protection of labour rights for workers. Section 27 of the Employment Act, 2007 provides that employee shall be entitled to at least one rest day in every period of seven days. Workers in Kenya largely enjoy this right. Regular inspections to ensure compliance is not complete.

3.18.3.4 C016 – SHOULD BE CONDUCTED MEDICAL EXAMINATION OF YOUNG PERSONS CONVENTION, (1921).

- 813 The Convention was adopted on 11th November 1921 and ratified by Kenya on 9th February 1971. The Convention requires medical examination of all children engaged in maritime activities. As of 31 Jul 2015, date on which the Labour Maritime Convention (MLC), 2006 will enter into force for Kenya this Convention will be considered ipso jure denounced.

3.18.3.5 C017 - WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

- 814 The Convention was adopted on 10th June 1925 and ratified by Kenya on 13th January 1964.
- 815 The Convention is aimed at ensuring adequate compensation of workers injured or killed in the course of employment. Convention 19 on Equality of Treatment (Accident Compensation) Convention, 1925 which Kenya ratified on 13th January 1964 requires Member States to ensure that workers of Member states who have ratified the Convention who suffer injuries or death are subjected to same treatment as its own nationals.
- 816 The Convention ensures compensation of workers killed or injured at the workplace. Section 10 of the Work Injury Benefits Act, 2007 (WIBA) requires all employers to compensate workers injured or killed in the course of employment.
- 817 There are challenges in ensuring effective inspections to ensure compliance. Key sections including section 7 (1) requiring employers to be insured with an insurer approved by the Cabinet Secretary, section 16 excluding common law claims, section 23(1) giving the Director of Occupational Safety and Health quasi-judicial powers to investigate work injury claims and section 52 giving only one party the right to appeal against the Director's decision to the Industrial Court were annulled by the High Court rendering implementation of the Act difficult.
- 818 The Act was reviewed and the Work Injury Compensation Bill was forwarded to the Kenya Law Reform Commission and subsequently to the Office of the Attorney General in 2014.

3.18.3.6 C026 - MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928

- 819 The Convention was adopted on 16th June 1928 and ratified by Kenya on 14th June 1930.
- 820 The Convention requires Governments to set up and maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades. The rationale is to ensure that workers 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.

- 821 The Labour Institutions Act, 2007 establishes Wages Councils to set minimum wages for certain sectors. There is no Wages and Remuneration policy in place to guide on wage fixing and there are different wage and remuneration levels for various sectors in the country, especially in the Public Sector because different wage fixing criteria.
- 822 Due to the need for jobs some employees take up jobs where they accept wages below the set minimum wage and due to shortage of labour inspectors sometimes it is difficult to ensure full compliance with the Convention.

3.18.3.7 C027 - MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

- 823 The Convention was adopted on 21st June 1929 and ratified by Kenya on 9th February 1971.
- 824 The Convention requires any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway to have its gross weight marked before consignment in any vessel or ship. Implementation of the Convention ensures occupational safety.
- 825 The port of Mombasa has acquired a state of the art container handling equipment including ship to shore cranes, rubber-tired gantry cranes, rail-mounted gantry cranes, and terminal tractors among other equipment.
- 826 The Labour Inspectorate Department has been strengthened to ensure compliance through inspections.

3.18.3.8 C032 - PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932

- 827 The Convention was adopted on 27th April 1932 and ratified by Kenya 13th January 1964.
- 828 It requires the States to ensure safety and protection of dock workers against accidents. Compliance must be ensured through effective inspections.
- 829 A curriculum has been developed for the purpose of ensuring uniformity, consistency and standardisation of the scope and content of the occupational health and safety training for the workplaces Safety and Health Committee members. Every trainer approved under the Factories and Other Places of Work (Safety and Health Committees) Rules, Legal Notice No.31 of 2004, shall strictly adhere to this curriculum.
- 830 Kenya Ports Authority has a fully fledged department of Safety with competent officers covering all the operational shifts. All programmes on accident prevention are run and coordinated by this department. This includes issuance of personal protective clothing, awareness and training. New employees undergo a Safety induction before deployment and all visitors to the port. For the already employed, they undergo periodic safety courses in industrial safety and handling of dangerous cargo. Tool box talks are encouraged before start of work and workplace risk assessment using approved checklists. To continually address safety issues in various workplaces, there are departmental safety committees with representation of both management and

unionizable staff meeting monthly and cascaded to Corporation Safety Committee chaired by the MD quarterly.

3.18.3.9 C063 - CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938

- 831 The Convention was adopted on 20th June 1938. Kenya ratified the Convention on 13 Jan 1964.
- 832 Under this Convention, States are obligated to undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. Publication of data is at intervals of six or twelve months during the succeeding six or twelve months respectively.
- 833 Collection and publication of data ensures effective monitoring to ensure compliance with labour standards.
- 834 There are challenges in obtaining reliable data and publishing the same as required under the Convention.

3.18.3.10 C088 - EMPLOYMENT SERVICE CONVENTION, 1948

- 835 The Convention was adopted on 9th July 1948 and Kenya ratified it on 13th January 1964.
- 836 States party are required to ensure maintenance of a free public employment service. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organization 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.
- 837 Rationale for the above is to ensure effective Management of employment services and labour market information.
- 838 The Government established the Integrated Human Resource Management system that is being undertaken in the Ministry Labour, Social Security and Services.

3.18.3.11 C089 - NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

- 839 This convention was adopted on 9th July 1948 and ratified on 30th November 1965. The Convention requires regulation of conditions for night work for women. The Employment Act, 2007 no longer contains any general prohibition of night work for women.
- 840 The Government has taken into consideration comments made by the Committee of Experts and will call upon the social partners and relevant stakeholders to discuss the possibility of denouncing Convention 89 and ratifying Convention 171 since the Employment Act, 2007 no longer contains any general prohibition of night work in industry, except for children under 18 years of age as provided for in Section 59(1) of the Act. Night Work is generally regulated through regulations under the Act and the various Wages Orders.

3.18.3.12 C094 - LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949

- 841 This convention was adopted on 22nd June 1970 and ratified on 9th April 1979. It requires proper and effective management of public employment contracts.

- 842 The Government intends to put in place measures for effective management of employment contracts involving public funds by ensuring compliance with the Public Finance Management Act, 2012.

3.18.3.13 MIGRATION FOR EMPLOYMENT CONVENTION 97 OF 1949

- 843 This Convention was adopted on 1st July 1949 and ratified on 13th January 1964.
- 844 The Convention requires Member States to maintain an adequate and free service to assist migrant workers by providing them with accurate information, taking measures to facilitate their departure, journey and reception, equal treatment without discrimination. In this respect, section 5 of the Employment Act guarantees non-discrimination of migrant workers.
- 845 Implementation of the Convention ensures migrant workers enjoy full labour rights like all other workers.
- 846 Persistent conflicts in neighbouring countries have led to illegal migration for economic reasons. Due to the need for jobs, some Kenyans migrate to work abroad without following the required procedures making them prone to exploitation and poor terms and conditions of employment.
- 847 The Government should develop a National Labour Migration Policy as there is none to ensure effective strategies for labour migration. Labour migration is currently managed under existing immigration laws and the Employment Act which provides for attestation of foreign contracts of employment and the Labour Institutions Act which governs employment agencies.

3.18.3.14 MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION (1951)

- 848 Member States at the General Conference of the International Labour Organisation adopted the above Convention which governs the creation or maintenance of adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.
- 849 Kenya ratified the Convention on 9th February 1971, and is therefore obligated as a state party 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. In Kenya, there is the Agricultural Wages Council established under section 43 of the Employment Act.

3.18.3.15 MINIMUM AGE (FISHERMEN) CONVENTION, 1959

- 850 The Convention requires the Government to regulate involvement of children in maritime activities like fishing to avoid being exposed to hazardous work.
- 851 The Convention assists in combating child labour in the fishing industry. The Government should initiate new and strengthen existing programmes on the elimination of child labour in the fishing sector as there are challenges in conducting inspections to ensure compliance.
- 852 The Employment Act, 2007 and the Children Act, 2001 prohibit employment of children under the age of 18 years in worst forms of child labour or hazardous work though children may undertake light work that may not interfere with their education.

3.18.3.16 C118 - EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (NO. 118)

- 853 This Convention was adopted on 28th June 1962 and ratified on 9th February 1971.
- 854 The Convention aims at ensuring that Governments provide social security covering its own nationals within its own territory in medical care; sickness benefit; maternity benefit; invalidity benefit; old-age benefit; survivors' benefit; employment injury benefit; unemployment benefit; and family benefit.
- 855 Implementation of the Convention ensures social security for Kenyans through the National Social Security Fund.
- 856 Due to the prevailing conditions in the country it is a challenge to provide effective social security for all, especially in respect of the unemployment benefit.

3.18.3.17 C131 - MINIMUM WAGE FIXING CONVENTION, 1970

- 857 This Convention was adopted on 22nd June 1973 and ratified on 9th April 1979.
- 858 The Convention requires Governments 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. The competent authority in each country shall, in agreement or after full consultation with the representative organizations of employers and workers concerned, where such exist, determine the groups of wage earners to be covered.
- 859 The Labour Institutions Act, 2007 establishes wages councils for purposes of fixing wages in various sectors. This ensures reasonable terms and conditions of employment for workers in the relevant sectors.

3.18.3.18 C132 - HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 (NO. 132)

- 860 The Convention was adopted on 24th June 1970 and ratified on 9th April 1979. The objectives of the Convention are to ensure 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, shall be given effect by national laws or regulations. Section N of the Public Service Code of Regulations provides that a person is entitled to an annual paid leave.

3.18.3.19 C134 - PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970

- 861 The Convention was adopted on 30th October 1970 and Kenya ratified the Convention on 9th April 1979 and it targets prevention and documentation of occupational accidents among seafarers.
- 862 As a maritime country Kenya is required to take the necessary measures to ensure that occupational accidents are adequately reported and investigated, and comprehensive statistics of such accidents.

3.18.3.20 C135 - DOCK WORKERS' REPRESENTATIVES CONVENTION, 1971

- 863 The objective of the Convention is to ensure that Member States put in place mechanisms where dock Workers benefit from representation by their representatives and enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements. Kenya has a Dock

Workers Union that was started and registered on September 20, 1954 .The Dock Workers Union represents Kenya Ports Authority employees of who are above 7000 in championing their rights. The union has managed to change terms of service for over 3000 workers from casuals to permanent and pensionable.

- 864 There are challenges in getting accurate data on dock workers; however, the KPA should continue reporting as required under the Convention.

3.18.3.21 C140 - PAID EDUCATIONAL LEAVE CONVENTION, 1974

- 865 The Convention was adopted 24th June 1974 and ratified on 9th April 1979.

- 866 The Convention aims at ensuring that Member States formulate and apply policies designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose training at any level, general, social and civic education and trade union education. The Public Service Code of Regulations (C.o.R) provides that an officer will continue to draw his substantive salary for the duration of courses. All government employees are granted paid educational leave.

3.18.3.22 C141 - RURAL WORKERS' ORGANIZATIONS' CONVENTION, 1975

- 867 Kenya ratified the Convention on 9th April, 1979 which had been adopted by the General Conference of the International Labour Organisation on 23rd June 1975 and applied to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers. It ensures realization of labour rights in rural areas especially with devolution and the various trade unions with Branch offices in that represent workers in the rural areas.

3.18.3.23 C142 - HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975

- 868 This Convention was adopted on 23rd June 1975 to ensure adequate supply of skilled manpower at all levels in industry, particularly through vocational guidance and training systems. It is implemented by the National Industrial Training Authority (NITA) established under the Industrial Training (Amendment) Act, 2011. National Industrial Training Board exercises an oversight mandate over NITA.
- 869 The Authority undertakes the following programmes to meet its objectives and by extension the ILO Convention No. 142 to wit:
- i. industrial training;
 - ii. assessing and collecting industrial training levy and fees;
 - iii. regulating trainers registered to offer industrial training;
 - iv. Assessing industrial training, testing occupational skills and awarding certificates including Government trade test certificates;
 - v. developing industrial training curricula;
 - vi. integrating labour market;
 - vii. formation into skills development;
 - viii. harmonizing curricula and certificates of competence;
 - ix. equating certificates;
 - x. accrediting institutions engaged in skills training for industry;

- xi. Associating or collaborating with any other body or organization within or outside Kenya as the Board.
- 870 The Government formulated a National Industrial Training and Attachment Policy in 2013. This policy provides a framework for establishment of institutions and programmes to guide the harmonization of Industrial Training and Attachment in Kenya. It recognizes the critical role played by industrial training and attachment in the country's human resource development through acquisition of skills relevant to industry. This is crucial for creation of a globally competitive and adaptive human resource base to meet the requirements of a rapidly industrializing economy.

3.18.3.24 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION 143 OF 1975

- 871 The Convention is aimed at ensuring that Governments suppress clandestine movements of migrants for employment and illegal employment of migrants and to take necessary measures for effective detection of the illegal employment of migrant workers.
- 872 The Convention ensures that migrant workers enjoy full labour rights like other workers. The labour laws and the Counter Trafficking in Persons Act prohibit employment of illegal migrant workers.
- 873 Lack of job opportunities and qualifications by migrant workers, and language barriers leads to their exploitation. Cases of unreported illegal migrants and the clandestine nature of movements of migrants for employment makes it difficult to offer effective protection of migrant workers.
- 874 The Government should strengthen the labour inspection Inspectorate and ensure effective scrutiny before issuing work permits.

3.18.3.25 C149 - NURSING PERSONNEL CONVENTION, 1977

- 875 The Convention was adopted on 21st June 1977.
- 876 The obligation of the Convention by States party is adoption and application by Governments, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.
- 877 Implementation will ensure retention of qualified nurses to meet the country's needs in providing accessible and affordable health care for Kenyans. Better terms and conditions of employment abroad has seen led to migration of huge numbers of trained nursing personnel causing grave concern.
- 878 The Government reported last year to the ILO office on measures taken or envisaged with a view to controlling or mitigating the consequences of the continued migration of qualified nurses. It is also required to ensure that the terms and conditions of employment applicable to nurses in the private sector are determined through negotiation between employers' and workers' organizations.

3.19 SOCIAL PROTECTION

3.19.1 OPTIONAL PROTOCOL ON THE SALE OF CHILDREN CHILD PROSTITUTION AND CHILD PORNOGRAPHY

- 879 Kenya signed the Protocol on 8th September 2008 but has not ratified it. The Convention requires Governments to have in place measures that ensure prohibition of the sale of children, child prostitution and child pornography.
- 880 Implementation of the Convention will ensure effective protection of children from abuse and worst forms of child labour. The Sexual Offences Act prohibits child sex tourism, trafficking, pornography and all sexual offences related to children.
- 881 Establishment of institutions to combat trafficking in persons and sale of children should be fast tracked while existing ones should be strengthened.

3.19.2 INTERNATIONAL PLAN OF ACTION ON AGEING ADOPTED IN 1982 IN VIENNA, AUSTRIA DURING THE FIRST WORLD ASSEMBLY ON AGEING

- 882 The Convention 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.
- 883 The National Policy on older Persons and Ageing is being implemented. The NSSF Act, NHIF Act and the Social Assistance Act provide for social protection and assistance, and welfare of old people and other vulnerable members of society like persons with severe disability and orphaned children. The Government runs Cash Transfer programmes for Older Persons, Orphans and vulnerable Children and Persons with severe Disabilities.
- 884 Service providers are far from beneficiaries who have to rely on 3rd third parties to get their money and the Scheme is not universal so it leaves out deserving beneficiaries. There are also challenges in identification of beneficiaries while financial constraints result in deserving persons being left out.
- 885 The enactment of the Social Assistance Act provides effective institutional and legal framework for social protection should be fast tracked. The Government should source for service providers who facilitate receipt of the money by the beneficiaries directly and should consider making the Scheme universal. For the recently launched partnership with a service provider that will transfer the money through mobile phones to be effective mobile phones should be made available to all beneficiaries.

3.19.3 WORLD FIT FOR CHILDREN (WFFC) - A SPECIAL DECLARATION BY WORLD LEADERS AT A UN GENERAL ASSEMBLY IN 2002.

- 886 The Declaration aims at providing for programmers to ensure achievement of the rights of the Child guaranteed in the UN Convention on the rights of the Child to enable each child to attain his/her full potential as a human being.
- 887 As member of the UN Kenya has undertaken to work towards the set goals and report as required.

3.20 SPORTS, ARTS AND CULTURE

3.20.1 INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT

- 888 The main aim is to restrict the availability of prohibited substances or methods to athletes except for legitimate medical purposes. It includes putting into place measures against trafficking, facilitation of doping controls and support for national testing programmes. It also advocates withholding of financial support from athletes and athletes support personnel who commit anti-doping rule violation, or from sporting Organizations that are not in compliance with the Code.

- 889 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.
- 890 Although there is no law to deal with doping issues, Kenya complies through the WADA code which allows International federations to conduct regular testing of athletes.
- 891 Kenya pays its statutory annual subscriptions in good time and is a member Regional Anti-doping Organization which Communicates to WADA on progress made. Kenya has undertaken Public-Private Partnership with the private sector to raise funds for Anti-doping education programmes.
- 892 Kenya established the Anti-Doping Agency of Kenya (ADAK) to cooperate in the field of anti-doping, share ideas and resources to build a strong and robust anti-doping movement in Kenya in order to protect clean athletes.
- 893 Challenges include inadequate funds to conduct education on anti-doping issues, and lack of a Legal framework on Anti-doping.

3.20.2 THE 2003 UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

- 894 Kenya ratified the Convention on 24th October 2007 which requires State Parties to take necessary measures to ensure the safeguarding of intangible cultural heritage present in its territory.
- 895 Kenya is obligated to pay Annual subscriptions; provide funding for implementation of the programmes in collaboration with UNESCO; and formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international Co-operation to achieve the purposes of the Convention.
- 896 Implementation of the Convention is challenged by lack of adequate funding; late notifications; lack of community awareness due to inadequate sensitization; lack of a mechanism for monitoring and evaluation of funded programmes; under-developed institutional and cultural infrastructure and conflict between County and National Government resource allocation and in delivery of services.
- 897 Kenya has implemented the Convention as follows:
- i) Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008.
 - ii) Translated the Convention from English language to Kiswahili language version in September, 2008 to make it accessible and well-understood by a wider section of members of the public in the country.
 - iii) Carried out a baseline survey 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.
 - iv) The "Isukuti Cultural Dance" elements were nominated and submitted and are in the process of consideration by UNESCO.

898 Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions:–

- i) The “Enkipasia, Eunoto and Olng’esherr” – three male-rites of passage of the Maasai,
- ii) “Indigenous Knowledge of Woodcarving of the Akamba”, and
- iii) The ‘Kiti Mikayi’ shrine of the Luo elements
- iv) Joint implementation with the National Museums of Kenya of the “Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda”, project in the Coast Region, through part funding by UNESCO.
- v) Hosted UNESCO’s regional capacity building workshop for Directors of Culture in the East African region in November 2012 in Nairobi where eight (8) countries participated. This was collaboration between the Ministry and the UNESCO Nairobi office.
- vi) Hosted the UNESCO 5th Session of the Inter-Governmental Committee (IGC) on ICH Conference in Nairobi, Kenya in November 2010 which was attended by over 500 delegates from member states signatory to the Convention.
- vii) The Government intends to issue timely notifications; allocate more funds for the project; and provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage.

3.20.3 THE UNESCO 2005 CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS

899 The Conventions seeks to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory, while ensuring the free flow of ideas and works. Kenya ratified the Convention on 24th October, 2007 and is required to:

- i) Formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.
- ii) Strengthen international Co-operation to achieve the purposes of this Convention.
- iii) Train artists in the music sector by building capacity for them to come up with strategies for marketing themselves.
- iv) Pay Annual Subscriptions.
- v) Provide funding for implementation of programmes in partnership with the UNESCO.

900 Kenya has done the following to implement the Convention:

- i) Organized the “African Stones Talk Symposium and Related Events”, in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON), which was funded by the International Fund for Cultural Diversity (IFCD);
- ii) Conducted the “Unearthing of the Gems of Culture – Mapping Exercise for Kenya’s Creative Cultural Industries”, in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI), which was funded by IFCD.

- iii) Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded UNESCO programme to strengthen the artists’ capacity in implementing the 2008 Convention.
- 901 There is low investment in the cultural sector due to lack of co-operation among the sector players leading to competing interests, inadequate funding and follow ups.
- 902 UNESCO funds are inadequate to meet the demands from all African countries and there is lack of community awareness on the Convention’s opportunities due to inadequate sensitization. There is also lack of a mechanism for monitoring and evaluation of funded programmes which makes impact assessment difficult. Lack of statistical data on cultural/creative industries is also an impediment
- 903 More will be done to ensure adequate allocation of funds for the project, provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage, recognize the importance of culture sector to the growth of the economy and carry out a national mapping of the cultural/creative industries in order to meet our obligations under the Convention.

3.21 LANDS, HOUSING AND URBAN DEVELOPMENT

3.21.1 UN-HABITAT

- 904 UN-Habitat is mandated by the UNGA to promote socially and environmentally sustainable towns and cities with the ultimate goal of providing adequate shelter for all.
- 905 As a member of the UN and host to UN-HABITAT, Kenya influences determination of the policy, work programme and budget of UN-Habitat through participating at its Governing Council that is held biennially in Nairobi. Kenya makes financial contribution to the Human Settlements Foundation annually as a contribution to the body’s budget.
- 906 Through membership, Kenya has improved its housing policies and further developed a legal framework that enables it to provide better housing through programmes such as Slum Upgrading for its citizens.
- 907 The country gains in a number of ways through increased GDP triggered by hosting expatriates, foreign exchange through hosting International meetings, employment generation, technical support and networking with development partners.

3.21.2 DELIMITATION AND DEMARCATION OF BOUNDARIES

3.21.2.1 DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)

- 908 The Declaration was necessitated to minimize conflicts between African States on border delimitation and demarcation issues and address cross-border criminal activities while enhancing regional integration. AU States are to submit boundary surveys to the AU Commission and the UN, together with accompanying treaties.
- 909 Pursuant to the Declaration’s aims, my Government has established the Kenya International Boundaries Office (KIBO) to coordinate and reaffirm Kenya’s international boundaries in liaison with our neighbours. The logistics involved require substantial budget, time and commitment to synchronise survey and mapping programmes, boundary maintenance and capacity building for the next few years.

Already, reaffirmation of the common border with the United Republic of Tanzania is ongoing, to be followed by the other sections.

- 910 The boundary dispute with neighbouring Somalia will be handled appropriately in defence of Kenya's sovereignty and territorial integrity.

3.22 COMMERCE AND TOURISM

3.21.1 United Nations World Tourism Organization (UNWTO)

- 911 Kenya is a member of the UNWTO and the Ministry makes annual subscription of € 32,134 (Euros) to the organisation. Consequently the Government participates in all forums organized by the organisation and has honoured its obligations to date and continues to benefit from the organization. The Kenya Tourism Federation (KTF) was elected to the affiliate's board of the UNWTO which comprises of companies (public or private), organizations, destinations, NGOs, educational institutions or bodies in over 80 countries worldwide whose activities are related to tourism and which contribute to the development of tourism that's responsible, sustainable and accessible for everyone. This has seen the condemnation of sex tourism in Kenya by the UNWTO

3.22.3 Association of Hotel Training Schools in Africa – AHTSA

- 912 The State department of Commerce and Tourism through the Kenya Utalii College (KUC) is obligated to AHTSA to ensure that member schools offer first class training in hospitality. The institution is the Secretariat for the Association of Hospitality and Tourism Schools in Africa (AHTSA). The association is home to 27 member schools drawn from 15 African countries. The institution has greatly contributed to the development of other African Hotel Schools through consultancy services and exchange programs. Kenya Utalii College has cultivated linkages with renowned institutions the world over with an aim of benchmarking and adopting best global practices. The College has collaborated with 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. KUC is in the process of establishing linkages with other institutions in the world and this is aimed at ensuring that the quality of training and graduates is greatly enhanced. The collaborations have resulted in exchange programmes for lecturers and students within the respective institutions as well as joint mutually beneficial programmes. The linkages are also aimed at creating the much required connection between the African safari experience and the global Hospitality and Tourism industry. They also act as an opening to investors seeking to exploit the untapped, rich African market.
- 913 An annual subscription of US\$ 750 is to be paid to the association which is settled up to date.

3.22.4 International Air Transport Association (IATA)

- 914 The State department of Commerce and Tourism through Kenya Utalii College (KUC) pays an annual subscription of US\$ 2500 to the association.
- 915 This is an examination body which offers international accreditation on air transport to the KUC graduates.

4.0 RECOMMENDATION

- 916 The Office of the Registrar of Treaties be filled as soon as possible to undertake its statutory functions.

5.0 CONCLUSION

Going forward, my Government intends to undertake intensive and elaborate sensitization on international obligations to all stakeholders across the country; improve monitoring of the realisation of international obligations in all sectors of the society, as this will go a long way in supporting the realisation of our national values towards the attainment of Vision 2030.

MATRIX TABLE OF CONTENTS

List of Statutes:

1. Charter of the United Nations (UN)	118
2. Statute of the International Court of Justice (ICJ)	118
3. Constitutive Act of the African Union (AU)	119
4. Treaty establishing the East African Community (EAC)	119
5. Intergovernmental Authority on Development (IGAD).....	121
6. The Common Market for Eastern and Southern Africa (COMESA)	122
7. New Partnership for Africa's Development (NEPAD)	122
8. 1946 Convention on the Privileges and Immunities of the United Nations;	123
9. 1948 Convention on the Privileges and Immunities of the Specialized Agencies.....	123
10. 1961 Vienna Convention on Diplomatic Relations	124
11. 1963 Vienna Convention on Consular Relations	124
12. Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC)	125
13. Comprehensive Nuclear Test-Ban Treaty (CNTBT)	126
14. Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare	127
15. Treaty on the Non-Proliferation of Nuclear Weapons	127
16. Protocol Relating to the Establishment of Peace and Security Council of the African Union.....	128
17. African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)	129
18. Geneva Conventions (Convention I to IV and Additional Protocols I and II)	129
19. UN Optional Protocol on Involvement of Children in Armed Conflict	131
20. Biological and Toxin Weapon Convention (BTWC)	132
21. The Nairobi Protocol for the Prevention, Control and Reduction of the proliferation of Small Arms and Light Weapons in the Great lakes region and the horn of Africa	132
22. African Union Strategy for Enhancing Border Management in Africa (2012)	133
23. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States.....	134
24. Protocol on Combating Drug Trafficking in the East African Region	134
25. The International Covenant on Civil and Political Rights (ICCPR)	136
26. The International Covenant on Economic, Social and Cultural Rights (ICESCR)	138
27. The International Convention on the Elimination of all Racial Forms Discrimination (ICERD)	139
28. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	141

29. The African Youth Charter	143
30. Conventions on the Status of Refugees.....	146
31. The UN Convention on the Rights of the Child (UNCRC)	146
32. The Convention on Persons Living with Disabilities	148
33. Convention on Prisoners' Rights	150
34. The Rome Statute of the International Criminal Court (ICC)	151
35. Treaty Establishing the World Trade Organization (The Marrakech Agreement)	152
36. Doha-Development Agenda Round and Bali Package (2001-2013)	153
37. Economic Partnership Agreements (EPAS)	154
38. World Trade Organization Technical Barriers to Trade (WTO/ TBT) Agreement-National Enquiry Point	155
39. WTO Trade Related Investment Measures (TRIMS)	157
40. The WTO Dispute Settlement System	158
41. Constitution of the United Nations Industrial Development Organization in Vienna 8th APRIL 1979 (UNIDO)	159
42. WTO/SPS/OIE including Sub Regional Office	159
43. The Office International Des Epizooties (OIE)	160
44. Cotonou ACP-EU Partnership Agreement	160
45. Tokyo International Conference on African Development (TICAD)	161
46. The Metre Convention	162
47. Codex Alimentarius Commissions.....	162
48. African Accreditation Co-Operation (AFRAC)	163
49. International Accreditation Forum (IAF)	164
50. International Laboratory Accreditation Co-operation (ILAC)	165
51. International Measurement Confederation (IMEKO)	166
52. International Organization for Standardization (ISO)	166
53. International Electrotechnical Commission (IEC)	167
54. International Bureau of Weights and Measures (Bureau International Des Poids et Mesures, BIPM)	168
55. African Electrotechnical Standardization Commission (AFSEC)	168
56. The African Organization for Standardization (ARSO)	168
57. Asia Pacific Metrology Programme (APMP)	169
58. Conference of Africa Union Ministers of Industry (CAMI)	169
59. Intra-Africa Metrology System (AFRIMETS)	170
60. South African Development Community Co-Operation in Measurement Traceability (SADC MET)	170

61. East African Accreditation Board (EAAB)	171
62. East Africa Community-Standardization Quality Assurance Metrology and Testing Act (SQMT ACT)	171
63. African Accreditation Co-Operation (AFRAC)	172
64. World Council for Credit Unions (WOCCU)	172
65. International Cooperative Alliance (ICA)	173
66. African Confederation of Co-operative Saving Association (ACCOSCA)	173
67. Convention Establishing the World Intellectual Property Organization	173
68. Paris Convention for the Protection of Industrial Property.....	174
69. Madrid Agreement Concerning the International Registration of Marks Madrid 1891 .	175
70. Patent Co-Operation Treaty Washington 1970	176
71. Singapore Treaty on the Law of Trademarks	176
72. Berne Convention	177
73. Trade Related Aspects of Intellectual Property Rights (TRIPS)	177
74. Lusaka Agreement (1976) and Harare Protocol (1982)	178
75. Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB)	178
76. Protocol on the Establishment of the East African Science and Technology Commission	179
77. Outer Space Treaties	179
78. African Charter on Statistics	180
79. Strategy for the Harmonization of Statistics in Africa (SHASA)	181
80. League of Nations, Conference of Parties World Health Organization 1948.....	181
81. Convention on Psychotropic Drugs	182
82. Single Convention on Narcotic Drugs(1961).....	182
83. Un Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances(1988)	183
84. WHO Framework Convention on Tobacco Control 2003	185
85. Geneva Convention on Road Traffic Accident.....	185
86. Protocol Amending the Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority,1986	186
87. One Stop Border Posts(OSBPS)	188
88. EAC Act on Axle Load Control.....	189
89. Protocol on Harmonization and Mutual Recognition of Academic & Professional Qualification.....	189
90. Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor	190
91. RCTG Agreement(Ratified by 10 member states)	191

92. 1993 Comesa Protocol for the Establishment of a Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalization	192
93. Lake Victoria Basin Commission (LVBC)	192
94. 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	193
95. Convention on International Civil Aviation.....	193
96. Convention on the Unification of certain Rules of International Carriage by Air, (1999 Montreal Convention)	194
97. Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 Montreal)	195
98. 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)	196
99. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971 Montreal Convention)	197
100. 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)	198
101. Convention on Damage caused by Foreign Aircraft to Third Parties on the Surface (1952 Rome Convention)	198
102. Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA)	199
103. Convention on the International Recognition of Aircraft (1948 Geneva Convention)	199
104. Protocol to amend the Rome Convention of 1952(1978 Montreal) on the International Recognition of Aircraft	200
105. Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 Warsaw)	200
106. Protocol to Amend the Warsaw Convention of 1929 (1955 Hague)	201
107. Convention on Offences and certain other Acts Committed on Board Aircraft (1963 Tokyo)	201
108. Convention for the Suppression of Unlawful Seizure of Aircraft (1970 Hague)	202
109. Convention on the International Maritime Organization (IMO Convention) as Amended	202
110. Intergovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended	203
111. The Agreement establishing the Northern Corridor Transit and Transport Coordination Authority, 1986 and its Protocol.	203
112. African Maritime Charter.....	204
113. Maritime Labour Convention, 2006.....	205

114. International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974)	206
115. International Convention for the Prevention of Pollution from Ships(MARPOL)	208
116. International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978, as amended (STCW 1978)	209
117. International Convention on Load Lines, 1966 (II 1966)	210
118. International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)	211
119. Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)	211
120. International Convention for Safe Containers, 1972, as amended.....	212
121. International Convention on Maritime Search and Rescue (SAR)	213
122. Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL 1965)	215
123. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other matter, (London Convention), 1972.....	215
124. Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992)	216
125. Convention on the International Mobile Satellite Organization, as amended (IMSO c 1976)/INMARSAT C 76 /INMARSAT OA 76)	217
126. 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)	218
127. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the continental shelf	218
128. International Convention on Salvage, 1989 (Salvage 1989)	219
129. International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, as amended (OPRC 1990)	219
130. International Convention for the Control and Management of Ships' Ballast	220
131. Water and Sediments, 2004	220
132. 1982 United Nations Convention on the Law of the Sea.....	221
133. United Nations Fish Stock Agreement (UNFSA) for Straddling and Highly Migratory Fish, 1995.....	222
134. UN 1993 FAO Compliance Agreement, 1993	222
135. Code of Conduct for Responsible Fisheries, 1995 (CCRF) of FAO	222
136. International Convention for Regulation of Whaling, 1946	223
137. The World Conservation Union (IUCN)	223

138. Indian Ocean Tuna Commission (IOTC) Agreement	224
139. South West Indian Fisheries Commission Convention (SWIOFC)	224
140. Intergovernmental Oceanographic Commission/ UNESCO'S (UNESCO-IOC).	225
141. Western Indian Ocean Marine Science Association (WIOMSA).....	225
142. Port State Measures Agreement (PSMA) against Illegal, Unreported and Unregulated Fishing (IUU) 2009	225
143. The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS).	225
144. Lake Victoria Fisheries Organization (LVFO) Convention of 1994.	227
145. The Kyoto Protocol to the United Nations Framework Convention on Climate Change.	227
146. Protocol for the Sustainable Development of Lake Victoria Basin	227
147. Food and Agriculture Organization (FAO).	228
148. Convention on Sustainable Development.	228
149. Cartagena Protocol on Bio-Safety signed in 2000 and ratified in 2013.	229
150. Agreement establishing International Fund for Agricultural Development (IFAD).	229
151. International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	230
152. International Grains Agreement.....	231
153. WTO Agreement on the Application of Sanitary and Phytosanitary Measures	232
154. Agreement of the World Organisation for Animal Health(OIE)	233
155. Treaty Establishing the Common Fund for Commodities	234
156. Organization for Economic Co-operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes	234
157. International Seed Testing Association (ISTA)	235
158. Convention on the African Migratory Locust.....	237
159. Phytosanitary Convention for Africa	237
160. Convention on the Establishment of the African Centre for Fertilizer Development	238
161. UN Convention on the Rights of Persons with Disabilities Kenya ratified on 19th May 2008.	252
162. Right to Organize and Collective Bargaining Convention, 98 of 1949	253
163. UN Convention against Transnational Organized Crime	253
164. Conventions on the Rights of the Child, Hague, 2nd September, 1999	254
165. Maritime Labour Convention, 2006 (MLC, 2006)	256
166. Equal Remuneration Convention, 100 of 1951	257
167. Minimum Age Convention, 138 of 1973	258

168. Worst Forms of Child Labour Convention, 182 of 1999	258
169. Labour Inspection Convention, 81 of 1947	259
170. Inspection (Agriculture) Convention, 129 of 1969	260
171. Tripartite Consultation (International Labour Standards) Convention, 1976	260
172. Unemployment Convention, 2 of 1919.	260
173. C011 - Right of Association (Agriculture) Convention, 1921.	261
174. C014 - Weekly Rest (Industry) Convention, 1921.	261
175. C016 - Medical Examination of Young Persons (Sea) Convention, 1921)	262
176. C017 - Workmen's Compensation (Accidents) Convention, 1925	262
177. C026 - Minimum Wage-Fixing Machinery Convention, 19281	263
178. C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929. ..	263
179. C032 - Protection against Accidents (Dockers) Convention (revised), 1932	263
180. C063 - Convention concerning Statistics of Wages and Hours of Work, 1938.....	264
181. C088 - Employment Service Convention, 1948	264
182. C089 - Night Work (Women) Convention (revised), 1948	265
183. C094 - Labour Clauses (Public Contracts) Convention, 1949	265
184. Migration for Employment Convention 97 of 1949	266
185. Minimum Wage Fixing Machinery (Agriculture) Convention	267
186. C118 - Equality of Treatment (Social Security) Convention, 1962 (no. 118)	267
187. C131 - Minimum Wage Fixing Convention, 1970	268
188. C132 - Holidays with Pay Convention (revised), 1970 (no. 132)	268
189. C134 - Prevention of Accidents (Seafarers) Convention, 1970	268
190. C135 – Dock Workers' Representatives Convention, 1971	269
191. C140 - Paid Educational Leave Convention, 1974	269
192. C141 - Rural Workers' Organizations' Convention, 1975	270
193. C142 - Human Resources Development Convention, 1975	270
194. Migrant Workers (Supplementary Provisions) Convention 143 of 1975	270
195. C149 - Nursing Personnel Convention, 1977	271
196. International Plan of Action on Ageing adopted in 1982 in Vienna, Austria during the first World Assembly on Ageing.....	271
197. World Fit for Children (WFFC) - a special declaration by world leaders at a UN General Assembly in 2002.	272
198. International Convention against Doping in Sport	273
199. The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage	274

200. The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions	276
201. Un-habitat.....	277
202. Declaration on the African Union Border Programme (AUBP)	277

1. CHARTER OF THE UNITED NATIONS

Adopted on: 26th June, 1945

Entered into force on: 24th October, 1945

Kenya became a State party to the Charter on: 16th December, 1963

Obligation to government: To maintain international peace and security; To develop friendly relations among nations based on respect for the principle of equal rights and self determination of peoples; To achieve international Co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and To be a centre for harmonizing the actions of nations in the attainment of these common ends.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Kenya is compliant in its financial obligations through its fully fledged Missions to the UN, Kenya participates in UN decision making Organs of the UNGA; Participates in elections; Peace keeping efforts. 	<ol style="list-style-type: none"> Engagement in the activities of the UNGA 	<ol style="list-style-type: none"> Resource constraints Weak coordination mechanism 	<ol style="list-style-type: none"> Upscale political goodwill for UN activities 	<ol style="list-style-type: none"> Kenya is able to interact and actively participate with other nations on global issues. It is a platform for Kenya to draw lessons and best practices.

2. STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Adopted on: 26th June, 1945

Entered into force on: 24th October, 1945

Kenya became a State party to the Statute on: 16th December, 1963

Obligation to government: Kenya must comply with the decision of the court in any case to which it is a party failure of which the other party may seek assistance from the Security Council which if it deems necessary may make recommendations or decide on measures to be taken to give effect to the judgment.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Kenya has recognized the compulsory 	<ol style="list-style-type: none"> Kenya recognizes 	<ol style="list-style-type: none"> Inadequate understanding on the procedures of the 	<ol style="list-style-type: none"> Participate in trainings and seminars organized by the judicial 	<ol style="list-style-type: none"> Kenya has recourse to the Court in case of any dispute she has with any

jurisdiction of the Court	judgments and advisory opinions emanating from the Court	Court	body	State party.
<p>3. THE CONSTITUTIVE ACT OF THE AFRICAN UNION</p> <p><i>Adopted by:</i> African State parties of the Organization of African Unity on the 11th July 2000</p> <p><i>Entered into force in:</i> 26th May 2001</p> <p><i>Kenya became a state party to the Charter in:</i> 4th July 2001.</p> <p><i>Obligation to government:</i> to Co-ordinate and harmonize her policies in line with the objectives of the Constitution as well as those set out in the Charter of its predecessor the OAU</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Peace keeping and peace enforcement efforts. 2. Decision Making. 3. Participating in elections. 	<ol style="list-style-type: none"> 1. African Peer Review Mechanism 	<ol style="list-style-type: none"> 1. Resource constraints 2. Weak coordination mechanism 3. Conflict in the region. 	<ol style="list-style-type: none"> 1. Increased funding 2. Reduce the dependence on donor support. 3. Consistent African political support 	<ol style="list-style-type: none"> 1. Ability to Push for amendments to the International Criminal Court rules and procedure, 2. At the forefront of a mission to Somalia which is now known as AMISOM an African defence force mission to stamp out al-Shabaab and to restore peace in Somalia; 3. Kenya has also been at the forefront of peace diplomacy and peace-keeping operations in Sudan, South Sudan, Somalia, Democratic Republic of Congo, Sierra Leone, Burundi and Cote d'Ivoire. 4.
<p>4. TREATY ESTABLISHING THE EAST AFRICAN COMMUNITY</p> <p><i>Adopted on:</i> 30th November, 1999</p> <p><i>Entered into force on:</i> 7th July, 2000</p> <p><i>Kenya became a state party to the treaty on:</i> 7th July, 2000</p>				

Obligation to government: To Co-operate and collaborate in all sectors to improve the political, economic and social status of the individual members States and their citizenry.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Programmes in various sectors ongoing. 	<ol style="list-style-type: none"> 1. Sectoral Councils 2. Council of Ministers 3. Summit of Heads of State 4. Each body in charge of education in member states submit progress reports to the Sectoral Councils 	<ol style="list-style-type: none"> 1. Funds to convene meetings and finance projects. 2. Slow pace of implementing the harmonization process. 3. Resource constraint 4. Delayed implementation of the Community decisions by Partner States. 5. Harmonizing different laws and policies. 	<ol style="list-style-type: none"> 1. Need for improved coordination and facilitation 2. Upscale resource mobilization 3. Technical committee to be facilitated to fast track the process 	<ol style="list-style-type: none"> 1. Expanded market for Kenyan products; 2. Integration 3. Enhanced human capacity in the country through easy transfer of skills and knowledge across the region 4. Increased regional trade, infrastructure development, free movement of people and services, increased foreign direct investments and created more markets and jobs for Kenyan people and goods 5. Elimination of internal tariffs, development of regional infrastructure projects, and reduction of non-tariff barriers to trade, efficient movement of people and goods and created additional job markets. Presently, the EAC has implemented the Customs Union, the Common Market and has approved a Protocol on COMESA.

5. PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY MONETARY UNION

358)

Signed on; November 2013

Kenya Ratified on; 28th November 2014

Obligation to Government; Harmonize the financial frameworks, achieve certain fiscal and monetary policy targets for eligibility to the Monetary Union.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Partner States have relaxed travel and work permit requirements for East Africans</p> <p>2. East Africans are treated as residents while visiting Partner States.</p>	<p>The institutions of the Community;</p> <ol style="list-style-type: none"> 1. Summit, 2. The Council of Ministers and 3. The Assembly. 	<ol style="list-style-type: none"> 1. Lack of awareness by the Nationals of the Partner States on the EAC integration agenda and the benefits of the integration process. 2. Lack of comprehensive sensitisation of the East Africans on the provisions of both the CU and the CM Protocols. 3. Slow start of Common Market despite high expectations during its launch. 3. Crowded calendars of National Assemblies could delay amendment of national laws to conform with provisions of the CM Protocol. 	<ol style="list-style-type: none"> 1. Amend the Constitution of Kenya to conform to the provisions of the EAMU protocol by the year 2021. 2. The relevant ministries and implementing agencies should aggressively sensitise the public on the provisions of the protocol in line with the tenets of people-centred Integration process. 	<ol style="list-style-type: none"> 1. reduction of transaction costs and financial risks for businesses and individuals and facilitates the movement of people, economies of international reserves, the elimination of exchange rate risk and the regional wide price harmonisation.
<p>6. INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)</p> <p><i>Adopted in: 1996</i></p> <p><i>Kenya is a founding member.</i></p> <p><i>Obligation to government: Implement IGAD Treaty on Gender Equality and Women's Empowerment IS IT FOCUSED ON THIS ONLY?</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Policies and legislation developed as in 1 above. 2. IGAD Plan of Action on 	<ol style="list-style-type: none"> 1. Reporting made to IGAD Council of ministers of Gender once a year 	<ol style="list-style-type: none"> 1. Inadequate financial resources for programs and for monitoring progress. 	<ol style="list-style-type: none"> 1. Increased Govt funding of gender activities 2. UN Agencies to be asked to give more support to gender activities. 	<ol style="list-style-type: none"> 1. Development of Health Sector Gender Policy to address gender issues in the Health sector. 2. Establishment of Women Enterprise Fund to empower women to be entrepreneurs.

increasing Women's Participation in Politics					
7. COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)					
<p><i>Adopted on:</i> 5th November, 1993 <i>Entered into force on:</i> 8th December, 1994 <i>Kenya became a state party on:</i> 5th November, 1993</p>					
<i>Obligation to government:</i> To promote regional integration through trade and investment; Pay assessed contributions					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Kenya has signed and ratified almost all COMESA instruments	Comesa Council of Ministers.	<ol style="list-style-type: none"> 1. Non-tariff barriers particularly with regard to exports of Kenyan milk and milk products as well as palm-based cooking oil to Zambia; 2. COMESA sugar safeguards measures-Kenya is finding it hard to obtain an extension period for protection of her sugar imports 	<ol style="list-style-type: none"> 1. To develop its infrastructure and to implement new reforms that will protect the local sugar farmers. 	<ol style="list-style-type: none"> 1. COMESA provides a market for Kenya's manufactured products accounting for 70% of Kenya's exports' market 2. Kenya won an extension of special safeguards on the importation of duty-free sugar from the COMESA, giving the country more time to complete reforms in the ailing industry. 	
8. NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)					
<i>Obligation to government:</i> To formulate policies and implement programs to: (i) To eradicate poverty; (ii) To place African countries, both individually and collectively, on a path of sustainable growth and development;(iii) To halt the marginalization of Africa in the globalization process;(iv) To accelerate the empowerment of women and(v) To fully integrate Africa into the global economy.					
The Government through the Ministry of Devolution and Planning pays annual subscriptions to the NEPAD Secretariat					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Institutionalized through a	1. Government of Kenya reports on progress	1. Financial constraints hamper implementation of	1. Need for innovative ways of mobilizing resources	1. NEPAD initiative has assisted in the eradication of poverty through	

<p>Presidential Executive Order vide gazette notice (Gazette Notice No. 6225, The Kenya Gazette, vol. CIV - no. 63) in 2002.</p> <p>2. Programmes implemented include: CAADP NEPAD E-Schools Infrastructure</p>	<p>every four years</p> <p>2. Annual monitoring and evaluation reports</p>	<p>programmes</p> <p>2. Inadequate coordination</p> <p>3. Inadequate monitoring and evaluation structures</p>	<p>2. Improved coordination</p> <p>3. Improved M&E structures</p>	<p>various programmes and projects.</p> <p>2. It has promoted Sustainable Growth and Development of the Country.</p> <p>3. It has enhanced more integration of Kenya with other regional bodies like IGAD, COMESA, EAC and AU.</p> <p>4. Accelerated the empowerment of Youth and Women through the various initiatives both at the National and continental levels.</p>
<p>9. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS</p> <p>Adopted on: 13th February, 1946</p> <p>Entered into force on: for each State on date of deposit</p> <p>Kenya became a State party to the Convention on: 1st July, 1965</p> <p>Obligation to government: the organization shall enjoy privileges and immunities necessary for the fulfilment of its purposes in the Kenyan territory. The government must respect the immunity that the UN has from every legal process including its property and assets and the inviolability of its premises.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Enactment of the Privileges and Immunities Act Cap 179</p>	<p>REPORTING MECHANISM</p> <p>1. Ministry of Foreign Affairs International trade</p>	<p>CHALLENGES</p> <p>1. Misuse of privileges and immunities;</p> <p>2. Political interference;</p> <p>3. Weak monitoring</p>	<p>RECOMMENDATIONS</p> <p>1. Collaboration with stakeholders to enhance implementation and diminish political interference</p>	<p>BENEFITS TO KENYA</p> <p>1. Kenyan diplomatic representatives working in the UN as well as specialized agencies are both protected by the rules of diplomatic immunity.</p> <p>2. Diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.</p>
<p>10. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES</p> <p>Adopted on: 21st November, 1947</p>				

<p>Entered into force on: for each State on date of deposit</p> <p>Kenya became a State party to the Convention on: 1st July, 1965</p> <p>Obligation to government: the specialised agencies shall enjoy privileges and immunities necessary for the fulfilment of their purposes in the Kenyan territory. The government must respect the immunity that the specialised agencies have from every legal process including their property and assets and the inviolability of their premises.</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Enactment of the Privileges and Immunities Act Cap 179	1. Ministry of Foreign Affairs International trade	1. Misuse of privileges and immunities; 2. Political interference; 3. Weak monitoring.	1. Collaboration with stakeholders to enhance implementation and diminish political interference
			BENEFITS TO KENYA
			1. Kenyan diplomatic representatives working in the UN as well as specialized agencies are both protected by the rules of diplomatic immunity. 2. Diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.
<p>11. VIENNA CONVENTION ON DIPLOMATIC RELATIONS</p> <p>Adopted on: 18 April 1961</p> <p>Entered into force on: 24 April 1964</p> <p>Kenya became a State party to the Convention on: 1 July 1965</p> <p>Obligation to government: has to adhere to the set rules on diplomatic relations in its engagement with diplomats in the country</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Enactment of the Privileges and Immunities Act Cap 179	1. Ministry of Foreign Affairs International trade	1. Misuse of privileges and immunities; 2. Political interference; 3. Weak monitoring	1. Collaboration with stakeholders to enhance implementation and diminish political interference
			BENEFITS TO KENYA
			1. Kenya's diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.
<p>12. VIENNA CONVENTION ON CONSULAR RELATIONS</p> <p>Adopted on: 24th April, 1963</p> <p>Entered into force on: 19th March, 1967</p>			

<p>Kenya became a State party to the Convention on: 1st July, 1965</p> <p>Obligation to government: has to adhere to the set rules on consular relations in its engagement with foreign missions in the country</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
<p>1. Enactment of the Privileges and Immunities Act Cap 179</p>	<p>1. Ministry of Foreign Affairs and International trade</p>	<p>1. Misuse of privileges and immunities;</p> <p>2. Political interference;</p> <p>3. Weak monitoring</p>	<p>1. Kenya's foreign missions abroad are assured of immunity and the inviolability of their premises.</p>
<p>RECOMMENDATIONS</p> <p>359)</p> <p>1. Collaboration with stakeholders to enhance implementation and diminish political interference</p>			
<p>13. CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CWC)</p> <p><i>Adopted on:</i> 13th January, 1993</p> <p><i>Entered into force on:</i> 29th April, 1997</p> <p><i>Kenya became a state party to the Convention on:</i> on 25th April, 1997</p> <p>Obligation to government: Prohibition of production and use of chemical weapons; Destruction (or monitored conversion to other functions) of chemical weapons production facilities; Destruction of all chemical weapons (including chemical weapons abandoned outside the state parties territory); Assistance between State Parties and the Organization for the Prohibition of Chemical Weapons in the case of use of chemical weapons; An Organization for the Prohibition of Chemical Weapons inspection regime for the production of chemicals which might be converted to chemical weapons; International Co-operation in the peaceful use of chemistry in relevant areas</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
<p>1. The National Authority through the Implementing Body- Organization for the Prohibition of Chemical Weapons (OPCW)</p> <p>2. On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to</p>	<p>1. Cabinet memorandum in place.</p> <p>2. The focal point designation is still under deliberation as to which Ministry is best placed to handle the obligations under the Convention</p> <p>3. The Chemical weapons Convention Bill is in place</p> <p>4. The National Authority has been designated in the draft bill with membership of Ministry of Defence</p>	<p>1. Designation of Focal point to Coordinate implementation plan with the Organization for prohibition of Chemical Weapons (OPCW) which is the main implementing body created under the Convention</p>	<p>1. Kenya is also a signatory to the International Code of Conduct against Ballistic</p> <p>2. Missiles, which are used as delivery systems for weapons of mass destruction.</p> <p>3. In addition, Kenya is a member of the following international organizations:</p> <ul style="list-style-type: none"> • Conference on Disarmament • International Atomic Energy Agency • Organization for the Prohibition of

<p>the Organization for the Prohibition of Chemical Weapons (OPCW).</p>				<p>Chemical Weapons</p> <ul style="list-style-type: none"> • Comprehensive Test Ban Treaty Organization Preparatory Commission receiving technical assistance in the following areas: <ul style="list-style-type: none"> • Joint training in nuclear, chemical and biological weapons technology • Provision of necessary technical knowledge to customs and police officers to enable them to identify weapons of mass destruction • Availability of technical devices to police officers and customs staff to assist such identification
<p>14. COMPREHENSIVE NUCLEAR TEST-BAN TREATY NEW YORK (CNTBT)</p> <p><i>Adopted on:</i> 10th September, 1996 <i>Entered into force on:</i> Not yet <i>Kenya became a state party to the treaty on:</i> 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, furthermore, 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. They are required also to accept safeguards to detect diversions of nuclear materials from peaceful activities, such as power generation, to the production of nuclear weapons or other nuclear explosive devices</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p> <p>1. On need basis</p>	<p>CHALLENGES</p> <p>1. Kenya is a Non-Nuclear Weapon State but the threat of clandestine nuclear programs by terrorist organizations can be a challenge</p>	<p>RECOMMENDATIONS</p> <p>1. regional Co-operation and inter-organization collaboration</p>	<p>BENEFITS TO KENYA</p> <p>1. Doctrines of national defence and security strategy not based on nuclear weapons 2. Participant in creation Nuclear Weapon Free Zones, including the African Nuclear Weapon Free Zone established by the Treaty of Pelindaba</p>

		which Kenya ratified January 9, 2001.		
<p>15. PROTOCOL FOR THE PROHIBITION OF THE USE OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE</p> <p><i>Adopted on:</i> 17th June, 1925 <i>Entered into force on:</i> 8th February, 1928 <i>Kenya became a state party to the Protocol on:</i> 6th July, 1970</p> <p>Obligation to government: measures to account for/ secure production, use, storage, and transport of such materials; regulations for physical protection of facilities materials transports; licensing registration of facilities people handling biological materials; reliability check of personnel; measures to account for secure physically protect means of delivery; (vi) regulations for genetic engineering work; and not to produce, develop, stockpile or otherwise acquire bacteriological weapons; create legislation regulations related to safety and security of biological materials</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Compliant</p>	<p>REPORTING MECHANISM</p> <p>1. Consultation, coop and scientific exchange 2. The process of establishing an inter-ministerial council for the full implementation of BWC (similar to CWC) has been ongoing since 2007. 3. Periodic reporting to the 1540 Committee through a national report to the Committee</p>	<p>CHALLENGES</p> <p>1. Complex and constantly changing nature of terrorist activities</p>	<p>RECOMMENDATIONS</p> <p>1. 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</p>	<p>BENEFITS TO KENYA</p> <p>1. Increased regional Co-operation 2. Improving porous land borders</p>
<p>16. TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS</p> <p><i>Adopted on:</i> 1st July, 1968 <i>Entered into force on:</i> 5th March, 1970 <i>Kenya became a state party to the treaty on:</i> 11th June, 1970</p> <p>Obligation to government: Nuclear weapon states (NWS) are not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices and not to assist, encourage, or induce any non-nuclear weapon states (NNWS) to manufacture or otherwise acquire them; NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them; NNWS must place all nuclear materials in all peaceful nuclear activities under International Atomic Energy</p>				

<p>Agency (IAEA) safeguards: All Parties are obligated to facilitate and participate in the exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy; All Parties must pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. Compliant	1. Consultation, Co-operation and exchange	1. Threat of nuclear terrorism	1. Kenya will abstain from the pursuit of nuclear weapons 2. Kenya is a member of the 65 Nation Conference on Disarmament and plays an active role in the deliberations of this body which is the sole negotiation organ of all international treaties on disarmament and non-proliferation 3. Kenya is also an active member of the Group of 21 countries (non-nuclear states) within the Conference on Disarmament that advocates for total disarmament.
RECOMMENDATIONS			
1. More Co-operation among state parties			
17. PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION			
<p><i>Adopted on: 9th October, 2002</i> <i>Entered into force on: 13th December, 2006</i> <i>Kenya became a state party to the Protocol on: 29th December, 2006</i></p> <p>Obligation to government: Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity, undertake peace-making and peace-building functions to resolve conflicts where they have occurred; implement the common defence policy of the Union; ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional Conventions</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. Compliant	1. Consultation	1. Non-state actors of different African states for	1. Kenya has been at the forefront of inter-African
RECOMMENDATIONS			
1. Regional Co-operation.			

	2. Co-operation and exchange	example, Somalia		conflict mediation, and is currently hosting peace initiatives concerning the ongoing violence in the Sudan and Somalia. 2. African Standby Force Military programme. 3. Peacemaking and Post-conflict reconstruction
<p>18. AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)</p> <p><i>Adopted on:</i> July 1995 and 31st January, 2005 <i>Entered into force on:</i> 24 May, 2007 <i>Kenya became a state party to the treaty on:</i> 24 May, 2007</p> <p>Obligation to government: Ratified on 15th November, 2000. Renunciation of nuclear explosive devices; Prevention of stationing of nuclear explosive devices; 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>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
???	1. Annual report to the commission on Nuclear activities and on their implementation matters	1. Asymmetric warfare posed by terrorists and Al-shabaab militia	1. International Co-operation with states for peaceful uses of nuclear science and technology	1. Changes in military doctrine and operating procedures 2. Nuclear Disarmament 3. Non-proliferation and nuclear deterrence 4. Training on Nuclear Materials through CBRN and the Government Chemist
<p>19. GENEVA CONVENTIONS (CONVENTION I TO IV AND ADDITIONAL PROTOCOLS I AND II)</p> <p>Obligation to government: Respect of the human being and human dignity. The additional Protocols oblige warring sides and combatants not to attack civilians and civil objects and to guarantee the provision of military operations in compliance with generally accepted humanitarian law.</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Country has fully domesticated the four Geneva Conventions through The Constitution, The Geneva Conventions Act (Chapter 198 of the Laws of Kenya), and the Kenya Defence Forces Act. The Geneva Conventions 1968 Act incorporates portions of the 1949 Geneva Conventions into Kenyan law.</p> <p>2. Kenya signed an instrument ratifying the protocol additional to the Geneva Conventions of the 12th August 1949 relating to the adoption of an additional distinctive emblem for the ICRC in addition to the Red Cross and Red Crescent on 26th September, 2013.</p> <p>3. Enforced in the Rules of Engagement for KDF conduct.</p> <p>4. Kenya's LOAC manual (1997) specifies that medical and religious persons are non-combatants.</p> <p>5. Prohibition on attacking</p>	<p>1. International Committee of the Red Cross.</p>	<p>1. Non respect of the rules of armed conflict by warring sides.</p> <p>2. The distinctive emblems can be used by enemy forces in perfidious acts during hostilities.</p> <p>3. Challenges in securing recognition and respect of the distinctive emblem from armed militia.</p>	<p>1. Respect of international humanitarian law and implementation of the national laws on humanitarian law.</p> <p>2. Dissemination of the third emblem and educating people as to its meaning to make sure that everyone recognizes the equal validity of the entire distinctive emblem.</p> <p>3. Promote knowledge of, respect for and protection of the distinctive emblems</p>	<p>1. Humanitarian protection and assistance for victims of armed conflicts.</p> <p>2. Protection of the civilian population.</p>

<p>persons and objects displaying the distinctive emblems.</p> <p>6. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act..</p> <p>7. Legal advice by military legal officers on application and compliance with IHL.</p> <p>8. Disciplinary measures to ensure non-violation of IHL.</p> <p>9. Training of all service personnel on the distinctive emblem and instruction programs incorporated in peacetime.</p>				
<p>20. UN OPTIONAL PROTOCOL ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT</p> <p>Adopted on: Entered into force on: 28th January, 2002 <i>Kenya became a state party to the treaty on:</i> Government is under an obligation to ensure children are not recruited to serve in Government or other forms of military engagement.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Protocol is being implemented through the various provisions on protection of children in the Constitution and other national legislations on children.</p>	<p>REPORTING MECHANISM</p> <p>1. Periodic reports are made every five years to the UN Committee on the Rights of the Child.</p>	<p>CHALLENGES</p> <p>1. Poverty and 2. Unemployment leading to risk of children being recruited into outlawed groups like the <i>al-shabaab</i>.</p>	<p>RECOMMENDATIONS</p> <p>1. Strengthen existing mechanisms for protecting children.</p>	<p>BENEFITS TO KENYA</p> <p>1. Domestication of the Convention ensures protection of children from armed conflict.</p>

21. BIOLOGICAL AND TOXIN WEAPON CONVENTION (BTWC)

Adopted on: 7th January 1976 in Geneva

Entered into force on: 26 March 1975

Kenya became a state party to the Convention on: 7th January 1976

Obligation to government: To domesticate the BTWC by having a legal framework in place; Participating in the Meeting of Experts and Meeting of States Parties; To provide annual reports - using agreed forms - on specific activities related to the BWC; The Government under the Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:(a)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;(b) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict."

360)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Established an inter-Ministerial Biological and Toxin Weapons Committee in 2009 to address issues relating to bio-security and weapons.</p> <p>2. Drafted National Biosciences Bill 2012 and Policy.</p>	<p>1. Annual International State Meeting held in December of every year in Geneva.</p>	<p>1. Lack of adequate funds to undertake activities towards the implementation of the Convention.</p> <p>2. Inadequate capacity in matters relating to biosciences in the relevant Ministries and Research Institutions i.e. submission of the Confidence Building Measures (CBM) Forms.</p> <p>3. Lack of adequate capacity in management of biological and toxin weapons.</p>	<p>1. Allocate a budget towards the implementation of the BTWC.</p> <p>3. Sensitize the relevant bodies including the Counties on the BTWC.</p> <p>4. Improvement on inventories and safe custodies of valuable biological materials.</p> <p>5. Introduction of curriculum at secondary and institutions of higher learning on bio-safety and bio-security.</p> <p>6. Establishment of rapid response systems on bio-safety and bio-security issues.</p>	<p>1. Support in capacity building in areas of biosciences i.e. handling of toxin material.</p> <p>2. Support in Capacity building at the universities i.e. setting up of laboratories for testing and other activities related to Biological and Toxin Weapon.</p> <p>3. The Country benefits from trained personnel with ability to detect and respond to outbreak of any biological danger i.e. terrorist threat, pandemic etc.</p> <p>4. Assistance with establishing legal framework for States Parties.</p>

22. 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><i>Adopted by:</i> UN General Assembly on the 16th December, 1966 <i>Entered into force on:</i> 3 January 1976 <i>Kenya became a state party to the Protocol on:</i> 01.05.1972</p> <p>Obligation to government: The key issues covered are stockpile management, import, export and transfer, tracing and brokering, public awareness raising, collection and disposal, mutual legal assistance and operational capacity.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Marking of firearms is ongoing. 2. The draft Small Arms and Light Weapons Management Bill is in draft. 	<ol style="list-style-type: none"> 1. Kenya National Focal Point. 	<ol style="list-style-type: none"> 1. Logistical support and archaic legislation. 2. Unstable neighbouring countries, cattle rustling and porous borders. 	<ol style="list-style-type: none"> 1. Finalize the Small Arms and Light Weapons Management Bill. Procure border/entry/exit points scanners, metal detectors and screening facilities. 2. Intensify training of canine sniffers and dog handlers. 	<ol style="list-style-type: none"> 1. To promote peace and security in the region. 2. Tracing, safe disposal, transfer of SALW and brokering. 3. Mutual legal assistance, law enforcement and transparency, information exchange and harmonization.
<p>23. AFRICAN UNION STRATEGY FOR ENHANCING BORDER MANAGEMENT IN AFRICA (2012)</p> <p><i>Adopted by:</i> It comprises of all AU member states. <i>Entered into force on:</i> March 2010. Obligation to Government; Co-operation and co-ordination of border management all levels.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Border patrol, administration and border survey unit launched and operationalized. Cross border consultative meetings among security agencies, CEWERNs and National focal points. Continuous and select training of personnel at the HPSS/IPSTC on border control 	<ol style="list-style-type: none"> 1. African Union Commission. 	<ol style="list-style-type: none"> 1. Implementation of the objectives is plagued by inadequate funding for training and equipment. There is also lack of follow up on agreed upon areas of co-operation i.e. joint deployment for simultaneous sensitization and disarmament. 	<ol style="list-style-type: none"> 1. Strengthen internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, intelligence to reduce threats related to immigration. 	<ol style="list-style-type: none"> 1. Co-operation in lobbying for harmonization of policies and implementation of measures geared towards reduction of cross border conflicts, territorial disputes and concerted research on inter-territorial challenges such as the Hyacinth problem in Lake Victoria.

<p>is being enhanced and use of development/peace dividends along cross border areas in co-optation of community members is ongoing.</p>				
<p align="center">24. PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES <i>Adopted on:</i> 9th January, 2002, Khartoum <i>Obligation to government:</i> 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>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya has been contributing towards the resource needs of CEWARN and has been an active member of IGAD.</p>	<p>1. Committee of Permanent Secretaries.</p>	<p>1. Interferences by member states of IGAD.</p>	<p>1. Internal Conflicts in the Horn of Africa.</p>	<p>1. Kenya has benefited from exchange of information with member states on conflicts in the region through the Conflict Early Warning and Response Mechanism (CEWARN).</p>
<p align="center">25. PROTOCOL ON COMBATING DRUG TRAFFICKING IN THE EAST AFRICAN REGION Adopted by: <i>Entered into force on:</i> (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY) Obligation to Government; Co-operate with other state parties in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Kenya Navy blew up a seized drug-smuggling ship and its illicit cargo of hundreds of kilogrammes on the Indian Ocean off the</p>		<p>1. Under staffing of the relevant enforcement agencies. 2. Inadequate budgetary allocation. 3. Inadequate involvement of community in enforcing</p>	<p>1. Fight corruption. 2. Sensitization the public against the use of drugs. 3. Impose stiffer penalties on drug barons.</p>	<p>1. Helps in the fight against drug trafficking. 2. Helps in the fight against cross border drug trafficking.</p>

<p>coastal city of Mombasa. This not only emphasized the country's political will to deal with the problem of illicit drugs as underscored in the Protocol on Combating Drug Trafficking in the East African Region, but also sent the strongest message yet of resolve to the local and international purveyors of the illegal and ruinously debilitating trade.</p> <p>2. The National Agency for the Campaign Against Drug Abuse (NACADA) works with different partners and stakeholders in its effort to bridge the gap of knowledge about drug and substance abuse through campaigns. Its main role is to coordinate and facilitate an all-inclusive effort towards prevention, control and mitigation of alcohol and drug abuse in Kenya. In partnership with international partners it has been able to intercept large drug hauls.</p>			<p>anti-narcotic drug laws.</p>
--	--	--	---------------------------------

<p>NACADA has also been active to ensure that alcohol production and consumption is controlled as well as ensuring that the production of illicit brews is curbed.</p> <p>3. To monitor the drug related activities, the Government established The Anti-Narcotics Unit within the Criminal Investigations Department (CID) of the Kenya Police.</p>			
<p>26. MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA ,THE REPUBLIC OF UGANDA AND THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA ON FOREIGN POLICY CO-ORDINATION</p> <p><i>Signed on:</i>22nd January 1999</p> <p>Obligation to Government: To collaborate with other member states in multilateral diplomacy ,economic & social activities ,liaison and exchange of information, administration and capacity building</p>			
<p>IMPLEMENTATION STATUS</p> <p>1. Implementation is through the Ministry of Foreign Affairs and International Trade.</p> <p>2. Kenya undertakes financial arrangements to meet arising obligations.</p>	<p>REPORTING MECHANISM</p> <p>1. To the EAC Secretariat through the Ministry of Foreign Affairs and International Trade.</p>	<p>CHALLENGES</p> <p>1. Lack of comprehensive sensitisation of the East Africans on the Protocol.</p>	<p>RECOMMENDATIONS</p> <p>1. Sensitize the public on matters of foreign policy.</p>
<p>1. Collaboration in Economic and Social Activities in Trade, Investment, Tourism and Culture.</p>			<p>BENEFITS TO KENYA</p>
<p>27. INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS (ICCPR)</p> <p><i>Adopted on:</i> the United Nations General Assembly on the 19th December, 1966</p> <p><i>Entered into force on:</i> 23rd March, 1976</p> <p><i>Kenya became a state party to the Convention on:</i> 1st of May, 1972.</p>			

<i>Obligation to government:</i> Under Article 40 of the ICCPR state Parties to the Covenant must submit periodic reports and when requested by the Human Rights Committee. The reports must detail the legislative, constitutional, policy, judicial and other measures taken by the State to fulfil its obligations under the Covenant				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya has submitted three/four reports to the Committee since it acceded to the Covenant. The reports indicate measures taken by Kenya to fulfil its obligations under the Covenant. These measures include the enactment of a new Constitution 2010, National Police Service Act 2011, Independent Police Oversight Authority Act 2011, Judicial Service Act 2011, The Judges and Magistrates Vetting Board Act 2011, the review of the Judicature Act, The establishment of a National Legal Aid and Awareness Programme. The development of a National Legal Aid Bill and the Persons Deprived of Liberty Bill. National Gender and Equality Commission Act in 2011, Prohibition of Female Genital Mutilation Act and the Witness Protection Act 2006 and the Witness Protection</p>	<p>1. The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties.</p>	<p>1. Lack of budgetary and human resources to establish a comprehensive legal aid programme that will enable all Kenyans access justice. Lack of a comprehensive legislative framework for the Prevention Of Torture and other Cruel, Inhuman and Degrading Treatment Or Punishment. Some important laws have not yet been enacted, including the Victims of Offences Bill, The Persons Deprived of Liberty Bill.</p> <p>2. There is no clarity on whether or not all Article 2(6) ensures the direct importation of international ratified treaties as part of Kenyan law, given that article 21 (4) still requires the State to enact and implement legislation to fulfil its international obligations.</p> <p>3. Difficulty in accessing data particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies.</p>	<p>1. Establishment of a system of compiling national statistics and disaggregated statistical data relevant to the monitoring of the implementation of the various human rights treaties that we are a State party to.</p> <p>2. Fast track the enactment of appropriate legislation and policies.</p> <p>3. The National Legal Aid and Awareness Programme should be adequately resourced to ensure that the programme is fully rolled out to all parts of Kenya for the provision of legal aid to the poor and vulnerable.</p> <p>4. Fast track the formulation and enactment of the National Legal Aid Policy and Bill.</p> <p>5. 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>1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection.</p> <p>2. The process of reporting provides Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people.</p> <p>3. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require.</p> <p>4. As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the</p>

<p>(Amendment Act) 2010.</p> <p>2. Other measures include the formulation of the: Reproductive Health Policy, 2007, National Reproductive Health Strategy 2009-2015, Kenya National HIV and AIDS Strategic Plan of 2009/10 – 2012/13.</p>				<p>implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation.</p> <p>5. These treaties contain highest standards in human rights protection and in reporting the Government is able to measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.</p>
<p>28. THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)</p> <p><i>Adopted on:</i> UN General Assembly on the 16th December, 1966 <i>Entered into force on:</i> 3rd January, 1976 <i>Kenya became a state party to the Covenant on:</i> 1st May, 1972</p> <p>Obligation to government: Article 16 of the Covenant obliges all state parties to submit in conformity with the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized under the Convention</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya has so far submitted an initial report in 2006 to the Committee on Economic, Social and Cultural Rights. The 2nd to 5th reports were submitted in April 2013. The reports indicate the measures Kenya has taken to fulfil its obligations under the Covenant. Of importance is the enactment of a new</p>	<p>REPORTING MECHANISM</p> <p>1. The monitoring body of the ICESCR is the United Nations Committee on Economic, Social and Cultural Rights.</p>	<p>CHALLENGES</p> <p>1. The implementation of this covenant has largely been hindered by the lack of adequate budgetary resources to enable the progressive actualization of economic, social and cultural rights. there is also the lack of adequate policy frameworks to ensure that these rights are realized non-discriminatively, for example- the cash transfer</p>	<p>RECOMMENDATIONS</p> <p>1. There is urgent need for the introduction of a human rights based approach to governance and service delivery in order to ensure that rights are meaningfully realized. This will entail the training of public officers on the approach.</p>	<p>BENEFITS TO KENYA</p> <p>1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection.</p> <p>2. The process of reporting provides Government with an opportunity to conduct a</p>

<p>Constitution in 2010. The Equalization fund, free primary school education, cash transfer programs to vulnerable groups, National Reproductive Health Policy 2007, Kenya Health Policy (2012-2030), National Policy on IDPs Kenya Vision 2030, Uwezo Fund, Review of the Petroleum Act and the Mining Act, EACC Leadership and Integrity Act (No. 19 of 2012). The Kenya National Education Policy 2012.</p>		<p>programmes, lack of disaggregated data to effectively monitor how these rights are implemented, Lack of human rights indicators to monitor implementation of these rights.</p>	<p>comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people.</p> <p>3. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require.</p> <p>4. As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation.</p> <p>5. These treaties contain highest standards in human rights protection and in reporting the Government is able to measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.</p>
<p>29. THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD) <i>Adopted on:</i> General Assembly on 21st December, 1965</p>			

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 obliges state parties to undertake to submit a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention within one year after the entry into force of the Convention for the State concerned, and thereafter every two years and whenever the Committee so requests.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya submitted its first to fourth periodic reports in 2008 covering the period 2002 -2008. The updated report was presented to the Committee in August 2011 and responses to a list of issues prior to the review. The report provided information on the measures taken by Government to ensure that the ICERD rights are guaranteed. These measures include the enactment of a Constitution with an array of safeguards against all forms of discrimination, including racial discrimination. The enactment of the National Cohesion and Integration Act (No. 12) of 2008 outlaw's discrimination on ethnic grounds. The Persons with Disabilities Act also forbids discrimination by</p>	<p>1. The implementation of the ICERD is monitored by the Committee on the Elimination of Racial Discrimination.</p>	<p>1. Failure to enact effective laws to ensure equality between men and women as provided for in the Constitution. 2. Delay in implementing the recommendations of the Truth, Justice and Reconciliation Commission (TJRC). 3. Expiry of terms of the Commissioners of the National Cohesion and Integration Commission.</p>	<p>1. Enact meaningful laws that protect both genders. Implement recommendations of the Truth, Justice and Reconciliation Commission (TJRC) so as to redress historical injustices and foster reconciliation. 2. Need to come up with solutions to encourage cohesion and integration in the country.</p>	<p>1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection. 2. The process of reporting provides Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people. 3. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require. 4. As a state party to these</p>

<p>employers and other people based on "any ethnic, communal, cultural or religious custom or practice".</p> <p>2. The Truth, Justice and Reconciliation Commission Act passed to address historical injustices and the Constituencies Development Fund Act (No. 10) of 2003 was enacted to enhance equitable distribution of development. Other important measures include the formulation of the National Land Policy and the establishment of the National Land Commission.</p>				<p>treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation.</p> <p>5. These treaties contain highest standards in human rights protection and in reporting the Government is able to measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.</p>
<p>30. THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, IN HUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)</p> <p><i>Adopted by the UN General Assembly on 10th December, 1984</i></p> <p><i>Entered into force on: 26th June, 1987</i></p> <p><i>Kenya became a state party to the Convention on: 21st February, 1997</i></p> <p>Obligation to government: According to Article 19 of the Convention require all States Parties must submit to the Committee against Torture reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter state parties must submit periodic reports every four years.</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. The Government of Kenya presented its initial report on the Convention</p>	<p>1. The implementation of the Convention is monitored by the UN Committee against</p>	<p>1. Some important pieces of legislation have not been enacted yet which has deeply</p>	<p>1. It is important to urgently enact the Prevention of Torture bill 2012, the Persons</p>	<p>1. State reporting is a means through which progress made in the area of human rights is</p>

<p>to the Committee in November 2008. The second periodic report of Kenya was presented on the 15th -16th May, 2013. This report detailed measures taken by Government to prevent and/or punish torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. Key among these measures were the constitutional safe guards: on right to fair trial, rights of an arrested person, absolute prohibition of torture and slavery; the reforms in the police service, of particular interest was the passing of the National Police Service Act, which criminalized and penalized torture carried out by the police, the Independent Police Oversight Authority Act and the Prohibition of Female Genital Mutilation Act. The enactment of the Witness Protection Act 2006 and the Witness Protection (Amendment Act) 2010 to provide for the protection of witness in criminal and other proceedings has been</p>	<p>Torture.</p>	<p>hindered the full realization of rights under this Convention. Chief amongst these laws is the Prevention of Torture bill 2012, the Persons Deprived of Liberty bill, the Victims of Offences bill.</p> <p>2.Lack of detailed statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officials found guilty of torture and ill-treatment.</p>	<p>Deprived of Liberty bill, the Victims Of Offences bill.</p> <p>2. The ODPP, IPOA and the Inspector general of Police should work together to provide detailed statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officials found guilty of torture and ill-treatment.</p>	<p>monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection.</p> <p>2. The process of reporting provides Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people.</p> <p>3. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require.</p> <p>4. As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation.</p> <p>5. These treaties contain highest</p>
--	-----------------	---	---	--

<p>drafted and is currently undergoing stakeholders' review and other measures</p>				<p>standards in human rights protection and in reporting the Government is able measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.</p>
<p>31. AFRICAN YOUTH CHARTER (AYC) <i>Adopted in:</i> July, 2006 <i>Kenya became a state party to the Charter on:</i> 23rd January, 2014 <i>Obligation to government:</i> Signing and Ratification of the Charter. Article 2 of the AYC obligates member states to ensure that youth are protected against all forms of discrimination on the basis of status, activities, expressed opinions or beliefs; Article 1 requires States parties to facilitate the creation or strengthen platforms for youth participation in decision-making at local, national, regional, and continental levels of governance; and to allow freedom of movement; Pursuant to Article 12 to develop a comprehensive and coherent national youth policy; Article 14 recognises the right of young people to a standard of living adequate for their holistic development; Article 15 provides for the right to gainful employment of the youth; Article 17 indicates the role of youth in promoting peace and non-violence; Article 19 mandates States to recognise the vested interest of young people in protecting the natural environment as the inheritors of the environment; Article 20 provides for the promotion and protection of morals and traditional values recognised by the community; Article 24 recognizes the right of physically challenged youth; Article 27 Popularization of the Charter</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Kenya signed the Charter on 28th June, 2008 Kenya ratified the Charter on 23rd January, 2014. 2. The state has taken measures including affirmative action and mainstreaming programmes to ensure that youth have opportunities to be represented and to participate in political, social and economic spheres of 18 senior youth officers have already been posted in the Ministries to</p>	<p>1. African Union Commission provides overall guidance at regional and at continental level, collects data from member states, monitors and reports progress 2. African Youth Forum represented by the National Youth Councils discusses the progress of the flagships and report 3. Pan-African Youth Union 4. Evaluation is done by the Conference of Ministers in charge of Youth (COMY) through the Secretariat</p>	<p>Some youth, women and persons with disability in majority of the counties have no idea about the AYC.</p>	<p>1. All County officers to organize and launch the 30% procurement regulations. 2. Need to establish NYC officers in all the counties so that the youth can feel the representation. 3. The National Youth Council to start of the NYP review process. 4. More youth exchange and peace programmes to be organized.</p>	<p>1. The strengthening of capacity building programmes for young leaders in Kenya. 2. The government has made pledge to increase allocation of resources to enterprises led by youths and women through youth enterprise development fund, Uwezo Fund. 3. Legislation by the current government and strict laws on consumption of drugs by the youths. 4. Youth empowerment interventions such as 30</p>

<p>mainstream youth issues in all levels of national development on affirmative action, 30% procurement regulation for youth, women and persons with disability in all government sectors is already launched.</p> <ol style="list-style-type: none"> 3. Enactment and the establishment of the National Youth Council. 4. The NYC is in place and all the eight former regions well represented in the council. 5. Facilitation in access to credit to promote youth empowerment through Uwezo and Youth fund. 6. Establishment of Uwezo and Youth fund to enable the youth access cheap credits 7. Development of macro-economic policies that focus on job creation particularly for youth and for young women through Uwezo, Youth and Women funds. 8. Uwezo and youth funds to enable the youth gain self-employment. This has been done through 	<ol style="list-style-type: none"> 5. Assembly of Heads of States and government 6. African Union summit 	<p>5. Need to sensitize all youth on the AYC in all countries.</p>	<p>percent Public Procurement preference for all youths in all MDAs.</p> <ol style="list-style-type: none"> 5. Empowered the youths in Kenya to entrepreneurship. 6. To provide legislation on implementation of the youths projects and programmes. 7. Increased the access of government funds by the youths to enable them start their own businesses. 8. Empowerment of the youths who are the majority in the country so as to eradicate poverty and hunger, reduce crime rates and reduce the level of dependence among the youths. 9. Ensure peace and security in the country which will ensure development through both foreign and local investments. 10. Ensuring achievement of a green economy through green development. 11. Reducing conflicts among citizens such as tribalism. 12. Sustainability of our culture. 361) 13. The government has made pledge to ensure that 30 percent of all government
---	--	--	---

<p>strengthening the capacity of young people and youth organisations in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning or youth exchange programmes.</p> <p>9. The former Ministry held a number of youth exchange programmes between the prone conflicting communities.</p> <p>10. Facilitation of youth participation on environmental preservation through KKV, trees for jobs among others</p> <p>11. KKV programmes done in all the districts within the country.</p> <p>12. Promotion of inter-cultural awareness by organizing exchange programmes between young people and youth organizations within the country. As per article 17.</p> <p>13. Ensuring their access to employment and other services. The recent launch of AGBO on 30% procurement.</p>			<p>procurement should go to the youths hence ensuring entrepreneurship among the youths.</p>
--	--	--	--

<p>This has been done through sensitization and publication in the former provincial headquarters. At least the exercise was done in all the former provinces</p>				
<p>32. 1951 CONVENTION RELATING TO THE STATUS OF THE REFUGEES</p> <p><i>Adopted by:</i> United Nations <i>Entered into force on:</i> 4th October, 1964 <i>Kenya became a state party to the Convention on:</i> 16th May, 1966</p> <p>Obligation to government: The aim of the Convention is to define who a refugee is so as to be able to determine who qualifies for asylum status and the responsibilities of the nations that grant asylum. The Convention also sets out some visa-free travels for persons who hold travel documents issued under the Convention. Parties to the Convention are required to Co-operate with UNHCR under Article 35. Parties are also required to inform the UN secretary general of laws and regulations they may adopt to ensure the application of the Convention. Parties also agree that the notion of reciprocity does not apply to refugees.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya is the largest host country for refugees in the region and has recently concluded the agreement for the repatriation of Somali refugees. With this regard, Kenya has implemented the requirements of the Convention.</p>	<p>REPORTING MECHANISM</p> <p>1. The parties to the Convention report quarterly.</p>	<p>CHALLENGES</p> <p>1. Outdated laws that need repeal. 2. Poor funding. 3. Lack of adequate staff.</p>	<p>RECOMMENDATIONS</p> <p>1. Increase in funding. 2. Fast track the amendment to the Refugee Act 2006. 3. Post competent staff to the department.</p>	<p>BENEFITS TO KENYA</p> <p>1. Improve international relations. 2. Proper documentation of refugees in the country has helped in curbing international crimes.</p>
<p>33. THE UN CONVENTIONS ON THE RIGHTS OF THE CHILD (UNCRC)</p> <p><i>Adopted on:</i> 20th November, 1989 <i>Entered into force on:</i> 2nd September, 1910 <i>Kenya became a state party to the Convention on:</i> 3rd July, 1990</p> <p>Obligation to government: Ensure provision of the highest standards of health</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Children's Act 2001 enacted 2. Protecting the right to life, survival and development through Kenya Expanded Programme immunization-87% immunization coverage 3. Free prevention of mother to child transmission (PMTCT) of HIV. 4. Free comprehensive maternal child health programme, Neo-natal and post-natal services. 5. Free treatment of under five year old children. 6. Free ARV's for all children across the country. 7. National Guideline and Manual on the Identification and referral of all children with disabilities and special needs 2010. 8. Training manual for health workers on prevention and early detection of disabilities. 9. School health policies and guidelines 2008 Diarrhoea policy. 10. Reproductive health policy. 11. Child survival and 	<ol style="list-style-type: none"> 1. Reports given to the Committee on the Rights of the Child every 5 years. 2. Quarterly meeting with children's department. 3. Integrated Child Health Committee that meets quarterly. 	<ol style="list-style-type: none"> 1. Compartmentalization of services offered to the child. 2. Low funding allocations to children's disabilities. 3. Challenges in mainstreaming children with vulnerabilities to various sectors and social environment. 4. Gap in financial support by GoK, most funding is from donors. 5. Poor coordination of interventions to protect children who have been violated or abused sexually, physically or psychosocially. 	<ol style="list-style-type: none"> 1. Integration of child health services. 2. Increase GoK funding. 3. Implementation of existing policies. 4. Integration of the management of children who suffer sexual, physical or psychological abuse or violation. 	<ol style="list-style-type: none"> 1. Children enjoy human rights and are protected from abuse, exploitation and child labour.

development strategy 2008-2015.				
34. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES				
<p><i>Adopted on:</i> 30th March, 2007 <i>Entered into force on:</i> 3rd May, 2007, New York <i>Kenya became a state party to the Convention on: 19th May, 2007</i></p> <p>Obligation to government: Article 4 - General obligations: Ensure and promote the full realisation of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. This is to be done through: Providing the highest level of health services that are acceptable, affordable, available and accessible to persons with disabilities; Development of legislation to protect and promote the rights of the disabled; Ensure that public authorities and institutions act in conformity with the present Convention; Promote research and development of universally designed goods, services, equipment and facilities</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Domestication of the Convention through the mainstreaming the disability concept. Kenya Act Disability 2003. National Council for Persons with Disability. The Basic Education Act, 2013 which is a legal framework has been enacted which protects every child against discrimination within an education institution on any ground. It also promotes non-discrimination, encouragement and protection of marginalized persons with disabilities and those with special 	<ol style="list-style-type: none"> National Focal Point, Ministry of Labour gives a report to the Committee on the Rights of Persons with Disabilities every 4 years. Every line sector gives quarterly report to the council for persons with disabilities. Annual reports. Reporting -initially within two years of accepting the Convention and thereafter every four year mechanism is and is also based on themes as determined yearly by the UNCRPD Committee or as may be required. 	<ol style="list-style-type: none"> Staff attitude towards the disabled. Challenges in mainstreaming disabilities at policy level. Funding gap. Inadequate funds to support all the special needs institutions. Support from stakeholders lacks holistic approach. Technical challenges in accessing the disabled persons for registration. Limitation in human resource to carry out assessments and interventions in schools and work place. Lack of occupational therapy in the curriculum of special education teachers 	<ol style="list-style-type: none"> Commitment by managers at all levels. Develop opportunities to share best practices and improve capacities on management of persons with disabilities. Devolve services to the counties. Increase medical personnel. Stakeholders to understand the concept of medical disability approach and embrace it. Increase the special capitation grants for special needs institutions. 	<ol style="list-style-type: none"> It has helped Kenya come up with registers for persons with disabilities for effective planning and the establishment of the Development Fund and the Persons with Disabilities Act. Provision of Education to all citizens, especially those with special needs is important for human capital development as it prepares those who would otherwise be dependants to be self-reliant. Adequate funds be set aside to implement the UNCRPD in the country. Funds be provided to finance the annual delegation to New York for

<p>needs.</p> <p>5. Special needs education has been mainstreamed in the education system and schools instructed to make their physical facilities disability friendly.</p> <p>6. MOEST provides capitation grants for SNE at Kshs 2000 per child over and above the normal capitation of Kshs 1020 for public primary schools and non formal schools. This has helped enhance access, equity, relevance and quality of education and training for learners with special needs and disabilities.</p> <p>7. Ministry and National council for Persons with disabilities are leading in implementation based on various provisions. Other Organizations in the disability sector are also implementing them based on relevant Provisions.</p> <p>8. Kenya Submitted Its Initial Country Report to the UNCPRD Committee in January 2012.</p> <p>9. Kenya will be responding to queries on the initial report in the Month of</p>		<p>8. Facilities in most of the Educational institutions have not yet conformed to the recommended standard</p> <p>9. Inadequate finances to organize, collect data for report, fund various activities for persons with disabilities, funds for delegation to present the reports and hold side events</p>	<p>reporting on progress.</p>
---	--	---	-------------------------------

<p>April 2015 according to the UNCRPD Committee calendar.</p> <p>10. Kenya has been sending delegation every year to New York to present annual reports to the UNCRPD Committee according to themes of the sessions.</p>				
35. CONVENTION ON PRISONERS'S RIGHTS				
<p>Adopted on: Entered into force on: Obligation to Government; Ensure that the rights of prisoners are upheld.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. The construction of additional prisoners' accommodation blocks is ongoing whilst the refurbishment of the existing facilities is also being carried out. 2. The Government has made concerted effort to build new prisons in the newly created districts. 3. The provision and improvement of access to safe and clean water for the prisoners and the staff through the installation of water purification plants and 		<ol style="list-style-type: none"> 1. Difficulty in accessing legal representation by prisoners. 	<ol style="list-style-type: none"> 1. Implement programs that create an environment for prisoners and prison staff that are safe, secure and humane. 	<ol style="list-style-type: none"> 1. Protection of human rights.

<p>sinking of boreholes is being undertaken at a continuous basis in all the prisons to upgrade prison health centres and dispensaries to fully fledged hospitals and health centres in order to enhance the provision of supply kits and equipment to these facilities.</p> <p>4. The Government has modernized the prison transport system which has led to a more humane and prompt transportation of offenders to courts, hospitals and administrative functions.</p>				
<p>36. THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)</p> <p><i>Adopted on:</i> 11th August 1999 Entered into force on: 15th March 2005 The Statute obliges parties to be accountable internationally for international crimes committed on their territories and by their nationals; duty to surrender perpetrators to the ICC; complementarity and pay assessed contributions.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya enacted the International Crimes Act in 2008 which domesticated the Rome Statute and gave it force of law in Kenya.</p> <p>2. Enactment of the</p>	<p>REPORTING MECHANISM</p> <p>1. National Committee on ICC issues through MFAIT to the ICC Secretariat.</p>	<p>CHALLENGES</p> <p>1. Manipulation of the ICC as a political tool continues to affect the Court's credibility.</p> <p>2. Inadequate investigations.</p>	<p>RECOMMENDATIONS</p> <p>1. Prompt and effective national prosecutions of mass atrocity crimes to ensure that the ICC remains a Court of Last Resort as envisaged in the Rome Statute.</p>	<p>BENEFITS TO KENYA</p> <p>1. Commitment to the rule of law and respect for human rights.</p> <p>2. Deterrence of the possibility of impunity.</p>

<p>Prevention of Organized Crimes Act, Prevention of Terrorism Act, the Mutual Legal Assistance Act and the Proceeds of Crime and Anti-Money Laundering Act. Supplemented by institutional reforms in the criminal justice system, which include the Kenya National Police Service, Independent Policing Oversight Authority, the Judiciary, and Office of the Director of Public Prosecutions, among others. Member states to the Rome Statute are required to punish international crimes since the ICC cannot deal with all post election violence cases.</p>	<p>3. Partiality/ biased prosecution. 4. Unprocedural re-characterization of charges 5. Perjury by intermediaries 6. Corruption in recruitment etc</p>	<p>2. Continue to support complementarily.</p>	
<p>37. TREATY ESTABLISHING THE WORLD TRADE ORGANIZATION (THE MARRAKECH AGREEMENT)</p> <p><i>Adopted on:</i> April 1994 <i>Entered into force on:</i> January 1, 1995</p> <p>To create an integrated multilateral trading system</p>			
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya established the Permanent Inter-Ministerial Committee (PIMC) in May 1995 to advise the government on all matters pertaining to</p>	<p>REPORTING MECHANISM</p> <p>2. Trade Policy Review Mechanism (TPRM)</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
			<p>BENEFITS TO KENYA</p> <p>1. The WTO enables international trade by eliminating tariff barriers that restrict trade and prohibits dumping of goods. It provides Kenya with a</p>

<p>the WTO.</p>				<p>platform in which to negotiate trade agreements with other countries in the global sphere with favourable terms for her development.</p> <p>2. As of now Kenya has negotiated trade agreements with other countries that will further development in line with vision 2030.</p>
<p>38. DOHA – DEVELOPMENT AGENDA ROUND AND BALI PACKAGE (2001-2013)</p>				
<p><i>Launched in 2001</i></p>				
<p><i>Obligation to Government; Obligated to meet stiff export standards ,when exporting both Agricultural and Industrial products to developed countries</i></p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. To ensure that Kenya Complies with its international trade obligations it has domesticated most of the WTO agreements such as the enactment of the industrial property Act, implementing the WTO Agreement on customs valuation, setting up enquiry points at the Kenya Bureau of Standards (KEBS) and the Kenya Plant Inspectorate Service (KEPHIS) to ensure compliance with</p>	<p>1. The World Trade Organization.</p>	<p>2. Kenya is categorized as a developing country and not as a least developed country. It therefore does not qualify for the benefits accorded to LDCs and is also not as fully developed as the developed countries. This poses a challenge for Kenya which is required to trade with other developed countries on the principle of reciprocity even though Kenya is not there yet.</p>	<p>1. Improving WTO rules on trade and ensuring that the country has policy space to address its developmental concerns including Vision 2030.</p>	<p>1. It creates a common set of standards for the 161 countries and is expected to cut red tape, 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.</p>

<p>international standards on quality, technical regulations and safety in goods and plant health. In addition the Ministry has finalized the preparation of a trade remedies bill and once approved by the Cabinet will address trade distortions (dumping, and import surges) in the domestic market.</p>				
<p>39. EAC-EU ECONOMIC PARTNERSHIP AGREEMENT</p> <p><i>Obligation to government: To coordinate implementation and necessary revisions of the EAC-EU EPA</i></p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Kenya, along with other East African Community (EAC) Partner States concluded Economic Partnership Agreement (EPA) Negotiations with the European Union (EU) on 14th October 2014. This ended a 12 years protracted negotiation of the trade agreement, whose negotiation was launched at all ACP level in 2002.</p>			<p>1. The EU and EAC Partner States should expedite the signing and ratification of the EPA.</p>	<p>1. EPA will contribute to sustainable development, the gradual integration of the EAC into the world economy and foster the structural transformation of EAC.</p> <p>2. Access to flexible and enabling Rules of Origin that are only available under the EPA.</p> <p>3. Opportunity to spearhead industrial</p>

				<p>development through the very generous cumulating provision of the Rules of Origin.</p> <p>4. 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.</p> <p>5. Opportunity to exploit the provisions of the fisheries chapter of the EPA in stimulating manufacture of marine fisheries products targeting the multibillion Euro market.</p> <p>6. Trade related development assistance that is provided for in the development chapter of the EPA.</p>
<p>40. WORLD TRADE ORGANIZATION TECHNICAL BARRIERS TO TRADE (WTO/TBT) AGREEMENT – NATIONAL ENQUIRY POINT</p> <p>Adopted on: Entered into force on:</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya Bureau of Standards (KEBS) launched an electronic notification system</p>	<p>REPORTING MECHANISM</p> <p>1. The World Trade Organization.</p>	<p>CHALLENGES</p> <p>1. Technical regulations and standards may vary from country to country</p>	<p>RECOMMENDATIONS</p> <p>1. Strengthening implementation of the TBT Agreement.</p>	<p>BENEFITS TO KENYA</p> <p>1. Global trade facilitation across the borders as it ensures that there are no</p>

<p>called "Notify Kenya TBT." It allows KEBS to more efficiently inform private and public stakeholders of technical regulations and standards that the World Trade Organization (WTO) member countries propose to introduce.</p> <p>2. Kenya, through its KEBS TBT National Enquiry Point has been disseminating WTO TBT notifications through a bi-monthly publication. The delays in disseminating the information reduced the comment period from 60 to about 45 days. The system was slow and reached only 1,600 users. A projected 50,000 stakeholders will use the electronic system.</p> <p>3. The system has improved the efficiency of KEBS National Enquiry Point significantly, particularly by reducing the time between</p>		<p>country, posing a challenge for producers and exporters.</p>	<p>trade barriers to Kenyan producers who try to access international markets for their products.</p> <p>2. Kenyan stakeholders both public and private have access to relevant information on the international market relating to standards and technical regulations requirements so as to ensure continued access to international markets.</p> <p>4. The TBT Agreement also ensures that member States do not use technical reasons to bar entry of goods from some member states into their markets.</p> <p>5. For every benefit that Kenya derives under this treaty, there is a resultant obligation from member states that she has to honour as and when required.</p>
---	--	---	--

<p>receipt of notifications from the WTO to dissemination of that information to registered users from up to 15 days to real time.</p>				
<p>41. WTO TRADE RELATED INVESTMENT MEASURES (TRIMS) Adopted on:</p>				
<p>Obligation to Government; Facilitate investment across international frontiers to increase the economic growth of all trading partners while ensuring free competition.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The establishment of "enquiry points" – offices that provide information about the country's technical regulations, test procedures, and adherence to various international standards.</p>	<p>1. World Trade Organization.</p>	<p>1. Conversely, outdated, overly burdensome, discriminatory, or otherwise inappropriate standards related measures can reduce competition, stifle innovation, and create unnecessary obstacles to trade.</p> <p>362)</p>		<p>1. 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.</p> <p>2. TRIMS ban local content requirements and trade balancing rules that were used to promote the interests of domestic industries and combat restrictive business practices.</p> <p>3. Developing countries are permitted to retain TRIMS that constitute a violation of GATT</p>

				<p>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.</p> <p>4. TRIMS prohibit trade related investment measures that are discriminatory. The rules restrict preference of domestic firms and enable international firms to operate easily within foreign markets.</p>
<p>42. THE WTO DISPUTE SETTLEMENT SYSTEM</p>				
<p>Obligation to Government; comply with the all the WTO multi-lateral Agreements</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Kenya has proposed reforms and development of the WTO dispute settlement in WTO meetings.</p>	<p>1. The World Trade Organization.</p>	<p>1. There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy.</p>	<p>1. Kenya needs to enhance her domestic legal capability to handle the dispute settlement process on her own as well as start initiatives in the General Council for improvements in the dispute settlement process.</p>	<p>1. The system has operated against the interests of the developing countries as it is costly for developing countries to initiate the dispute settlement process for exercise of their rights unlike the developed countries.</p> <p>363)</p>

43. CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATIONS in Vienna 8th April,1979 (UNIDO)

Adopted on: 8th April,1979

Entered into force on: 21st June, 1985

Kenya became a state party to the Convention on: 13th November, 1981

Obligation to government: Payment of Assessed contribution; Attend a bi-annual General Conference; Attend Conference of AU Ministers of Industry; Participate in UNIDO decision making organs the Program and budget committee and the Industrial Development Board; Annual subscription of approx € 13, 000 but varies yearly; Participate in Industrial Development Board meetings

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Membership subscription up to date. Kenya participates regularly and is currently the Chair of CAMI and member of the Program and Budget Committee of UNIDO.	1. Member states delegates' statements at the General Conference bi-annually.	1.Inconsistence attendance to UNIDO activities 2.Late payment of subscription 3.Lack of pay point in the Ministry.	1.Need for Kenya to attend all meetings. 2.Quick payment of assessed contributions in order to participate fully in UNIDO activities.	1. Technical and financial support for the Country in the Process of Industrialization. 2. Capacity Building for Industrial Development Officers.

44. WTO/SPS/OIE including Sub Regional Office

Kenya ratified in:1994

Obligation to Government; Some of the obligations to Government include disease reporting, Certification of animals and animal products for export.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya has been adopting the international standards developed by Office of Epizootics (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food safety. 2. Kenya has developed the fish safety and quality assurance				1. Gaining access to international markets and seeking assistance in the areas of processing technologies, research and infrastructure and in the establishment of national regulatory bodies. 2. Access to regional and international market for its fish and fish

<p>regulations 2007 under the Fisheries Act, Cap 378, Terrestrial and Aquatic Codes, Animal Diseases Act Cap 364, Fertilizers and Animal Foodstuffs Act Cap 345 to domesticate the requirements.</p>				<p>products.</p>
<p>45. THE OFFICE INTERNATIONAL DES EPIZOOTIES (OIE)</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. The Ministry of Devolution and Planning put in place an inter-ministerial Committee which meets twice in a year to review progress.</p>			<p>1. Resources should be committed to the National Indicative Programme (NIP).</p> <p>2. There should also be improvement on utilization and reporting of EU funds.</p>	<p>1. Kenya is an exporter of agricultural goods and animal products and benefits greatly from the standards, guidelines and recommendations established by OIE pertaining to animal health.</p>
<p>46. COTONOU ACP-EU PARTNERSHIP AGREEMENT</p>				
<p><i>Adopted in: June, 2000</i> <i>Entered into force in: 2003</i> <i>Kenya is party to the Agreement.</i></p>				
<p>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>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. The Agreement has been revised twice in 2005 and 2012 to include emerging issues that were not included during the</p>	<p>1. The Council of Ministers responsible for ACP meets twice in a year to review progress of activities and programme activities on a</p>	<p>1. Some activities have taken long to be accomplished such as Economic Partnership Agreements. 2. Delays in contracting and</p>	<p>1. Speed up negotiations within the EAC region 2. Improve on utilization and reporting of EU funds 3. Approval of proposed riders to</p>	<p>1. The EPAs will provide an opportunity for Kenya to restructure or to continue to restructure its economy to adapt to a changing global</p>

<p>conception and signing in 2000.</p> <p>-EU supports Kenya in different sectors notably infrastructure, agriculture and in emergencies.</p> <p>-The current plan 2008 -2013 provided Kenya with Euros 390 million (approx. KSh. 40 billion).</p> <p>-Negotiations in the following areas have been concluded and the various texts have been migrated to the Consolidated EPA text: -</p> <ul style="list-style-type: none"> • Trade in Goods • Fisheries • Customs and Trade Facilitation <p>-Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT)</p> <p>-There is pending work in the following areas:</p> <ul style="list-style-type: none"> ▪ Economic Co-operation and Development ▪ Rules of origin ▪ Agriculture <p>Institutional Arrangement and final provisions</p>	<p>yearly basis. At the same time, a comprehensive review is done every five years.</p> <p>2. The Ministry of Devolution and Planning puts in place an inter-ministerial Committee which meets twice in a year to review progress.</p> <p>3. The 3rd & last review of the Cotonou Agreement is due in 2015</p>	<p>disbursement of EU funds.</p> <p>3. Lack of capacity</p> <p>4. Low absorption of EDF.</p>	<p>existing Financing Agreements for signing by December 2013.</p> <p>4. Committing all the resources under the National Indicative Programme (NIP).</p>	<p>environment.</p> <p>2. The Cotonou help will promote and expedite the economic, cultural and social development of the ACP States and contribute to peace and security as well as promote a stable and democratic political environment</p> <p>3. Has made easier for Kenya to work towards regional and international integration. This has enabled the country towards the achievement of the eighth millennium development goal which is to develop global partnership for development.</p> <p>4. Improvement of infrastructure in Kenya which is a key goal of Kenya's Vision 2030 which has enhanced urbanization and growth of the agricultural sector.</p> <p>5. There has also been development of agricultural sector in form of value addition as well as in research conducted in the agriculture sector.</p>
<p>47. TOKYO INTERNATIONAL CONFERENCE ON AFRICAN DEVELOPMENT (TICAD)</p> <p>Kenya is party to TICAD.</p> <p>Obligation to government: Implement the Yokohama Declaration 2013 through the Yokohama Action Plan 2013-2017 according to the agreed matrix; No financial obligation to government except costs incurred while attending TICAD meetings</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya has participated in all the TICAD Conferences.</p> <p>2. Through TICAD, Kenya has received substantial support from the Japanese Government.</p>	<p>1. Yokohama Plan of Action.</p> <p>2. Matrix of Implementation for monitoring.</p> <p>3. Inter-Ministerial Committee chaired by Ministry of Devolution and Planning assesses implementation status of TICAD programmes.</p>	<p>1. Delay in commencement of Japanese funded projects (e.g. roads) due to slow internal processes.</p>	<p>1. <i>Preparation of</i> credible projects proposals that will attract funding from the pledged basket of funds from the last conference (TICAD V).</p> <p>2. Each Ministry should align their proposals with the TICAD V Framework for discussion with Japan.</p> <p>3. Proposals should be limited to only few key priority areas to increase chances of uptake by the Japanese Government.</p>	<p>1. Japan has assisted Kenya to implement major projects in inter alia energy, agriculture, Education Science and technology and roads.</p> <p>2. Kenya hosts one of the largest Japanese communities in Africa and is the Regional Headquarters for all of Japan's major Agencies (JICA, JETRO and JBIC) as well as its largest trading houses.</p>
<p>48. THE METRE CONVENTION</p> <p><i>Adopted on:</i> 20th May, 1875</p> <p><i>Entered into force on:</i> 1st January, 1876</p> <p><i>Kenya became a state party to the Convention in: 2010</i></p> <p><i>Obligation to government:</i> Pay annual contributions (€ 56 123); Attend and vote at the CGPM; Participate in BIPM activities</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Membership subscription is up to date.</p> <p>2. KEBS continues to fully participate in the BIPM activities.</p>	<p>1. Reports as provided for under the Standards Act.</p>	<p>1. Limited resources (personnel, equipment, funds, facilities etc) to fully participate in BIPM activities.</p> <p>2. Limited legal framework.</p>	<p>1. Avail adequate resources.</p> <p>2. Review legal framework.</p>	<p>1. International recognition of our national measurement system.</p> <p>2. Underpin the national quality infrastructure.</p> <p>3. Support the national programme on ease of doing business by eliminating measurement related issues (TBT's)</p>
<p>49. MEMBERSHIP TO CODEX ALIMENTARIUS COMMISSION</p>				

<p><i>Adopted in:</i> October 1963 <i>Entered into force in:</i> October, 1963 <i>Kenya became a member state to the Commission in: 1969</i></p> <p><i>Obligation to government:</i> To participate in international codex food standards development meetings and capacity development programmes</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
<p>1. Membership is up to date. Kenya participates regularly and is one of the most active in responding to food safety issues in codex standards.</p> <p>2. Kenya has been adopting the international standards developed by CAC for the safety of animal-derived food and feed commodities.</p>	<p>1. The Standards Act</p> <p>2. National Codex Contact Point is the link of Kenya to the international Codex Alimentarius Commission.</p> <p>3. The Director of Medical Services is the National Enquiry Point for food safety while the Director of Veterinary Services participates as a member in the National Codex Committee.</p> <p>4. NCCP convenes meeting to discuss draft codex food standards and forward national comments to the host countries including CAC secretariat.</p>	<p>1. Lack of funds for participating in international codex meetings. Government and lead agencies need to set aside the budget for attending these meetings.</p> <p>2. The National Codex Committee is wrongly housed in Kenya Bureau of Standards in ministry of industrialization, thereby reducing its focus in “food safety measures” due to overshadowing with “food standardization”.</p>	<p>1. Codex Food standards are being used to facilitate fair food trade and to protect health of consumers.</p>
RECOMMENDATIONS			
<p>1. Each Government/institutions to set up budget for participation on these scientific based codex standards development.</p> <p>2. The National Codex Committee should be housed in the Ministry of Health so that it improves its focus on food safety measures.</p>			
<p>50. MEMBERSHIP TO AFRICAN ACCREDITATION CO-OPERATION (AFRAC)</p> <p><i>Adopted in:</i> 2007 <i>Entered into force in:</i> 2010 <i>Kenya became a member state of AFRAC in: 2009</i></p> <p><i>Obligation to government:</i> Annual membership fees US\$540</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
<p>1. Membership subscription up to date</p>	<p>1. Annual reports to the secretariat and delegates presentations during</p>	<p>1. Facilitation to attend and participate in the biannual congresses and projects organized</p>	<p>1. Exposure to new ideas in the profession. 2. Keep up to date emerging</p>
RECOMMENDATIONS			
<p>1. Greater focus on the global activities of IUGS needed.</p>			

	IUGS congresses	and implemented by the IUGS	technologies. 3. Foster greater Co-operation and institutional linkages.
<p>51. MEMBERSHIP TO THE INTERNATIONAL ACCREDITATION FORUM (IAF)</p> <p><i>Adopted on: 28th January, 1993</i></p> <p><i>Entered into force on: 28th January, 1993</i></p> <p><i>Kenya became a member state to the Forum on: 24th July, 2013</i></p> <p><i>Obligation to government: Annual membership fees US\$ 1234</i></p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. Membership subscription up to date.	1. Annual reports to the secretariat and delegates presentations during GA Meetings.		<p>1. IAF MLA provides governments with a credible and robust framework on which to further develop and enhance government to government bilateral and multilateral international trade agreements.</p> <p>2. The long-term aim is the fully accepted use and recognition, by both public and private industries, of accredited certification, including certificates from other countries.</p> <p>3. The IAF MLA represents an internationally recognised 'stamp of approval' to demonstrate compliance against agreed standards and requirements.</p> <p>4. The IAF MLA provides businesses that are procuring products and services with</p>
			<p>2. Kenya should continue participation as assists in the following:</p> <p>3. Business consistency in quality.</p> <p>4. Manufacturers have a competitive edge.</p> <p>5. Assists regulators as risks are minimized.</p> <p>6. Facilitates government to government trade.</p> <p>7. Ensures goods meet standards of quality and safety.</p>

					greater confidence in their consistency of quality.
<p>52. MEMBERSHIP TO THE INTERNATIONAL LABORATORY ACCREDITATION CO-OPERATION (ILAC)</p> <p><i>Adopted on:</i> 1996</p> <p><i>Entered into force on:</i> 2th November 2000</p> <p><i>Kenya is an associate member state</i></p> <p><i>Obligation to government:</i> Annual membership fees US\$ 1469</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
<p>1. Membership subscription up to date</p>	<p>1. Annual reports to the secretariat and delegates presentations during GA meetings</p>	<p>1. Lack of locally available competent pool of peer evaluators to evaluate regional Accreditation Bodies that are readily available for use in evaluating of Accreditation Bodies for purposes of entry and signing of Mutual recognition Arrangements- <i>Tested , inspected certified once accepted everywhere.</i></p> <p>2. Participation in Biannual and Annual general meetings is an inevitable activity that requires resources.</p> <p>3. Lack of an MRA signatory regional block that could hasten the process of peer evaluation hence global recognition of accredited conformity assessment</p>	<p>1. There is need for Kenya to participate more often in ILAC activities in order to articulate country position where necessary.</p> <p>2. Participation is requisite for increase in access of Kenyan goods to international markets.</p>	<p>1. Global recognition of laboratories and inspection facilities.</p> <p>2. Assisting and supporting developing accreditation systems particularly in the developing economies.</p> <p>3. Promoting laboratory and inspection accreditation to industry, governments, regulators and consumers.</p> <p>4. Facilitates international trade.</p> <p>5. Developing and harmonizing laboratory and inspection accreditation practices.</p>	

				results.	
<p>53. FULL MEMBERSHIP TO INTERNATIONAL MEASUREMENT CONFEDERATION (IMEKO)</p> <p><i>Adopted in:</i> 1958</p> <p><i>Entered into force in:</i> 1958</p> <p><i>Kenya became a member state on:</i></p> <p><i>Obligation to government:</i> To participate in General congress, Technical Committee meetings and capacity development programmes in Metrology; Annual subscription of 900 Euros</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Membership subscription up to date. Kenya through KEBS attends General Congress and related technical committee meetings annually.	2. Annual member states delegates' statements at the General Congress held every three years.	1. Big obligation since the General congress is mostly held outside Africa continent.	1. Kenya is encouraged to remain full member in order to benefit from the IMEKO developed countries metrological technology and development.	1. Bench making with the developed countries in the world. 2. Sharing metrology developments within the member states.	
<p>54. MEMBERSHIP TO INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)</p> <p><i>Adopted on:</i> 23rd February, 1947</p> <p><i>Entered into force on:</i> 23rd February, 1947</p> <p><i>Kenya's Status:</i> 1969 as Correspondent Member and 1976 as Body Member.</p> <p><i>Obligation to government:</i> To participate in standards setting meetings and capacity development programmes; Kenya is a participating member (P-Member) to various Technical Committees; Annual subscription of US\$ 64,000</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Membership subscription up to date. Kenya participates regularly in various technical committees and the General Assembly. 2. Kenya has access to over 19 500 published	1. Reports as provided for under the Standards Act. 2. ISO holds an Annual General Assembly. 3. Technical committees meet regularly to develop standards and meeting reports/ progress		1. Kenya to continue being a member of ISO. 2. Increase our participation in ISO activities. 3. More resources need to be allocated to e various activities related to ISO as per	1. ISO International Standards ensure that products and services are safe, reliable and of good quality. For business, they are strategic tools that reduce costs by minimizing waste and errors and	

<p>International Standards of which priority ones are adopted as Kenya standards.</p>	<p>reports are prepared for appropriate action.</p>		<p>our priority sectors.</p>	<p>increasing productivity. They help companies to access new markets, level the playing field for developing countries and facilitate free and fair global trade.</p> <p>2. Kenya has access to over 19 500 published International Standards hence avoiding duplication of efforts in standards development.</p> <p>3. Kenya's health and safety of human, animal and environment are protected.</p>
<p>55. MEMBERSHIP TO INTERNATIONAL ELECTRO-TECHNICAL COMMISSION (IEC)</p> <p><i>Adopted on:</i> 26 June 1906 <i>Entered into force on:</i> 26 June 1906 <i>Kenya is a member state</i> <i>Obligation to government:</i> Annual membership fees US\$27,000</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Membership subscription up to date. The Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).</p> <p>Promote SME's through marketing their wares to</p>	<p>REPORTING MECHANISM</p> <p>1. Reports as provided for under the Standards Act. 2. IEC holds an Annual General Assembly. 3. Technical committees meet regularly to develop standards and meeting reports/ progress reports are prepared for appropriate action.</p>	<p>CHALLENGES</p> <p>1. Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy.</p>	<p>RECOMMENDATIONS</p> <p>1. Build more local expertise in this sector. 2. More financial resources need to be allocated to this activity.</p>	<p>BENEFITS TO KENYA</p> <p>1. Kenya's health and safety of human, animal and environment are protected. 2. Kenya interests are incorporated into International standards. 3. Kenya's products are able to access international markets.</p>

visitors and delegates.					
56. INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES (BUREAU INTERNATIONAL DES POIDS ET MESURES, BIPM)(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)					
57. MEMBERSHIP TO AFRICAN ELECTROTECHNICAL STANDARDIZATION COMMISSION (AFSEC)					
<p><i>Adopted in:</i> 2005 <i>Entered into force on:</i> 17th February, 2008 <i>Kenya is a member state</i></p> <p><i>Obligation to government:</i> Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by the Commission, participate in Management Committee meetings and operate within the rules and procedures of the Commission. The country pays an annual subscription of USD 5,000 to the Commission.</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. The Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).	1. Reports as provided for under the Standards Act. 2. AFSEC holds annual meetings, 3. Technical committees meetings regularly to develop standards. 4. Reports/ progress reports are prepared for appropriate action.	1. Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy.	2. Build more local expertise in this sector. 3. More financial resources need to be allocated to this activity.	1. Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. e.g. Electrical Energy Transmission infrastructure standardization. 2. Kenya's interest in Africa electro technical issues taken care of.	
58. MEMBERSHIP TO THE AFRICAN ORGANIZATION FOR STANDARDIZATION (ARSO)					
<p><i>Adopted in:</i> 1970 <i>Entered into force in:</i> January, 1977 <i>Kenya became a member state of ARSO on:</i> 11 January, 1977</p> <p><i>Obligation to government:</i> Kenya hosts the Head office of ARSO. Participation in ARSO council, Technical committees and various programmes. Annual membership fees US\$ 16,000</p>					
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	

<p>STATUS</p> <p>1. Membership subscription up to date. Kenya participates regularly in various technical committees and the General Assembly.</p>	<p>1. Reports as provided for under the Standards Act.</p> <p>2. ARSO holds an Annual General Assembly.</p> <p>3. Technical committees meet regularly to develop standards and meeting reports/ progress reports are prepared for appropriate action.</p>	<p>1. Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy.</p>	<p>1. Implementation of ARSO council decisions</p> <p>2. More financial resources need to be allocated to activities under this initiative.</p>	<p>1. Kenya's health and safety of human, animal and environment are protected.</p> <p>2. Kenya interests are incorporated into International standards.</p> <p>3. Kenya's products are able to access international markets.</p> <p>4. Reduce/eliminate technical barriers to trade(TBT) to faced by Kenyan products for market access.</p>
<p>59. ASSOCIATE MEMBERSHIP TO ASIA PACIFIC METROLOGY PROGRAMME (APMP)</p> <p><i>Adopted in: 1977</i></p> <p><i>Entered into force on: 30th September, 1997</i></p> <p><i>Kenya became an associate member of APMP since 2010</i></p> <p><i>Obligation to government:</i> To participate in General Assembly, Technical Committee meetings and capacity development programmes in Metrology. Annual subscription of US\$ 600</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Membership subscription up to date. Kenya through KEBS attends General Assembly (GA) and related meetings annually.</p>	<p>2. Reports as provided for under the Standards Act</p> <p>3. Annual member states delegates' statements at the General assembly held every year.</p>	<p>1. Big obligation since the GA is always held within the Asia Pacific full member countries every year.</p>	<p>1. Kenya is encouraged to remain an associate member in order to benefit from the APMP developed countries like Japan, Korea and China in metrological technology and development.</p>	<p>BENEFITS TO KENYA</p> <p>1. Bench making with the developed countries in Asia Pacific region.</p> <p>2. Sharing metrology developments within the member states.</p> <p>3. Participating in APMP organised measurement comparisons.</p>
<p>60. CONFERENCE OF AFRICA UNION MINISTERS OF INDUSTRY (CAMI)</p> <p><i>Kenya is party.</i></p>				

Obliation to government: Government to attend all the biannual meetings and CAMI bureau meetings when applicable. Participate in the Implementation of Accelerated Industrial Development for Africa (AIDA)			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Kenya is the current chair of CAMI bureau up to 2015.	1. Country Position during CAMI conference.	1. Lack of adequate funds to participate in all CAMI activities.	1. Funds should be sort in order to participate actively in CAMI related activities.
BENEFITS TO KENYA			
1. Kenya will gain by implementing AIDA.			
61. INTRA-AFRICA METROLOGY SYSTEM (AFRIMETS)			
<i>Adopted in:</i> March, 2006			
<i>Entered into force in:</i> July, 2007			
<i>Kenya is a state party to the Organization</i>			
Obliation to government: To participate in General Assembly, Technical Committee meetings and capacity development programmes in AFRIMETS. No subscription fees but members sponsor their participants to the various meetings annually.			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Kenya through KEBS attends general assembly and related meetings annually.	1. Reports as provided for under the Standards Act 2. Annual member states delegates' statements at the General assembly.	1. KEBS has to sponsor all officers participating in the various meetings.	1. Kenya is encouraged to remain a member in order to benefit from the AFRIMETS metrological technology and development.
BENEFITS TO KENYA			
1. Exchange of metrology expertise within the AFRIMETS. 2. Participating in measurement comparisons within AFRIMETS.			
62. SOUTH AFRICAN DEVELOPMENT COMMUNITY CO-OPERATION IN MEASUREMENT TRACEABILITY (SADCMET)			
Obliation to government: To participate in General Assembly, Technical Committee meetings and capacity development programmes in SADCMET; No subscription fees but members sponsor their participants to the various meetings annually.			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Kenya through KEBS attends general assembly and related meetings annually.	1. Annual member states delegates' statements at the General assembly.	1. KEBS has to sponsor all officers participating in the various meetings.	1. Kenya is encouraged to remain a member in order to benefit from the SADCMET metrological technology and development.
BENEFITS TO KENYA			
1. Exchange of metrology expertise within the SADCMET. 2. Participating in measurement comparisons within SADCMET.			

63. EAST AFRICAN ACCREDITATION BOARD (EAAB)			
<i>Obligation to government:</i> To participate in activities that are aimed improving the capacity and capabilities to effectively undertake Accreditation Besides the other Quality infrastructure and related conformity assessment activities (inspection, testing and certification) in all fields both in the private & public sectors) for purposes of trade facilitation.			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
Membership subscription up to date. KENAS, the National accreditation Body participates and represents Kenya regularly. Kenya (KENAS) is currently the Chair of the EAAB.	Annual member states delegates' statements at the Governing Council meetings held in June of every year.	<ol style="list-style-type: none"> 1. Insufficient allocation to the EAC secretariat to run EAAB programmes and hence attendant activities. 2. Insufficient Commitment by some Partner States and hence inadequate provision of resources to fund the activities of the NAB's and NAPP's. 3. Low awareness and understanding of Accreditation and its significant role in trade among the policy makers, regulators and other stakeholders, including the market. 	<ol style="list-style-type: none"> 1. Kenya encouraged to make full use of the EAAB platform to increase its share of trade within EAC, Africa and beyond.
			<ol style="list-style-type: none"> 1. Exchange ideas on Accreditation activities with partner states. 2. Forster closer Co-operation with member states. 3. Influence strategic direction of EAC and by extension Africa Union integration. 4. Increase of its share of trade and hence creation of requisite wealth.
64. EAST AFRICA COMMUNITY - STANDARDIZATION QUALITY ASSURANCE METROLOGY AND TESTING ACT (EAC SQMT ACT)			
<i>Obligation to government:</i> Participation in various standards harmonization technical committees for various sectors of the economy; Being secretariat of various standards harmonization technical committees; Participation in testing and metrology activities			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
<ol style="list-style-type: none"> 1. Kenya participates in various organs created by the SQMT Act. 2. Kenya participates in 	<ol style="list-style-type: none"> 1. Reports as provided for in the Standards Act and SQMT Act. 	<ol style="list-style-type: none"> 1. Limited resources to enable facilitation of various programmes under the SQMT Act. 	<ol style="list-style-type: none"> 1. Implementation of various decision of the institutions of the SQMT Act and various EAC Council
			<ol style="list-style-type: none"> 1. Increase market access and competitiveness of Kenya's goods in the regional markets.

various standards harmonization technical committee.	3. Kenya participates in various regional testing and metrology activities.	2. Implementation of the Regional Initiatives slows due to lack of favourable legislation and inadequate capacity for the implementation.	decisions 2. Monitoring mechanism for the action line under the SQMT Act.	2. Health and safety of Kenya's human animal and environmental protection.
65. MEMBERSHIP TO AFRICAN ACCREDITATION CO-OPERATION (AFRAC)				
<i>Adopted in:</i> 2007				
<i>Entered into force in:</i> 2010				
<i>Kenya became a member state of AFRAC in:</i> 2009				
<i>Obligation to government:</i> Annual membership fees US\$540				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Membership subscription up to date.	1. Annual reports to the secretariat and delegates presentations during IUGS congresses.	1. Facilitation to attend and participate in the biannual congresses and projects organized and implemented by the IUGS.	1. Greater focus on the global activities of IUGS needed.	1. Exposure to new ideas in the profession. 2. Keep up to date emerging technologies. 3. Foster greater Co-operation and institutional linkages.
66. WORLD COUNCIL OF CREDIT UNIONS (WOCCU)				
<i>Adopted on:</i> 1st January, 1971				
<i>Entered into force on:</i>				
<i>Kenya became a member state of WOCCU on:</i>				
<i>Obligation to government:</i> Provide information; Provide advise; Participation; Develop policy in line with WOCCU resolutions				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Department of Cooperatives is actively involved.	1. As soon as data is available.	1. Department of Cooperatives cannot participate in all activities due to lack of funds.	1. Kenya should be proactive in participation for it stands to gain more by participation.	1. Creation of employment for Kenyans.

<p>67. INTERNATIONAL COOPERATIVE ALLIANCE (ICA)</p> <p><i>Adopted on:</i> 19th August 1895</p> <p><i>Kenya is a member state.</i></p> <p><i>Obligation to government:</i> Contribute \$20, 000 annually; Provide data concerning Cooperative Societies in the Country</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Africa regional Office is in Nairobi hence the Department of Cooperatives is actively involved, though annual contribution has lapsed.	1. As soon as data is available.		1. Resources should be availed in order for full participation.	
<p>68. AFRICAN CONFEDERATION OF COOPERATIVE SAVING ASSOCIATION (ACCOSCA)</p> <p><i>Adopted in:</i> 1968</p> <p><i>Entered into force in:</i> 2007</p> <p><i>Kenya became a member state of ACCOSCA on:</i> 17th September, 1968</p> <p><i>Obligation to government:</i> Provide information; Provide advise; Participate in ACCOSCA activities</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Department of Cooperatives is actively involved.	1. As soon as data is available.	1. Department Cooperatives cannot participate in all activities due to lack of funds.	1. Kenya should be proactive in participation for it stands to gain more by participation.	1. Creation of employment for Kenyans.
<p>69. CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)</p> <p><i>Adopted on:</i> 14th July, 1967</p> <p><i>Entered into force on:</i> 14th July, 1967 Stockholm</p> <p><i>Kenya became a state party to the Convention on:</i> 5th October, 1971</p>				

Obligation to government: The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts to discuss issues and implement of intellectual property

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Kenya participates in WIPO activities. The implementing agencies are Kenya Industrial Property Institute, Kenya Copyright Board, Kenya Plant Health Services (KEPHIS). 	<ol style="list-style-type: none"> Country position during WIPO meetings during the General Assembly yearly. 	<ol style="list-style-type: none"> Insufficient budgetary allocations to enable Kenya participate in all WIPO meeting held throughout the year in Geneva through various WIPO Committees and decision-making bodies. 	<ol style="list-style-type: none"> As a Country there is need to be proactive in participating in all meetings, this will put Kenya in a better position to push for the interest of our innovators as a developing Country on issues of Intellectual Property. There is need to provide sufficient funds for Kenya to be represented in WIPO meetings. 	<ol style="list-style-type: none"> Technical assistant in infrastructure and administration of IP Policy discussions and negotiations on IP development WIPO provides a global policy forum, where governments, intergovernmental organizations, industry groups and civil society come together to address evolving intellectual property issues.
<p>70. PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY</p> <p><i>Adopted on:</i> 20th March 1883</p> <p><i>Entered into force on:</i> 1883, 1900, 1911, 1925, 1934, 1958, 14th July, 1967, amended 1979</p> <p><i>Kenya became a state party to the Convention on:</i> 14th June, 1965 to Paris Convention and 26th October to Stockholm Act</p> <p><i>Obligation to government:</i> The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Kenya is actively involved in protecting Industrial Property Rights through KIPRI. 	<ol style="list-style-type: none"> Yearly to the International Bureau. 	<ol style="list-style-type: none"> Limited awareness by the members of public on the role and importance of intellectual property as 	<ol style="list-style-type: none"> Need for more publicity and support on outreach programs by the Government. 	

		a tool for industrial and commercial development.	
<p align="center">71. MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS MADRID</p> <p><i>Adopted in: 1891</i> <i>Entered into force on: 14th April, 1891 amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28th September, 1979</i> <i>Kenya became a state party to the Agreement on: 26th June, 1998</i></p> <p>Obligation to government: Amending the Trade Marks Act to comply with the Agreement</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
<p>1. Kenya is actively involved in protecting Industrial Property Rights through KIPRI ongoing through implementation of the Trade Marks Act.</p> <p>2. 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</p>	<p>1. Yearly during the WIPO General Assembly.</p>	<p>1. The process of amending/enacting laws to comply with the Agreement takes too long.</p> <p>2. Insufficient budgetary allocation to enable Kenya participate in all PCT meeting held throughout the year in Geneva</p>	<p>1. There is need to provide sufficient funds for Kenya to be represented in Madrid Union meetings.</p> <p>1. Through the Madrid System Kenyans are able to registering their trademarks worldwide.</p>

<p>revenue produced by the supplementary and complementary fees.</p>			
<p>72. PATENT CO-OPERATION TREATY - (WIPO: 1970, WASHINGTON, UNITED STATES OF AMERICA) <i>Adopted in:</i> 1970 <i>Entered into force in:</i> 1970 <i>Kenya became a state party to the treaty on:</i> 8th June, 1994 <i>Obligation to government:</i> Protection and registration of patents</p>			
<p>IMPLEMENTATION STATUS</p>	<p>1. Ongoing through implementation of the Industrial Property Act, 2001 by KIPIT.</p>	<p>REPORTING MECHANISM</p> <p>1. Reports submitted and discussed through various meeting of the PCT Union and the annual General Assemblies of WIPO meetings.</p>	<p>CHALLENGES</p> <p>1. The process of amending/enacting laws to comply with the WIPO Treaties takes too long.</p> <p>2. Insufficient budgetary allocation to enable Kenya participate in all PCT meeting held throughout the year in Geneva.</p>
<p>RECOMMENDATIONS</p>	<p>1. There is need to provide sufficient funds for Kenya to be represented in all PCT meetings.</p>	<p>BENEFITS TO KENYA</p> <p>1. The Patent Cooperation Treaty (PCT) enables Kenyans to obtain patent protection internationally, helps patent Offices with their patent granting decisions, and facilitates public access to a wealth of technical information relating to inventions. By filing one international patent application under the PCT, applicants can simultaneously seek protection for an invention in 148 countries throughout the world.</p>	
<p>73. SINGAPORE TREATY ON THE LAW OF TRADEMARKS <i>Adopted on:</i> 27th March, 2006 <i>Entered into force on:</i> 16th March, 2009</p>			

Kenya became a state party to the treaty on: 28th March, 2006				
Obligation to government: Protection and registration of trademarks				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya is actively involved in protecting Industrial Property Rights through KIPRI, Kenya has already complied.	2. Yearly to WIPO.	1. No challenge.	1. Creating awareness amongst members of the public.	1. Protect trademarks.
74. BERNE CONVENTION				
<i>Adopted on:</i> 9th September, 1886				
<i>Entered into force on:</i> 5th December, 1887				
<i>Kenya became a state party to the Convention on:</i> 11th June 1993				
Obligation to government: Minimum standards for Copyright Legislation				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Done through the Copyright At Cap 130 Laws of Kenya.	1. No reporting requirement.	1. Lack of understanding on copyright and related rights.	1. Need to have the policy makers including Cabinet and Members of the National Assembly and Senate made aware of the same.	1. Has established common standards for procedural aspects of trademark registration and licensing 2. Technical assistance from WIPO in terms of capacity building.
75. WTO/TRIPS AGREEMENT (TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS)				
<i>Adopted on:</i> 15th April, 1994				
<i>Entered into force on:</i> 1st January, 1995				
<i>Kenya became a state party to the Agreement on:</i> 1st January, 1995				
Obligation to government: Reciprocal enforcement obligations				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Partial implementation Provisions relating to copyright and related rights implemented.	1. Reports submitted through the Ministry of East African Affairs, Commerce and Tourism	1. Some laws, such as the Geographical Indications Act, are yet to be enacted.	1. Enactment of the Geographical Indications Act.	1. It encourages research and innovation. 2. TRIPS is one of the agreement under the World Trade Organization.
76. LUSAKA AGREEMENT (1976) AND HARARE PROTOCOL (1982) ON THE CREATION OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)				
<i>Obligation to government:</i> Registration of patents and industrial designs				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya is complying through the Industrial Property Act 2001	1. Through the various annual meetings of the ARIPO Technical Committees, Administrative Council and Council of Ministers.	1. The process of amending/enacting laws to comply with the Protocol takes too long. 2. Insufficient budgetary allocation to enable Kenya participates in all ARIPO meeting. Some decisions made in such meeting may not be favourable to Kenya	1. Need for more publicity and support on outreach programs by the Government. 2. There is need to provide sufficient funds for Kenya to be represented in all ARIPO meetings.	1. Kenyans are able protect their inventions, designs, and utility models in 18 member countries by filing one application through ARIPO as opposed to filing applications in each of the 18 countries.
77. STATUTES OF INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY (ICGEB)				
<i>Adopted on:</i> 13 September 1983				
<i>Entered into force on:</i> 3 February 1994				
<i>Kenya became a member state of ICGEB on:</i> 30 July 2010				
<i>Obligation to government:</i> Participate in decision making of ICGEB Board of Governors; Recommend the Scientists and students for ICGEB Training; Encourage Scientists to Organize and request for funding for ICGEB Trainings; Annual Contribution of US\$ 5000 since 2011				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Training of PhD students through funds by ICGEB.</p> <p>2. Capacity building in the areas of biomedicine</p> <ul style="list-style-type: none"> - crop improvement - environmental protection/remediation - biopharmaceuticals and bio pesticide production through funds by ICGEB. <p>3. Linked Kenyan Researchers with those of South Africa (2013).</p>	<p>1. Annual Board of governors meeting held in May every year.</p>	<p>1. Inadequate Funds for Sensitization at County levels on ICGEB and available opportunities under ICGEB.</p>	<p>1. Sensitize the counties on the ICGEB.</p> <p>2. Encourage the Kenya Scientists and Students to apply for Training grants available at the ICGEB.</p> <p>3. Encourage Kenyans to apply for PhD grant at ICGEB.</p> <p>4. Encourage collaboration between Kenyan Scientists and those from other Member States.</p>	<p>1. Capacity building through Engineering on Genetic and Biotechnology.</p> <p>2. Information sharing among member states.</p> <p>3. Funding opportunities are made available through the Collaborative Research Programme (CRP) - ICGEB Research Grants, which is a unique source of funding aimed at financing those projects addressing original scientific questions that show a potential contribution of particular relevance for the applicant's country.</p>
78. PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN SCIENCE AND TECHNOLOGY				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	<p>1. Council of Ministers.</p>	<p>1. The implementation of the Protocol has been hampered by the delayed finalization of the hosting arrangements for the East African Science and Technology Commission.</p>		<p>1. It will establish 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.</p>
<p>79. OUTER SPACE TREATIES: (1)TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE INCLUDING THE MOON AND OUTER CELESTIAL BODIES (OUTER SPACE TREATY); (2) CONVENTION ON INTERNAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS; (3) AGREEMENT GOVERNING THE ACTIVITIES OF STATES ON THE MOON AND OTHER CELESTIAL</p>				

<p>1. 15 AU Member States have signed the Charter while Seven (7) have ratified. Kenya has started the process for ratification</p>	<p>1. African Commission (AUC) United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB), African Statistical System (ASS) and National Statistical Offices (NSOs)</p>	<p>1. In adequate capacity of producers of statistics at national, regional, and continental levels is significantly limited by inadequate human and financial resources.</p>	<p>1. Establishment a regulatory framework to co-ordinate of statistical activities and harmonize data among Member Countries.</p>	<p>1. Has boosted the production of quality statistics to inform public decision-making. 2. Leads to improvement of efficiency in monitoring and evaluation.</p>
<p>81. STRATEGY FOR THE HARMONIZATION OF STATISTICS IN AFRICA (SHASA)</p>				
<p><i>Kenya is party to the Strategy.</i></p>				
<p><i>Obligation to government:</i> Develop a National Strategy for Development of Statistics (NSDS)</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Process of developing a National Strategy for Development of Statistics (NSDS) has been initiated.</p>	<p>2. African Commission (AUC) United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB), African Statistical System (ASS) and National Statistical Offices (NSOs).</p>	<p>3. Lack of adequate resources (both financial and human). 4. Gap between the supply of statistical information and to facilitate the monitoring of the African development and integration process.</p>	<p>1. Devise mechanism for the implementation of the Charter.</p>	<p>2. Improvement of efficiency in monitoring and evaluation.</p>
<p>82. LEAGUE OF NATIONS, CONFERENCE OF PARTIES WORLD HEALTH ORGANIZATION</p>				
<p><i>Adopted on:</i> 7th April 1948</p>				
<p><i>Obligation to government:</i> Implementation of Convention of Tobacco, health resolutions, declarations, strategies and guidelines; Financial K.sh. 3 Million Annual Subscription fee</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. WHO supports Various health programme in the country e.g NCDs, Polio,</p>	<p>1. The Ministry of health reports to WHO through the following organs on various health</p>	<p>1. Funding gaps. 2. Competing priorities in health.</p>	<p>1. Increase of funding support by the government to WHO activities.</p>	<p>1. Enhanced coordination of health activities. 2. Sharing best practices with</p>

<p>Disease surveillance, HIV/AIDS, Malaria.</p> <p>2. Existing WHO country office.</p> <p>3. Existing WHO field offices in Garissa and Turkana.</p>	<p>agendas:</p> <p>2. WHO country office.</p> <p>3. WHO-AFRO.</p> <p>4. United Nations General Assembly.</p> <p>5. World health assembly.</p> <p>6. Executive board.</p> <p>7. Conference of Parties.</p> <p>8. Intergovernmental meetings.</p>		<p>2. Increased collaboration in implementing health.</p>	<p>other member states.</p> <p>3. Pooling of resources and negotiation for drugs, health technologies and other consumables as a group of member states to benefit from economics of scale.</p>
<p>83. CONVENTION ON PSYCHOTROPIC 21</p> <p><i>Adopted on:</i> 21st February, 1971</p> <p><i>Entered into force on:</i> 16th August, 1976</p> <p><i>Kenya became a state party to the Convention on:</i> 18th October, 2000</p> <p><i>Obligation to government:</i> Regulate the illicit use of Narcotics and psychotropic agents</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Implemented under the Cap 245 (Repealed) to create the Narcotics and psychotropic's substances act of 1992.</p>	<p>REPORTING MECHANISM</p> <p>2. Reports sent Quarterly to the International Narcotics Control Board.</p>	<p>CHALLENGES</p> <p>3. Act was placed under the Police yet the licit control is carried out by the Pharmacy and Poisons board.</p>	<p>RECOMMENDATIONS</p> <p>Separate the act into two:</p> <p>1. Licit control under the PPB</p> <p>2. Illicit use by the police.</p>	<p>BENEFITS TO KENYA</p> <p>1. Ability to control use of Psychotropic and addictive substances.</p> <p>2. Has lead to the development of clear guidelines in the management of persons addicted or abusing narcotic substances.</p>
<p>84. SINGLE CONVENTION ON NARCOTIC DRUGS (1961)</p> <p><i>Adopted by:</i> 30th March, 1961</p> <p><i>Entered into force on:</i> 13th December, 1964</p> <p><i>Kenya became a state party to the Convention on:</i> 13th November, 1964</p> <p><i>Obligation to government:</i> It was enacted to prevent the production and supply of certain narcotic drugs. as amended by the 1972 Protocol: Member parties to take such legislative and administrative measures as may be necessary to give effect to and carry out the provisions of this Convention within their own territories. Article 36 of the Convention requires parties to criminalize cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale,</p>				

delivery on any terms whatsoever, brokerage, dispatch, in transit, transport, importation or exportation of drugs contrary to the provisions of the Convention as well as conspiracy to commit and any attempts to commit any of such offences and preparatory acts and financial operations in connection with the offences referred to in this Article.				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya enacted the Narcotic Drugs and Psychotropic Substances (Control) Act in July 1994 to control the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants; to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances.</p> <p>2. A draft Narcotic Drugs and Psychotropic Substances (Control) Policy has been developed to guide on amendment and enforcement of the Act.</p>	<p>1. Quarterly and Annual reports by the relevant agencies.</p>	<p>1. Under staffing of the relevant enforcement agencies.</p> <p>2. Inadequate budgetary allocation.</p> <p>3. Inadequate involvement of community in enforcing anti-narcotic drug laws.</p> <p>4. Challenges: Cultural insensitive implementation mechanisms for example Cannabis Sativa as used in Kisii.</p>	<p>1. Increase budgetary allocation to facilitate enforcement</p> <p>2. Infrastructure development and inter-agency collaboration for effective surveillance of drugs of abuse.</p>	<p>1. Helps limit the cultivation production distribution trade possession and use of controlled psycho-active substances strictly to medical and scientific purposes.</p> <p>2. Prerogative to determine applicable sanction/penalty.</p> <p>3. Emphasis on prohibition without due regards and harms reduction issues.</p>
<p>85. UN CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES, 1988</p> <p><i>Adopted on: 20th December, 1988, Vienna</i></p> <p><i>Entered into force on: 11th November, 1990</i></p>				

Kenya became a state party to the Convention in 19th October, 1992

Obligation to government: It aims to promote co-operation among parties to address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances. Much of this treaty is devoted to fighting organized crime by mandating Co-operation in tracing and seizing drug related assets. Article 5 of the Convention requires its parties to confiscate proceeds from drug offences and also requires that parties empower their courts or other competent authorities to order that bank, financial or commercial records be made available or seized. The Convention further states that a party may not decline to act on this provision on the ground of bank secrecy.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The National Technical Committee on Drug Trafficking and Abuse (NTC) was established in 2011 to Co-ordinate anti-drug trafficking interventions.</p> <p>2. The NTC comprises the Ministry of State for Interior & Coordination of National Government, NACADA, Kenya Police Service, Anti-Narcotics Police Unit, Ministry of Health, Department of Immigration, Government Chemist, Kenya Prison Service, Kenya Revenue Authority, Kenya Airports Authority, Kenya Ports Authority, State Law Office, Kenya Bureau of Standards and the National</p>	<p>1. The state parties report quarterly.</p>	<p>1. Vast and porous border among member states.</p> <p>2. Budgetary constraints towards implementation of identified interventions.</p>	<p>1. Closer Co-operation amongst NTC agencies.</p> <p>2. Sharing of data on seizures and trafficking trends.</p> <p>3. Detection and testing equipment at entry points and other relevant places</p> <p>4. Adequately trained personnel to handle sophisticated illicit drug trafficking trends.</p>	<p>Ability to control use of Psychotropic and addictive substances.</p> <p>Has lead to the development of clear guidelines in the management of persons addicted or abusing narcotic substances.</p>

Intelligence Service.					
86. WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL					
<i>Adopted on: 21st May, 2003</i>					
<i>Entered into force on: 27th February, 2005</i>					
<i>Kenya became a state party to the Convention on: 25th June, 2004</i>					
<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 at national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke; Annual Assessed Voluntary Contribution Currently approximated at USD 1,600 for FY 2014/15</p>					
<p>IMPLEMENTATION STATUS</p> <p>Achievements</p> <ol style="list-style-type: none"> 1. Tobacco control Act 2007 in place. 2. Tobacco control Board in place 3. Tobacco control policy in place 4. Ongoing activities 5. Development of Tobacco control regulations. 6. Information and awareness creation through public education. 	<p>REPORTING MECHANISM</p> <ol style="list-style-type: none"> 1. Tobacco Control focal point transmits quarterly reports to WHO/FCCT secretariat direct. 2. Routine monthly reports on enforcement. 	<p>CHALLENGES</p> <ol style="list-style-type: none"> 1. Tobacco industry interference in policy development and implementation at national and regional (EAC) level; 2. Tobacco Control and trade arguments; Inadequate nationwide enforcement; Emergence of new products including smokeless tobacco products and Nicotine Delivery System e.g. electronic cigarettes and Shisha; increasingly affordable tobacco products; Implementation of alternative livelihoods for tobacco farmers 3. Lack of funds to fully implement the Convention. 	<p>RECOMMENDATIONS</p> <ol style="list-style-type: none"> 1. Operationalisation of Tobacco control board fund. 2. Policy Coherence among govt ministries and agencies 3. Effective increment of taxation of tobacco products up to at least 75 % of retail price before VAT; Harmonization of regional tobacco tax administration to meet based on best practice; Adoption of policy options for livelihood diversification for tobacco farmers; Mainstreaming tobacco control in social and development agenda. 	<p>BENEFITS TO KENYA</p> <ol style="list-style-type: none"> 1. It helps to preserve present and future generations from the health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke. 	
87. CONVENTION ON ROAD TRAFFIC ACCIDENT					
<i>Entered into force on: 19th September, 1949, Geneva</i>					
<i>Kenya became a state party to the Convention on: 21st May, 1977</i>					
<p>Obligation to government: Establish nationwide emergency response system; Equip emergency providers with adequate means for safety evacuation of casualties; Improve health facility capacity to response to casualties of road traffic crashes; Enhance data management on road traffic injuries</p>					

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Formation of a National road safety coordinating committee put in place in 2010</p> <p>2. Purchase of 8 Binary speed monitoring cameras.</p> <p>3. 120 health personnel trained on pre-hospital care and basic and advanced trauma and life support.</p> <p>4. School road safety programme.</p> <p>5. Support of ministry of transport to review the traffic act cap 403.</p>	<p>1. Reporting done through national transport and safety authority to the Convention.</p>	<p>1. Funding gap for treatment of road traffic injuries, bed space in facilities and capacity building of human resource to manage the injuries and sensitize the populations on road safety.</p> <p>2. Disparity in data collection on deaths caused by road accidents between the health sector and the police.</p>	<p>1. Develop common tool to capture data on deaths and injuries.</p> <p>2. Increase funding</p> <p>3. Strengthen collaboration amongst stakeholders in creating awareness on road safety to Kenyan population.</p>	
<p>88. PROTOCOL AMENDING THE AGREEMENT ESTABLISHING THE NORTHERN CORRIDOR TRANSIT AND TRANSPORT COORDINATION AUTHORITY, 1986</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Among its achievements are; Simplification of Port clearance procedures</p> <p>There has been a significant reduction in the number of national documents and copies to which transit transport along the Corridor was subjected to</p> <p>2. Northern Corridor</p>	<p>1. Harmonized legislation procedures for electronic tracking of transit goods along the corridors being supported by Partner States. The Authority reports to the Council of Ministers responsible for Transport in Kenya, Uganda, Rwanda, Burundi, DG Congo and South Sudan.</p>	<p>2. Two countries (DRC and South Sudan) who are signatories to the Treaty are not members of the East African Community, therefore do not benefit from programs funded by Development partners on the Corridor through sponsorship of the EAC.</p>	<p>1. In accordance with the Protocol, the two non-member states of the TTCA being landlocked use the port of Mombasa. Development partner support traditionally targeted to EAC partner States should be open to member States of the Northern Corridor.</p>	<p>1. 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.</p>

<p>countries are now using the COMESA Customs Declaration Document (CD-COM), a merger of the Road Transit Customs Declaration (RTCD) formulated by TTCA and the Single Goods Declaration (SGD) by COMESA. Work continues towards the withdrawal of the remaining national documents that are still used alongside the CD-COM.</p> <p>3. Transit time between Mombasa, Kenya, and Bujumbura, Burundi, has been reduced by half, from over 30 days to about 15 days, as a result of transit facilitation measures undertaken</p> <p>4. Some unnecessary border formalities along the Corridor have been removed.</p> <p>5. Reduction of transit charges and</p>		<p>2. There is need for enhanced levies and contributions from Partner States to support development programs targeting the Corridor.</p>	
---	--	---	--

<p>elimination of some non-tariff barriers.</p> <p>6. Mobilization of funding for the rehabilitation of major highways along the Corridor.</p>				
89. ONE STOP BORDER POSTS (OSBPS)				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Harmonization of transit charges.</p> <p>2. OSPB bill 2013 passed by EALA awaiting assent by head of EAC partner states.</p> <p>3. Harmonized cross Border Road user charge</p> <p>4. Development of Market Access Harmonization to assist in defining and describing the National and regional legal and institutional arrangements necessary for</p>				<p>1. The liberalization of road transport, Construction of several OSBP are in progress in various stages of completion.</p> <p>2. The enhancement of trade facilitation through the efficient movement of goods, persons and services within the Community and with adjoining regions.</p>

<p>harmonization with the aim to facilitate the liberalization of road transport, Construction of several OSBP are in progress in various stages of completion.</p>				
<p>90. EAC ACT ON AXLE LOAD CONTROL</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Harmonization of gross weight and axle loading limits 2. EAC axle load control bill 2013 passed by EALA awaiting assent by heads of EAC partner states Passing of Legal Notice Nos. 86 & 93 of 2013</p>	<p>1. Harmonized laws in Gross Vehicle Weight and Axle load limits.</p>	<p>1. Slow pace in enacting axle load controls in RECS.</p>	<p>1. Introduction of High Speed Weigh in Motion (HSWIM). Automation of axle load control will result in reduction of delay times at the weighbridges.</p>	<p>364)</p>
<p>91. PROTOCOL ON HARMONIZATION AND MUTUAL RECOGNITION OF ACADEMIC & PROFESSIONAL QUALIFICATION</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Formation of Engineers Boards to register all engineers 2. Ensure Mobility of engineers and</p>		<p>1. Multiple memberships to RECs, slow harmonization of national law with regional agreements,</p>		

<p>professional engineering services.</p> <p>3. Ensure exchange of information on timely basis on continuous professional developments programs</p>		<p>peace and security issues, fear of loss of jobs for citizens and xenophobia.</p>		
<p>92. LAMU PORT AND LAMU-SOUTHERN SUDAN-ETHIOPIA TRANSPORT CORRIDOR</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Achievements include: Completion of Isiolo – Merille road, Construction of the Marsabit – Turbi road and Turbi – Moyale road on going.</p> <p>2. Formation of LAPSET Development Authority</p> <p>3. Designs for the Lamu-Garissa-Isiolo-Nginyang-Lokichar-Lokichogio LAPSET Highway are on-going</p>		<p>1. Challenges with expectations of the local community at Lamu.</p> <p>2. Land compensation is a problem</p> <p>3. Lack of funds for the project</p>		<p>1. It is anticipated that when the project is complete it will impact a growth value of approximately between 2% to 3% of GDP.</p>

93. RCTG AGREEMENT (RATIFIED BY 10 MEMBER STATES)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Goods transit under Customs Trade Regime while vehicles transit under the COMESA Carrier License.</p> <p>2. Both the Regional Customs Transit Document (RCTD) and the Regional Customs Transit Guarantee (RCTG) are functional in COMESA.</p> <p>3. Most of its success can be attributed to the RCTG system being handed over to the private insurance industry, as in the case of Third Party Motor Vehicle Insurance in COMESA.</p> <p>4. Burundi, Kenya, Rwanda and Uganda are participating sureties, while Djibouti, Ethiopia and DRC have shown interest.</p>				

94. 1993 COMESA PROTOCOL FOR THE ESTABLISHMENT OF A THIRD PARTY MOTOR VEHICLE INSURANCE SCHEME ROAD TRANSPORT MARKET LIBERALISATION				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. 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.</p> <p>2. Harmonization of third party vehicle insurance.</p>	1. COMESA		1. Harmonize and publicize immigration laws, policies and regulations affecting commercial and passenger vehicle drivers.	
95. LAKE VICTORIA BASIN COMMISSION (LVBC)				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Currently there is an (LVEMP-II) project which is an East African Community (EAC) regional initiative.	1. Lake Victoria Basin Commission (LVBC) Secretariat.		1. Harmonization of the policies and legal instruments in the infrastructure sector to attract more Private investment institute Railway infrastructure policy reforms that have opened up the sector for private	

	investment.			
<p>96. TRIPARTITE AGREEMENT ON ROAD TRANSPORT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA , THE GOVERNMENT OF THE REPUBLIC OF UGANDA AND THE GOVERNMENT OF TANZANIA(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>				<p>Obligation to Government: Harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services, and people and the establishment of residence.</p>
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at Mombasa, and is also aggressively seeking to enhance the link between the port and Northern Corridor land transport routes..</p>		<p>1. Lack of funds.</p>		<p>1. Enhancement of trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services, and people.</p>
<p>97. CONVENTION ON INTERNATIONAL CIVIL AVIATION (1944 Chicago Convention)</p> <p><i>Adopted on:</i> 7th December, 1944 <i>Entered into force on:</i> 4th April, 1947 <i>Kenya became a state party to the Convention on:</i> 1st May, 1964</p> <p>Obligation to government: The Government formulates policies and regulations that govern civil aviation, implements programs including ratification, implementation, yearly subscriptions and active participation at meetings on instruments adoption/implementation. Currently, the subscriptions are fully paid up.</p> <p>The Convention aims to ensure the safe and orderly growth of international civil aviation throughout the world; encourage the arts of air craft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others. The Convention establishes the International Civil Aviation Organization which is the specialised UN body for civil aviation matters. The Convention has 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. Kenya was elected to the ICAO Council in October, 2013 for a period of 3 years.</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Civil Aviation Act, 2013 and the Civil Aviation Regulations are the main instruments of implementation of the Convention.</p> <p>2. The Kenya Civil Aviation Authority formed through the Act is the body charged with the mandate to provide for the control and regulation of civil aviation in Kenya.</p>	<p>1. ICAO conducts regular Audits.</p>	<p>1. The Authority faces the challenge of attracting and retaining qualified technical staff due to the remuneration offered as against what is offered within the industry.</p>	<p>1. It is recommended that the Government should enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.</p>	<p>1. The benefits to Kenya are a safe and orderly civil aviation industry in the country, thereby allowing the growth of the industry and enabling operators thrive.</p> <p>2. Several benefits are attributable to the implementation of this Convention including: Collaboration with other aviation-nations, technical assistance on aviation training/equipment, development of regulations/laws and domestication and assessments in ensuring clean, safe secure civil aviation for international trade</p>
<p>98. CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION)</p> <p><i>Adopted on</i> : 28th May, 1999 <i>Entered into force on</i>: 4th November, 2003 <i>Kenya became a state party to the Convention in</i> 7th January, 2002</p> <p>Obligation to government: The Convention attempts to re-establish uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo. Whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime). The Convention achieves modernization in a number of key areas. It 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 \$75,000 in damages, which should eliminate or reduce protracted litigation. The main obligation is for Kenya to ratify and implement the Convention.</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya ratified the Convention in 7th January 2002.</p>	<p>1. The state parties deposit accession or ratification with ICAO, but do not report.</p>	<p>1. Airlines world-wide have a challenge when dealing with damages and lost baggage, due to human emotions.</p> <p>2. The amounts of compensation especially when relating to aircraft accidents subsequent litigation.</p>	<p>1. It is recommended that safety and consumer protection should be enhanced.</p> <p>Continual implementation of the convention</p>	<p>1. Ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage.</p> <p>2. Enhanced safety and consumer protection.</p>
<p>99. CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION (1991 MONTREAL)</p>				
<p><i>Adopted on:</i> 1st March, 1991</p> <p><i>Entered into force on:</i> 21st June, 1998</p> <p><i>Kenya became a state party to the Convention on:</i> 21st October, 2002</p>				
<p>Obigation to government: The Convention on the Marking of Plastic Explosives for the Purpose of Detection is a multilateral 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 that plastic explosives have been used for terrorist acts aimed at destruction of aircraft, other means of transport and other target; it further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts. The main obligation is for Kenya to ratify and implement the Convention.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya is not a producer State of plastic explosives.</p> <p>2. A state that ratifies the Convention agrees to prohibit the manufacture, storage,</p>	<p>1. The Convention also establishes an International Explosives Technical Commission, which is composed of experts in the field explosives manufacturing</p>	<p>1. Terrorism is a challenge to most States and terrorist will use any means to achieve their goals.</p>	<p>1. Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in our territory.</p>	<p>1. Reduces the ability of terrorists to utilize plastic explosive within our territory.</p>

<p>transport, or entry of unmarked plastic explosives in its territory. Plastic explosives are not prohibited by the treaty, but it mandates that when they are produced they are marked with a chemical taggant (specified in the treaty's Technical Annex) which can facilitate future identification purposes.</p>	<p>and detection. The Commission can propose amendments to the Technical Annex of the treaty.</p>			
<p>100. 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><i>Adopted on:</i> 16th November, 2001 <i>Entered into force on:</i> 1st March, 2006 <i>Kenya became a state party to the Convention on:</i> 13th October, 2006</p> <p>Obligation to government: The Convention and Protocol recognize the need 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; the advantages of asset-based financing and leasing for this purpose and desiring to facilitate these types of transaction by establishing clear rules to govern them; the need to ensure that interests in such equipment are recognised 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.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. The International Interests in Aircraft Equipment Act, 2013</p>	<p>REPORTING MECHANISM</p> <p>1. International Institute for the Unification of Private Law (UNIDROIT)</p>	<p>CHALLENGES</p> <p>1. Operators have a challenge in raising the funds to acquire</p>	<p>RECOMMENDATIONS</p> <p>1. Stakeholders' sensitization on the benefits of the</p>	<p>BENEFITS TO KENYA</p> <p>1. Local airlines are able to acquire aircraft at discount due to</p>

			aircrafts.	Convention and Protocol to enhance operators' access to funds.	the assurance to their seller's, that interests in equipment are recognised and protected.
2.	Lack of appreciation by Operators of the Convention and Protocol. Lack of capacity and technical know-how at the Kenya Civil Aviation Authority to implement the Convention and use of the International Registry at Dublin, Ireland.				
<p>101. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION(1971 MONTREAL CONVENTION)</p> <p><i>Adopted on:</i> 23rd September, 1971</p> <p><i>Entered into force on:</i> 26th January, 1973</p> <p><i>Kenya became a state party to the Convention on:</i> 11th January, 1977</p> <p>Obligation to government: The ratification of the Convention by the government demonstrates its commitment towards ensuring that acts of unlawful interference are eliminated.</p> <p>The Convention recognizes that unlawful acts of seizure or exercise of control of aircraft in flight jeopardise 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; there is an urgent need to provide appropriate measures for punishment of offenders.</p>					
IMPLEMENTATION STATUS	1. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	1. ICAO	1. Terrorism is a challenge to most States and terrorist will use any means to achieve their goals.	1. Strengthening of our security agencies and continuous surveillance to deter would be terrorists.	1. Prohibit and punish behaviour which may threaten safety of civil aviation.	2. Ratify the Beijing

		Convention 2010.	
<p>102. 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)</p> <p><i>Adopted on:</i> 24th February, 1988 <i>Entered into force on:</i> 6th August, 1989 <i>Kenya became a state party to the Convention on:</i> 5th October, 1995</p> <p>Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards safety of passengers at airports.</p> <p>The Protocol recognizes 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 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.</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
<p>1. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime</p>	<p>1. ICAO</p>	<p>1. Terrorism is a challenge to most States and terrorist will use any means to achieve their goals</p>	<p>1. Strengthening of our security agencies and continuous surveillance to deter would be terrorists.</p> <p>2. Ratify the Beijing Convention 2010.</p>
<p>103. CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1952 ROME CONVENTION)</p> <p><i>Adopted on:</i> 7th October, 1952 <i>Entered into force on:</i> 4th February, 1958 <i>Kenya became a state party to the Convention on:</i> 5th July, 1999</p> <p>Obligation to government: The ratification of the Convention by the government demonstrates its commitment towards adequate compensation to those who suffer damage.</p> <p>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.</p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
<p>1. The ratification of the</p>	<p>1. ICAO</p>	<p>1. Adequacy of</p>	<p>1. Ratify any amendments</p>
			<p>BENEFITS TO KENYA</p> <p>1. Prohibit and punish behaviour which may threaten safety of civil aviation.</p>
			<p>BENEFITS TO KENYA</p> <p>1. Standardizes</p>

<p>Protocol by the government demonstrates its commitment towards adequate compensation to those who suffer damage.</p>		<p>compensation especially relating to aircraft accidents tends to lead to litigation.</p>	<p>to the protocol to ensure that compensation is adequate.</p> <p>2. Ratify the General Risk Convention 2009 and the Unlawful interference Convention 2009.</p>	<p>compensation relating to damage suffered.</p>
<p>104. PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA) <i>Adopted on:</i> 18th April, 2007 <i>Entered into force on:</i> 18th April, 2007 <i>Kenya became a state party to the Convention on:</i> 5th July, 1999</p> <p>Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards aviation safety in the region. The Protocol established the Civil Aviation Safety and Security Oversight Agency (CASSOA).</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Established Civil Aviation Safety and Security Oversight Agency (CASSOA).</p>	<p>REPORTING MECHANISM</p> <p>1. EAC Secretariat</p>	<p>CHALLENGES</p> <p>1. The Agency faces the challenge of attracting and retaining qualified technical staff and adequacy of funding.</p>	<p>RECOMMENDATIONS</p> <p>1. Ensure timely release of funds to CASSOA and contribution of expertise when required.</p>	<p>BENEFITS TO KENYA</p> <p>1. Improved aviation safety in the region.</p>
<p>105. CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT – GENEVA, 19th June, 1948 <i>Adopted on:</i> 19th June 1948 <i>Kenya became a state party to the Convention on:</i> 15th January, 1997</p> <p>The Convention applies to the international sale and lease of aircrafts.</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>Obligation to government: The ratification of the Convention demonstrates our commitment to protection of International commercial sale and leasing of aircrafts.</p>				

1. Aircraft sales and leases are international and this convention gives guidance.	1. ICAO	1. Upcoming airlines are not strong to do international services.	1. Create an enabling environment to encourage more airlines to operate internationally. 2. Cape Town convention and Protocol have made it easy for interests in aircraft equipment to be secured.	1. The principles of the Convention are expected to encourage investors to make financial assistance possible for the purchase of new aircraft to be used in international services.
<p>106. PROTOCOL TO AMEND THE ROME CONVENTION OF 1952- (MONTREAL 23rd September ,1978) on the International Recognition of Aircraft (GENEVA CONVENTION)</p> <p>Adopted on : 23rd September ,1978 <i>Kenya became a state party to the Convention on:</i> 23rd October,2002</p> <p>Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards adequate compensation to those who suffer damage caused by an aircraft on the ground.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Protocol addresses compensation relating to damage caused by the international flights on the ground.	1. ICAO	1. Compensation was not adequate.	1. Enhance safety and consumer protection. 2. Ratify the General Risks Convention 2009 and the Unlawful Interference Convention 2009.	1. The ratification of the Protocol enhances consumer protection.
<p>107. CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR-(1929 WARSAW)</p>				
<p>Adopted on: 12th October, 1929 <i>Kenya became a state party to the Convention on: 12th December, 1963</i></p> <p>This Convention deals with compensation of damage or loss to all international carriage of persons, luggage or goods performed by aircraft for reward.</p> <p>Obligation to government: The ratification of the convention by the government demonstrates its commitment towards compensation of persons, luggage or goods carried by aircrafts internationally.</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Convention addresses compensation relating to the international carriage of passengers, baggage and cargo relating to damages, lost baggage and disabled passengers and mobility equipment.</p>	<p>1. Government of Poland</p>	<p>1. Airlines challenge dealing with damages and lost baggage, due to human emotions</p>	<p>1. Enhance safety and consumer protection. 2. Montreal Convention</p>	<p>1. The ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage or goods.</p>
<p>108. PROTOCOL TO AMEND THE WARSAW CONVENTION OF 1929- (1955 HAGUE)</p> <p><i>Adopted on:</i> 28th September, 1955</p> <p><i>Kenya became a state party to the Convention on:</i> 4th October, 1999</p> <p>This Protocol improved compensation of international carriage of persons, luggage or goods performed by aircraft for reward.</p> <p><i>Obligation to government:</i> Ratification of this Protocol demonstrates Kenya's commitment to consumer protection</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. This is one of the Protocols that were developed to improve compensation awarded by the Warsaw 1929 Hague convention on compensation.</p> <p>2.</p>	<p>1. This Protocol is deposited with the Government of the People's Republic of Poland</p>	<p>1. Airlines challenge dealing with damages and lost baggage, due to human emotions</p>	<p>1. Enhance consumer protection</p>	<p>1. Enhances compensation mechanisms.</p>
<p>109. CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT, TOKYO</p> <p><i>Adopted on:</i> 14th September, 1963</p>				

Kenya became a state party to the Convention on: 20th September, 1970

The Convention is applicable to offences against penal law and to any acts jeopardising the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation

Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards fighting terrorism and punishment of offenders.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.	1. ICAO	1. Terrorism remains the biggest challenge in the world	1. Intensify aviation security measures 2. Ratify the Montreal Protocol, 2014.	1. Improved security of persons & property onboard.

110. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT- HAGUE

Adopted on: 16th December, 1970

Kenya became a state party to the Convention on: 10th February, 1977

The Hague Convention was developed to address the issue of the punishment of offenders to deter unlawful acts of seizure or exercise of control of aircraft in flight.

Obligation to government: The ratification of the Convention by the government demonstrates its commitment towards fighting terrorism and punishment of offenders.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.	1. ICAO	1. Terrorism is a challenge to most States.	1. Proactive measures need to be developed to prevent acts of terrorism. 2. Ratify the Beijing Protocol, 2010	1. Improved Security

111. CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION (IMO CONVENTION) AS AMENDED

Entered into force on: 22nd August, 1973

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya is a member of the IMO Governing	1. Technical committee and Council meetings of the	1. Inadequate budgets 2. Lack of capacity for	1. Kenya should be proactive in participation so as to	1. Collaboration with other maritime nations, technical assistance on

<p>Council</p>	<p>IMO.</p> <ol style="list-style-type: none"> 2. Member State Audits 3. Accident Reporting 4. Status of ratification and implementation of conventions 5. National Focal points 	<p>surveyors</p> <ol style="list-style-type: none"> 3. Lack of tonnage 	<p>gain more on technical support.</p> <ol style="list-style-type: none"> 2. Should develop tonnage to tap potential 3. Should build capacity across board 4. Should seek for senior positions at the IMO to gain better insight and technical support 	<p>maritime training/equipment, development of regulations/laws and domestication and assessments in ensuring clean, safe secure seas for international trade.</p> <ol style="list-style-type: none"> 2. Enhanced image in the maritime sector.
<p>112. INTERGOVERNMENTAL STANDING COMMITTEE ON SHIPPING (ISCOS) AGREEMENT 1987 as amended (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>				
<p>113. THE AGREEMENT ESTABLISHING THE NORTHERN CORRIDOR TRANSIT AND TRANSPORT COORDINATION AUTHORITY, 1986 AND ITS PROTOCOL.</p> <p>The Northern corridor is the transport corridor linking the land locked countries of Uganda, Rwanda and Burundi with Kenya's maritime port of Mombasa. Similarly, the Northern Corridor serves Eastern part of the Democratic Republic of Congo, Southern Sudan and Northern Tanzania. In order to overcome transit transport constraints affecting them, the governments of Burundi, Kenya, Rwanda and Uganda decided to negotiate a treaty, the Northern Corridor Transit Agreement (NCTA), with a view to promoting an efficient, cost-effective and reliable transit transport system. The NCTA, signed in 1985, came into force in 1986 after the necessary ratification. Kenya ratified the protocol in 2012.</p>				
<p>IMPLEMENTATION STATUS</p> <ol style="list-style-type: none"> 1. Ratification and implementation of the agreement 2. Active participation at meetings and for implementation 	<p>REPORTING MECHANISM</p> <ol style="list-style-type: none"> 1. Council of Ministers and Executive Boards 	<p>CHALLENGES</p> <ol style="list-style-type: none"> 1. No/low budgetary allocation to meet the yearly Subscriptions 	<p>RECOMMENDATIONS</p> <ol style="list-style-type: none"> 1. Budgetary allocation to meet Kenya's obligation. 	<p>BENEFITS TO KENYA</p> <ol style="list-style-type: none"> 1. Facilitated the smooth flow of cargo and the movement of vehicles and persons along the Corridor. 2. Simplification of Port Clearance Procedures 3. Simplification of

				<p>Transit Documentation</p> <ol style="list-style-type: none"> 4. Motor Third Party Insurance scheme 5. Harmonization of Transit Charges 6. Private/Public Sector Partnerships 7. Application of ICT solutions 8. Establishment of one-stop border posts 9. Enhanced cooperation with related regional and international institutions
--	--	--	--	--

114. AFRICAN MARITIME CHARTER, 2009

Adoption: October 2009
Kenya ratified it: 28th March 2014.
Obligation to Government:

The charter also calls for modernization and harmonization of maritime laws across sub-regions, expansion of maritime regulations, and improved transparency and accountability. Finally, it mentions the need to improve security capabilities and to counter piracy and armed robbery at sea.

IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
----------------	---------------------	------------	-----------------	-------------------

STATUS	1. Being initiated through the Maritime Administration forum. 2. Kenya has enacted the merchant law which repealed the 1967 merchant shipping act.	1. Assembly Decisions and Executive Council	1. Low participation in shipping and ship ownership. 2. Corruption at the ports of entry and exit.	1. Government to support ship-ownership ventures through incentives etc. 2. Open ship registry 3. Create awareness on the potential of marine resources and shipping	1. Opportunities for job creation Investments in the maritime sector. 2. Improvement of port cargo handling operations. 3. Development of a curriculum that has been used to train maritime experts.
115. MARITIME LABOUR CONVENTION, 2006 (MLC, 2006).					
<p><i>Entry into force : 20 August 2013</i> <i>Kenya ratified it : 31 July 2014</i></p>					
<p>The Maritime Labour Convention (MLC) is an International Labour Organization convention established in 2006 as the <i>fourth pillar</i> of international maritime law and embodies all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions. The other "pillars" are the SOLAS, STCW and MARPOL. The treaties applies to all ships entering the harbours of parties to the treaty (port states), as well as to all states flying the flag of state party (flag states, as of 2013: 50 per cent).</p> <p>The convention entered into force on 20th August 2013, one year after registering 30 ratifications of countries representing over 33 per cent of the world gross tonnage of ships. Already after five ratifications the ratifying countries (Bahamas, Norway, Liberia, Marshall Islands, and Panama) represented over 43 per cent of the gross world tonnage (which is over 33 per cent; the second requirement for entry into force). As of August 2014, the convention has been ratified by 64 states representing 80 per cent of global shipping.</p> <p>The convention changed the status of 37 ILO conventions, which meant that these conventions upon entry into force of this convention will close for ratification and that entry into force for a specific country meant automatic denouncement of the other conventions</p> <p>Kenya on 31 July 2014 deposited with the International Labour Office the instrument of ratification of the Maritime Labour Convention, 2006 (MLC, 2006). Kenya is the 64th ILO Member State and the tenth African State – after Liberia, Gabon, Benin, Togo, Morocco, Nigeria, Ghana, South Africa, and Congo – to have ratified the MLC, 2006. The Convention will enter into force for Kenya on 31 July 2015, that is, one year after its ratification</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
<ol style="list-style-type: none"> 1. Enacted the MSA 2. Draft Regulations 3. Stakeholder 	<ol style="list-style-type: none"> 1. Port State Control 2. Annual reports to ILO 	<ol style="list-style-type: none"> 1. Inspections to ensure compliance and challenges in security 	<ol style="list-style-type: none"> 1. Ensure effective inspections and security 2. Fast track 	<ol style="list-style-type: none"> 1. Promotion of decent working and living conditions of seafarers. 	

<p>sensitizations</p> <p>4. Measures will be put in place to provide effective protection for Kenyan seafarers</p>	<p>Conference or as required by Committee of Experts</p>	<p>for seafarers</p> <ol style="list-style-type: none"> 2. Lack of seafarers training (onboard) facilities 3. Lack of maritime training colleges 4. Lack of local capacity to train 5. Lack of policy to facilitate placement of Kenyan seafarers 	<p>implementation of the convention</p> <ol style="list-style-type: none"> 3. Address challenges by developing/procuring training ship/facilities. 4. Source for technical support to build capacity 5. Develop policy to guide foreign employments for Kenyan seafarers. 	<ol style="list-style-type: none"> 2. Ensuring conditions of fair competition for ship-owners 3. Ensuring that seafarers enjoy the rights set out in the Convention 4. Ensuring that ships flying its flag are duly inspected and certified in accordance with international standards set in the Convention and that it provides effective protection for Kenyan seafarers. 5. Provide opportunity for capacity building
<p>116. INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended (SOLAS 1974).</p>				
<p>The SOLAS Convention is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The main objective of the SOLAS Convention is to specify minimum 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 Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control. The current SOLAS Convention includes Articles setting out general obligations and amendment procedures.</p>				
<p>Kenya ratified the convention in 21st October, 1999</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<ol style="list-style-type: none"> 1. Merchant Shipping Act (MSA) enacted several regulations under development 	<ol style="list-style-type: none"> 1. Audits by IMO, ISPS code security audits, PSC report to IMO and Members States 		<ol style="list-style-type: none"> 1. Kenya should participate in Maritime Safety Committees to gain more technical 	<ol style="list-style-type: none"> 1. Safety of lives, cargo and ships plying in Kenya waters, Technical cooperation

<p>/implementation</p> <ol style="list-style-type: none"> 2. International Ship Port Security (ISPS) Code regulations implemented. 3. Memberships to the Indian Ocean Memorandum of Understanding (IOMU) on Port State Control. 4. Kenya Ports Authority (KPA) and Kenya Maritime Authority implementing ISM Code. 5. Trained Port State Control personnel organized various stakeholders' workshops and seminars on implementation of the Convention. 6. Presently implementing Long Range Identification Tracking (LRIT) system in relation to security and safety. 7. Maritime Search and Rescue requirements in place through the establishment of 		<p>cooperation</p>	<p>assistance on capacity building, audits, facilities. Participation in development and amendment of instruments hence enhancing our expertise. Uniform laws /standards/compliance world over.</p>
--	--	--------------------	---

<p>MRCC which operates GMDSS facilities and is an information sharing centre with regard to piracy.</p> <p>8. Cabinet memo prepared to ratify SOLAS protocol 88</p> <p>9. Port State Control inspections and survey measures put in place.</p> <p>10. Automatic Identification System (AIS) being implemented.</p>				
<p align="center">117. INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)</p> <p>The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.</p> <p>The MARPOL Convention was adopted on 2 November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention. The combined instrument entered into force on 2 October 1983. In 1997, a Protocol was adopted to amend the Convention and a new Annex VI was added which entered into force on 19 May 2005. MARPOL has been updated by Kenya ratified annexes 1 to V in 1993 and MARPOL protocol 1997 annex VI in 2007.</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Development of Shipping Operations (Marine Pollution) bill, 2014 is ongoing together with</p>	<p>REPORTING MECHANISM</p> <p>1. Audits by IMO</p>	<p>CHALLENGES</p> <p>2. Shortage of Human/Technical capacity in development of Bill and Regulations and</p>	<p>RECOMMENDATIONS</p> <p>1. Building of human capacities and Sourcing of technical expertise from the IMO to assist in implementation.</p>	<p>BENEFITS TO KENYA</p> <p>1. Measures in place to mitigate marine pollution threats</p>

<p>regulations, Measures for handling packed dangerous goods, port reception facilities for sewage and oil waste in place, Port State Control measures, Continuous stakeholders' workshops and seminars on implementation of the convention amongst other activities.</p>	<p>inadequate funding</p>		
<p>2. Draft regulations have been developed to implement the convention through the MSA and Marine pollution bill</p>			
<p>118. INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED (STCW 1978)</p> <p>The 1978 STCW Convention was the first to establish basic requirements on training, certification and watch-keeping for seafarers on an international level. Previously the standards of training, certification and watch-keeping of officers and ratings were established by individual governments, usually without reference to practices in other countries. As a result standards and procedures varied widely, even though shipping is the most international of all industries.</p> <p>The Convention prescribes minimum standards relating to training, certification and watch-keeping for seafarers which countries are obliged to meet or exceed.</p>			
<p>IMPLEMENTATION STATUS</p> <p>1. Implementation is supposed to ensure legislation of relevant laws and regulations, training facilities (simulation facilities),</p>	<p>REPORTING MECHANISM</p> <p>1. Government is required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the</p>	<p>CHALLENGES</p> <p>1. Inadequate trainers in technical areas, lack of training ships to place cadet for sea time and inadequate funding.</p>	<p>RECOMMENDATIONS</p> <p>1. Kenya to participate and create awareness on maritime transport.</p> <p>2. Kenya to negotiate with</p>
			<p>BENEFITS TO KENYA</p> <p>1. There are several benefits for ratifying the convention by Kenya. Kenya is in the IMO white list hence recognition of Kenyan</p>

<p>training ship for sea time, swimming pool etc), capacity building, sensitization etc</p> <p>2. This is being implemented through the MSA and STCW regulations that have already been gazetted and are operational. Several pieces of curricula have been developed for training and monitoring, for Institutions for training identified and accredited (JKUAT), Concept paper for training ship is under development, and MOUs with other maritime nations have been developed for consideration to train Kenyan seafarers</p>	<p>Convention education and training courses, certification procedures and other factors relevant to implementation.</p> <p>2. The information provided by Government to IMO is reviewed by panels of competent persons, nominated by Parties to the STCW Convention, who report on their findings to the IMO Secretary-General, who, in turn, reports to the Maritime Safety Committee (MSC) on the Parties which fully comply. The MSC then produces a list of "confirmed Parties" in compliance with the STCW Convention.</p>		<p>other maritime nations for jobs and sea time training of seafarers.</p>	<p>seafarers' certificates, harmonized/ recognized standards for training, watch-keeping certification of seafarers, international employment for Kenyans and enhanced safety standards.</p>
<p>119. INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966)</p> <p>The convention deals with the limitations on the draught to which a ship may be loaded making significant contribution to her safety. These limits are given in the form of freeboards, which constitute, besides external weathertight and watertight integrity.</p> <p>Kenya acceded to the convention in 1975.</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Enacted MSA 2. KMA Act 3. Port State Control undertaken 4. Inspections and survey measures in place 5. Draft regulations 	<ol style="list-style-type: none"> 1. Port State control report to IMO and Members States. 	<ol style="list-style-type: none"> 2. Shortage of Human capacity during implementation. 	<ol style="list-style-type: none"> 3. More training of Port State Control Officers. 	<ol style="list-style-type: none"> 4. Determining the freeboard of ships by subdivision and damage stability calculations for safety hence preventing loss of lives/ships/cargo and prevention marine pollution from ships.
<p align="center">120. INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 (TONNAGE 1969)</p>				
<p>The Convention, adopted by IMO in 1969, introduced a universal tonnage measurement system. Previously, various systems were used to calculate the tonnage of merchant ships and it was recognized that there was a great need for one single international system. The Convention provides for gross and net tonnages, both of which are calculated independently.</p> <p>Kenya acceded to the convention in 1993.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Enacted MSA 2. Port State Control undertaken 3. Inspections and survey measures in place 4. Draft regulations 	<ol style="list-style-type: none"> 1. Port State control report to IMO and Members States of IMO 	<ol style="list-style-type: none"> 1. Shortage of Human capacity during implementation and slow process in gazettelement of regulations 	<ol style="list-style-type: none"> 1. Training of Port State Control officers 	<ol style="list-style-type: none"> 1. Used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics & limitations of liability
<p align="center">121. CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972 (COLREGS)</p> <p>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 - Rule 10 gives guidance in determining safe speed, the risk of collision and the conduct of vessels operating in or near traffic separation schemes.</p> <p>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</p>				

resolution stating that that observance of all traffic separation schemes be made mandatory - and the COLREGs make this obligation clear. Kenya acceded to the convention in 1992

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>ensuring mandatory traffic separation schemes for ship navigation to avoid collisions</p> <ol style="list-style-type: none"> 1. Enacted MSA 2. KPA Act (pilotage) 3. Draft distress and collision regulations developed 4. Navigational Watch Tower operational with regard to traffic control and safety 5. Automatic Identification System /Long Range Identification (LRIT) implemented (KPA) 	<ol style="list-style-type: none"> 1. Casualty investigations and Port State Control reports 	<ol style="list-style-type: none"> 1. Shortage of Human capacity during implementation and slow process in gazettement of regulations 	<ol style="list-style-type: none"> 1. Capacity building in casualty investigations and port state control 	<ol style="list-style-type: none"> 1. Preventions of collisions at port areas hence saving lives, cargo, ship and prevention of marine pollution
<p>122.INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972 as amended</p> <p>In the 1960s, there was a rapid increase in the use of freight containers for the consignment of goods by sea and the development of specialized container ships. In 1967, IMO undertook to study the safety of containerization in marine transport. The container itself emerged as the most important aspect to be considered. IMO, in co-operation with the Economic Commission for Europe, developed a draft convention and in 1972 the finalized Convention was adopted at a conference jointly convened by the United Nations and IMO.</p> <p>The 1972 Convention for Safe Containers has two goals:</p> <ul style="list-style-type: none"> • 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. • To facilitate the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. In this way, proliferation of divergent national safety regulations can be avoided. 				

Kenya acceded to the convention in 2000.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Conformity to container transport safety standards 2. Trains (KPA) port staff on container handling 3. Procurement of modern container handling equipment 4. Sensitization of stakeholders /users on container safety 		<ol style="list-style-type: none"> 1. Unregulated dumping of containers 	<ol style="list-style-type: none"> 1. Regulate dumping 	<ol style="list-style-type: none"> 1. maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable tests procedures and related strength requirements 2. facilitate the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport

123. INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR)

The 1979 Convention, adopted at a Conference in Hamburg, was aimed at developing an international SAR plan, so that, no matter where an accident occurs, the rescue of persons in distress at sea will be co-ordinated by a SAR organization and, when necessary, by co-operation between neighboring SAR organizations.

Although the obligation of ships to go to the assistance of vessels in distress was enshrined both in tradition and in international treaties (such as the International Convention for the Safety of Life at Sea (SOLAS), 1974), there was, until the adoption of the SAR Convention, no international system covering search and rescue operations. In some areas there was a well-established organization able to provide assistance promptly and efficiently, in others there was nothing at all.

The technical requirements of the SAR Convention are contained in an Annex, which was divided into five Chapters. Parties to the Convention are required to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters. Parties are encouraged to enter into SAR agreements with neighboring States involving the establishment of SAR regions, the pooling of facilities, establishment of common procedures, training and liaison visits. The Convention states that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties.

The Convention then goes on to establish preparatory measures which should be taken, including the establishment of rescue co-ordination centres and subcentres. It outlines operating procedures to be followed in the event of emergencies or alerts and during SAR operations. This includes the designation of an on-scene commander and his duties.

Kenya acceded to the convention in 1993.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Enacted MSA. 2. Regional Agreement on SAR signed in 2002 by the Governments of Kenya, Seychelles and Tanzania and implemented 3. MRCC implemented and operational 4. SAR National Plan in place 5. Draft Regional Plan awaiting adoption by the three Member States 6. Operational Manuals in place 7. Harmonized Maritime and Aeronautical plans 8. Currently implementing in consultation with IMO, the Djibouti Code of Conduct with a view to make the MRCC an information sharing centre for piracy 9. The maritime SAR office operational in Kisumu-Lake Victoria 10. Radio Stations in Coast and Kisumu in place 11. Continuous and regional 	<ol style="list-style-type: none"> 1. Information sharing 2. Incidents/accident reporting 	<ol style="list-style-type: none"> 1. Inadequate capacity and equipment to set up SAR sub centers and handle SAR incidents effectively 	<ol style="list-style-type: none"> 1. Technical support and capacity building (human & Equipment). 2. Budgetary allocation for establishment and equipping of SAR sub centres 	<ol style="list-style-type: none"> 1. Set standards for searching and rescuing persons/ships /cargo under distress at sea 2. Sets standards for coordination in search and rescue activities beyond Kenyan waters hence reduces deaths/losses 3. Enables sharing of information within Djibouti code of conduct region.

trainings/sensitizations undertaken				
<p align="center">124. CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)</p>				
<p>The Convention's main objectives are 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. In particular, the Convention reduces the number of declarations which can be required by public authorities.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Ongoing initiatives KPA implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS) KENTRADE implementing single window participation of other stakeholders. 		<ol style="list-style-type: none"> Non-tariff barriers not completely eliminated 	<ol style="list-style-type: none"> Stakeholder engagement and removal of NTBs 	<ol style="list-style-type: none"> Trade facilitation and ease of doing business
<p align="center">125. CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, (LONDON CONVENTION), 1972</p>				
<p>The London Convention, one of the first international conventions for the protection of the marine environment from human activities. The Convention contributes to the international control and prevention of marine pollution by prohibiting the dumping of certain hazardous materials. In addition, a special permit is required prior to dumping of a number of other identified materials and a general permit for other wastes or matter. "Dumping" has been defined as the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures, as well as the deliberate disposal of these vessels or platforms themselves. Annexes list wastes which cannot be dumped and others for which a special dumping permit is required</p> <p>Kenya acceded to the convention in 1976.</p>				
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

STATUS					
<ol style="list-style-type: none"> Enacted MSA Various Stakeholders workshops held on implementation 	<ol style="list-style-type: none"> Reporting on dumping wastes and dumping sites 	<ol style="list-style-type: none"> Inadequate capacity for surveillance Inadequate budgets 	<ol style="list-style-type: none"> Stakeholder involvement in implementation of the convention and collaborations with other regional agreements supplementing the convention. 	<ol style="list-style-type: none"> Control pollution of the sea by dumping of wastes which could create hazards to human health or to harm living resources and marine life, to damage amenities, and to interfere with other legitimate uses of the sea It also encourages regional agreements supplementary to the Convention e.g the Nairobi convention 	
<p>126. PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992)</p> <p>The Civil Liability Convention was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships. The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged.</p> <p>The 1992 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. The Protocol covers pollution damage as before 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.</p> <p>The Protocol also extended the Convention to cover spills from sea-going vessels constructed or adapted to carry oil in bulk as cargo so that it applies apply to both laden and unladen tankers, including spills of bunker oil from such ships.</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
<ol style="list-style-type: none"> Enacted the MSA 	<ol style="list-style-type: none"> Port State Control 	<ol style="list-style-type: none"> Convention has not been fully implemented due to lack of capacity and budgetary 	<ol style="list-style-type: none"> Budgetary allocations and building of capacity on Port state control 	<ol style="list-style-type: none"> Governs the liability of ship owners for oil pollution damage by laying down the 	

		constraints		principle of strict liability for ship owners and creating a system of compulsory liability and insurance
				2. Assured compensation in case of an oil spill
127. CONVENTION ON THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION, AS AMENDED (IMSO C 1976)/INMARSAT C76 / INMARSAT OA 76				
<p>IMO recognized the potential for satellite communications to assist in distress situations at sea soon after the launch of the world's first telecommunications satellite. The 1994 amendments changed the name of the Organization to the International Mobile Satellite Organization, abbreviated to Inmarsat.</p> <p>The Convention defines the purposes of Inmarsat as being to improve maritime communications, thereby assisting in improving distress and safety of life at sea communications, the efficiency and management of ships, maritime public correspondence services, and radio determination capabilities. Inmarsat's obligation to provide maritime distress and safety services via satellite were enshrined within the 1988 amendments to SOLAS which introduced the Global Maritime Distress and Safety System (GMDSS). Ships sailing in specified sea areas are required to carry Inmarsat communications equipment for distress and safety calls and to receive navigational warnings. At present, the Inmarsat system is the only mobile-satellite system recognized by SOLAS Contracting Governments for use in the GMDSS.</p> <p>Kenya is party to both INMARSATS.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Currently implementing Long Range Identification Technology (LRIT) system Global Maritime Distress and Safety System (GMDSS) in use 	<ol style="list-style-type: none"> Port State Control 	<ol style="list-style-type: none"> Lack of participation due to lack of funds 	<ol style="list-style-type: none"> Enhance allocation budgetary 	<ol style="list-style-type: none"> Uniform communication in ships and ashore especially during distress

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya submits annual oil reports to the Fund Secretariat</p>	<p>1. Submission of annual oil reports to the Fund Secretariat</p> <p>2. Meetings of the Fund held quarterly</p>	<p>1. No budgetary allocation to attend crucial committee meetings</p> <p>2. Failure by Oil importing companies in Kenya to submit reports</p>	<p>1. Convention should be incorporated into the national laws of Kenya</p>	<p>1. Provides compensation for victims who do not obtain full compensation under the 1992 Civil Liability Convention</p>
<p>128. 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>Kenya acceded to the fund 71 convention in 1993. Protocols to the 1971 convention were adopted in 1976 and 1984, but were superseded by the 1992 protocol. The 1971 convention ceased to be in force from 24 May 2002.</p> <p>The main purpose of the protocol was to modify the entry into force requirements and increase compensation amounts. The scope of coverage was extended in line with the 1992 CLC protocol. The 1992 protocol established a separate, 1992 International Oil Pollution Compensation (IOPC) fund, known as the 1992 fund, which is managed in London by a secretariat. Under the 1992 protocol, the maximum amount of compensation payable from the fund for a single incident, including the limit established under the 1992 CLC protocol, is 135 million SDR.</p> <p>Kenya acceded to the convention in 2002.</p>				
<p>129. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF.</p>				
<p>This came about due to concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews grew during the 1980s, with reports of crews being kidnapped, ships being hijacked, deliberately run aground or blown up by explosives. Passengers were threatened and sometimes killed.</p>				
<p>The main 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 damage it.</p>				
<p>Kenya is a member</p>				
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

STATUS				
<p>130. INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)</p> <p>The Convention replaced a convention on the law of salvage adopted in Brussels in 1910 which incorporated the "no cure, no pay" principle under which a salvor is only rewarded for services if the operation is successful. Although this basic philosophy worked well in most cases, it did not take pollution into account. A salvor who prevented a major pollution incident but did not manage to save the ship or the cargo got nothing. There was therefore little incentive to a salvor to undertake an operation which has only a slim chance of success.</p> <p>The 1989 Convention seeks to remedy this deficiency by making provision for an enhanced salvage award taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment. The 1989 Convention introduced a "special compensation" to be paid to salvors who have failed to earn a reward in the normal way (i.e. by salvaging the ship and cargo).</p> <p>The compensation consists of the salvor's expenses, plus up to 30% of these expenses if, thanks to the efforts of the salvor, environmental damage has been minimized or prevented. The salvor's expenses are defined as "out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used".</p> <p>Kenya acceded to the convention in 1993.</p>			<p>CHALLENGES</p> <ol style="list-style-type: none"> 1. Slow gazettelement of regulations by the office of the Attorney General 	<p>BENEFITS TO KENYA</p> <ol style="list-style-type: none"> 1. Sets out standard and reward procedures for salvors whose efforts the environmental damage has been minimized or prevented
<p>131. INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)</p> <p>The convention develops further measures to prevent pollution from ships aimed at providing a global framework for international co-operation in combating major incidents or threats of marine pollution. Parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries.</p> <p>Ships are required to carry a shipboard oil pollution emergency plan. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be co-ordinated with national systems for responding promptly and effectively to oil pollution incidents.</p> <p>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.</p> <p>Parties to the convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance</p>				

provided. The Convention provides for IMO to play an important co-coordinating role. Kenya acceded to the convention in 1999.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Enacted MSA 2. Shipping Operations (Marine pollution) bill, 2014 3. Draft regulations 4. Oil Spill Response Contingency Plan in place(<i>with sensitivity mapping and dispersants policy</i>) 5. Stock pile of equipment and facilities undertaken in cooperation with oil industry(OSMAG) 6. Oil Spill Response centre in place 7. Oil spill Response team in place 8. Stakeholders workshops and seminars organized for public awareness 		<ol style="list-style-type: none"> 1. Expensive Equipment, Slow finalization of the marine pollution bill and gazettelement of regulations. 2. Low/no budgetary allocation 	<ol style="list-style-type: none"> 1. Fast track enactment of the bill. 2. Build capacity(human & Equipment 	<ol style="list-style-type: none"> 1. Oil spill response for the Protection of the marine environment

132.INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

Invasive aquatic species present a major threat to the marine ecosystems, and shipping has been identified as a major pathway for introducing species to new environments. The problem increased as trade and traffic volume expanded over the last few decades and in particular with the introduction of steel hulls, allowing vessels to use water instead of solid materials as ballast. The effects of the introduction of new species have in many areas of the world been devastating. Quantitative data show the rate of bio-invasions is continuing to increase at an alarming rate. As the volumes of seaborne trade continue overall to increase, the problem may not yet have reached its peak. However, the Ballast

Water Management Convention, adopted in 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

Under the Convention, all ships in international traffic are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. All ships will also have to carry a ballast water record book and an international ballast water management certificate. The ballast water management standards will be phased in over a period of time. As an intermediate solution, ships should exchange ballast water mid-ocean. However, eventually most ships will need to install an on-board ballast water treatment system.

A number of guidelines have been developed to facilitate the implementation of the Convention.

The Convention will require all ships to implement a Ballast Water and Sediments Management Plan. All ships will have to carry a Ballast Water Record Book and will be required to carry out ballast water management procedures to a given standard. Existing ships will be required to do the same, but after a phase-in period.

Parties to the Convention are given the option to take additional measures which are subject to criteria set out in the Convention and to IMO guidelines.

Kenya acceded to the convention.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Enacted the MSA 2. Regulations to be developed		1. Non implementation of the convention due to lack of capacity	1. Build capacity	1. preventing the spread of non-native aquatic species in the coastal waters
133. UN CONVENTION ON THE LAW OF THE SEA (UNCLOS)				
<i>Adopted on:</i> 10th December, 1982				
<i>Entered into force on:</i> 16th November, 1994				
<i>Kenya became a state party to the Convention on:</i> 2nd March, 1989				
<i>Obligations to government:</i> 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.				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Domesticated parts of the instrument through review of the following legal instruments: 2. Fisheries Act, Cap 378	1. To DOALOS through the Ministry of Foreign Affairs and International Trade	1. Kenya's EEZ in place 2. Revenue generation from Access fees charged on foreign fishing vessels	1. Lack of capacity to enforce and fight against unreported and illegal fishing	1. Kenya now has a legal instrument for settling disputes concerning exploitation of living marine resources within

<p>1989 (Revised 2012), declares governance of the living marine resources in the Exclusive Economic Zone (EEZ)</p> <p>3. Maritime Zones Act, Cap 371 (declares the 200 nautical miles).</p> <p>4. Participated in the International Conference on the Law of the Sea on 7th Aug. 2014 and the ITLOS Regional Workshop on 8th /Aug/2014</p>				<p>her maritime zones</p> <p>2. It has enabled Kenya to designate 200nm exclusive economic zone(EEZ) and use it to explore the living and non-living marine resources for economic gain</p> <p>3. Kenya has gained economically by licensing foreign fishing vessels to fish in the EEZ.</p>
<p>134. UNITED NATIONS FISH STOCK AGREEMENT, (UNFSA) FOR STRADDLING AND HIGHLY MIGRATORY FISH, 1995</p> <p><i>Adopted on:</i> 10th December, 1982</p> <p><i>Entered into force on:</i> 11th December, 2001</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Domesticated through legal notice on foreign fishing</p>	<p>REPORTING MECHANISM</p> <p>1. State Department of Fisheries/ Kenya Navy</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p> <p>1. Low capacity for offshore enforcement</p>	<p>BENEFITS TO KENYA</p>
<p>135. UN 1993 FAO COMPLIANCE AGREEMENT (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>				
<p>136. FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (CCRF)</p> <p><i>Adopted on:</i> 1st November 1995</p> <p><i>Entered into force on:</i> 11th December 2001</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Domesticated in the National Oceans and Fisheries council;</p>	<p>REPORTING MECHANISM</p> <p>1. State Department of Fisheries</p>	<p>CHALLENGES</p> <p>1. Implementing the Ecosystem approach to fisheries management</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>

			2. Rights based management	
137. INTERNATIONAL CONVENTION FOR REGULATION OF WHALING, 1946				
365)				
Obligation to Government; promote orderly development of the whaling industry				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya domesticated the Convention through the Fisheries Act, Cap 378. 2. Monitoring the whale stocks and banning trade in endangered shark species. 3. Implementation is through the Fisheries Department and Kenya Wildlife Service.	367)	368)	369)	1. Enhanced conservation. 370) shark
366)				
138. THE WORLD CONSERVATION UNION (IUCN)				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya through an MoU partners with the IUCN in conservation and sustainable management of freshwater and marine fisheries in general, and specifically to address the socio-economics of the Nile Perch fishery on Lake Victoria.				
2. Kenya avails				

<p>information and project provides counterpart activities for prioritized IUCN-EARO and Kenya Marine and Fisheries Research Institute.</p>				
<p>139. INDIAN OCEAN TUNA COMMISSION (IOTC) AGREEMENT <i>Adopted in: 1993</i> <i>Entered into force in: 1996</i> <i>Kenya became a state party to the Commission on: 29th September 2004</i></p>				
<p>IMPLEMENTATION STATUS</p>	<p>1. Domesticated parts of the instrument through legal instruments: 2. Fisheries Act, Cap 378 1989 (Revised 2012), declares governance of the living marine resources in the Exclusive Economic Zone (EEZ). 3. Maritime Zones Act, Cap 371 (declares the 200 nautical miles). 4. Pays annual subscription.</p>	<p>REPORTING MECHANISM</p> <p>1. State Department of Fisheries .</p>	<p>CHALLENGES</p> <p>1. Adopt an effective conservation and management measures. 2. Improve the data collection and sharing. 3. Co-operation with non members.</p>	<p>RECOMMENDATIONS</p> <p>1. Piracy, Lack of trained observers, high cost of implementation.</p>
<p>BENEFITS TO KENYA</p> <p>1. Tunas are in great demand throughout the world market because of their excellent meat.</p>				
<p>140. SOUTH WEST INDIAN FISHERIES COMMISSION CONVENTION (SWIOFC) SOUTH WESTERN INDIAN OCEAN FISHERIES COMMISSION <i>Adopted in: 2008</i> <i>Entered into force in: 2012</i> <i>Kenya became a state party to the Commission in: 2007</i></p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Member as a Contracting Party Member of the management and scientific committees</p> <p>2. Regional Port Inspection Scheme.</p>	<p>1. State Department of Fisheries</p>	<p>1. Regional Fisheries Management Organization is in place with 9 active members</p> <p>2. Provided funding for Development of Tuna Development Strategy.</p>	<p>1. Lack of funding to participate in the working session</p> <p>2. Lack of enough staff to supervise trans-shipments</p>	<p>1. Kenya gets assistance for implementation of programmes aimed at international conservation, management and development of fisheries resources.</p>
141. INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION / UNESCO's (UNESCO-IOC)				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Kenya participates in 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.</p> <p>2. Kenya participates in the international programmes twice a year, and receives preferential capacity building for its Marine Scientists</p>	<p>371)</p>	<p>372)</p>	<p>373)</p>	<p>374)</p>
142. WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION (WIOMSA)				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Ideas are implemented through the KEMFRI and WIOC. Shared information has enabled Kenya to formulate knowledge based policies and programmes for the benefit of the fisher folks in the coastal areas such as the KCDP.</p>	<p>1. State Department of Fisheries (Kenya Marine and Fisheries Institute)</p>			
<p>143.PORT STATE MEASURES, AGREEMENTS TO DETER AND ELIMINATE ILLEGAL UNREPORTED AND UNREGULATED FISHING (IUU)</p> <p><i>Adopted on:</i> 22nd November, 2009, Rome, Italy</p> <p><i>Entered into force on:</i> 2009</p> <p><i>Kenya became a state party to the Convention on:</i> 29th April, 2010</p> <p><i>Obligation to government:</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Domesticated in the Revised fisheries Management Bill.</p> <p>2. Kenya is in the process of establishing Inter-agencies Monitoring Control and surveillance Unit</p>	<p>1. State Department of Fisheries, 2. Kenya/Navy 3. Kenya Ports Authority(KPA), 4. Kenya Maritime Authority (KMA), Public Health Marine Police, and Kenya Revenue Authority (KRA)</p>	<p>1. Under Smart fish, Building capacity for MCS</p>	<p>1. Weak legal and institutional framework 2. low enforcement</p>	<p>1. It makes it difficult for the Products of IUU fishing to Enter the market, making IUU move difficult and less profitable and less Attractive</p>
<p>COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESAFS).</p> <p>Kenya became a signatory in 2008</p>				
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

<p>STATUS</p> <p>1. Participation in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at restoring agricultural growth, food security, reduce poverty and promote rural development partner states and Africa as a whole</p>				<p>1. Kenya has benefited from this Agreement through regional integration, development and implementation of common regional agricultural/fisheries policies and investments across the entire value chain.</p>
<p align="center">145. LAKE VICTORIA FISHERIES ORGANIZATION (LVFO) CONVENTION</p>				
<p><i>Adopted in: 1994</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya a member Pays subscription fees annually</p>	<p>REPORTING MECHANISM</p> <p>1. State Department of Fisheries</p>	<p>CHALLENGES</p> <p>1. LVFO in place since 1996 as a regional management body for Lake Victoria 2. Harmonized management of Lake Victoria Fisheries Resources 3. Built capacity for joint scientific research programmes such as Lake Victoria Research Programme, Implementation of the Fisheries Management Plan (IFMP) European Union Project costing 20.9 M Euros, 4. Establishment of 281 Beach Management Units (BMUs)</p>	<p>RECOMMENDATIONS</p> <p>1. Low funding 2. Poor rate of payment of subscription fees</p>	<p>BENEFITS TO KENYA</p>

			in Kenya and 1, 032 in East Africa. 5. Trained staff	
146. THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)				
<p><i>Adopted on:</i> 16th October, 1945</p> <p><i>Entered into force on:</i> 16th October, 1945</p> <p><i>Kenya became a member state of FAO on:</i></p> <p><i>Obligation to government:</i> Annual Subscription; Help eliminate hunger, food insecurity and malnutrition; Make agriculture, forestry and fisheries more productive and sustainable; Reduce rural poverty; Enable inclusive and efficient agricultural and food systems; Increase the resilience of livelihoods from disasters</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Continuously implementing programs with the assistance of FAO aimed at meeting the stated obligations Enactment of the Agriculture Fisheries and Food Authority Act 		<ol style="list-style-type: none"> Poor soil quality Lack of proper incentives to farmers 	<ol style="list-style-type: none"> Increase the forest carpet of the country 	<ol style="list-style-type: none"> Contributes towards poverty eradication and empowerment of the rural poor. These projects help the poor increase food production, raise incomes, and improve health and nutrition
147. CONVENTIONS ON SUSTAINABLE DEVELOPMENT				
<i>Obligation to government:</i> Mainstreaming climate change and issues of biodiversity in the planning process				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Process ongoing Climate change and biodiversity already included the 2nd Medium-Term Plan 	<ol style="list-style-type: none"> Ministry of Devolution and Planning, United Nations Conventions on Climate Change and Biodiversity Conference of Parties 	<ol style="list-style-type: none"> Inadequate resources to fund programmes on sustainable development. Lack of human capacity 	<ol style="list-style-type: none"> Develop enough skills on climate change and biodiversity Provide adequate financial resources 	<ol style="list-style-type: none"> Will ensure sustainable development especially in the area of non-renewable resources so as not to compromise the ability of the future generation to meet their

					own needs.
148. CARTAGENA PROTOCOL ON BIOSAFETY					
<p><i>Adopted on:</i> 29 January 2000 <i>Entered into force on:</i> 11 September 2003 <i>Kenya became a state party to the Protocol on:</i> 15 May 2000</p> <p>Obligation to government: To establish legal regulatory framework; Designate a national focal point and competent authority; Facilitate trans-boundary movement, import/export use of GMOs subject to risk assessment. Kenya has adopted the policy guidelines of the protocol by enacting the Bio-safety Act 2009 and establishment of the National Bio-safety Authority (NBA).</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
<p>1. Implemented Bio-safety Act and developed four regulations for implementation of the same.</p> <p>2. DVS is empowered by the Act to do risk analysis for biotechnological commodities.</p>	<p>1. Reports submitted to the Bio-safety Clearing House.</p> <p>2. Participate in Biannual COP-MOP meetings of partner states.</p> <p>3. The National Bio-safety Authority (NBA) is the lead agency for reporting</p>	<p>1. The current ban on importation of foods derived from genetically modified crops has a negative impact on the implementation of the Protocol since it is seen to arbitrary take away the role of the National</p> <p>2. There is low capacity in the country for the analysis of risk of genetically modified animals or their products to be able to recommend their introduction or release.</p>	<p>1. It is recommended that the ban should be reviewed to avoid continuation of the contravention of the objectives of the protocol</p> <p>2. The capacity of DVS should be enhanced for risk analysis of GMOs and their products.</p>	<p>1. Capacity building in areas of genetically modified organisms.</p> <p>2. Control of GMOs.</p>	
149. AGREEMENT ESTABLISHING THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)					
<p><i>Adopted in:</i> 1977 <i>Entered into force in:</i> 1979 <i>Kenya became a state party to the Agreement on:</i> 1979</p> <p>Obligation to government: Annual subscription; GOK will ensure that poor rural people have better access to, and the skills and organization they need to take advantage of: Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices; Improved agricultural technologies and effective production A broad range of financial services; Transparent and competitive markets for agricultural inputs and produce; Opportunities for rural off-farm employment and enterprise development; Local and national policy and programming processes; Implement pro Rural poor programs funded by IFAD services</p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	

<p>1. Many projects have been carried out throughout the country to meet these objectives. Examples are the Easter Province Horticulture and Traditional food Crops Irrigation Project and Mt Kenya Irrigation Project among others.</p>			<p>1. Support the implementation of pro rural poor programs funded by IFAD for improved livelihoods.</p>	<p>1. Contributes towards poverty eradication and empowerment of the rural poor. 2. These projects help the poor increase food production, raise incomes, and improve health and nutrition</p>
<p>150. INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE</p>				
<p><i>Adopted on:</i> 3rd November 2001 <i>Entered into force on:</i> 29th June, 2004 <i>Kenya became a state party to the treaty on:</i> 27th May, 2003</p>				
<p><i>Obligation to government:</i> guaranteeing food security through the conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture (ITPGRFA)</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Compliant</p>	<p>The treaty under Article 9 obliges countries to: 1. Recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.</p>	<p>1. Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid movement of pests, food safety concerns etc.</p>	<p>1. Government to provide adequate funding</p>	<p>1. Protection of genetic variety of crops and related agricultural biodiversity as well as creation of diversity in plant genetic resources.</p>

				<p>2. Take responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including: (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture; (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.</p> <p>375)</p>
<p>151.INTERNATIONAL GRAINS AGREEMENT</p> <p><i>Adopted in:</i> 7th December, 1994</p> <p><i>Entered into force on:</i> 1st July, 1995</p> <p><i>Kenya became a state party to the Agreement on:</i> 1994</p> <p><i>Obligation to government:</i> Annual Subscription</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				<ol style="list-style-type: none"> 1. Kenya's farmers will have easier and better access to the world market 2. The farmers will and can learn more ways in which to improve their seeds and in turn crops for better produce <p>Sharing of best practices with other members</p>
152. WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES				
<i>Adopted on:</i> 15th April, 1994				
<i>Entered into force on:</i> 1st January, 1995				
<i>Kenya became a state party to the Agreement on:</i> 1st January 1995/23rd December, 1994				
<p>Obligation to government: The agreement obliges Kenya apply food safety and animal and plant health measures (sanitary and phytosanitary or SPS measures) sets out the basic rules in to assure protection of human, animal and plant life and ensure safe trade</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Details of ratification by Parliament in 1994 under the Treaty making and ratification Act, 2012 to be determined 2. Kenya has been adopting the international standards developed by OIE for animal health & zoonoses and CAC for food safety. These standards are embedded in national legislations and the Draft 	<ol style="list-style-type: none"> 1. The Agreement on SPS obliges Kenya to take measures dealing with food safety and animal and plant health. sanitary: for human and animal health. phytosanitary: for plants and plant products. The agreement expects the country to participate in WTO-SPS committee meetings, notify regulations, laws and decrees in a timely manner to allow 	<ol style="list-style-type: none"> 1. Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid movement of pests, food safety concerns etc. 2. The National SPS Committee which harmonizes stakeholder inputs on SPS-related notifications is not structured or funded 	<ol style="list-style-type: none"> 1. Government to provide adequate funding 2. The National SPS Committee should be institutionalized in a governance structure, preferably in the WTO Division. 	<ol style="list-style-type: none"> 1. Ensuring safe trade in plant and plant products in international commerce.

<p>Veterinary Policy</p>	<p>members make comments before adoption.</p> <p>2. Also participate in work of International standard setting bodies i.e. OIE, CODEX & IPPC</p> <p>3. The Department of Veterinary Services is the National Enquiries Point and replies all enquiries on animal trade measures from WTO Members and also notifies the same on Kenya's animals trade measures;</p> <p>4. The WTO Division is the National Notification Point and transmits notifications to and from WTO in Geneva.</p>			
<p>153. INTERNATIONAL AGREEMENT OF THE WORLD ORGANIZATION FOR ANIMAL HEALTH (OIE)</p> <p><i>Adopted on: 25th January, 1924</i></p> <p><i>Kenya acceded to the Agreement on: 1924</i></p> <p><i>Obligation to government: To adopt the OIE international standards and guidelines for animal health, production and welfare and trade certification to facilitate international trade in animals and animal derived commodities.</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya acceded to this agreement & became a member of the OIE in 1924 (via the Great Britain). Kenya aligns its animal health measures with OIE standards, guidelines and recommendations.</p> <p>2. Currently it hosts the sub-</p>	<p>REPORTING MECHANISM</p> <p>1. The Director of Veterinary services, being the country delegate to OIE, regularly reports on & presents the country status at the annual delegates meeting</p>	<p>CHALLENGES</p> <p>1. Devolution of Veterinary services will pose a serious challenge to the requisite standardization and reporting pathway to OIE as it could disrupt the necessary national coordination mechanism and</p>	<p>RECOMMENDATIONS</p> <p>1. Policy guidelines and/or legislation will be required to provide a seamless linkage between National & County veterinary authorities & safeguard the Country's position in animal health &</p>	

regional office for OIE in Nairobi.		command structure	international trade	
154. AGREEMENT ESTABLISHING THE COMMON FUND FOR COMMODITIES				
<i>Adopted in:</i> 27th June, 1980				
<i>Entered into force in:</i> 19th June, 1989				
<i>Kenya became a state party to the Agreement on: 6th April, 1982</i>				
<i>Obligation to government:</i> Annual Subscription				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Payment of Annual subscriptions and implementing programs on commodity value chain development funded by CFC.		1. Lack of funds for annual subscriptions.		2. Small scale farmers get capacity building and funding for their commodities
2. Currently Kenya is implementing a program on the cotton value chain.				3. Benefit from transfer of technology 4. Better market access
155. ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) SEED SCHEMES, FRUITS AND VEGETABLES SCHEMES AND FORESTRY SEED SCHEMES				
<i>Adopted in:</i> 1958				
<i>Entered into force in:</i> 1961				
<i>Kenya became a member state OECD on:</i>				
<i>Obligation to government:</i> Provides for movement of Kenyan seeds, fruits and vegetables into the international market.				
Application of OECD standards in inspection and labelling of seeds; Make financial contribution towards the day to day running of OECD schemes; Participate in meetings for making legal, administrative and technical decisions of OECD schemes; Share information/Data with other OECD schemes' members				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Implemented OECD	1. Reports to relevant OECD	1. Participation	1. Allocation of more	1. Maintenance of high

seed schemes, fruits and vegetables schemes and forestry seed schemes	schemes	meetings limited by financial constraints	funds to enable more participation in meetings	quality of our products which improves competitiveness 2. Improved market access 3. Lower transaction costs and risks in seed trade 4. Enhanced co-operation between countries and the public and private sector 5. Active participation in the establishment of rules within an international framework for seed certification 6. Sharing of best practices in seed certification, information and ideas due to frequent meetings
<p>156. INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)</p> <p><i>Adopted in: 1924</i></p> <p><i>Entered into force on:</i></p> <p><i>Kenya became a member state of ISTA on:</i></p> <p>Obligation to government: Undertake Seed testing according to ISTA standards; Make financial contribution towards the day to day running of ISTA; Participate in meetings for making legal, administrative and technical decisions of ISTA; Host ISTA meetings</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya issues seed testing certificates.	1. Reports to ISTA 2. Regular audit of lab to ensure conformity	1. Inadequate some crops 2. Participation in meetings limited by financial	1. Need to obtain the necessary equipment to enable accreditation of	1. This ensures maintenance of high seed quality

2. One seed testing accredited to ISTA. A second lab has initiated the process of accreditation		constraints facilities for testing	second lab	
<p>157. INSTRUMENT OF ACCESSION TO THE 1991 ACT OF THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV) CONVENTION</p> <p>Date of accession; 03 March, 2014</p> <p>Obligation to Government; Conform the Seeds and Plant Varieties Act to the UPOV convention , Implementation of a UPOV-like system of plant variety protection</p> <p><i>Make financial contribution towards the day to day running of UPOV, Participate in meetings for making legal, administrative and technical decisions of UPOV, Share information/Data with other UPOV members, Host UPOV meetings.</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. The seeds and varieties Act of 1972 was revised in 1991 and it has been amended to incorporate aspects of the 1991 Act of the UPOV Convention.</p> <p>2. Kenya acceded to the instrument on 03 March, 2014.</p>	<p>REPORTING MECHANISM</p> <p>1. UPOV database</p>	<p>CHALLENGES</p> <p>1. Poor agricultural performance due to lack of progress in improving the performance of traditional plant varieties over the centuries.</p> <p>2. Flow of documents from relevant ministries to UPOV.</p> <p>3. Participation in meetings limited by financial constraints</p> <p>4. Limited infrastructure (lack of greenhouses/laboratories/equipment) for undertaking technical activities</p>	<p>RECOMMENDATIONS</p> <p>1. Plant breeding requires know-how and investment in terms of time and human and financial resources.</p> <p>2. More funds allocated for implementation</p>	<p>BENEFITS TO KENYA</p> <p>1. Protection of the intellectual property rights. The protection granted to breeders through the protocol spans over 20 years “from the date of the grant of the breeder’s right” except for trees and vines, which will be protected for 25 years, according to Article 26 (Duration of Breeder’s Right).</p> <p>2. Protection under the UPOV Convention for a period of at least 20 years (25 years for trees and vines).</p>

158. CONVENTION ON THE AFRICAN MIGRATORY LOCUST

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: GOK shall contribute in money, supplies or services to the expenses of the equipment and operations of the Organization on the basis of the proportions indicated in the annex to the present Convention; GOK shall facilitate the construction on its own territory of the buildings necessary to the operation of the Organization; GOK shall, when necessary, give every possible assistance requested by the Organization for the destruction of incipient swarms; GOK shall bear the cost of the attendance of its delegation at the Council; GOK shall accord to the staff of the Organization operating in their countries the same privileges and immunities as they accord or would accord to the staff of a Specialized Agency of the United Nations.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya has put in place the necessary infrastructure for operation for organization and attends the Council meeting regularly	1. Not clear	1. Funding is inadequate		1. Helps contain the African Migratory Locust from destroying crops and other vegetation

159. PHYTOSANITARY CONVENTION FOR AFRICA

Entered into force on: 13th September, 1967, Kinshasa, DRC

Kenya is a state party to the Convention.

Obligation to government: The Convention does not contain any provision relating to its entry into force. From the records Kenya has neither signed nor ratified the Convention. However Kenya being a member of Inter African Phytosanitary Council is bound by the Convention. The treaty obliges Kenya to take measures of quarantine, certification or; Inspection, or such other measures as may be considered necessary in respect; Of any living organisms, plants, plant material, seeds, soil, compost or packing material(including containers) and any other article the importation of which is considered; Constitute a threat to agriculture in any part of Africa

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya started adhering to the Convention on 7th May, 1974 2. Kenya abides by the revised Convention (1997) 3. Details of ratification by Parliament under the Treaty	1. The Department of Veterinary Services is the National Enquiries Point and replies all enquiries on animal trade measures from WTO Members and also notifies the same on Kenya's animals trade measures;	1. Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity 2. Inadequate funding to undertake the mandate in light of challenges created by climate	1. Government to rationalize the institutions and transfer all areas of plant protection as envisaged by the Convention to one single authority which is well-funded NB: funding is serious	1. Ensuring safe trade in plant and plant products in international commerce.

making and ratification Act, 2012 to be determined	2.The WTO Division is the National Notification Point and transmits notifications to and from WTO in Geneva.	change and rapid movement of pests 3. The National SPS Committee which harmonizes stakeholder inputs on SPS-related notifications is not structured or funded	constraint in implementing treaties/ Conventions 2.The National SPS Committee should be institutionalized in a governance structure, preferably in the WTO Division.	
<p>160.CONVENTION ON THE ESTABLISHMENT OF THE AFRICAN CENTRE FOR FERTILIZER DEVELOPMENT</p> <p><i>Kenya is a state party to the Convention:</i></p> <p>Obligation to government: Any State which becomes a Member of the Centre shall designate, as soon as is Practicable, a national institution as its National Association for Fertilizer Technology; Facilitate the collection, exchange and dissemination of information; 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</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				1. Fertilizer use is still low in Kenya and the Convention at improving fertilizer use hence increase production
<p>161.CONVENTION ON BIOLOGICAL DIVERSITY (CBD)</p> <p><i>Adopted on:</i> 5th June 1992 Entered into force on: 27th July 1994</p> <p>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>Under the convention equitable sharing includes appropriate access to genetic resources as well as appropriate transfer of technology, taking into account existing rights over such resources and such technology.</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Creating public awareness 2. Capacity building to key stakeholders	1. Reports to CBD secretariat on the country implementation status	1. Low funding 2. Low public awareness 3. High loss of	1. Finalise the National strategy and action plan on biodiversity 2. Incorporating the Aichi	1. Help to safe guard our county rich mega biodiversity status

<p>3. Participating in Global meeting of parties and intercessional meetings</p>		<p>biodiversity</p> <p>4. Cases of Bio piracy</p>	<p>targets</p> <p>3. Increased biodiversity programmes and projects</p> <p>Funding and</p>	
<p>162. UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION in those countries experiencing serious drought and/or desertification, particularly in Africa (UNCCD)</p> <p>Adopted on: 17.06.1994 Entered into force on: 24.06.1997</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>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. As in the text above</p>	<p>1. Reports to UNCCD secretariat on the status on implementation</p>	<p>1. Low funding</p> <p>2. Increased land degradation</p> <p>3. Low public awareness</p>	<p>1. Finalise and implementation of National action plan on desertification</p> <p>2. Increased funding to NAP activities</p> <p>3. Mainstream desertification and land degradation concerns National plans</p>	<p>1. Helps stop land degradation and desertification</p> <p>2. Creates awareness of land degradation and desertification issues</p>
<p>163. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS</p> <p>Adopted on: 22.05.2001 Entered into force on: 24.09.2004</p> <p>Obligation to government: To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>

1. As in the text	1. Reporting to COP	1. Low funding 2. Low public awareness	1. Increase funding 2. Enforcement of laws 3. Create public awareness 4. Implement NIP	1. Reduce Pops in the country 2. Improvement of humans health
<p>164. NAGOYA PROTOCOL</p> <p>Adopted on : 01.02.2012 Entered into force on: 1.05.2014</p> <p>Obligation to government: To Create legal certainty, clarity and transparency, Provide fair and non-arbitrary rules and procedures, establish clear rules and procedures for prior informed consent and mutually agreed terms, provide for issuance of a permit or equivalent when access is granted, Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use, consider the importance of genetic resources for food and agriculture for food security, take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party, cooperate in cases of alleged violation of another contracting party's requirements, encourage contractual provisions on dispute resolution in mutually agreed terms</p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Informing other parties when domestic legal action is taken on chemicals that is in the prior informed consent list.</p> <p>2. On 3rd March 2014, Kenya ratified The Nagoya Protocol.</p>	<p>REPORTING MECHANISM</p> <p>1. Report to the MOP</p>	<p>CHALLENGES</p> <p>1. Low awareness 2. Low capacity</p>	<p>RECOMMENDATIONS</p> <p>1. Domesticate the convention 2. Harmonise the benefit sharing regulations with convention provisions</p>	<p>BENEFITS TO KENYA</p> <p>1. Ensure equitable sharing of genetic resources. 2. Guard against bio piracy</p>
<p>165. VIENNA CONVENTION AND ITS MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER</p> <p>Adopted on: 16.09.1987 Entered into force on: 09.11.1989</p> <p>Obligation to government: Sharing of information and search on the protection of ozone layer</p> <p>To protect the ozone layer by taking precautionary measures to control global emissions of substances that deplete the ozone layer</p>				

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Country being compliant to the Protocol Creating awareness on phase out of Ozone Depleting Substances (ODS)</p> <p>2. Adoption of alternatives to ODS</p> <p>3. Institutional Strengthening and capacity building to key stakeholders.</p> <p>4. Kenya signed the instrument ratifying the Beijing Amendment to the Montreal Protocol on substances that deplete the ozone layer on 26th September, 2014</p>	<p>1. Reports compiled and submitted to the Ozone Secretariat and Multilateral Fund Secretariat</p>	<p>1. Inadequate funding</p> <p>Expensive alternative technologies</p> <p>2. Registration of alternatives</p> <p>Waiver of duty on imported equipment</p>	<p>1. Enhance funding</p> <p>2. Commercially available and affordable technologies</p> <p>3. Registration by law</p> <p>4. Encourage Duty waiver</p>	<p>1. Funding for phase out activities</p> <p>2. Country's products will get market and not discriminated against.</p> <p>3. Protecting and restoring the ozone layer which shields life on earth from harmful effects of Ultra Violet (UV) light.</p> <p>4. The phase-out of both production and consumption of ozone depleting substances i.e Hydrofluorcarbons (HFCs) and Chlorofluorcarbons (CFCs).</p>
<p>166. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)</p> <p>Adopted on: 09.05.1992</p> <p>Entered into force on: 30.08.1994</p> <p>Obigation 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>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Development of National strategy on climate change</p>	<p>1. National government</p> <p>2. UNFCCC secretariat</p>	<p>1. Low funding</p> <p>2. Expensive technologies</p>	<p>1. Enhanced building capacity</p>	<p>1. Sustainable development</p> <p>Green</p>

<p>2. Development of national climate change action plan</p> <p>3. Green growth initiative</p> <p>4. Developing Awareness</p> <p>5. creation Climate change policy and bill</p> <p>6. Kenya participated in COP 20 Lima (in Nov 2014) , Call for Climate Action underscored the commitment of Parties to reach an ambitious post-2015 agreement in COP 21 .</p> <p>7. Geothermal National Appropriate Mitigation Action (NAMA) Proposal under the Mitigation Momentum project; focused on supporting Kenya's 5000+MW in 40 months initiative and Vision 2030, Validated and submitted to the UNFCCC NAMA -registry in November 2014.</p> <p>8. The Second National Communication is in progress and will be ready by June 2015.</p> <p>9. Process of preparing the Intended Nationally Determined Contributions (INDCs) well in advance</p>	<p>3. Low capacity for implementation</p>	<p>2. Mainstreaming of climate change response in all sectors</p> <p>3. Increased funding</p> <p>4. Reduction of Green House gases</p>	<p>jobs</p> <p>2. Multilateral/Bilateral funding</p> <p>3. Environmental conservation</p> <p>4. Provide scientific understanding of climate change,</p> <p>-Improve national statistics -Identify and prioritize mitigation alternatives and adaptation actions -Enhance international partnership and collaboration</p>
--	---	--	--

of COP 21 is in progress.					
167. KYOTO PROTOCOL TO THE UNFCCC, KYOTO ,1997					
376)	Adopted on: 11.12.1997				
377)	Entered into force on: 25.02.2005				
378)	<i>Obligation to government:</i> To provide for Policies and measures to undertake the commitments in article 4of the convention, by setting quantified limitation and reduction objectives within specified timeframe for their anthropogenic emission by source and removal by sinks of greenhouse gases not controlled by the Montreal protocol.				
379)					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Development of National strategy on climate change 2. Development of national climate change action plan 3. Green growth initiative 4. Developing Mitigation and Adaptation action plans 5. Awareness creation Climate change policy and bill	1. National government UNFCCC secretariat	1. Low funding 2. Expensive technologies 3. Low capacity for implementation	1. Enhanced building capacity 2. Mainstreaming of climate change response in all sectors 3. Increased funding 4. Reduction of Green House gases	1. Sustainable development 2. Green jobs 3. Multilateral/Bilateral funding 4. Environmental conservation	
168. BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENT S OF HAZARDOUS WASTES AND THEIR DISPOSAL					
<i>Adopted on:</i> 23rd March 1989 Entered into force on: 1st June 2000 <i>Obligation to government:</i> To ensure Environmentally sound management of hazardous waste					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	

<ol style="list-style-type: none"> Monitoring hazardous waste at the Kilindini port. Creating public awareness. Capacity building to key stakeholders Participating in Global meetings of parties and intercessional meetings. 	<ol style="list-style-type: none"> Reports sent to the secretariat of the convention. 	<ol style="list-style-type: none"> Low funding. Low public awareness. 	<ol style="list-style-type: none"> Enhance surveillance to deter dumping of hazardous chemicals in the country. Dispose of safely any hazardous chemicals stockpiles in the country. 	<ol style="list-style-type: none"> Ensures that hazardous chemicals are not dumped in the country. Supports safe disposal of hazardous chemical stockpiles.
<p>169. CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (RAMSAR)</p>				
<p><i>Adopted on:</i> 02 February, 1971 <i>Entered into force on:</i> 05. June .1990</p>				
<p><i>Obligation to government:</i> To stem the progressive encroachment on and loss of wetlands now and in the future recognizing the fundamental ecological functions of wetlands and their economic, cultural , scientific and recreational value</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<ol style="list-style-type: none"> Creating public awareness through World Wetlands Day celebrations and other fora. Designation of Wetlands of International importance and development and implementation of management measures including management plans. Capacity building to key stakeholders. Participating in meeting of 	<ol style="list-style-type: none"> Submission of annual progress report to Ramsar Convention Secretariat. Preparation and submission of annual and quarterly progress reports by institutions having a mandate on wetland managements. 	<ol style="list-style-type: none"> Low funding Low public awareness on wetland values Inter-sectoral conflicts and duplications on wetlands management 	<ol style="list-style-type: none"> Increase funding of wetland management activities Finalize approval of National Wetlands Policy in order to provide policy guidance and direction on wetlands management Enhance awareness on wetland values among public, leaders and policy makers. 	<ol style="list-style-type: none"> Well conserved wetland ecosystems optimally carrying out their functions and providing services to neighbouring communities and other stakeholders Reduced threats to wetland

<p>parties of Ramsar Convention and inter-sessional meetings.</p> <p>5. Development and implementation of National Wetlands Policy, laws and regulations on wetlands management.</p>				
<p>170. CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICA REGION (NAIROBI CONVENTION)</p> <p>Adopted on: 21.06.1985 Entered into force on: 11.09.1990</p>				
<p><i>Obligation to government:</i> To protect and manage the marine environment and coastal areas of the Eastern Africa.</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. The enactment of the wetlands atlas in</p> <p>2. Domestication of Nairobi Convention and its protocols through enacted of relevant legislation and policies including EMCA 1999, Integrated Coastal Zone Management Policy and National Oceans Policy</p> <p>3. Creating public awareness through World Oceans Day and other fora</p> <p>4. Participating in meeting of parties and inter-sessional meetings</p> <p>5. Participation in regional</p>	<p>1. Submission of annual progress report to Nairobi Convention Secretariat</p> <p>2. Submission of quarterly progress reports to the national Integrated Coastal Zone Management Committee by member institutions</p>	<p>1. Insecurity</p> <p>2. Limited funding to coastal zone management activities</p> <p>3. Low public awareness on values of coastal and marine ecosystems</p> <p>4. Encroachment into and degradation of coastal and marine habitats and overexploitation of their resources</p> <p>5. Inter-sectoral conflicts and duplications on coastal zone management</p>	<p>1. Increase funding of coastal ecosystems management activities</p> <p>2. Enhance enforcement activities by national government institutions and county governments</p> <p>3. Finalize approval of Integrated Coastal Zone Management Policy in order to provide policy guidance and direction on coastal zone management</p> <p>Enhance awareness on coastal zone ecosystem values among public, leaders and policy makers</p>	<p>1. A well conserved coastal and marine environment</p> <p>2. Minimized degradation of coastal and marine habitats</p>

<p>projects and programs of the Convention including Western Indian Ocean Strategic Action Program (WIOSAP)</p>														
<p>171. ROTTERDAM CONVENTION</p> <p>Adopted on: 10.9.1998 <i>Entered into force on: 03.02.2005</i></p> <p>Obligation to government: To promote shared responsibility and cooperative efforts among parties in the International trade of certain hazardous chemicals 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, by providing for national decision-making process on their import and export and by disseminating these decisions to Parties</p> <table border="1" data-bbox="509 92 760 1964"> <thead> <tr> <th data-bbox="509 92 588 463">IMPLEMENTATION STATUS</th> <th data-bbox="509 463 588 840">REPORTING MECHANISM</th> <th data-bbox="509 840 588 1218">CHALLENGES</th> <th data-bbox="509 1218 588 1595">RECOMMENDATIONS</th> <th data-bbox="509 1595 588 1964">BENEFITS TO KENYA</th> </tr> </thead> <tbody> <tr> <td data-bbox="588 92 760 463"> <p>1. Informing other parties when domestic legal action is taken on chemicals that is in the prior informed consent list</p> </td> <td data-bbox="588 463 760 840"> <p>1. National government</p> </td> <td data-bbox="588 840 760 1218"> <p>1. Getting reports on negative impacts of chemicals, accurate imports/export data</p> </td> <td data-bbox="588 1218 760 1595"> <p>1. Legal and policy action by Kenya required for each of listed chemicals</p> </td> <td data-bbox="588 1595 760 1964"> <p>1. Every time a hazardous/toxic chemical is being imported the designated authorities are informed</p> </td> </tr> </tbody> </table>					IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	<p>1. Informing other parties when domestic legal action is taken on chemicals that is in the prior informed consent list</p>	<p>1. National government</p>	<p>1. Getting reports on negative impacts of chemicals, accurate imports/export data</p>	<p>1. Legal and policy action by Kenya required for each of listed chemicals</p>	<p>1. Every time a hazardous/toxic chemical is being imported the designated authorities are informed</p>
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA										
<p>1. Informing other parties when domestic legal action is taken on chemicals that is in the prior informed consent list</p>	<p>1. National government</p>	<p>1. Getting reports on negative impacts of chemicals, accurate imports/export data</p>	<p>1. Legal and policy action by Kenya required for each of listed chemicals</p>	<p>1. Every time a hazardous/toxic chemical is being imported the designated authorities are informed</p>										
<p>172. INSTRUMENT OF ACCESSION TO THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITR)</p> <p>Kenya signed on: 6.10.2014 Obligation to government: To bring Internet access to the Country's population , to drive investment in broadband roll out and to ensure the continuing promotion of digital inclusion for all.</p> <table border="1" data-bbox="980 92 1317 1964"> <thead> <tr> <th data-bbox="980 92 1058 463">IMPLEMENTATION STATUS</th> <th data-bbox="980 463 1058 840">REPORTING MECHANISM</th> <th data-bbox="980 840 1058 1218">CHALLENGES</th> <th data-bbox="980 1218 1058 1595">RECOMMENDATIONS</th> <th data-bbox="980 1595 1058 1964">BENEFITS TO KENYA</th> </tr> </thead> <tbody> <tr> <td data-bbox="1058 92 1317 463"> <p>1. Attending forums on ITRS.</p> </td> <td data-bbox="1058 463 1317 840"> <p>1. International Communication Union</p> </td> <td data-bbox="1058 840 1317 1218"></td> <td data-bbox="1058 1218 1317 1595"></td> <td data-bbox="1058 1595 1317 1964"> <p>1. Bringing greater security by promoting international cooperation to ensure the security and robustness of international telecommunication networks. 2. Combating unsolicited bulk electronic communications.</p> </td> </tr> </tbody> </table>					IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	<p>1. Attending forums on ITRS.</p>	<p>1. International Communication Union</p>			<p>1. Bringing greater security by promoting international cooperation to ensure the security and robustness of international telecommunication networks. 2. Combating unsolicited bulk electronic communications.</p>
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA										
<p>1. Attending forums on ITRS.</p>	<p>1. International Communication Union</p>			<p>1. Bringing greater security by promoting international cooperation to ensure the security and robustness of international telecommunication networks. 2. Combating unsolicited bulk electronic communications.</p>										

					3. Preventing misuse of international telecommunication numbering resources. 4. Encouraging investment in international telecommunication networks and promoting competitive wholesale pricing for traffic carried. 5. Promoting the implementation of regional telecommunication traffic exchange points.
173. INTERNATIONAL TELECOMMUNICATIONS UNION (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
174. AFRICAN TELECOMMUNICATIONS UNION (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
175. UNIVERSAL POSTAL UNION (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
176. PAN AFRICAN POSTAL UNION (PAPU) (DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
177. UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)					
<i>Adopted on: 9th December 2003</i>					

Entered into force on: 14th December, 2005

Kenya became a state party to the Convention on: 9th December, 2003

Obligation to government: To fight corruption

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The state is required to take legislative, policy and administrative measures towards the fight against corruption, especially in relation to: Criminalisation and Law Enforcement; Prevention of Corruption; Co-Operation; Asset Recovery, and Technical Assistance</p>	<p>2. Kenya has enacted most of the laws that are required under the Convention, especially: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act, 2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act, 2010.</p> <p>3. In addition, Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and Special Magistrates for hearing and determining corruption and economic crime cases on priority basis.</p> <p>4. Kenya has also filed with the UN Secretary General, the depository of the Convention, various notifications required</p>	<p>1. The Conference of States Parties (COSP) established under Article 63 of the Convention oversees the implementation of the Convention.</p> <p>2. COSP meets at least once every two years. COSP has established an Implementation Review Group (IRG), which monitors the implementation of the Convention and meets at least once annually.</p> <p>3. In accordance with the Review Mechanism of the Convention, every State Party is required to undergo a review of its implementation of the Convention at least once every review cycle (of 5 years).</p> <p>4. During the 4th Session of the IRG held in Vienna, Austria, May 2013, Kenya was drawn for review in 2013/2014. The review will focus on Chapter III (Criminalisation and Law Enforcement), and Chapter IV (International Co-operation). On 24 July, 2013, the Attorney-General</p>	<p>1. The implementation of the Convention has been hampered by, among other things: (1) failure and refusal by Parliamentarians to enact some necessary laws: (a) criminalizing certain corrupt conduct such as illicit enrichment; (b) permitting the use of specialized investigative techniques; (2) lack of a legal framework for the transfer of criminal proceedings and sentenced persons to other countries, and (3) refusal or delay in the processing of mutual legal assistance requests.</p> <p>1. The legal status of UNCAC in the Kenyan legal system is still unclear, in spite of the provisions of Article 2(6) of the Constitution to the effect that treaties</p>	<p>1. Kenya should take some legislative, policy and administrative measures that provide for, inter alia: (1) criminalization of illicit enrichment; (2) corruption in the private sector or corrupt conduct involving foreign service officials or by Kenyans abroad; (3) transfer of criminal proceedings and sentenced persons; (4) designation of the Ethics and Anti-Corruption Commission (EACC) as the body responsible for processing mutual legal assistance requests to or from Kenya on corruption matters; (5) consideration of granting EACC prosecutorial powers as envisaged under Article 157(12) of the Constitution; (6) Kenya should consider entering into bilateral or</p>

	<p>under the Convention – relating to, inter alia: the name and address of the national anti-corruption agency (previously Kenya Anti-Corruption Commission but now the Ethics and Anti-Corruption Commission); the name and address of the central authority for mutual legal assistance (the Attorney-General), and a declaration on the status of the Convention under Kenya's legal system.</p>	<p>constituted a National Steering Committee on the Review of Kenya's implementation of UNCAC. The Cabinet formally approved Kenya's review on 31 October, 2013. The Steering Committee has already compiled and submitted Kenya's UNCAC Self-Assessment Checklist to the AG and the UNCAC Secretariat, for review. The Checklist was submitted to the UNCAC Secretariat on 22 November, 2013. A Country Review visit to Kenya on the country's implementation of UNCAC will be held in February, 2013. Eventually, the review team will produce a Country Review Report on Kenya's Implementation of UNCAC.</p>	<p>and Conventions signed by Kenya become part of the law of Kenya under the Constitution. We have had divergent court decisions over the status of treaties in Kenya's in the light of that provision.</p>	<p>multilateral treaties that provide for transfer of criminal proceedings and sentenced persons; and (7) strengthen the capacity of EACC to investigate and take enforcement measures against corruption, through provision of adequate human and financial resources to the Commission.</p> <p>2. The Attorney-General should seek an advisory opinion from the Supreme Court over the status of treaties ratified by Kenya as per the provisions of Article 2(6) of the Constitution. This will help the rest of the courts in appreciating the place of treaties, and even principles of customary international law, in Kenya's legal system.</p>
<p>178. AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION</p> <p><i>Adopted by:</i> 11th July 2003</p> <p><i>Entered into force in:</i> 5th August 2006</p> <p><i>Kenya became a state party to the Charter in:</i> Kenya signed the African Union Convention on Preventing and Combating Corruption when the Convention was</p>				

opened up for signature in Maputo, Mozambique, July, 2003. Eventually, Kenya ratified the Convention in February, 2007.
Obligation to government: To combat corruption

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Among other things, Kenya, as a State Party, is supposed to criminalize various acts of corruption; facilitate the provision of mutual legal assistance and co-operation between law enforcement agencies involved in the fight against corruption. State Parties are also required to file reports with the AU Commission on the implementation of the Convention.</p>	<p>1. Kenya has criminalized corruption through a number of laws, such as: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act, 2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act, 2010.</p> <p>2. Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and Special Magistrates (Judiciary) who hear and determine corruption and economic crime matters</p>	<p>1. States Parties to the AU Convention on Preventing and Combating Corruption are supposed to file their implementation reports with the AU Commission, which then channels the reports to the African Union Advisory Board on Corruption, for consideration and appropriate directions.</p> <p>2. Kenya filed its first report under the Convention in June, 2012. As of November 2013, no feedback had been received from the AU on the matter.</p>	<p>1. Kenya has not faced any serious challenges on the implementation of the AU Convention on Preventing and Combating Corruption. Suffice it to say that, unlike the UN Convention against Corruption which an elaborate implementation review mechanism, the system for monitoring the implementation of the AU Convention is ineffective.</p>	<p>1. The notifications Kenya filed in 2008 relating to the institutions responsible for fighting corruption and providing mutual legal assistance needs to be reviewed and supplementary notifications submitted to the AU Commission, in the light of the changes brought about by the new Constitution of Kenya, 2010, which now establishes the institutions such as: the Ethics and Anti-Corruption Commission; the Director of Public Prosecutions; the Auditor General; the Controller of Budget, which have a major role to play in the fight against corruption.</p> <p>2. The Ethics and Anti-Corruption Commission should be filing some regular reports with the AU Commission on the</p>

	<p>on priority basis.</p> <p>3. In 2008, Kenya filed with the AU Commission, the depository of the Convention, various notifications required under the Convention – relating to, inter alia: the names and addresses of the various institutions responsible for the implementation of various provisions of the Convention.</p> <p>4. Kenya has also been represented in the AU Advisory Board on Corruption.</p>			<p>implementation of various aspects of the Convention.</p> <p>3. Kenya may consider hosting a conference on the implementation of the AU Convention, bringing together African states and other stakeholders in the fight against corruption, with a view to bolstering the implementation of the Convention. South Africa hosted such a Conference in February, 2007.</p>
<p>179.FORCED LABOUR CONVENTION, 29 OF 1930</p> <p>Adopted on:13th December 2006</p> <p>Entered into force on:3rd May 2008</p> <p>Ratified :13 January 1964</p> <p>Obligation to Government; The Convention forbids 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>IMPLEMENTATION STATUS</p> <p>1. Convention has been entrenched in the labour laws. – Employment Act, 2007, Labour Relations Act 2007, Labour Institutions Act, 2007, Occupational And Safety Act, 2007</p>	<p>REPORTING MECHANISM</p> <p>1. Implementation is monitored through yearly reports to the ILO submitted before the 1st of September every year.</p>	<p>CHALLENGES</p> <p>1. Weak mechanisms.</p>	<p>RECOMMENDATIONS</p> <p>1. Strengthen legal and policy framework to ensure protection from forced labour.</p>	<p>BENEFITS TO KENYA</p> <p>1. Ensures protection of the rights workers.</p>

180. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Adopted on: 13th December 2006

Entered into force on: 3rd May 2008

Ratified : on 19 May 2008

Obligation to Government; Implement the Convention, submit Initial and regular Country Reports to the UNCRPD Committee, respond to queries on the initial report and present annual reports to the UNCRPD Committee according to themes of the sessions.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. The Ministry and the National council for Persons with disabilities are leading in implementation based on various provisions. Other Organizations in the disability sector are also implementing them based on relevant Provisions</p>	<p>1. Reporting -initially within two years of accepting the Convention and thereafter every four year mechanism is and is also based on themes as determined yearly by the UNCRPD Committee or as may be required.</p>	<p>1. Inadequate finances to organize, collect data for report, fund various activities for persons with disabilities, funds for delegation to present the reports and hold side events</p>	<p>1. Adequate funds funds be set aside to implement the UNCRPD in the country</p> <p>2. Funds be provided to finance the annual delegation to New York for reporting on progress.</p>	
<p>2. Kenya Submitted Its Initial Country Report to the UNCRPD Committee in January 2012</p>				
<p>3. Kenya will be responding to queries on the initial report in the Month of April 2015 according to the UNCRPD Committee calendar.</p>				
<p>4. Kenya has been sending delegation every year to New York to present annual reports to the UNCRPD Committee according to themes of the</p>				

sessions.				
181. RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 98 OF 1949				
<i>Kenya became a state party to the Charter on: 13th January 1964.</i>				
<i>Obligation to Government; Governments should ensure workers enjoy freedom of Association and protection of the right to organize.</i>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Labour Relations Act has domesticated ILO convention 98 on the right to collectively bargain. Though Kenya has not ratified ILO convention No.87, on freedom of Association discussions are ongoing with the Social Partners to have the Convention ratified and its provisions have been domesticated in the Constitution and the labour laws.	1. Reports to the ILO	1. Democratization of unions has sometimes led to too many strikes affecting the economy.	1. Ratify Convention 87 on Freedom of Expression.	1. Ratification ensures workers benefit from better terms and conditions of work through collective bargaining and promotes industrial harmony.
182. UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME				
<i>Adopted on: 12 December 2000</i>				
<i>Entered into force on: 25th December 2005</i>				
<i>Kenya became a state party to the Charter on: January 5th 2005</i>				
<i>Obligation to Government;</i>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Counter trafficking in Persons Act enacted. 2. Counter-Trafficking in Persons Advisory	1. Reporting made to the CEDAW Committee once in four years	1. Ineffective mechanisms for combating trafficking in persons.	1. Operationalized the Counter-Trafficking in Persons Advisory Committee and set up the Trust Fund to combat	1. Convention ensures measures for combating trafficking in persons.

<p>Committee has been established. The Government is in the process of establishing the Trust Fund for the victims of trafficking.</p> <p>3. A Committee has been set up to review the framework governing child adoptions to prevent activities that may lead to child trafficking.</p>			<p>trafficking and assist victims of trafficking.</p>	
<p>183. CONVENTIONS ON THE RIGHTS OF THE CHILD, HAGUE 2ND SEPTEMBER, 1999.</p> <p>Kenya ratified it on July 31, 1990</p> <p>Obligation to Government;</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Children's Act 2001 in place.</p> <p>2. Child Labour Policy approved by Casbinet</p> <p>3. National Steering Committee on Child Labour gazetted</p> <p>4. Protecting the right of life survival and development through Kenya Expanded Programme immunization- 87% immunization</p>	<p>1. Reports given to the Committee on the Rights of the Child every 5 years</p> <p>2. Quarterly meeting with children's department</p> <p>3. Integrated Child Health Committee that meets quarterly</p> <p>4. Report made to the Committee on CRC in 2013</p>	<p>1. Compartmentalization of services offered to the child</p> <p>2. Low funding allocations to children's disabilities</p> <p>3. Challenges in mainstreaming children with vulnerabilities to various sectors and social environment</p> <p>4. Gap in financial support by GoK, most funding is from donors</p> <p>5. Poor coordination of interventions to protect</p>	<p>1. Integration of child health services</p> <p>2. Increase GoK funding</p> <p>3. Implementation of existing policies</p> <p>4. Integration of the management of children who suffer sexual, physical or psychological abuse or violation</p>	

<p>coverage</p> <ol style="list-style-type: none"> 5. Free prevention of mother to child transmission (PMTCT) of HIV 6. Free comprehensive maternal child health programme, Neonatal and post-natal services 7. Free treatment of under five year old children 8. Free ARVs for all children across the country 9. National Guideline and Manual on the Identification and referral of all children with disabilities and special needs 2010 10. Training manual for health workers on prevention and early detection of disabilities 11. School health policies and guidelines 2008 12. Diarrhea policy 13. Reproductive health policy 14. Child survival and 	<p>children who have been violated or abused sexually, physically or psychosocially</p>		
--	---	--	--

<p>development strategy 2008-2015</p> <p>15. Protecting children from child labour</p>				
<p>184. MARITIME LABOUR CONVENTION, 2006 (MLC, 2006).</p>				
<p><i>Entry into force :20 August 2013</i> <i>Kenya acceded to it : 28th March, 2014</i></p>				
<p>Obligation to Government; The Maritime Labour Convention (MLC) is an International Labour Organization convention established in 2006 as the <i>fourth pillar</i> of international maritime law and embodies all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions. The other "pillars" are the SOLAS, STCW and MARPOL. The treaties applies to all ships entering the harbours of parties to the treaty (port states), as well as to all states flying the flag of state party (flag states, as of 2013: 50 per cent).</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Enacted the MSA</p> <p>2. Draft Regulations</p> <p>3. Stakeholder sensitizations</p>	<p>1. Annual reports to ILO Conference or as required by Committee of Experts</p> <p>2. Port State Control</p>	<p>1. Inspections to ensure compliance and challenges in security for seafarers.</p> <p>2. Lack of seafarers training facilities. (onboard)</p> <p>3. Lack of maritime training colleges.</p> <p>4. Lack of local capacity to train</p> <p>5. Lack of policy to facilitate foreign placement of Kenyan seafarers</p>	<p>1. Ensure effective inspections and security</p> <p>2. Fast track implementation of the convention</p> <p>3. Address challenges by developing/procuring training ship/facilities.</p> <p>4. Source for technical support to build capacity</p> <p>5. Develop policy to guide foreign employment for Kenyan seafarers.</p>	<p>1. Promotion of decent working and living conditions of seafarers.</p> <p>2. Ensuring conditions of fair competition for ship-owners.</p> <p>3. Ensuring that seafarers enjoy the rights set out in the Convention</p> <p>4. Ensuring that ships flying its flag are duly inspected and certified in accordance with international standards set in the Convention and</p>

				that it provides effective protection for Kenyan seafarers. 5. Provide opportunity for capacity building
<p>185.EQUAL REMUNERATION CONVENTION, 1951 (NO. 100)</p> <p><i>Entry into force :20 August 2013</i> <i>Kenya ratified it : 7th May 2001.</i></p> <p>Obligation to Government; <i>The Convention requires that workers' remuneration must be established without discrimination based on sex.</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Non discrimination is guaranteed in the Constitution and discrimination in employment is prohibited by the Employment Act which also provides for equal pay for work of equal value.</p> <p>2. The Government is in the initial stages of developing a Wages and Remuneration Policy.</p>	<p>REPORTING MECHANISM</p> <p>1. Reports to the ILO</p>	<p>CHALLENGES</p> <p>1. There is no Wages and Remuneration Policy</p> <p>2. There exist different wage fixing mechanisms and criteria leading to disparities in remuneration.</p>	<p>RECOMMENDATIONS</p> <p>1. Develop a Wages and Remuneration Policy.</p>	<p>BENEFITS TO KENYA</p> <p>1. Convention ensures respect of labour rights by avoiding discrimination in pay in cases of work of equal value.</p>
<p>186.MINIMUM AGE CONVENTION, 138 OF 1973</p> <p><i>Entry into force :</i> <i>Kenya ratified it: 09 April. 1979</i></p> <p>Obligation to Government: <i>Convention requires Government to adopt policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of children.</i></p>				
<p>IMPLEMENTATION</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>

STATUS	1. Reports to the ILO	1. Some provisions in Basic Education Act are not in accordance with the Convention. Poverty leads many children to engage in child labour.	1. Carry out child labour survey, and to provide up-to-date statistical information; Provisions of the Basic Education Act extending the compulsory schooling age up to 18 years which is higher than the minimum age for admission to work (16 years), to be harmonized with other laws on employment and provisions of Article 2(3) of the Convention .	1. Implementation of the Convention protects children against child labour.
<p>1. Provisions of the Convention have been entrenched in the Constitution, labour laws and Children Act.</p> <p>2. The National Policy on the elimination of Child Labour was approved by the Cabinet and is awaiting forwarding to the National Assembly.</p> <p>3. National Steering Committee on Child Labour has been gazetted</p>	<p>1. Reports to the ILO</p>	<p>1. Some provisions in Basic Education Act are not in accordance with the Convention. Poverty leads many children to engage in child labour.</p>	<p>1. Carry out child labour survey, and to provide up-to-date statistical information; Provisions of the Basic Education Act extending the compulsory schooling age up to 18 years which is higher than the minimum age for admission to work (16 years), to be harmonized with other laws on employment and provisions of Article 2(3) of the Convention .</p>	<p>1. Implementation of the Convention protects children against child labour.</p>
<p>187. WORST FORMS OF CHILD LABOUR CONVENTION, 182 OF 1999</p>				
<p><i>Entry into force :</i></p>				
<p><i>Kenya ratified it : 07 May 2001</i></p>				
<p><i>Obligation to Government; Convention requires the Government to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<p>1. Provisions of the Convention have been entrenched in the Constitution, labour laws and Government has been implementing various programmes to eliminate child labour</p>	<p>1. Reports to the ILO</p>	<p>1. Child Labour Policy approved but awaiting approval by Parliament before it is adopted.</p> <p>2. Many children engage in child labour due to poverty or as orphans of HIV/AIDS.</p>	<p>1. Fast track adoption the National Policy on the elimination of Child Labour and gazette of list of types of hazardous work, provide data on child labour and worst forms of child labour.</p>	<p>1. Implementation guarantees protection of children from child labour and worst forms of child labour.</p>

<p>including the worst forms of child labour.</p> <p>2. The National Policy on the elimination of Child Labour was approved by the Cabinet and is awaiting forwarding to the National Assembly.</p>		<p>3. Inadequate awareness on child labour and worst forms of child labour..</p>	<p>strengthen efforts to protect child victims and orphans of HIV/AIDS from the worst forms of child labour especially through access to education; protect girls from becoming victims of commercial sexual exploitation; provide statistical information on Worst Forms of Child Labour.</p> <p>Create more awareness on child labour and worst forms of child labour</p> <p>Increase social dialogue among partners and ensure effective enforcement mechanisms; capacity build labour Inspectors.</p>	
<p>188.LABOUR INSPECTION (INDUSTRY) CONVENTION, 81 OF 1947</p> <p><i>Entry into force :</i></p> <p><i>Kenya ratified it : 13th January 1964</i></p> <p><i>Obligation to Government; The Convention requires Governments to maintain a system of labour inspection in industrial workplaces.</i></p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Convention is domesticated in the labour laws .The State ensures implantation of the Convention through inspections by the Ministry of Labour.</p>	<p>1. Reports to the ILO</p>	<p>1. Inadequate staffing levels and other resources for effective inspections to ensure compliance.</p>	<p>1. There is need to ratify ILO Convention 150 on Labour Administration to provide for an effective labour inspection system. Enforcement should be separated from dispute</p>	<p>1. Implementation of the Convention ensures effective enforcement of labour standards through inspection of workplaces.</p>

					resolution.	
189. LABOUR INSPECTION (AGRICULTURE) CONVENTION. 129 OF 1969						
<i>Entry into force :</i>						
<i>Kenya ratified it : 09 April. 1979</i>						
<i>Obligation to Government; Governments are required to ensure inspections to protect workers undertaking agricultural activities.</i>						
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA		
1. Convention is domesticated in the labour laws	1. Reports to the ILO	1. Inadequate levels and resources for inspections to ensure compliance	1. Inadequate staffing and other resources for effective inspections to ensure compliance			
190. TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION. 1976						
<i>Entry into force :</i>						
<i>Kenya ratified it : 09 April. 1979</i>						
<i>Obligation to Government; As a member of the ILO the Government is required 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.</i>						
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA		
1. Provisions of the Convention have been entrenched in the Constitution, labour laws and in practice.	1. Reports to the ILO	1. Sometimes it has been a challenge getting consensus from the Social Partners	1. There is need for discussion and consultations with Social Partners, the National Labour Board and other stakeholders to discuss urgent issues including unratified conventions.	1. Convention ensures tripartite consultations which is an important pillar for industrial relations.		
191. UNEMPLOYMENT CONVENTION. 2 OF 1919						
<i>Entry into force : 14 Jul 1921</i>						

<i>Kenya ratified it : 13 January .1964</i>			
<i>Obligation to Government; Convention requires member to provide to the ILO statistical data on concerning unemployment, measures taken to combat unemployment, establish free public employment agencies under the control of a National authority and provide insurance against unemployment.</i>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Provisions of the Convention have been entrenched in the labour laws and in practice. Kenya has been providing statistical information concerning unemployment to the ILO.	1. Reports to the ILO	1. Large number of unemployed qualified persons, training not matching job market, too many, job seekers joining the job market as compared to job opportunities, and emphasis on seeking for jobs rather than job creation.	1. Adopt methods of creating sustainable job creation especially for the youth who form a large number of the unemployed in the country.
192.C011 - RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921			
<i>Entry into force :</i>			
<i>Kenya ratified it : 13th January 1964.</i>			
<i>Obligation to Government; The Government undertakes to secure all those engaged in agriculture.</i>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
1. Provisions of the Convention have been entrenched in the Constitution, labour laws and in practice.	1. Reports to the ILO	1. Ineffective labour inspection due to low staffing levels at the Labour Inspectorate Department.	1. Need for effective Labour System to ensure compliance
193.C014 - WEEKLY REST (INDUSTRY) CONVENTION, 1921			
<i>Entry into force :</i>			
<i>Kenya ratified it : 13 Jan 1964</i>			
<i>Obligation to Government; Convention requires that all workers in both private and public sector enjoy at least one rest day in every period of seven days.</i>			
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS
			1. Ensures protection of rights of workers in the agricultural sector where a lot of exploitation and child labour occurs.
			BENEFITS TO KENYA

STATUS						
1. Has been entrenched in the Constitution, labour laws and in practice	2. Reports to the ILO	3. Ineffective labour inspections	4. Improve on labour inspections. 5. Ratify ILO Convention 150 on Labour Administration	6. Ensures protection of labour rights by workers.		
194.C016 - MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921).						
<i>Entry into force :</i>						
<i>Kenya ratified it : 9th February 1971</i>						
<i>Obligation to Government;</i> Convention requires medical examination of all children engaged in maritime activities.						
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA		
1. Provisions of Convention are being implemented	1. Reports to the ILO	1. Ineffective labour inspections	1. Effective monitoring of testing.	1. Ensures protection of children.		
195.C017 - WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925						
<i>Entry into force :</i>						
<i>Kenya ratified it : 13 Jan 1964</i>						
<i>Obligation to Government;</i> Government is under an obligation to ensure workers injured or killed in the course of employment are adequately compensated.						
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA		
1. Convention is domesticated in the labour laws and in practice implementation is being undertaken under the Work Injury Benefits Act, (WIBA,) 2007 and the Occupational Safety and Health Policy.	2. Reports to the ILO	3. Ineffective inspections	4. Improve on inspections of workplaces.	1. There is need to ratify Convention 150 on Labour Administration.		

196.C026 - MINIMUM WAGE-FIXING MACHINERY CONVENTION, 19281

Entry into force :

Kenya ratified it : 3rd January 1964

Obligation to Government; The Government is required to set up and maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Labour Institutions Act, 2007 establishes Wages Councils that set minimum wages for certain sectors.	1. Reports to the ILO	1. Due to the need for jobs some employees take up jobs where they accept wages below the set minimum wage and due to shortage of labour inspectors sometimes it is difficult to ensure full compliance with the Convention.	1. Improve on inspections to ensure compliance.	1. Ensures workers enjoy fair remuneration.

197.C027 - MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

Entry into force :

Kenya ratified it : 09 Feb 1971

Obligation to Government; Convention requires any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member State before consignment.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Convention is being implemented.	1. Reports to the ILO	1. Challenges in ensuring compliance	1. Improve on compliance	1. Ensures occupational safety

198.C032 - PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932

Entry into force :

Kenya ratified it : 13th Jan 1964

Obligation to Government; Convention requires the Government to ensure safety of dock workers.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Convention is	1. Reports to the ILO			1. Endures occupational

domesticated in the Maritime Legislation.					safety of workers.
<p>199.C063 - CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938</p> <p><i>Entry into force :</i></p> <p><i>Kenya ratified it : 13th January 1964</i></p> <p><i>Obligation to Government; The Government is under an obligation to compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals.</i></p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Convention entrenched in labour laws.	1. Reports to the ILO	1. Challenges in obtaining and publishing reliable data	1. Improve on data collection and management	1. Collection and publication of data ensures effective monitoring to ensure compliance with labour standards.	
<p>200.C088 - EMPLOYMENT SERVICE CONVENTION, 1948</p> <p><i>Entry into force :</i></p> <p><i>Kenya ratified it : 13th January 1964</i></p> <p><i>Obligation to Government; Government is required to maintain or ensure the maintenance of a free public employment service.</i></p>					
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	
1. Convention is domesticated in the Labour Institutions Act. The National Bureau of Employment under the Ministry of Labour, Social Security and Services offers free public employment service.	1. Reports to the ILO	1. Ineffective Employment Service due lack of centralization and integration of data. 2. Ineffective inspections of private recruitment agencies.	1. Fast track establishment of the Integrated Human Resource Management system.	1. Ensures effective management of employment services.	

2. The Government plans to establish a web-based Labour Market Information Human Resource Management System.				
<p>201.C089 - NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948</p> <p><i>Entry into force :</i> <i>Kenya ratified it : 30 Nov 1965.</i></p> <p><i>Obligation to Government; The Government is required to prescribe conditions for night work for women.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Has been entrenched in the Constitution, labour laws and in practice.	1. Reports to the ILO	1. Ineffective inspections to ensure compliance.	1. The Government has taken into consideration comments made by the Committee of Experts on the possibility of denouncing Convention 89 and ratifying Convention 171 since the Employment Act, 2007 contains no provisions on prohibition of night work in industry, except for children under 18 years.	
<p>202.C094 - LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p> <p><i>Entry into force :</i> <i>Kenya ratified it : 13 Jan 1964</i></p> <p><i>Obligation to Government; This Convention requires proper management of employment contracts.</i></p>				
IMPLEMENTATION	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

<p>STATUS</p> <p>1. Convention is being implemented.</p>	<p>1. Reports to the ILO</p>	<p>1. Challenges in ensuring compliance.</p>	<p>1. The Government must put in place measures for effective management of employment contracts involving public funds by ensuring compliance with the Public Finance Management Act, 2012.</p>	<p>2. Ensures management of public contracts..</p>
<p>203. MIGRATION FOR EMPLOYMENT CONVENTION 97 OF 1949</p>				
<p><i>Entry into force :</i></p>				
<p><i>Kenya ratified it : 30 Nov 1965</i></p>				
<p><i>Obligation to Government; Convention requires protection of migrant workers.</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. Kenya has domesticated the provisions of the Convention in the National Employment Policy and Strategy for Kenya which is before the National Assembly and national legislation.</p> <p>2. The Government has set up a Taskforce to review the existing framework on export of Kenyan workers.</p>	<p>Reports to the ILO</p>	<p>CHALLENGES</p> <p>1. There's no National Labour Migration Policy.</p> <p>2. Porous borders due to persistent conflicts in neighbouring countries allows many illegal workers to enter the country and it is difficult to ensure effective protection for those in the country irregularly</p> <p>3. Due to the need for jobs some Kenyans migrate to work abroad without following the required procedures making them prone to</p>	<p>RECOMMENDATIONS</p> <p>1. The Government should develop a National Labour Migration Policy as there is none to ensure effective strategies for labour migration. Labour migration is currently managed under existing immigration laws and the Employment Act which provides for attestation of foreign contracts of employment and the Labour Institutions Act which governs employment agencies.</p>	<p>BENEFITS TO KENYA</p> <p>1. Implementation of the Convention ensures migrant workers enjoy full labour rights like all other workers.</p>

			exploitation.	
204. MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION				
<i>Entry into force :</i>				
<i>Kenya ratified it : 9th Feb 1971</i>				
<i>Obligation to Government; Government required 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. It shall determine, after consultation with the most representative organizations of employers and workers concerned, to which undertakings, occupations and categories of persons the minimum wage fixing machinery referred to in the preceding paragraph shall be applied. The competent authority (parliament) may exclude from the application of all or any of the provisions of this Convention categories of persons whose conditions of employment render such provisions inapplicable to them.</i>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Has been entrenched in the Constitution, labour laws and in practice.	2. Reports to the ILO			1. Same as for Convention 131 on Wage Fixing
205. C118 - EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (NO. 118)				
<i>Entry into force :</i>				
<i>Kenya ratified it : 9th Feb 1971</i>				
<i>Obligation to Government; Governments are required to ensure social security for its nationals within its own nationals in: medical care; sickness benefit; maternity benefit; invalidity benefit; old-age benefit; survivors' benefit; employment injury benefit; unemployment benefit; and family benefit.</i>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The Convention is domesticated in the Constitution, labour laws, NSSF Act and in practice. 2. The National Social Protection Council Bill is pending before the National Assembly.	1. Reports to the ILO	1. Challenges implementation of Act 2. Inadequate support funds to social protection programmes 3. Inadequate inspections to ensure compliance	1. Government should allocate more resources to support social protection programmes.	1. Ensures social protection for Kenyans.
206. C131 - MINIMUM WAGE FIXING CONVENTION, 1970				

<p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; Government is required to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Convention is being implemented through the Constitution, labour laws and in practice.	1. Reports to the ILO	1. There are still workers who are not covered by the wage fixing machinery.	1. There is need for effective wage fixing machinery.	1. Ensures remuneration fair for workers.
<p>207.C132 - HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 (NO. 132)</p> <p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; The Government is required to ensure that the provisions of the Convention are implemented through national laws or regulations.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Convention is being implemented.	1. Reports to the ILO	1. Challenges compliance regarding	1. There is need to have provisions on holidays with pay in the national legislation.	1. Ensures good working conditions.
<p>208.C134 - PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970</p> <p><i>Entry into force :</i> <i>Kenya ratified it : 06 Jun 1990</i> <i>Obligation to Government; Kenya is required to take the necessary measures to ensure that occupational safety of Seafarers.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Convention is being implemented through national legislations.	1. Reports to the ILO	1. Challenges in inspections to ensure compliance. 2. Lack of reliable statistics on occupational accidents involving seafarers	1. There is need to improve on inspections and data collection to ensure compliance.	1. Ensures occupational safety in the maritime sector.

209.C135 – DOCK WORKERS' REPRESENTATIVES CONVENTION, 1971				
<p><i>Entry into force :</i> <i>Kenya ratified it: 09 April. 1979</i> <i>Obligation to Government; Government is required to provide information on the number of dockworkers and measures taken to ensure their safety, health, welfare and vocational training.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Provisions entrenched in national legislation. Training of personnel involved in the health and safety of dock workers to ensure compliance, 	<ol style="list-style-type: none"> Reports to the ILO 	<ol style="list-style-type: none"> Challenges in getting accurate data on dock workers. 	<ol style="list-style-type: none"> There is need to streamline collection of information on dock workers. 	<ol style="list-style-type: none"> Ensures protection of dock workers.
210.C140 - PAID EDUCATIONAL LEAVE CONVENTION, 1974				
<p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; The Government is required to formulate and apply a policy designed to promote and provide for: (a) training at any level; (b) general, social and civic education ;(c) trade union education.</i></p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> Provisions entrenched in the labour laws and in practice. All government employees are granted paid educational leave. 	<ol style="list-style-type: none"> Reports to the ILO 	<ol style="list-style-type: none"> There is no policy designed to promote the granting of paid educational leave for the purpose of training at for formulating and applying a national policy to promote the granting of paid educational leave. 	<ol style="list-style-type: none"> Government, social partners and stakeholders should engage with a view to having a policy on paid education leave developed. 	
211.C141 - RURAL WORKERS' ORGANIZATIONS' CONVENTION, 1975				

<p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; The Government is required to ensure protection of workers in rural areas.</i></p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. Opening up of various trade unions with Branch offices that represent workers in the rural areas.	1. Reports to the ILO	1. Ineffective inspections to ensure compliance.	1. Ensures enforcement of labour rights in rural areas.
<p>212.C142 - HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>			
<p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; Government is required to develop and adopt comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training.</i></p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. Convention domesticated in the Constitution and labour laws.	1. Reports to the ILO		1. Implementation ensures effective human resource planning and management.
<p>213.MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION 143 OF 1975(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>			
<p><i>Entry into force :</i> <i>Kenya ratified it : 09 April. 1979</i> <i>Obligation to Government; The Convention requires member states to suppress clandestine movements of migrants for employment and illegal employment of migrants.</i></p>			
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	BENEFITS TO KENYA
1. The labour laws and the counter trafficking in Persons Act prohibit employment of illegal	1. Reports to the ILO	1. Many cases of unreported migrants and the clandestine nature of	1. Ensures that migrant workers enjoy full labour rights.

migrant workers.		<p>movements of such migrants employment make it difficult to offer effective protection of migrant workers.</p> <p>2. There is also lack of job opportunities and migrants may not have the requisite qualification and opportunities may be hampered by language barriers.</p>	permits.	
<p>214.C149 - NURSING PERSONNEL CONVENTION, 1977</p> <p><i>Entry into force :</i></p> <p><i>Kenya ratified it : 06 Jun 1990</i></p> <p><i>Obligation to Government; The Government is required to adopt and apply a policy concerning nursing services and nursing personnel to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.</i></p>				
<p>IMPLEMENTATION STATUS</p> <p>1. The Convention is being implemented through various national laws and policies.</p>	<p>REPORTING MECHANISM</p> <p>1. Reports to the ILO</p>	<p>CHALLENGES</p> <p>1. Migration of many qualified nurses to work in foreign countries.</p>	<p>RECOMMENDATIONS</p> <p>1. Specific measures should be taken to control or mitigate the consequences of continued migration of qualified nurses.</p>	<p>BENEFITS TO KENYA</p> <p>1. Implementation will ensure retention of qualified nurses to meet the country's needs in providing accessible and affordable health care to Kenyans.</p>
<p>215. INTERNATIONAL PLAN OF ACTION ON AGEING ADOPTED IN 1982 IN VIENNA, AUSTRIA DURING THE FIRST WORLD ASSEMBLY ON AGEING</p> <p><i>Adopted on:</i></p> <p><i>Entered into force on:</i></p> <p><i>Kenya became a state party to the Convention on:</i></p> <p><i>Obligation to government:</i> As a member of the UN, the Government undertakes to take specific steps to ensure the United Nations principles stipulating the rights of older</p>				

persons to independence, participation, care, self-fulfilment and dignity.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. The Constitution provides for the protection of the rights of the aged. 2. The National Policy on older Persons and Ageing is being implemented. 3. The NSSF Act , NHIF Act and the Social Assistance Act provide for social protection and assistance and health of old people and other vulnerable members of society. 4. The National Social Protection Council Bill has been developed and forwarded to the National Assembly. 5. The Government runs a Cash Transfer programmes for Older Persons, 	<ol style="list-style-type: none"> 1. Progress report to UN 	<ol style="list-style-type: none"> 1. Financial constraints make it impossible to cover all deserving beneficiaries. 2. Cash transfer programme is not universal but targeted. 	<ol style="list-style-type: none"> 1. Make cash transfer programmes universal. 2. Fast track finalization of the National Social Protection Council Bill to provide effective institutional and legal framework for social protection. 	<ol style="list-style-type: none"> 1. Ensures the Government protects the welfare of Older Persons.
<p>216. WORLD FIT FOR CHILDREN (WFEC) - A SPECIAL DECLARATION BY WORLD LEADERS AT A UN GENERAL ASSEMBLY IN 2002.</p> <p><i>Obligation to government</i> : As member of the UN Kenya has undertaken to work towards the goals of the Declaration</p>				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. The Declaration is being implemented under the Constitution, and other national legislations on 		<ol style="list-style-type: none"> 1. Poverty, HIV/AIDS, lack of awareness on children rights, conflicts and financial constraints hamper 	<ol style="list-style-type: none"> 1. Strengthen enforcement laws on children. 2. Roll out a national wide public education and 	<ol style="list-style-type: none"> 1. Ensures protection of the rights of children.

children issues.		full realization of children's rights.	<p>awareness programme on child rights and welfare.</p> <p>3. Strengthen poverty alleviation and social protection programmes to cushion children and families.</p> <p>4. Improve on collection and collation of data to inform planning for children</p>										
<p>217. INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT</p> <p><i>Adopted on:</i> 19th October, 2005</p> <p><i>Entered into force on:</i> 1st February, 2007</p> <p><i>Kenya became a state party to the Convention on:</i> 28th August 2009</p> <p>Obligation to government: Restrict the availability of prohibited substances or methods to athletes (except for legitimate medical purposes) including measures: Against trafficking; Facilitate doping controls and support national testing programmes; Withhold financial support from athletes and athlete support personnel who commit an anti-doping rule violation, or from sporting organizations that are not in compliance with the Code; Encourage producers and distributors of nutritional supplements to establish 'best practice' in the labeling, marketing and distribution of products which might contain prohibited substances Support the doping education to athletes and the wider sporting community</p> <table border="1"> <thead> <tr> <th data-bbox="917 56 995 312">IMPLEMENTATION STATUS</th> <th data-bbox="917 312 995 808">REPORTING MECHANISM</th> <th data-bbox="917 808 995 1185">CHALLENGES</th> <th data-bbox="917 1185 995 1933">RECOMMENDATIONS</th> <th data-bbox="917 1933 995 2145">BENEFITS TO KENYA</th> </tr> </thead> <tbody> <tr> <td data-bbox="995 56 1152 312"> <p>1. Though there is no law to deal with doping issues the country complies through & WADA code</p> <p>2. International federations conduct regular testing of athletes</p> <p>3. Statutory annual subscriptions paid in good time</p> </td> <td data-bbox="995 312 1152 808"> <p>1. Regional Organization Communicate to WADA directly on progress made</p> <p>2. Subscription paid directly to WADA accounts</p> </td> <td data-bbox="995 808 1152 1185"> <p>1. Inadequate funds to conduct education on anti-doping issues</p> <p>2. Lack of Legal framework on Anti doping</p> </td> <td data-bbox="995 1185 1152 1933"> <p>1. Kenya Anti-Doping Agency</p> <p>2. Fast track enactment of relevant law</p> </td> <td data-bbox="995 1933 1152 2145"> <p>1. Partner with private sector to raise funds for Anti doping education programmes</p> <p>2. Fast track the enactment of relevant Law</p> </td> </tr> </tbody> </table>				IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA	<p>1. Though there is no law to deal with doping issues the country complies through & WADA code</p> <p>2. International federations conduct regular testing of athletes</p> <p>3. Statutory annual subscriptions paid in good time</p>	<p>1. Regional Organization Communicate to WADA directly on progress made</p> <p>2. Subscription paid directly to WADA accounts</p>	<p>1. Inadequate funds to conduct education on anti-doping issues</p> <p>2. Lack of Legal framework on Anti doping</p>	<p>1. Kenya Anti-Doping Agency</p> <p>2. Fast track enactment of relevant law</p>	<p>1. Partner with private sector to raise funds for Anti doping education programmes</p> <p>2. Fast track the enactment of relevant Law</p>
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA									
<p>1. Though there is no law to deal with doping issues the country complies through & WADA code</p> <p>2. International federations conduct regular testing of athletes</p> <p>3. Statutory annual subscriptions paid in good time</p>	<p>1. Regional Organization Communicate to WADA directly on progress made</p> <p>2. Subscription paid directly to WADA accounts</p>	<p>1. Inadequate funds to conduct education on anti-doping issues</p> <p>2. Lack of Legal framework on Anti doping</p>	<p>1. Kenya Anti-Doping Agency</p> <p>2. Fast track enactment of relevant law</p>	<p>1. Partner with private sector to raise funds for Anti doping education programmes</p> <p>2. Fast track the enactment of relevant Law</p>									
<p>218. UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE</p> <p><i>Adopted on:</i> 17th October, 2003</p>													

Entered into force on: 20th April, 2006

Kenya became a state party to the Convention on: 24th October, 2007

Obligation to government: To ratify the Convention; Pay Annual subscriptions; Implement the Convention; Provide funding for implementation of the programmes in collaboration with UNESCO; To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions; To strengthen international Co-operation to achieve the purposes of this Convention.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
<ol style="list-style-type: none"> 1. Ratified the Convention in 2007 2. Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008. 3. Translated the Convention from English language to Kiswahili language version in September, 2008 to make it accessible and well-understood by a wider section of members of the public in the country. 4. 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. 5. The "Isukuti Cultural 	<ol style="list-style-type: none"> 1. Submission of Periodic reports 	<ol style="list-style-type: none"> 1. Lack of adequate funding 2. Late notifications. 3. Lack of community awareness on the Conventions' opportunities due to inadequate sensitization. 4. 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. 5. Under-developed institutional and cultural infrastructure 6. Conflict between County and National Government resource allocation and in delivery of services 	<ol style="list-style-type: none"> 1. More allocation of resources and timely notifications. 2. The Government to ensure adequate allocation of funds for the project. 3. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage. 4. Recognize the importance of culture sector to the growth of the economy. 	

<p>Dance" elements nominated and submitted and is in the process of consideration of UNESCO.</p> <p>6. Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions:-</p> <p>7. The "Enkipasia, Eunoto and Oling'esherr" - three male-rites of passage of the Maasai,</p> <p>8. "Indigenous Knowledge of Woodcarving of the Akamba", and</p> <p>9. The 'Kiti Mikayi' shrine of the Luo elements</p> <p>10. Joint implementation with the National Museums of Kenya of the "Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda", project in the Coast Region, through part funding by UNESCO.</p> <p>11. Hosted UNESCO's regional capacity building workshop for Directors of Culture in the East African region in November 2012 in Nairobi where eight (8) countries participated. This was collaboration between the Ministry and the</p>				
--	--	--	--	--

<p>UNESCO Nairobi office.</p> <p>12. Hosted the UNESCO 5TH Session of the Inter-Governmental Committee (IGC) on ICH Conference in Nairobi, Kenya in November 2010 which was attended by over 500 delegates from member states signatory to the Convention.</p>					
<p align="center">219. UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS</p> <p align="center"><i>Adopted on:</i> 20th October, 2005 <i>Entered into force on:</i> 18th March, 2007 <i>Kenya became a state party to the Convention on:</i> 24th October, 2007</p> <p>Obligation to government: To ratify the Convention; To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions; To strengthen international Co-operation to achieve the purposes of this Convention; To train artists in the music sector by building capacity for them to come up with strategies for marketing themselves; Annual Subscriptions; Provide funding for implementation of programmes in partnership with the UNESCO.</p>					
<p>IMPLEMENTATION STATUS</p>	<p>1. Ratified the Convention in 2007.</p> <p>2. Held the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON), which was funded by the International Fund for Cultural Diversity (IFCD).</p> <p>3. Conducted the "Unearthing of the Gems of Culture - Mapping Exercise for Kenya's Creative Cultural</p>	<p>REPORTING MECHANISM</p> <p>1. Quadrennial Periodic Reports (after every 4 years)</p> <p>2. Project reports submitted to UNESCO</p>	<p>CHALLENGES</p> <p>1. Low investment in culture sector</p> <p>2. Lack of Co-operation among the sector players leading to competing interests.</p> <p>3. Inadequate funding and follow ups.</p> <p>4. UNESCO funds are inadequate to meet the demands from all African countries.</p> <p>5. Lack of community awareness on the Conventions' opportunities</p>	<p>RECOMMENDATIONS</p> <p>1. The Government to ensure adequate allocation of funds for the project.</p> <p>2. Need to provide more technical support towards cultural development especially implementation of the national policy on culture and heritage.</p> <p>3. Recognize the importance of culture sector to the growth of the economy.</p> <p>4. Carry out a National mapping of the cultural/creative</p>	<p>BENEFITS TO KENYA</p>

<p>Industries", in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI), which was funded by IFCD.</p> <p>4. Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded UNESCO programme to strengthen the artists' capacity in implementing the 2008 Convention.</p>		<p>due to inadequate sensitization.</p> <p>6. 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>7. Lack of statistical data on cultural/creative industries</p>	<p>industries.</p>	
<p>220.UN-HABITAT(DETAILS TO BE PROVIDED BY RELEVANT MINISTRY)</p>				
<p>221.DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME AND THE MODALITIES FOR THE PURSUIT AND ACCELERATION OF ITS IMPLEMENTATION</p>				
<p><i>Obligation to government:</i> Delineate Kenya's maritime boundaries</p>				
<p>IMPLEMENTATION STATUS</p>	<p>REPORTING MECHANISM</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>	<p>BENEFITS TO KENYA</p>
<p>1. Exclusive Economic Zone(EEZ) has been declared</p> <p>2. Extended Continental Shelf (ECS)in progress</p>	<p>1. Auditing on the progress to be done in 2016</p>	<p>1. We are not members of IHO and so we cannot make hydrographic charts on our own.</p>	<p>1. Fast track upgrading of our membership in International Hydrographic Organization from associate members to full members.</p>	<p>1. Safety during navigation and surveillance</p> <p>2. Promotion of International Trade which make use of the water transport corridors.</p> <p>3. Facilitation of Exploration and Research to enable exploitation of the resources in the EEZ and ECS</p>



