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REPUBLIC OF KENYA



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TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE ACCESSION TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) BY THE REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY PAPERS LAID

DATE: 1. NOV 2020 TUESDAY

TABLED BY

CHAIR, DEFENCE & FR  
HON KATOO OLE METITO

Directorate of Departmental Committees,  
Clerks Chambers,  
Parliament Buildings,  
NAIROBI

November, 2020

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## **LIST OF ABBREVIATIONS**

IHO	International Hydrographic Organization
MFA	Ministries of Foreign Affairs
ECS	Extended Continental Shelf
SOLAS	Safety of Life at Sea Convention
KNHOC	Kenya National Hydrographic and Oceanic Committee
IMO	International Maritime Organization
IHC	International Hydrographic Conference
USD	United State Dollar

## **CHAIRPERSON'S FOREWORD**

The Cabinet Secretary Ministry of Foreign Affairs submitted a Memorandum to the National Assembly signed and dated 14<sup>th</sup> April, 2018. The Memoranda and the text of the Agreement were committed to the Departmental Committee on Defence and Foreign Relations for processing. The Ministry was unable to honour invitations from the Committee to apprise it on the contents of the convention until September 2020.

In considering the Agreement, the Committee held a total of three (3) sittings to consider the matter, including a briefing on the Agreement by the Ministry of Foreign Affairs.

Pursuant to Article 118 (1)(b) of the Constitution on Public Participation and Section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local dailies, on Monday, 23<sup>rd</sup> September, 2019, calling for submissions of memoranda on the subject matter. The Committee received no submissions from the public.

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199, it is my pleasant duty to present the Report of the Departmental Committee on its consideration of the Memorandum on the Accession to the convention on the International Hydrographic Organization (IHO) by the Republic of Kenya.

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

**(CHAIRPERSON)**

## **1.0 PREFACE**

### **1.1 Establishment of the Committee**

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

### **1.2 Mandate of the Committee**

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

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) study the programme and policy objectives of ministries and departments and the effectiveness of the implementation and effectiveness of the implementation;
- c) study and review all legislation referred to it;
- d) study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) examine treaties, agreements and conventions;**
- h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i) consider reports of Commissions and independent offices submitted to the house pursuant to the provisions of Article 254 of the Constitution; and
- j) examine any questions raised by Members on a matter within its mandate.

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

- i) Ministry of Defence;
- ii) Ministry of Foreign Affairs;
- iii) Ministry of East African Community and Regional Development; and
- iv) National Intelligence Service.

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

Report of the Departmental Committee on Defence & Foreign Relations on the Accession to the Convention of the International Hydrographic Organization (IHO) by the Republic of Kenya

following subjects:

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

### 1.3 Committee Membership

The Committee comprises the following nineteen (19) Members;

#### **Chairperson**

Hon. Katoo Ole Metito, EGH, MGH, MP  
MP for Kajiado South Constituency

#### **Jubilee Party**

#### **Vice- Chairperson**

Hon. Richard Tongi, MP  
MP for Nyaribari Chache Constituency

#### **Jubilee Party**

Hon. Yusuf Hassan Abdi, MP  
MP for Kamukunji Constituency

#### **Jubilee Party**

Hon. Charles Kilonzo, MP  
MP for Yatta Constituency

#### **Independent**

Hon. Richard Maore Maoka, CBS, MP  
MP for Igembe North Constituency

#### **Jubilee Party**

Hon. Dido Ali Raso, MP  
MP for Saku Constituency

#### **Jubilee Party**

Hon. Caleb Amisi, MP  
MP for Saboti Constituency

#### **ODM Party**

Hon. Zachary Kwenya, MP  
MP for Kinangop Constituency

#### **Jubilee Party**

Hon. Gideon Konchela, MP  
MP for Kilgoris Constituency

#### **Jubilee Party**

Hon. Memusi Ole Kanchory, MP  
MP for Kajiado Central Constituency

#### **ODM Party**

Hon. Martha Wangari Wanjira, MP  
MP for Gilgil Constituency

#### **Jubilee Party**

Hon. Maj. (Rtd.) Bashir Abdullah, MP  
MP for Mandera North Constituency

#### **Jubilee Party**

Hon. (Dr.) Lilian Gogo, MP  
MP for Rangwe Constituency

#### **ODM Party**

Hon. Irene Kasalu, MP  
MP for Kitui County

#### **WDM-K Party**

Hon. Moses Nguchine Kirima, MP  
MP for Central Imenti Constituency

#### **Jubilee Party**

Hon. Vincent Kipkurui Tuwei, MP  
MP for Mosop Constituency

#### **Jubilee Party**

Hon. Ernest Ogesi Kivai, MP  
MP for Vihiga Constituency

#### **ANC Party**

Hon. Stephen M. Mule, MP  
MP for Matungulu Constituency

#### **WDM-K Party**

Hon. Asha Hussein Mohamed, MP  
MP for Mombasa County

#### **ODM Party**

#### **1.4 Committee Secretariat**

The Committee secretariat is composed of the following technical staff;

Mr. Victor Weke  
First Clerk Assistant  
**Lead Clerk**

Mr. Abdiaziz Shobay  
Clerk Assistant II

Mr. Edison Odhiambo  
Fiscal Analyst

Mr. Ronald Walala  
Legal Counsel

Mr. Yakub Ahmed  
Media Relations Officer

Ms. Grace Wahu  
Research Officer

Mr. Nimrod Ochieng  
Audio Officer

## 2.0 ANALYSIS OF THE CONVENTION

### 2.1 Background

1. Hydrography is the branch of applied sciences which deals with the measurement and description of the physical features of oceans, seas, coastal areas, lakes and rivers, as well as with the prediction of their change over time, for the primary purpose of safety of navigation and in support of all other marine activities, including economic development, security and defence, scientific research, and environmental protection<sup>1</sup>.
2. Kenya requires hydrographic surveys for the orderly exploitation of its marine resources. As a State Party to the International Convention for the Safety of Life at Sea, Kenya is further obligated to collect, compile, publish and disseminate up to date nautical information and ensure the greatest possible uniformity in charts and nautical publications. Discharging these obligations requires membership of the International Hydrographic Organization (IHO) which sets the standards for hydrography, co-ordinates hydrographic efforts and is the body recognized by the United Nations as the competent international organization for hydrography and nautical charting.
3. On 26<sup>th</sup> July 1991 the Cabinet approved the establishment of a National Hydrographic Office under the Department of Surveys in the Ministry of Lands and the Kenya National Hydrographic and Oceanographic Committee (KNHOC) to coordinate the acquisition and dissemination of hydrographic information to maritime users. Kenya has had observer status at the International Hydrographic Conference, an organ of the IHO since 1982. IHO was established in 1921 and as at August 2019 it comprised 92 Member States.
4. On 22<sup>nd</sup> November 2012, the Cabinet approved the application for accession to the IHO Convention.

### 2.2 Outline of the Convention

5. **Article I** establishes the Organization with its headquarters in Monaco.
6. **Article II** provides that the Organization is a consultative forum of purely technical nature charged with—
  - (a) co-ordination of the activities of national hydrographic offices;
  - (b) ensuring the greatest possible uniformity in nautical charts and documents;
  - (c) fostering the adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys ; and
  - (d) development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.
7. **Article III** outlines the Members of the Organization as the Governments which are party to the Convention.

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<sup>1</sup> [http://www.iho.int/srv1/index.php?option=com\\_content&view=article&id=299&Itemid=289](http://www.iho.int/srv1/index.php?option=com_content&view=article&id=299&Itemid=289)

8. **Article IV** establishes the International Hydrographic Conference (“Conference”) and the International Hydrographic Bureau (“Bureau”) as the chief organs of the organization
9. **Article V** outlines the mandate of the Conference. It is mandated to—
  - (a) direct the work of the Organization;
  - (b) elect the members of the Directing Committee and President of the Bureau;
  - (c) examine the reports of the Bureau;
  - (d) make decisions on all proposals of a technical or administrative for the organization;
  - (e) approve the budget of the organization; and
  - (f) adopt Regulations of the Organization and make any necessary amendments.
10. **Article VI** outlines the general rules governing a conference session. It requires the holding of an ordinary session of the conference every five years. The holding of an extraordinary session of the conference is subject to approval by the majority of member governments. A session is convened with at least six months' notice accompanied by an agenda. The conference shall elect its President and Vice-President. Each member government has one vote but for purposes of voting on the election of the members of the Directing Committee, each Government is entitled to a number of votes determined by a scale established in relation to the tonnage of their fleets. Decisions of the Conference are by a simple majority of the member governments present, with the president having a casting vote. The Bureau may consult member governments through correspondence between sessions of the conference on the technical functioning of the Organization.
11. **Article VII** establishes the Finance Committee comprising one delegate from each member government to supervise the financial administration of the Organization. It must meet during an ordinary session of the Conference and may meet during an extraordinary session.
12. **Article VIII** mandates the Bureau to—
  - (a) establish a close and permanent association between national hydrographic offices;
  - (b) study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;
  - (c) further the exchange of nautical charts and documents between hydrographic offices of Member Governments;
  - (d) circulate the appropriate documents;
  - (e) guide and advice countries engaged in setting-up or expanding their hydrographic service;
  - (f) encourage co-ordination of hydrographic surveys with relevant oceanographic activities;
  - (g) extend and facilitate the application of oceanographic knowledge for the benefit of navigators; and

(h) cooperate with international organizations and scientific institutions with related objectives.

13. **Article X** mandates the Directing Committee of the Bureau to administer the Bureau in accordance with the Convention, Regulations and Conference directives. The Directing Committee is to comprise three members of different nationality with one as President. Once elected, the Committee serves for five years. A vacancy in the Committee between sessions is filled through a by-election by correspondence.
14. **Article XI** subjects the functioning of the Organization to the General and Financial Regulations annexed to the Convention.
15. **Article XII** stipulates the official languages of the Organization as English and French.
16. **Article XIII** established the Organization as a legal person and allows it to enjoy such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object in the territory of each of its Members as agreed with those Member governments.
17. **Article XIV** outlines the financial provisions for the Organization. The expenses of the Organization are to be met from the contributions of Member Governments (in accordance with a scale based on the tonnage of their fleets) and any donations, bequests, subventions and other sources as approved by the Finance Committee.
18. **Article XV** disentitles any Member Government which is two years in arrears in its contributions from enjoying the rights and benefits conferred by the Convention until as the outstanding contributions are paid.
19. **Article XVI** mandates the Directing Committee to prepare the budget of the Organization shall be drafted by the Directing Committee for review by the Finance Committee and approval by the Conference.
20. **Article XVII** provides for dispute resolution mechanisms. It requires the settlement of any dispute on the interpretation or application of this Convention by negotiation between parties, settlement by the Directing Committee or referral to an arbitrator designated by the President of the International Court of Justice.
21. **Article XVIII** designates the date of the opening of the convention as 3 May 1967 in Monaco, and 1 June until 31 December 1967 at the Legation of the Principality of Monaco in Paris for signature by any Government that participated in the work of the Bureau on 3 May 1967. Accession by the Governments is to be by signature without reservation as to ratification or approval, or by signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval. The Instruments of ratification or approval are to be handed to the Legation of the Principality of Monaco in Paris for deposit in the Archives of the Government of the Principality of Monaco.
22. **Article XIX** provides for the entry into force of the Convention. It is to commence three months after the date on which twenty-eight Governments become Parties. With ninety-two current Members, the Convention is in force.
23. **Article XX** provides for accession to the Convention after its commencement. Any maritime state is allowed to accede by applying to the Monaco Government specifying the tonnage of

its fleets, and obtaining the approval of its admission by two-thirds of the Member Governments. The Convention may only be enforced against the acceding Government on the date it deposits its instrument of accession with the Government of Monaco.

24. **Article XXI** provides for the procedure of amending the Convention. Any Party may propose amendments for consideration by the Conference. Amendments are approved by a majority of two-thirds of the Member Governments represented at the Conference. Amendments enter into force three months after notifications of approval by two-thirds of the Contracting Parties have been received by the Government of Monaco.
25. **Article XXII** provides for denunciation or termination of the Convention. A party may only denounce the Convention five years after its entry into force subject to the giving of at least one year's notice addressed to the Government of Monaco.
26. **Article XXIII** requires the registration of the Convention with the Secretariat of the United Nations after its entry into force.

### **2.3 Financial Implication**

27. Annual contributions to the IHO are based upon the shipping tonnages of member states. These contributions vary between 1 and 25 shares, according to the shipping tonnages of Governments.
28. Subject to Article 4(a) of the Financial Regulations of the IHO, each Member State subscribes to two (2) shares, each valued at approximately USD. 3,900.
29. Article 4(b) provides for supplementary shares for a member state with gross shipping tonnage in excess of 100,000 tonnes. The gross shipping tonnage for Kenya is below 100,000 tonnes. Therefore, Kenya qualifies for two (2) shares. This implies that the country's annual subscription would be approximately USD. 7,800.

### **2.4 Legal Implication**

30. Upon ratification of accession to the Convention and the approval of Kenya's accession to the Convention by two-thirds of the State Parties, the Convention shall bind the country.

### **3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT**

#### **3.1 Call for memoranda from the public**

31. Pursuant to Article 118 (1)(b) of the Constitution on Public Participation and Section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local dailies, on 23<sup>rd</sup> September, 2019, calling for submissions of memoranda on the subject matter;
32. The Committee received no submissions from the public;

#### **3.2 Meeting with the Ministry of Foreign Affairs**

33. The Committee met with officials from the Ministry of Foreign Affairs led by the Chief Administrative Secretary on Wednesday, 30<sup>th</sup> September, 2020;
34. The Ministry submitted that the Memorandum on Accession to the convention on the International Hydrographic Organization (IHO) by the Republic of Kenya was initially signed on 14<sup>th</sup> April, 2018;
35. Kenya has a vast total water area of some 131,400 square kilometers, which includes the 200 nautical miles wide Exclusive Economic Zone (EEZ) and 11,230 Square kilometers of inland waters. Furthermore, Kenya submitted her claim on Extended Continental Shelf (ECS) covering an area of approximately 103,320 square kilometres to the Commission on the Limits of the Continental Shelf for consideration in 2009;
36. Some of the important development activities that require complete and up to date hydrographic information include protection and preservation of our marine environment through monitoring and prediction of pollution movement; exploration and exploitation of offshore resources; updating of navigational charts to improve safety of navigation; planning of port development schemes and the construction of new ports for maritime development, fisheries and tourism;
37. Furthermore, The Safety of Life at Sea Convention (SOLAS) to which Kenya is a signatory, at Chapter V, places a clear obligation on the Contracting Governments to ensure:
  - a) collection and compilation of hydrographic data;
  - b) publication of hydrographic data;
  - c) keeping up to date of all nautical information; and
  - d) dissemination all necessary information for safe navigation.
38. It is in view of the foregoing that the Cabinet at its meeting held on the 26<sup>th</sup> July 1991 approved the establishment of a National Hydrographic Service in the Country. The establishment of the hydrographic office under the Department of Surveys in the Ministry of Lands and Physical Planning and the National Hydrographic and Oceanographic Committee (KNHOC) were underpinned by this Cabinet Memorandum.

39. This was followed by a Cabinet Memorandum of 22<sup>nd</sup> November 2012 which approved the following:
- a) The application for accession to the Intergovernmental Convention on the International Hydrographic Organization (IHO);
  - b) Further deposition of instrument of accession upon approval of admission by two –thirds majority of the current Member States and provision of funds to pay for annual contributions to the organization;
  - c) Directed the Minister of Lands and the Minister of Foreign Affairs to take necessary action.
40. The IHO has observer status at the UN. Furthermore, it is recognized by the United Nations as the competent international organization for hydrography and nautical charting;
41. The Organization provides a range of international standards that govern the conduct of hydrographic surveys, the provision of nautical charts and publications and, in conjunction with the International Maritime Organization (IMO), the promulgation of maritime safety information;
42. The official representative of each Member State within the IHO is normally the National Hydrographer, or Director of Hydrography, who, together with their technical staff, meets at five-yearly intervals in Monaco at the International Hydrographic Conference (IHC). The IHC serves the same function as an Assembly in other inter-governmental organizations. Extraordinary Conferences can be held in the interim period as required;
43. The main objective of IHO is to facilitate coordination of hydrographic activities among the Member States and international Organizations; and to enhance cooperation on hydrographic activities among States on a regional basis.
44. Other objectives of the organization are:
- (i) To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
  - (ii) To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
  - (iii) To improve global hydrographic capability, capacity, training, science and techniques;
  - (iv) To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
  - (v) To give authoritative and timely guidance on all hydrographic matters to States and International Organizations;
  - (vi) To facilitate coordination of hydrographic activities among the Member States; and
  - (vii) To enhance cooperation on hydrographic activities among States on a regional basis;

45. All IHO member states take part in the decision-making processes of the organization. That is to say, they define the IHO Work Program and the allocation of resources to implement the agreed activities in the program, based on the above-mentioned objectives. Every IHO Member State not only has the right to make its voice heard when discussing and approving the organization's work program, but can benefit from the activities agreed and most importantly, can take advantage of its results;
46. IHO is currently composed of 80 member states with two countries currently on suspension (Democratic Republic of Congo and Dominican Republic). In Africa, states which have already acceded to the convention on the IHO include Algeria, Nigeria, Egypt, Tunisia, South Africa, Democratic Republic of Congo and Mozambique. Sierra Leones' application has been approved and is awaiting the deposit of the Instrument of Accession through its Ministry of Foreign Affairs;
47. In line with the Safety of Life at Sea Convention (SOLAS), contracting governments undertake to cooperate in a manner most suitable for the purpose of aiding navigation by:
- (i) ensuring that hydrographic surveying is carried out, adequate to the requirements of safe navigation;
  - (ii) preparation and issuance of nautical charts, sailing directions, lists of lights and other nautical publications, satisfying the needs of safe navigation;
  - (iii) promulgation of notices to mariners in order that nautical charts and publications are kept up to date; and
  - (iv) provision of data management arrangements to support these arrangements.
48. At minimum, Kenya as a coastal state needs to establish a working relationship with a competent international organization for hydrography and nautical charting;
49. Some of the more specific benefits that will accrue to such membership are:
- (i) States belonging to the IHO are in a much better position to comply with the requirements of SOLAS V, Regulation 9;
  - (ii) The IHO, the IHB, the Regional Hydrographic Commissions (RHC) and all other bodies of the IHO provide a valuable source of advice and experience for the development of strategies, technical and administrative policies aimed at improving hydrographic capacity and capability by supporting national maritime objectives in the wider sense;
  - (iii) For a maritime State it is vital to ensure that the services indicated in SOLAS V Regulation 9 are in place. This requires trained human resources; access to modern technology; well set-up infrastructure including legal regulations, and an appropriate budget;
  - (iv) The opportunity to benefit from the experience of other IHO Member States in defining the size of a national hydrographic agency, the regulations and

procedures that should govern it, constitute an invaluable resource that is very difficult to evaluate in monetary terms;

- (v) An IHO Member State can seek technical support, advice or assistance from other IHO members, particularly from those belonging to the same region. Problem can first be considered on a bilateral or multilateral basis for which the fourteen (14) Regional Hydrographic Commissions (RHCs) play an important role. If still not resolved at this level, then collectively the problem can be considered by the whole IHO through its specialized technical bodies;
- (vi) In order to obtain the greatest possible uniformity in nautical charts and publications, the IHO sets standards in which its Member States play an active and important role in defining these standards. The benefit of being on the development side of standards rather than being exclusively on the implementation side hardly needs explanation;
- (vii) Member States have the right to join any Working Group established to develop standards;
- (viii) Many IHO Member States are at the front line of hydrographic developments and can therefore profit from the collective advance of the technology. Developing countries in particular can benefit from being IHO Members due to the fact that in isolation, the chances are usually very low that they will have access to the key information that is available through the IHO's collective and inclusive approach.

50. The contribution hydrography makes to improving safety of navigation and the safety of life at sea may be self-evident. However, other benefits of hydrographic data, information and products in support of the development of activities of national social and economic importance, such as coastal zone management, exploration and exploitation of living and non-living resources, defence, flood mitigation, and others, is much less appreciated.

51. In line with the above, the Head of Public Service communicated to both the Cabinet Secretary for Lands and the Cabinet Secretary Foreign Affairs of the approval of the decision of cabinet of 22<sup>nd</sup> November 2012 which approved:

- a) The application for accession to the Intergovernmental Convention on the International Hydrographic Organization (IHO);
- b) Further deposition of instrument of accession upon approval of admission by two-thirds majority of the current Member States and provision of funds to pay for annual contributions to the organization; and
- c) Directed the Minister of Lands and the Minister of Foreign Affairs to take necessary action and facilitate the accession.

52. In 2018, the Cabinet Secretary for the Ministry of Foreign Affairs sought approval for Kenya's accession to the Convention by submitting the Memorandum to the Speaker of the National Assembly.

#### **4.0 COMMITTEE OBSERVATIONS**

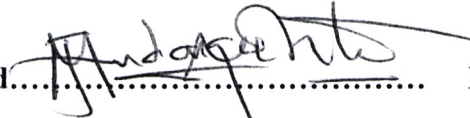
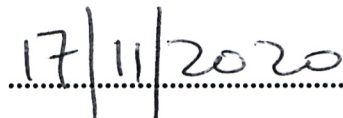
53. The Committee having considered the Agreement observed, THAT-

- i) With Kenya's latest pursuit to exploit the benefits of the blue economy, accession to the convention is timely as it will provide the country with a multi-lateral platform to exchange knowledge and ideas on hydrography with the rest of the world;
- ii) The benefits of taking up membership to IHO clearly outweigh the cost. Aside from allowing the country to participate in international decision-making process, IHO membership provides a platform on which national interests will be addressed;
- iii) Other immediate benefits of this membership include gaining access to international capacity building initiatives, workshops on hydrography, enhanced regional and bi-lateral cooperation, and establishment of informal networks that enable shared experience and transfer of technology;
- iv) Kenya requires hydrographic surveys for the orderly exploitation of its marine resources. As a State Party to the International Convention for the Safety of Life at Sea, Kenya is further obligated to collect, compile, publish and disseminate up to date nautical information and ensure the greatest possible uniformity in charts and nautical publications. Discharging these obligations requires membership of the International Hydrographic Organization (IHO) which sets the standards for hydrography, coordinates hydrographic efforts and is the body recognized by the United Nations as the competent international organization for hydrography and nautical charting.

## 5.0 COMMITTEE RECOMMENDATION

54. The Committee recommends:-

**THAT**, Pursuant to Section 8 of the Treaty Making and Ratification Act, the House **APPROVES the Ratification of the Accession to the Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya.**

Signed.......... Date: .....

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

(CHAIRPERSON)

## **ANNEXURES**



**MEMORANDUM TO THE SPEAKER OF THE NATIONAL ASSEMBLY  
ON ACCESSION TO THE CONVENTION ON THE INTERNATIONAL  
HYDROGRAPHIC ORGANIZATION (IHO) BY THE REPUBLIC OF  
KENYA.**

(Submitted by the Cabinet Secretary for Foreign Affairs and International  
Trade)

**1.0 OBJECTIVE OF THE MEMORANDUM**

The objective of the memorandum is to:

1. Inform the National Assembly that the Cabinet at its Seventeenth meeting held on 22<sup>nd</sup> November 2012 approved Kenya's accession to the Convention on the International Hydrographic Organization (IHO);
2. Seek National Assembly approval for the Republic of Kenya to:
  - a. Accede to the Convention on the International Hydrographic Organization (IHO).
  - b. Apply to accede to the Convention on the International Hydrographic Organization (IHO).

**2.0 BACKGROUND OF THE SUBJECT MATTER**

Kenya has a vast total water area of some 131,400 square kilometers, which includes the 200 nautical miles wide Exclusive Economic Zone and 11,230 Square kilometers of inland waters. Furthermore, Kenya submitted her claim on Extended Continental Shelf (ECS) covering an area of approximately 103,320 square kilometers to the Commission on the Limits of the Continental Shelf for consideration in 2009.



It is a geographical fact that 70% of the globe is covered with water and 80% resources are in the seas. Considering that man has almost depleted land based resources, he has now to redirect his efforts in exploitation of marine based resources.

For orderly exploitation of the marine resources, within the vast water areas, hydrographic surveys are required to provide for the measurement and depiction of the parameters necessary to describe the precise nature and configuration of the sea-bed, its geographical relationship to the land masses and the characteristics and dynamics of the sea.

Some of the important development activities that require complete and up to date hydrographic information include:

- protection and preservation of our marine environment through monitoring and prediction of pollution movement;
- exploration and exploitation of offshore resources;
- updating of navigational charts to improve safety of navigation;
- planning of port development schemes and the construction of new ports for maritime development, fisheries and tourism.

Furthermore, the International Convention for the Safety of Life at Sea Convention (SOLAS) to which Kenya is a State party, at Chapter V, places a clear obligation on Contracting Governments to arrange for the collection and compilation of hydrographic data and publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.

It is in view of the foregoing that the Cabinet at its meeting held on the 26<sup>th</sup> July 1991 approved the establishment of a National Hydrographic Office in Kenya, under the Department of Surveys in the Ministry of Lands and the Kenya National Hydrographic and Oceanographic Committee (KNHOC) to coordinate the acquisition and dissemination of hydrographic information to maritime users.



### **3.0 INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)**

IHO is an Intergovernmental Consultative and Technical Organization established in 1921 with the mission of facilitating the provision of adequate and timely hydrographic information for world-wide marine navigation and other purposes through the coordination of the endeavors of National Hydrographic Offices. The IHO has Observer status at the United Nations General Assembly. Further, IHO is recognized by the United Nations as the competent international organization for hydrography and nautical charting. The IHO provides a range of international standards that govern the conduct of hydrographic surveys, the provision of nautical charts, publications and in conjunction with the International Maritime Organization (IMO), the promulgation of Maritime Safety Information.

#### **3.1 INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) REPRESENTATION**

The official representative of each Member Government within the IHO is normally the national Hydrographer, or Director of Hydrography, who, together with their technical staff, meet at five-yearly intervals in Monaco at the International Hydrographic Conference (IHC). The IHC serves the same function as an Assembly in other inter-governmental organizations. Extraordinary Conferences can be held in the interim period as may be required. Kenya became an Observer member in 1982 and has sent delegates to IHC ever since. It is important to note that Kenya is already a full member of the International Maritime Organisation (IMO) which is a sister organisation that deals with maritime trade and regulations.

#### **3.2 OBJECTIVES OF INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)**

The main objective of IHO is to facilitate coordination of hydrographic activities among member states and international organizations and



enhance cooperation on hydrographic activities among States on a regional basis.

Other objectives of the organisation are:

- To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
- To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
- To improve global hydrographic capability, capacity, training, science and techniques;
- To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- To give authoritative and timely guidance on all hydrographic matters to Member States and International Organisations.

### **3.3 CURRENT MEMBERSHIP OF INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)**

According to the Intergovernmental Convention on the IHO, admission to membership to the Organisation is subject to approval by two-thirds of the current member Governments.

IHO is currently composed of eighty-eight (88) Member States even though two of these are currently on suspension, that is, the Democratic Republic of Congo and Serbia. Nine (9) of the Member States are from Africa namely: Algeria, Cameroon, Egypt, Mauritius, Morocco, Mozambique, Nigeria,



South Africa and Tunisia. The application by Sierra Leone has been approved and is awaiting the deposit of the instrument of accession.

#### **4.0 JUSTIFICATION**

The International Convention for the Safety of Life at Sea (SOLAS) requires Contracting Governments to cooperate in a manner most suitable for the purpose of aiding navigation by:

- Ensuring that hydrographic surveying is carried out and is adequate to the requirements of safe navigation;
- Preparing and issuance of nautical charts, sailing directions, lists of lights and other nautical publications, satisfying the needs of safe navigation;
- Promulgation of Notices to Mariners in order that nautical charts and publications are kept up to date; and
- Provision of data management arrangements to support these arrangements.

#### **4.1 NATIONAL OBLIGATION UNDER THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS)**

Chapter V Regulation 9 of SOLAS provides for the services that States parties should provide. Besides the collection, compilation, publication and dissemination of up to date nautical information, the Contracting Governments are required to ensure the greatest possible uniformity in charts and nautical publications and to coordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably and unambiguously as possible. Charting and provision of associated hydrographic services for the country must therefore conform to the IHO's resolution, specifications and recommendations. To achieve this, Kenya needs to have in place the suitable infrastructure including trained



human resources, access to modern technology, legal infrastructure and appropriate budgetary allocation.

The IHO is uniquely positioned to assist its Member States to meet their obligations under Chapter V of the SOLAS Convention. Membership to the IHO will facilitate Kenya participate fully in the activities of the IHO and receive maximum benefits of membership through its coordination, technical expertise and support including capacity building activities organized by various regional hydrographic missions.

The IHO through its Regional Hydrographic Commissions provide a platform for cooperation among Member States. This will give the country an opportunity to benefit from the experience of other IHO Member States in their hydrographic service establishments. In isolation, chances are low that Kenya will have access to key information that is available through the IHO's collective and inclusive approach.

#### **4.2 PARTICIPATION IN DEVELOPMENT OF STANDARDS**

The IHO sets standards that ensure uniformity in nautical charts and other publications. These standards are defined by IHO's member states. Taking up membership gives the country the right to participate in the activities of the various working groups. This kind of active participation in the development of standards enhances the understanding of the technical standards applicable in hydrographic activities. Besides, many of IHO member states are at the forefront of hydrographic developments and as such benefit from the use/application of advance of technology.

#### **4.3 DISSEMINATION OF INFORMATION AND ADVISORY VISITS**

The IHO liaises with other international organizations including governmental and non-governmental organizations, private sector and the academia. It is therefore well informed on developments in hydrography and nautical charting. This information is made easily available to all IHO Member States. This would save the country resources to obtain the same information for purposes of decision-making. Besides, developing countries



that are IHO Member States can request for a team of experts to make advisory visits to the country at the expense of the IHO.

## **5.0 FINANCIAL IMPLICATIONS**

Annual contributions to the IHO are based upon the shipping tonnages of Member States. These contributions vary between 1 and 25 shares, according to the shipping tonnages of Governments.

Subject to Article 4(a) of the Financial Regulations of the IHO, each Member State subscribes two (2) shares, each valued at 24,650 French Francs (about 3,900 US Dollars). Article 4(b) provides for supplementary shares for a Member State with gross shipping tonnage in excess of 100,000 tonnes.

The gross shipping tonnage for Kenya is below 100,000 tonnes. Therefore, Kenya qualifies for two (2) shares. This implies that the country's annual subscription would be:

$3,900 \text{ US } \$ * \text{Kshs. } 101.30 * 2 = \text{Kshs. } 790,140$  (at the prevailing US dollar to Kenya Shillings exchange rate).

## **6.0 THE WAY FORWARD**

Kenya as a coastal state needs to establish a working relationship with competent international organisations for hydrography and nautical charting. To gain access to the needed assistance in development of local capacity in order to meet our SOLAS obligation, Kenya therefore needs to apply to accede to the Intergovernmental Convention on the IHO and deposit an instrument of accession upon approval of two thirds majority of the Member States. The country would therefore begin to make its annual contributions upon admission to the IHO.



## 7.0 RECOMMENDATIONS TO THE NATIONAL ASSEMBLY

The benefits of taking up membership to IHO clearly outweigh the cost. Apart from allowing the country to participate in international decision-making processes, IHO membership provides a platform on which national interests are promoted and protected. Other immediate benefits of membership include: gaining access to technical assistance and support, international capacity building initiatives, enhanced regional and bilateral cooperation and establishment of informal networks that enable shared experience and transfer of technology.

The National Assembly is therefore requested to consider and approve that the Republic of Kenya:

- (a) Accede to the Convention on the International Hydrographic Organization (IHO).
- (b) Apply to accede to the Convention on the International Hydrographic Organization (IHO).

**Signed**

**Date**

Handwritten signature of Monica Juma in black ink.

Handwritten date '14th April 2018' in black ink.

.....  
**AMB. MONICA JUMA, Dphil, CBS**  
**CABINET SECRETARY FOR FOREIGN AFFAIRS**  
**AND INTERNATIONAL TRADE**

***CONVENTION ON THE  
INTERNATIONAL HYDROGRAPHIC ORGANIZATION  
AS AMENDED BY THE PROTOCOL OF AMENDMENTS TO THE  
CONVENTION ON THE  
INTERNATIONAL HYDROGRAPHIC ORGANIZATION  
THAT ENTERED INTO FORCE ON 8 NOVEMBER 2016***

**CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION**  
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**CONVENTION  
ON THE  
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

**THE STATES PARTIES TO THIS CONVENTION,**

**CONSIDERING** that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

**CONSIDERING** that the International Hydrographic Organization is a competent international organization, as referred to in the United Nations Convention on the Law of the Sea, which coordinates on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services and which facilitates capacity building of national hydrographic services;

**CONSIDERING** that the vision of the International Hydrographic Organization is to be the authoritative worldwide hydrographic body which actively engages all coastal and interested States to advance maritime safety and efficiency and which supports the protection and sustainable use of the marine environment;

**CONSIDERING** that the mission of the International Hydrographic Organization is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use; and

**DESIRING** to pursue on an intergovernmental basis their cooperation in hydrography;

**HAVE AGREED AS FOLLOWS:**

## ARTICLE I

There is hereby established an International Hydrographic Organization, hereinafter referred to as the Organization, the seat of which shall be in Monaco.

## ARTICLE II

The Organization shall have a consultative and technical nature. It shall be the object of the Organization:

- (a) To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
- (b) To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
- (c) To improve global hydrographic capability, capacity, training, science and techniques;
- (d) To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- (e) To give authoritative and timely guidance on all hydrographic matters to States and international organizations;
- (f) To facilitate coordination of hydrographic activities among the Member States; and
- (g) To enhance cooperation on hydrographic activities among States on a regional basis.

## ARTICLE III

The Member States of the Organization are the States Parties to this Convention.

## ARTICLE IV

The Organization shall comprise:

- (a) The Assembly;
- (b) The Council;
- (c) The Finance Committee;
- (d) The Secretariat, and
- (e) Any subsidiary organs.

## ARTICLE V

- (a) The Assembly is the principal organ and shall have all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.
- (b) The Assembly shall be composed of all Member States.

- (c) The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.
- (d) A majority of the Member States shall constitute a quorum for the meetings of the Assembly.
- (e) The functions of the Assembly shall be to:
  - (i) Elect its Chair and Vice-Chair;
  - (ii) Determine its own rules of procedure and those of the Council, the Finance Committee and any subsidiary organ of the Organization;
  - (iii) In accordance with the General Regulations, elect the Secretary-General and the Directors and determine the terms and conditions of their service;
  - (iv) Establish subsidiary organs;
  - (v) Decide the overall policy, strategy and work programme of the Organization;
  - (vi) Consider reports put to it by the Council;
  - (vii) Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General;
  - (viii) Decide on any proposals put to it by any Member State, the Council or the Secretary-General;
  - (ix) Review the expenditures, approve the accounts and determine the financial arrangements of the Organization;
  - (x) Approve the three-year budget of the Organization;
  - (xi) Decide on operational services;
  - (xii) Decide on any other matters within the scope of the Organization; and
  - (xiii) Delegate, where appropriate and necessary, responsibilities to the Council.

#### ARTICLE VI

- (a) One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.
- (b) The principles for the composition of the Council shall be laid down in the General Regulations.
- (c) Members of the Council shall hold office until the end of the next ordinary session of the Assembly.
- (d) Two-thirds of the members of the Council shall constitute a quorum.
- (e) The Council shall meet at least once a year.
- (f) Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.
- (g) The functions of the Council shall be to:
  - (i) Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;
  - (ii) Exercise such responsibilities as may be delegated to it by the Assembly ;
  - (iii) Coordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;
  - (iv) Report to the Assembly at each ordinary session on the work of the Organization;

- (v) Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;
- (vi) Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;
- (vii) Review proposals submitted to it by subsidiary organs and refer them:
  - To the Assembly for all matters requiring decisions by the Assembly;
  - Back to the subsidiary organ if considered necessary; or
  - To the Member States for adoption, through correspondence;
- (viii) Propose to the Assembly the establishment of subsidiary organs; and
- (ix) Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval.

#### ARTICLE VII

- (a) The Finance Committee shall be open to all Member States. Each Member State shall have one vote.
- (b) The Finance Committee shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate.
- (c) The functions of the Finance Committee shall be to review the financial statements, budget estimates and reports on administrative matters prepared by the Secretary-General and to present its observations and recommendations thereon to the Assembly.
- (d) The Finance Committee shall elect its Chair and Vice-Chair.

#### ARTICLE VIII

- (a) The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.
- (b) The Secretary-General shall maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required.
- (c) The Secretary-General shall be the chief administrative officer of the Organization.
- (d) The Secretary-General shall:
  - (i) Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and
  - (ii) Keep Member States informed with respect to the activities of the Organization.
- (e) The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.
- (f) In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities.

**ARTICLE IX**

Where decisions cannot be reached by consensus, the following provisions shall apply:

- (a) Except as otherwise provided in this Convention, each Member State shall have one vote.
- (b) For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.
- (c) Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.
- (d) Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting,
- (e) With respect to sub-paragraphs (c) and (d) of this Article and sub-paragraph (b) of Article XXI below, the phrase "Member States present and voting" means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.
- (f) In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with the minimum number of affirmative votes being at least one-third of all Member States.

**ARTICLE X**

In relation to matters within its scope, the Organization may cooperate with international organizations whose interests and activities are related to the purpose of the Organization.

**ARTICLE XI**

The functioning of the Organization shall be set forth in detail in the General and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof. In the event of any inconsistency between this Convention and the General or Financial Regulations, this Convention shall prevail.

**ARTICLE XII**

The official languages of the Organization shall be English and French.

**ARTICLE XIII**

The Organization shall have legal personality. In the territory of each of its Member States it shall enjoy, subject to agreement with the Member State concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

#### ARTICLE XIV

The expenses necessary for the functioning of the Organization shall be met:

- (a) From the ordinary annual contributions of Member States in accordance with a scale based on the tonnage of their fleets; and
- (b) From donations, bequests, subventions and other sources, with the approval of the Assembly.

#### ARTICLE XV

Any Member State which is two years in arrears in its contributions shall be denied all voting rights and benefits conferred on Member States by the Convention and the Regulations until such time as the outstanding contributions have been paid.

#### ARTICLE XVI

- (a) The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.
- (b) This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.
- (c) The Depositary shall:
  - (i) Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and
  - (ii) Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:
    - Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
    - The date of entry into force of this Convention or any amendment thereto; and
    - The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.

As soon as any amendment of this Convention enters into force it shall be published by the Depositary and registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

#### ARTICLE XVII

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Secretary-General of the Organization shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

#### ARTICLE XVIII<sup>1</sup>

- (1) This Convention shall be open in Monaco on 3 May 1967, and subsequently at the Legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.

<sup>1</sup> Historical provision.

- (2) The Governments referred to in paragraph (1) above may become Parties to the present Convention:
- (a) By signature without reservation as to ratification or approval, or
  - (b) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.
- (3) Instruments of ratification or approval shall be handed to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.
- (4) The Government of the Principality of Monaco shall inform the Governments referred to in paragraph (1) above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

#### ARTICLE XIX<sup>2</sup>

- (1) This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.
- (2) The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

#### ARTICLE XX

- (a) This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depository, which shall inform the Secretary-General and all Member States.
- (b) A State that is not a member of the United Nations may only accede to this Convention by applying to the Depository, and by having its application approved by two-thirds of the Member States. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depository, which shall inform the Secretary-General and all Member States.

#### ARTICLE XXI

- (a) Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.
- (b) Proposals of amendments shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the Depository to submit it to all Member States.
- (c) The amendment shall enter into force for all Member States three months after notifications of consent to be bound by two-thirds of the Member States have been received by the Depository.

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<sup>2</sup> Historical provision.

**ARTICLE XXII**

Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Depository. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the State concerned of all rights and benefits of membership in the Organization.

**ARTICLE XXIII<sup>3</sup>**

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

Note: See Annex A.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatories and acceding Governments and to the President of the Directing Committee.

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<sup>3</sup> Historical provision.

## Annex A to the IHO Convention

**CERTIFICATE OF REGISTRATION OF THE IHO CONVENTION AND GENERAL  
REGULATIONS WITH THE U.N. SECRETARIAT**

CERTIFICATE OF REGISTRATION

No. 16427

CERTIFICAT D'ENREGISTREMENT

The SECRETARY-GENERAL of the UNITED NATIONS

Hereby certifies that

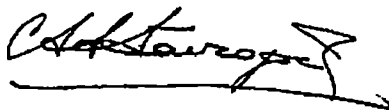
the Government of the Principality of Monaco

has registered with the Secretariat in accordance with Article 102 of  
the Charter of the United Nationsthe Convention on the International Hydrographic  
Organization (with general regulations). Signed  
at Monaco on 3 May 1967.

Le SECRETAIRE GENERAL des NATIONS UNIE

Certifie par la presente que

le Gouvernement de la Principauté de Monaco

a enregistré au Secrétariat conformément aux termes de l'Article 102  
de la Charte des Nations Uniesla Convention relative à l'organisation  
hydrographique internationale (avec  
règlement général). Signée à Monaco le  
3 mai 1967.The registration took place on 22 September 1970under No. 16764Done at New York, on 25 January 1971L'enregistrement a eu lieu le 22 septembre 1970sous le n° 16764Fait à New York, le 25 janvier 1971To the Government of the  
Principality of MonacoFor the SECRETARY - GENERAL  
Pour le SECRETAIRE GENERALAu Gouvernement de la  
Principauté de Monaco

**Article 102 of the Charter of the United Nations**

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

**NEWS GENERAL**

AGES BETWEEN NINE AND 13

# Girls to be vaccinated to stop cancer deaths

**NJERI MBUGUA**/At least one woman will be at risk of dying of cancer every three minutes by 2030 if girls aged between nine and 13 are not vaccinated against human papillomavirus.

A meeting of Commonwealth Women Affairs ministers in Nairobi last week made a resolution to ensure all girls between the ages of nine and 13 have access to immunisation against HPV by 2030.

The ministers also agree to prioritise cervical cancer in health projects during their 12th forum.

In Kenya, the Health ministry said all 10-year-old girls will receive the vaccine at the end of this month.

The World Health Organization commends that girls above 10 could get two doses of the vaccine given six to 12 months apart.

The decision to vaccinate 10-year-olds is because there is a shortage of the vaccine due to roll out in many countries. The vaccine

will be given for free at about 9,000 health facilities countrywide.

Health CS Sicily Kariuki last week told the Star the vaccine will be offered through an existing network of private, public, faith-based and NGO hospitals.

"Prior to the introduction, the government will roll out intensive advocacy and community sensitisation and mobilisation," Sicily said.

Most people get a genital HPV infection through direct sexual contact. The virus can, however, be passed over to another person through skin contact.

"If no action is taken on cervical cancer by 2030, cases of cervical cancer will rise by 55 per cent and death-related cases will rise by 62 per cent," Commonwealth health adviser Dr. Mbololwa Mbi-kusita-Lewanika told the meeting.

According to the health ministry, about 2,451 women die in Kenya every year due to cervical cancer.

**2,451 WOMEN DIE IN KENYA EVERY YEAR DUE TO CERVICAL CANCER**

**REPUBLIC OF KENYA**



**NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - THIRD SESSION**

In the matter of consideration by the National Assembly  
**The National Government Constituencies Development Fund (Amendment) Bill (National Assembly bill No. 58 of 2019)**

**SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) requires the Departmental Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

**The National Government Constituencies Development Fund (Amendment) Bill (National Assembly bill No. 58 of 2019** seeks to amend the National Government Constituencies Development Fund Act, 2015 to provide for the adjustment of the ceiling of the fund to reflect an equitable sharing of the fund amongst the constituencies.

**The National Government Constituencies Development Fund (Amendment) Bill, 2019** has undergone First Reading in accordance with the provisions of Standing Order 127(1) and is now committed to the **Select Committee on National Government Constituencies Development Fund** for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the public to submit representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk of the National Assembly, First Floor, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before **Monday, 30th September, 2019 at 5.00 pm.**

Copy of the Bill may be downloaded from parliamentary website: <http://www.parliament.go.ke/the-national-assembly/house-business/bills>

**MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY**

**REPUBLIC OF KENYA**



**TWELFTH PARLIAMENT  
THE SENATE**

**PUBLIC HEARINGS/ RECEIPT OF MEMORANDA**

**The Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019)** was read a First Time in the Senate on Tuesday, 10th September, 2019 and was thereafter committed to the Senate Standing Committee on Labour and Social Welfare for consideration.

Pursuant to the provisions of Article 118 (1) (b) of the Constitution and standing order 140 (5) of the Senate Standing Orders, the Senate Standing Committee on Labour and Social Welfare now invites interested members of the public and stakeholders to submit their views on the Bill. The views may be submitted in the following manner:-

1. Public Hearing for the Bill shall be held on **Thursday, 26th September, 2019 at the Shimba Hills Hall, 1st Floor, KICC Building, Nairobi** from 11.30 am to 1.00 pm.
2. Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk of the Senate/ Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi** or emailed to [cSenate@parliament.go.ke](mailto:cSenate@parliament.go.ke), to be received on or before **Thursday, 26th September, 2019 at 5.00 p.m.**

The Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/senate>.

**CLERK OF THE SENATE/ SECRETARY,  
PARLIAMENTARY SERVICE COMMISSION.**

**REPUBLIC OF KENYA**



**NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - THIRD SESSION**

In the Matter of consideration by the National Assembly  
**The Accession of the Convention on the International Hydrographic Organization (IHO)**

**SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, Section 8 of the Treaty Making and Ratification Act, 2012 provides for the consideration and Ratification of Treaties by Parliament and subsection(3) states that, "the relevant Parliamentary Committee shall, during its consideration of the Treaty, ensure Public Participation in the ratification process in accordance with laid down parliamentary procedures".

The National Assembly is in receipt of the above-mentioned Convention for approval for ratification by the Government of the Republic of Kenya. The main purpose of the Convention is to provide for coordinated hydrographic activities, surveys and information to provide for orderly exploitation of marine resources, within the vast water areas.

The convention has been committed to the **Departmental Committee on Defence and Foreign Relations** pursuant to Standing Order 216(5)(a) for consideration and thereafter report to the House.

Pursuant to Article 118 (1)(b) of the Constitution and section 8 of the Treaty Making and Ratification Act, 2012, the Committee invites members of the public to submit any representations they may have on the said Convention. The full text of the Convention and its accompanying memorandum to Parliament may be accessed from the parliamentary website at [www.parliament.go.ke](http://www.parliament.go.ke). The representations or written submissions may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the Office of the Clerk, **First Floor, Main Parliament Building, Nairobi**; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before **Monday, 30th September, 2019 at 5.00 pm.**

**MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



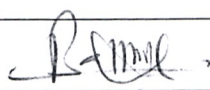
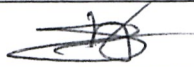
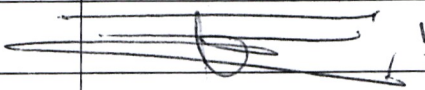
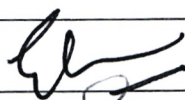
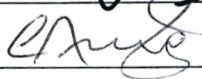
KENYA NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS  
Adoption Schedule

REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN  
RELATIONS ON THE ACCESSION TO THE CONVENTION ON THE  
INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) BY THE  
REPUBLIC OF KENYA

We, the undersigned Members of the Departmental Committee on Defence & Foreign Relations, today 14<sup>th</sup> November, 2020 do hereby affix our signatures to this REPORT ON THE ACCESSION TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) BY THE REPUBLIC OF KENYA to affirm our approval and confirm its accuracy, validity and authenticity:-

NO.	NAME	SIGNATURE
1.	The Hon. Katoo Ole Metito, EGH, MGH, M.P - <b>Chairperson</b>	
2.	The Hon. Richard Tong'i, M.P - <b>Vice Chairperson</b>	
3.	The Hon. Col. (Rtd.) Gideon S. Konchela, EGH, OGW, 'psc' (UK), M.P	
4.	The Hon. Yusuf Hassan Abdi, M.P	
5.	The Hon. Charles Mutavi Kilonzo, M.P	
6.	The Hon. Col. (Rtd.) Dido Ali Raso, MBS, M.P	
7.	The Hon. Richard Maore Maoka, CBS, M.P	
8.	The Hon. Martha Wangari Wanjira, M.P	
9.	The Hon. Elijah Memusi Kanchory, M.P	

10.	The Hon. Stephen Mutinda Mule, M.P	
11.	The Hon. Major (Rtd.) Bashir Sheikh Abdullahi, M.P	
12.	The Hon. (Dr.) Lilian Gogo, M.P	
13.	The Hon. (Dr.) Irene Muthoni Kasalu, M.P	
14.	The Hon. Moses Nguchine Kirima, M.P	
15.	The Hon. Vincent Kipkurui Tuwei, M.P	
16.	The Hon. Ernest Ogesi Kivai, M.P	
17.	The Hon. Caleb Amisi, MP	
18.	The Hon. Asha Hussein Mohamed	
19.	The Hon. Zachary Kwenya Thuku, M.P	