5th Annual Report

on

Progress Made in Fulfilling the International Obligations of the Republic of Kenya

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

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EXECUTIVE SUMMARY

The Constitution of Kenya under Article 132 (1) (c) (iii) requires the President of the Republic of Kenya to submit a report for debate to the National Assembly on the progress made in fulfilling the country's international obligations, once every year. In addition, Article 2(5) and (6) 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 Fifth Edition of the Report on fulfilment of Kenya's international obligations is made in compliance with the foregoing constitutional provisions and coincides with the end of my first term and the beginning of my second term in office.

Kenya remains steadfast in fulfilling its global, regional and sub-regional obligations in line with various international treaties, conventions and inter-governmental institutional arrangements to which the country is party. Kenya continues to play a key role in driving regional peace processes and has maintained an active voice in the global governance architecture.

Kenya's foreign policy is underpinned by our common desire for a peaceful, united and prosperous nation and is embodied in our National Anthem, the Constitution, Vision 2030 and other Government Policy documents. The policy is anchored on five interlinked pillars of diplomacy namely: Economic; Peace; Environmental; Cultural and Diaspora. It is periodically reviewed to respond to emerging issues and dynamics at the global and regional level.

This report highlights Kenya's progress in fulfilling her international obligations. It captures our membership to major international organisations including the United Nations (UN), the African Union (AU) and the East African Community (EAC) among others. The international obligations are categorised into various themes namely: peace and security; trade, investments and development; human rights; environment, forestry and agriculture; cooperatives; intellectual property; education, science and technology; outer space; planning and statistics; health; labour, social security and employment; sports, culture and the arts; lands, housing and urban development; transport; law of the sea and fisheries; standardization; regional integration; ethics and integrity; tourism; ICT, radio regulations and telecommunications.

In 2017, Kenya ratified two (2) treaties namely: Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled; and the Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing. The National Assembly approved the EAC Protocol on Peace and Security; EAC Protocol on Priviledges and Immunities; and the Protocol to operationalize extended jurisdiction of the East African Court of Justice for ratification.

To cement Kenya's bilateral relations, I held high-level engagements with other Governments and international Organisations. I hosted high profile visits by leaders from other regions, namely; Uganda, Rwanda, South-Sudan, Botswana, Namibia, Gabon, Ethiopia, Djibouti, Zambia, the Federal Republic of Somalia, Benin, Guinea,Qatar, Egypt, Slovak Republic, Trinidad and Tobago, Guyana, Israel, and the Secretary General of the United Nations. I also visited the United Kingdom, China, Ethiopia, India, Rwanda, Somalia, Italy, France and Germany. These visits strengthen our ties and relations in trade and investment, cultural exchanges and other areas of interest for Kenyans.

The Government has continued to leverage on technology to improve service delivery to Kenyans and non-Kenyans. Through the E-Citizen platform, government services can be accessed from any part of the world. In addition, an operational help desk and a hotline are available to receive and handle distress calls from Kenyans abroad. During my second term in office, my government will be focused on attaining food and nutrition security, universal health care for all, creating 500,000 new home owners, enhanced security, education, job creation through manufacturing, continued development of infrastructure and youth empowerment.

Kenya continues to lobby for appointment and election of Kenyans as well as the country into various positions of influence in the international system. In this regard, a number of Kenyans have been elected to head key international Organizations such as UNCTAD, Universal Postal

Union, International Civil Aviation Organization (ICAO) Council, UN Habit Urban Legislation Unit and the IMF Internal Audit and Inspection (OIA). This brings honour and pride to the country besides leveraging to our diplomatic role in the region and beyond.

Kenya exists in a region that is characterized by protracted and intractable conflicts resulting in instability. The region has complex and fast evolving transnational security threats such as intra-State conflicts, resource based conflicts, and the proliferation of small arms and light weapons. There are a variety of other emerging threats including terrorism, radicalisation, organized crime and piracy. My Government remains committed to addressing the challenges arising from these conflicts and threats within the East African Community (EAC), Inter-Governmental Authority on Development (IGAD), International Conference on the Great Lakes Region (ICGLR) and Common Market for East and Central Africa (COMESA) as well as the African Union (AU) peace and security architecture.

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

PART I

INTRODUCTION AND BACKGROUND

1.0 INTRODUCTION

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 Organisations. 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.[1]The fundamental principle underlying the law of treaties is *pacta sunt servanda* which means that treaties are binding upon the parties and must be performed by the parties in good faith. Without this principle, treaty relations would be shrouded in suspicion, resulting in a disorderly world.

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 is founded under the Constitution of Kenya, 2010. It is noteworthy that previously it was not necessary for a report to be made to the National Assembly on the benefits, achievements or objectives of the ratification of treaties by Kenya.

6. 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.

7. 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.

8. 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

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

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. IMPORTANCE OF TREATIES

9. I make this report in order for the citizens to appreciate the need and purpose of treaties, and to underscore that they are a part and parcel of the practice of official diplomacy, as well as an expression of the sovereignty and inter-dependence of States.

10. 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. Globalization 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.

11. 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 the international community as a whole and require cooperative action at the international level to tackle them.

12. Treaties form an integral part of our relations with other States. It is on this basis that the Government is keen to continue abiding by its international obligations in good faith. 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 fulfill, with good reasons, her international obligations. We continually evaluate our performance and plan for better outcomes. In our international role as a Country known for various achievements, we have hosted a number of diplomatic conferences where important treaties were concluded. In December, 2015, Kenya hosted the tenth WTO Ministerial Conference (MC10). The WTO MC is the top decision-making Organ of the global trade organisation. The meeting in Kenya was the first one ever in Africa and was chaired by the Cabinet Secretary of Foreign Affairs and International Trade. The Meeting saw a significant increase in tourist traffic due to the 5000 plus delegates from all over the world who attended the meeting. This also opened up tourism business for Kenya, but more importantly resulted in the Nairobi Package of six Ministerial Decisions on agriculture, cotton and issues related to least-developed countries. These relate to the establishment of a Special Safeguard Mechanism (SSM) for Developing Countries, Public Stockholding of food for food security purposes and the Export Competition Pillar. The commitment to abolish export subsidies for farm exports is the most significant outcome on agriculture.

13. Before the promulgation of the Constitution of Kenya, 2010, and the enactment of the Treaty Making and Ratification Act, No. 45 of 2012 (Rev. 2014), the process of ratifying treaties was executive-centric. The legislature did not have any role to play. Due to the

[2]Makumi Mwagiru: Diplomacy; Documents, Methods and Practice IDIS Publications on International Studies.

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 prepared an instrument of ratification for signature which was subsequently deposited with the relevant treaty body. This paved the way for the subsequent domestication of the Treaty or Convention through an Act of Parliament.

14. 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.

15. In general, Kenya has a strong record of ratifying major International and Regional Human Rights Instruments. Kenya has ratified numerous multilateral instruments which 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

16. The President and the Cabinet Secretary of the Ministry of Foreign Affairs 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.

1.3 TREATY MAKING AND RATIFICATION LEGAL FRAMEWORK

17. 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.

1.3.1 The Constitution

18. 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.

19. The Constitution at Article 94 (5) vests the power of law making on Parliament,[3] meaning that Parliament must be involved in the domestication of any treaty, whereas 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.

[3]The 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."*

1.3.2 Treaty Making and Ratification Act, No. 45 of 2012

20. 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, a signature and ratification of treaties by Kenya.

21. 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. The Act applies to treaties concluded by Kenya after its commemncement, all multilateral treaties and in bilateral treaties that touch on the following:

    (a) Security of Kenya, its sovereignty, independence, unity or territorial integrity;

    (b) The rights and duties of citizens of Kenya;

    (c) Status of Kenya under international law and maintenance or support of such status;

    (d) The relationship between Kenya and any International Organisation or similar body; and

    (e) The environment and natural resources.

1.3.3. Case Law

22. 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

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

24. 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 responsible for Foreign Affairs. 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. Co-operation between national and county governments is further espoused by Article 189 (1) and (2)[4] of the Constitution.

25. The Inter-Governmental 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

26. As stated earlier, Kenya's international obligations stem from the treaties and conventions that she 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, and by Statute the National Assembly must sanction the ratification of a treaty for it to have the force of law in Kenya. The Treaty Making and Ratification Act, 2012 (Rev. 2014) outlines the procedure for initiation, negotiation, signature and ratification of treaties.

27. The Act elaborates the National Assembly's role in the ratification process, which had hitherto been the prerogative of the Executive. The Senate has a role where the subject of the treaty touches on the interests counties. 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.

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[4] Article189. (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.

PART II

MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS

2.0. MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS

28. Kenya is part of the international community, and is a member of several international organisations and institutions formed to bring order to an anarchic international system. These Organisations foster co-operation, political and economic integration or dialogue amongst States. This segment of the report outlines the international organisations to which Kenya is a member. It also details their objectives, relevance and highlights measures undertaken and progress made in fulfilling Kenya's international obligations.

2.1. The United Nations (UN)

29. The United Nations (UN) is an Inter-Governmental Organisation established to promote international co-operation. The Organisation was formed after the Second World War to replace the League of Nations which had been formed after the First World War. The main objective of the Organisation is to promote international peace and security. This objective is enshrined in the UN Charter that was signed on 26th June, 1945 and entered into force on 24th October, 1945

30. Kenya became a member of the UN on 16th December, 1963. Kenya has been a consistent and committed contributor to the UN since then, in terms of budgetary support and active participation in the organisation's work. Currently, Kenya is privileged to host one of the four UN headquarters world-wide, the only one in the developing world; hosting both the UN Environment Programme (UNEP) and UN Human Settlements Programme (HABITAT) headquarters. Moreover, Nairobi is home to a vibrant community of several UN agencies and Multilateral Organisations that include the Food and Agriculture Organisation (FAO), International Fund for Agricultural Development (IFAD), International Civil Aviation Organisation(ICAO), International Labour Organisation (ILO), International Maritime Organisation (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 Organisation (UNESCO), UN High Commissioner for Refugees (UNHCR), UN Industrial Development Organisation(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), World Health Organisation (WHO) and UN Centre for Regional Development (UNCRD).

31. Kenya has accredited its Missions to the various UN Headquarters and Offices for effective engagement on global issues. In addition, the Government successfully lobbied for the upgrading of UNEP from a Governing Council to an Environmental Assembly of the UN (UNEA) 2014. The Assembly has held three meetings in Nairobi (2014, 2016 and 2017). Kenya will take necessary steps to maintain this status and also urge the international community to match its commitments with action.

32. Kenya recognises the critical role of the UN Security Council (UNSC) in the maintenance of global peace and stability. In this regard, Kenya served twice as a non-permanent member of the UNSC in 1973-1974 and 1997-1998. During its tenure, Kenya's participation in the work of the UNSC was guided by a core set of principles, among them, pacific settlement of disputes; non-interference in the internal affairs of other nations; upholding sovereignty and territorial integrity of all nations and investing and pursuing post conflict peace-building efforts, a position which evolved and was adopted in keeping with our national and regional mediation efforts.

2.2. The International Court of Justice (ICJ)

33. The International Court of Justice (ICJ) is the principal judicial organ where UN Member States refer their legal disputes for settlement. According to Article 93 of the UN Charter, all members of the UN are parties to the Statute of the International Court of Justice and only States may be parties in cases before the Court.

34. Kenya recognised and submitted to the compulsory jurisdiction of the Court in 1964 and undertakes to comply with any decisions of the Court. The Country has recourse to the Court in case of any dispute with another Member State. Kenya can rely on the Advisory opinions of the Court which are authoritative, binding and 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. Failure to comply with the Court's decision may result in the UNSC making recommendations or taking drastic measures to enforce the Court's judgments.

2.3. World Trade Organisation (WTO)

35. The World Trade Organisation (WTO) is an intergovernmental organisation which deals with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. It commenced on 1st January, 1995 under the Marakkesh Agreement which was signed by 123 nations on 15th April, 1994. WTO replaced the General Agreements on Tariffs and Trade (GATT). Kenya is a founding Member of WTO which had a membership of 164 as at 29th July, 2016.

36. The WTO achieves its objectives by: Providing a framework for negotiating trade agreements and dispute resolution; monitoring national trade policies; Co-operating with other international organisations; administering WTO trade agreements; and providing technical assistance and training for developing countries. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Round of 1986–1994.

2.4. The African Union (AU)

37. The AU was established on 26th May, 2001 in Addis Ababa. It was launched on 9th July, 2002 in South Africa to replace the Organisation of African Unity (OAU). Kenya was among the 33 founding members of the Organisation of African Unity (OAU) in 1963.

38. The Charter of the African Union was adopted on 25th May, 1963 and entered into force on 26th May, 2001. Kenya became a State party to the Treaty on 16th December, 1963. The Charter obligates member states to work towards achievement of greater unity and solidarity between the African countries and their citizenry.

39. The AU spearheads Africa's development and integration in close collaboration with the Regional Economic Communities (RECs) and African citizens. Its vision is to accelerate progress towards an integrated, prosperous and inclusive Africa. The organisation plays a dynamic role in the continental and global arena, driven by an accountable, efficient and responsive Commission.

40. Membership to the AU has opened vast opportunities for Kenya in all spheres of life. The Union has enhanced cooperation for the socio-economic transformation of the Continent through sub-regional blocs such as EAC, COMESA, ECOWAS and SADC among

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LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACS	African Charter on Statistics
AFFC	Africa Fit For Children
AFRAC	African Accreditation Co-operation
AIS	Automatic Identification System
ARIPO	African Regional Intellectual Property Organisation
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 Organisation
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 Organisation
ESCR	International Covenant on Economic, Social and Cultural Rights
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICGLR	International Conference on the Great Lakes Region
ICJ	International Court of Justice
ICT	Information and Communication Technologies
IDD	Iodine deficiency disorders
IEC	International 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 Organisation
ILAC	International Labouratory Accreditation Co-operation
IMO	International Maritime Organisation
INBAR	International Network for Bamboo and Rattan
IOMU	Indian Ocean Memorandum of Understanding
IOTC	Indian Ocean Tuna Commission
ISPS	International Ship Port Security
ISTA	International Seed Testing Association
ITU	International Telecommunication Union
IUU	Illegal, Unreported and unregulated
IWC	International whaling Commission
KCA	Kenya Communications Act
KEBS	Kenya Bureau of standards
KEPHIS	Kenya 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 Organisation
MC	Ministerial Conference
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	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OIE	Office International des Epizooties
OPCW	Organisation 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 Organisation
RMO	Regional Metrology Organisation
SACCOS	Savings and Credit Co-operatives
SADCME	South African Development Community Co-operation in Measurement
SAR	Search and Rescue
SDG	Sustainable Development Goals
SGR	Standard Gauge Railway
SHSA	Strategy for the Harmonisation of Statistics in Africa
SQMT	Standardization Quality Assurance Metrology and Testing
SWIOFC	South West Indian Fisheries Commission Convention
TAC	Technical Advisory Committee
TC	Technical Committee
TRIMS	Trade Related Investment Measures
TRIPS	Trade Related Aspects of Intellectual Property
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNFSA	United Nations Fish Stock Agreement
UNHCR	United Nations High Commission for Refugees
UNIDO	United Nations Industrial Development Organisation
UPU	Universal Postal Union
WIBA	Work Injury Benefits Act
WIPO	World Intellectual Property Organisation

PREFACE

I submit this fifth report on the progress made in fulfilling Kenya's international obligations, to the National Assembly in fidelity to the Constitution. This annual report coincides with the end of my first term and the beginning of my second term in office.

Since independence on 12th December, 1963, Kenya has ratified and acceded to various conventions and treaties and assumed various international obligations. Kenya is also a member of the United Nations (UN) family, the African Union (AU) and the East African Community (EAC) among other international Organizations.

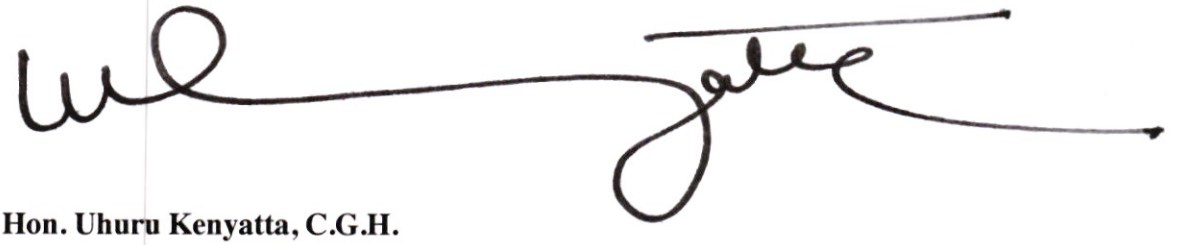
Over the years, much has been achieved in fulfilling the country's obligations as highlighted in the previous reports as well as the current one. Kenya takes pride in its role in regional peace processes, hosting the only UN Headquarters in the developing world, being an investment, conference and tourist destination of choice, as well as championing for reform at the UN, including the international criminal justice system.

The 2017 General Elections established new ground in Kenya's political, social and jurisprudential landscape, which reaffirmed Kenya's adherence to constitutionalism and rule of law. I undertake to work collectively with the counties, our other institutions and all Kenyans to uphold human dignity, equity, social Justice and inclusivity; and build on these values to enhance national cohesion. May I encourage you members of the National Assembly, to adopt a bi-partisan approach to national strategic interests and leverage on our rich cultural diversity to unite all Kenyans.

The multilateral and bilateral treaties concluded by Kenya are aimed at addressing our core priorities in various sectors with a view to improving the social, political and economic welfare of all Kenyans as well as promote sustainable development. To this end, my government is focused on achieving food security, universal health care for all, affordable housing, security, education, job creation, youth empowerment and value addition for Kenyan manufactured products.

While we take all our international obligations seriously, we place special interest and emphasis on our regional and sub-regional obligations in tandem with our commitment to Pan-Africanism and regional integration.

I believe that this reporting and the recent launch of the treaty database in June 2017, enhances public awareness of Kenya's foreign policy. Kenya however, needs to review its stock of treaties to ensure relevance and compliance with the country's national interest.



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

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

others. This has enhanced furtherance of pertinent issues such as the creation of a free trade area.

41. Membership to the AU has reinforced the quest for fairness and impartiality in the global administration of justice.

42. The Government of Kenya has been actively participating in the policy Organs of the African Union. These include the Summit of Heads of State and other policy Organs. Kenya has also offered candidates for positions within the African Union.

43. Kenya, through the Kenya School of Government, has continued to promote greater unity and solidarity between African Countries by providing training in the areas of governance, leadership for individuals and officers from the member States especially Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESSULO). Kenya is host to the Africa Institute for Remmittance and Pan-African University.

2.5. African Court on Human and People's Rights

44. The Court was established by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples's Rights in June, 1998. The Protocol was adopted in Ouagadogu, Burkina Faso and entered into force on 25th January, 2004. The Court became operational from November 2006 in Addis Ababa, Ethiopia. In 2007, it relocated its headquarters to Arusha, Tanzania. Kenya ratified the Protocol on 6th October, 2010.

45. The Court was established in order to complement the protective mandate of the African Commission on Human and People's Rights. Under Article 3 of the Protocol, the Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter.The Court's jurisdiction only applies to States that have ratified the Protocol.

46. The following entities are competent to submit communication to the Court; The African Commission, State parties to the Protocol establishing the Court, African Inter-Governmental Organisations, NGOs with observer status before the Commission and individuals.

47. Kenya has also been a major proponent to the AU proposal to enhance the Court's jurisdiction to deal with international crimes under the Malabo Protocol. It was one of the five States to sign the Protocol. Kenya donated $ 1 million to the Court to demonstrate its commitment to the expansion of the jurisdiction.

2.6. The African Charter on Human and Peoples' Rights

48. The Charter was adopted by the African State Parties of the Organization of African Unity on 27th June, 1981. It entered into force on 21st October, 1986. Kenya became a State Party to the Charter on 23rd January, 1992.

49. Article 62 of the Charter requires State Parties to submit every two years from the time of ratification, a report on the legislative and other measures taken to give effect to the rights as recognized by the Charter. The African Commission on Human and Peoples' Rights is responsible for monitoring the implementation of the Charter by member States.

50. Kenya's 8th-11th combined periodic report on the African Charter on Human and Peoples Rights was presented to the African Commission on Human and People's Rights in

October 2015. The report detailed the measures taken by the Government to implement the rights recognized in the Charter.

51. These measures include constitutional safeguards for marginalized and vulnerable groups, non discrimination and state responsibility to ensure that the economic, social cultural rights of Kenyans are realized. Vision 2030, Medium Term Plan II, Eviction and Resettlement Bill, 2012, Eviction Guidelines, the Kenya Informal Settlement Improvement Programme (KISIP) 2011 – 2016, devolved governance and decision-making that comes into operation after the March 2013 elections and gives Kenyans greater say in determining the development initiatives in their local areas. Other initiatives include the Youth Enterprise Development Fund and the Women's Enterprise Fund.

2.7. The East African Community (EAC)

52. The Treaty for Establishment of the East African Community aims at widening and deepening co-operation among the Partner States in, among others, political, economic and social fields for their mutual benefit. It was signed on 30th November, 1999. It entered into force on 7th July, 2000 following its ratification by the original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18th June, 2007 and became full Members of the Community with effect from 1st July, 2007. The Republic of South Sudan became a full member of EAC on 5th September, 2016.

53. The EAC provides for four levels of integration; the Customs Union, Common Market, Monetary Union and Political Federation. Presently, the EAC is implementing these integration levels through the Customs Union Protocol, the Common Market Protocol, the Protocol on the establishment of the Monetary Union. With regard to the Political Federation, Partner States have agreed on a Confederation model as a transitional stage to attaining a Political Federation. Further the EAC through the East African Legislative Assembly has enacted regional laws to support the integration process. In 2017, the Elimination of Non-Tarriff Barriers Act, 2016 was assented to by EAC Heads of State.

54. Regional cooperation has led to increased regional trade, infrastructure development, free movement of goods, persons, labour, services, capital and the right of establishment, right of residence. It has also promoted agriculture and food security and increased foreign direct investments that has created more markets for goods and opportunities for Kenyans. The EAC framework 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 Protocol and the Protocol on the establishment of the Monetary Union amongst other protocols. These Protocols have been ratified by all Partner States and are currently under implementation.

55. Kenya's commitment to deepen regional integration under the East African Community has been underscored by my directive that East Africans be afforded the opportunity to work, reside and own property in Kenya in accordance with the applicable laws and regulations.

2.8. The East African Court of Justice

56. The EACJ is the judicial Organ of the East African Community under Article 9 of the Treaty for the establishment of East African Community (EAC). The Court was inaugurated in November 2001 and is currently based in Arusha, Tanzania. The Court's original jurisdiction is to interpret and enforce the EAC Treaty among the Partner States. Kenya is bound by the Court's decisions and has seconded two judges to the Court in fulfilment of her obligation.

57. The Court has developed rules of procedure and arbitration. Sub-registries have been established in each Partner States to promote accessibility to the institution, and expedite administration of justice. Currently, there is lack of awareness on the operations of the Court in general amongst Kenyans .

2.9. Protocol to Operationalise, Extended Jurisdiction of the East Africa Court of Justice

58. In compliance with Article 27 (2) of the EAC Treaty, the Heads of State adopted and signed a Protocol to extend EACJ's jurisdiction to cover trade and investment matters, as well as issues associated with the implementation of the Protocol on the Establishment of the East African Monetary Union.

59. The Court has arbitral jurisdiction over commercial contract disputes. This will address expected increase of cross-border disputes that might be triggered by an increase in cross-border trade in the context of East African regional integration.

60. The National Assembly approved the ratification of this Protocol on 11th October, 2017 and the instruments of ratification have been prepared and will be deposited with the EAC Secretariat.

2.10. InterGovernmental Authority on Development (IGAD)

61. The InterGovernmental Authority on Drought and Development (IGADD) began as an environmental co-operation forum in 1986 to deal with drought in the Eastern Africa Region. The organisation 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 the founding members and were later joined by Eritrea.

62. IGAD provides a regular forum where leaders of Eastern African Countries are able to tackle regional political and socio-economic issues. Under the Chairmanship of Kenya, IGAD mediated the protracted conflict in Sudan in 2015 and is currently seized with issues relating to the implementation of the South Sudan peace process among other issues.

63. Kenya's primary focus has been to mobilize international support to facilitate consolidation of regional peace, particularly in Somalia, South Sudan, the Eritrea/Ethiopia border and the Indian Ocean waters. Kenya supports efforts to strengthen IGAD's capacity to effectively confront the myriad and interlocking problems relating to ecological challenges, proliferation of small arms and light weapons, forced migration within and across borders, banditry, piracy, and more recently international terrorism linked to Islamic extremism.

64. Infrastructural developments namely, highways, railways, airports, pipelines and seaports is central to effectively addressing the region's security, environmental, and developmental challenges. The construction of the Northern Corridor linking Kenya to its northern neighbours is envisaged to facilitate trade in order to promote development among the member States.

65. The Ministry responsible for Devolution and Planning participates 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 context of the Horn of Africa *Regional Disaster Resilience and Sustainability Strategy,* with a clarion call for stakeholders to act in accordance to the specific needs of States.

66. Kenya is committed through the Ending Drought Emergencies (EDE) Initiative, to ensure drought in the Horn of Africa does not reach emergency levels. Kenya's Country Programming Paper (KeCPP) has 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 that address IGAD's broader objectives.

67. The State Department through the National Drought management Authority coordinated EDE implementation through a Common Programme Framework across various sectors within National and County Governments. Through the Inter-governmental Committee on Drought and Food Security, the government mobilized Kshs 21.2 billion for drought responses during the 2016/17 drought.

68. Kenya made further commitments towards ending drought emergencies by making EDE one of the major setors within the Third Medium Term Plan for the Vision 2030 (2018-2022).

69. Futher, Kenya established a multi-donor fund, the National Drought Emergency Fund (NDEF) to facilitate rapid and timely response to drought.

70. The country also participated in cross border co-operation and investements at a consultative meeting of IGAD member states to strengthen drought resilience in March 2017

71. The Government initiated and is implementing a GIZ supported cross border project covering Karamoja cluster-Kenya, Ethiopian, S. Sudan and Uganda.

72. The Government also initiated and is implementing the EU-Trust Fund supported KSh. 70.2 billion project that is addressing cross border issues in Kenya, Ethiopia and Somalia.

73. Kenya has established a National Drought Management Authority (NDMA) and initiated new projects in Arid and Semi-Arid Lands (ASALs) to ensure the EDE goal is achieved. The NDMA has been institutionalized through the National Drought Management Authority Act, No. 4 of 2016.

74. Kenya implements the IGAD Treaty on Gender Equality and Women's Empowerment and IGAD Plan of Action on increasing Women's Participation in Politics. It also reports annually on the implementation to IGAD Council of Ministers of Gender. IGAD has developed a Plan of Action to enable women participate in political platform. In this regard, Kenya has established the Women Enterprise Fund and UWEZO to empower women to be entrepreneurs .

75. Active participation by Kenya in IGAD has led to sustainable environmental management, regional peace, water basins co-operation and co-ordination.

76. Allocation of financial resources for programs and monitoring progress remains a priority. To this end, UN Agencies ought to lend more support to IGAD activities.

2.11. The Common Market for Eastern and Southern Africa (COMESA)

77. COMESA replaced the Preferential Trade Area for Eastern and Southern Africa (PTA) which was 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. COMESA was established as an Organisation of member States to co-operate in developing their natural and human resources. Other objectives of the Organisation include creation of an integrated market and promotion of peace and security in the region.

78. As a member of COMESA, Kenya has benefited from:- customs exemptions on all exports and imports originating from member States; an expanded market for goods and services and co-operation of member States in financial and monetary matters that establishes convertibility of currencies throughout the Common Monetary Union. The harmonized and more competitive market fosters greater industrial productivity and competitiveness; increased agricultural production and food security; rational exploitation of natural resources, harmonized monetary, banking and financial policies, reliable transport and communications infrastructure.

79. Kenya was awarded an extension of special safeguards on importation of duty-free sugar from the COMESA. This allowed the country more time to complete reforms in its sugar industry. Kenya requested for arbitration in a case with Zambia, that restricted milk and camel meat exports from Kenya. The matter is yet to be concluded.

2.12. New Partnership for Africa's Development (NEPAD)

80. The New Partnership for Africa's Development (NEPAD) is both a vision and policy framework for Africa in the twenty-first century meant to address critical challenges facing the continent: poverty, development and Africa's marginalization internationally.

81. 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 the New Partnership for African Development (NEPAD) and the domestication of the African Union(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) Co-ordinate NEPAD/APRM activities in the Eastern African Region; and

    d) Liase with the Continental NEPAD/APRM offices with a view of incorporating and promoting Kenya's and Eastern African region interests in NEPAD.

82. NEPAD Kenya Secretariat co-ordinates 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 African Peer Review Mechanism (APRM). The APRM is an instrument voluntarily acceded to by Member States of the African Union as a self-monitoring mechanism for good governance.

83. Kenya's effective participation in the activities of NEPAD is coordinated by the NEPAD/Africa Peer Review Mechanism (APRM) Kenya Secretariat. It implements a number of programmes along the NEPAD thematic pillars. These include the NEPAD E-Schools, Home Grown School feeding programme, Comprehensive African Agricultural Development Programme, 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.

PART III

TREATIES AND CONVENTIONS

3.0 TREATIES AND CONVENTIONS

3.1 DIPLOMACY

84. 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 position 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.

3.1.1 The 1961 Vienna Convention on Diplomatic Relations

85. The Convention provides a complete framework that governs diplomatic relations between States. The treaty codifies customary international law. It was ratified by Kenya on 1st July, 1965.

86. Government fulfils its duty by ensuring that it grants diplomatic immunity to Missions and diplomatic agents accredited to Kenya, as well as delegations to meetings and conferences on her territory. Through reciprocity, Kenya's fifty six (56) Missions abroad and delegates to meetings out of the country are also accorded similar privileges and immunities, while ensuring that Kenya's views are heard. In the maintenance of good diplomatic relations and keeping Kenya relevant in the international sphere, since 2015 to 2017 the Government hosted numerous high level visits of persons of interest and high level investment delegations. Government facilitated State protocol, hosted numerous diplomatic conferences and meetings and held quarterly briefings for the diplomatic corps informing and updating on the state of preparedness by the Government for the forth coming general elections.

87. The Government facilitates assistance to Kenyans in fragile situations abroad through provision of consular services to the distressed. In extreme cases where there is need for evacuation, then this has been undertaken to bring back home the affected Kenyans. It also outsources business opportunities for Kenyan companies and businesses by organizing investment and business expos in key destination abroad with high population of the Diaspora. Further, compilation of a skills database of Kenyan Diaspora in four pilot countries (South Africa, China, USA and UK) with a view to assembling a skills inventory was undertaken. The Directorate is currently collecting Diaspora Skills data from France, Germany and Australia. By mid 2018, the activity will be expanded to include all countries where Kenya has diplomatic presence. Locally, the Ministry of Foreign Affairs and International Trade responds to public enquiries on information regarding Foreign Affairs and authenticates documentation intended for use abroad among other services offered.

88. Kenya ensures that it pays all the relevant assessed contributions to the appropriate International Organisations and bodies so as to maintain strong ties and good working relations. Each assessment is based on the role of the Organisation, impact and obligations, hence they vary.

3.1.2 The 1963 Vienna Convention on Consular Relations

89. The Convention was ratified by Kenya on 1st July, 1965. It defines the conduct of consular relations between countries. A consul performs the function of protecting the interest of fellow nationals in the host country and furthering the commercial and economic relations between the two countries. While a consul is not a diplomat, under this treaty they are accorded similar privileges, including a variation of diplomatic immunity called consular immunity.

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

90. The Convention was adopted by the UN General Assembly on 13th February, 1946 to accord the UN, the status of a legal person under the domestic laws of its Member States. Kenya ratified it on 1st July 1965. Such a domestic legal personality is a prerequisite for international Organisations to effectively manage numerous practical needs such as procurement contracts, the acquisition of property and the capacity to pursue private law rights before national courts. The UN Charter provides for these needs under Article 104 of the Charter.

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

91. The Convention was approved on 21st November, 1947 and came into force on 2nd December, 1948. The purpose of the Convention is to protect the UN and its Specialized Agencies from being subject to national laws and judicial systems. If the protection was not granted, then Governments and Courts would interfere with the work of the Organisation and its staff.

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

92. The Convention was signed and entered into force on 25th October, 1965. It obliges member States to grant the OAU privileges and immunities within their territories to independently exercise their functions. Government grants privileges and immunities to AU officials and delegates attending meetings in Kenya.

3.1.6 Additional Protocol to the OAU General Convention on Privileges and Immunities (Additional Protocol)

93. The Protocol was adopted on 1st June, 1980. Kenya signed the Protocol on 31st May, 2016. The Protocol compliments the General Convention by extending the Privileges and Immunities to the specialized agencies of the AU.

3.1.7 EAC Protocol on Foreign Policy Co-ordination

94. This Protocol was preceded by Memorandum of Understanding on Foreign Policy Coordination between the governments of Kenya, Uganda and the United Republic of Tanzania. The Protocol was then adopted and signed on 3rd December, 2010. Kenya has ratified the Protocol.

95. A common foreign and security policy as per Article 123 of the East African Treaty and related provisions provides a platform for the envisaged political federation of the Community and common foreign and security policy.The EAC Heads of State have now agreed on a political confederation model. Regional integration is a fundamental pillar

in Kenya's foreign policy to political stability for development through trade. Consequently, Kenya has been prompt in ratifying decisions by the EAC Partner States.

96. In an increasingly globalised 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 and adopt common positions.

97. 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.

98. Kenya has made great progress in the realization of its foreign policy and host Country obligations. Currently 119 Missions, 34 Consulates are hosted in the country, while 36 Non-Resident High commissions and Embassies are accredited to Nairobi. To expand global outrmah, Kenya has opened its doors to various international Organisations and 24 UN Agencies.

99. The Ministry of Foreign Affairs is the implementing Organ of Government for the above mentioned instruments and the executor of Kenya's foreign policy.

3.1.8 EAC Protocol on Priviledges and Immunities

100. The EAC Protocol on Privileges and Immunities was adopted by the EAC Partner States on 30th April, 2015. The Protocol aims to accord the community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international Organizations in the territories of the Partner States.

101. Recently, the National Assembly approved ratification of the Protocol on 11th October, 2017. The ratification process will be completed.

3.2 PEACE AND SECURITY

3.2.1 Geneva Conventions (Convention I to IV and Additional Protocols I, II and III)

102. 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.

103. Kenya has 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, 2012. The Geneva Conventions Act, 1968 incorporates portions of the 1949 Geneva Conventions into Kenyan law. Section 3 provides for the punishment of persons who commit, or are accessories to 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.

104. Kenya ratified the Geneva convention in 1966. Additional Protocols I and II were signed on 8th June, 1997. They were ratified on 23rd February, 1999. Additional Protocol III was signed on 8th December, 2005 and ratified on 28th October, 2013.

105. To ensure non-violation of International Humanitarian Law (IHL), 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. The Government has also established a national committee comprising of Government and relevant Humanitarian Organisations to co-ordinate implementation of obligations relating to IHL.

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

106. Kenya is a State party to the Chemical Weapons Convention (CWC) after ratifying it and entering to force in April 1997. The Convention entered into force on 29th April, 1997. As at December 2013, there were 190 States Parties to the CWC, 51 of which are from Africa.

107. Kenya is a State party to the Chemical Weapons Convention (CWC) after ratifying it and entering to force in April of 1997. As at December of 2017, there are 192 States Parties that have ratified the Convention, 52 of which are from Africa. One (1) State Party has signed but not ratified (Israel) while three (3) have neither signed nor ratified the Convention (Egypt, North Korea, and South Sudan).

108. The CWC is an international treaty which bans the development, production, acquisition, stockpiling, retention , transfer and use of chemical weapons, and also requires their timely destruction. Other objectives of the Convention are promotion of free trade in chemicals, international co-operation and exchange of scientific and technological information in the field of chemistry.

109. 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 (CWC) and ensure destruction of all chemical weapons (including chemical weapons abandoned outside the State parties territory).

110. The Organisation for the Prohibition of Chemical Weapons (OPCW), which is in The Hague, The Netherlands, oversees the implementation of the Convention. Kenya's Ambassador to The Netherlands is the Permanent Representative of Kenya to the Organisation.

111. Each State Party has a National Authority for the implementation of the Convention. The Government Chemist in the Department of Curative and Rehabilitative Services, in the Ministry of Health is Kenya's designated Focal Point on implementation of the Convention. Efforts to domesticate the Convention are ongoing through the development of the Chemical Conventions Bill.

112. Kenya is signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction. In addition, Kenya is a member to the International Organisations: Conference on Disarmament (CD), International Atomic Energy Agency (IAEA), Organisation for the Prohibition of Chemical Weapons (OPCW), and Comprehensive Test Ban Treaty Organisation

Preparatory Commission (CTBTO-PC). As a result of membership in these Organisations, Kenya protects her citizens and the environment from harmful effects of chemical weapons with international co-operation and assistance, as well as in capacitating the relevant institutions mandated with these issues.

113. Kenya receives technical assistance in the areas of nuclear, chemical and biological weapons technology and identification of weapons of mass destruction. This will ensure the availability of technical devices to security agencies and customs staff to assist such identification.

114. Kenya proposed review of the CWC at the Third Special Session of the Conference of Parties to the OPCW.

115. Kenya will actively participate at the Fourth Review Conference of the CWC that is scheduled for November 21st-30th, 2018. This will be through its participation as one of the Vice-Chairpersons from the African Group in the Fourth Review Conference Working Group.

116. 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.

3.2.3 Biological and Toxin Weapon Convention (BTWC)

117. 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.

118. Through the implementation of this Convention, Kenya has received support in capacity building in areas of biosciences such as handling of toxin material and support in capacity building at the universities. In addition, there has been 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 which includes, terrorist threats and pandemics. 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 is obliged not to in any circumstances develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons.

119. An Inter-Ministerial National Biological and Toxin Weapons Committee has been in place since 2009 to address issues relating to bio-security and weapons and to develop a comprehensive policy and legal framework.

120. Inadequate funds and technical capacity in matters relating to biosciences in the relevant Ministries and Research Institutions, management of biological and toxin weapons impacts on implementation of the Convention.

3.2.4 Comprehensive Nuclear Test-Ban Treaty (CNTBT)

121. Kenya ratified the Comprehensive Nuclear Test-Ban Treaty (CNTBT) on 30th November, 2000. However, the Treaty has not entered into force. Under the Treaty, 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.

122. The benefits of ratification of the Treaty are regional and international peace and security through information-sharing and participation in various initiatives by Member States. The Republic of Kenya is commited 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.

3.2.5 Treaty on the Non-Proliferation of Nuclear Weapons

123. 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. NWS are obligated to place all nuclear materials in peaceful nuclear activities under IAEA safeguards.

124. Kenya is a member of the 65 Nation Conferences on Disarmament and Non-Proliferation of weapons.It 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 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.

125. 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 deems denuclearization as an essential issue. In addition, Kenya recognises only positive use of nuclear energy such as infrastructural development in the energy sector.

126. As a participant in the Comprehensive Test Ban Treaty (CTBT), Kenya hosts two international monitoring stations under the trusteeship of the CTBT Organisation 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 three hundred and twenty one (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.

3.2.6 African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)

127. Kenya became a State Party to the Treaty on 24th May, 2007. It entered into force on 15th July, 2009. 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.

128. 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.

129. Through the treaty, African States seek to ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed in any of the countries on the continent or associated islands. In strengthening the global non-proliferation regime, it provides for the promotion of cooperation in the peaceful use of nuclear energy, requires complete nuclear disarmament by African States and enhances both regional and global peace and security.

130. Kenya is required to take appropriate legal and administrative measures to prevent and punish any prohibited activity by either individuals under its jurisdiction or control. The legal measures include imposition of penal sanctions. Administrative measures, such as changes in military doctrine, operating procedures and the notification of Organisations involved in the development, production and transfer of arms, may also be required to ensure that violations do not occur.

131. Kenya is in the process of developing the appropriate legal framework on Nuclear Radiation and Safety to support implementation of the Treaty.

132. As a member of the African Nuclear-Free-Zone Treaty, Kenya's supports the complete denuclearization of the globe.

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

133. 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. 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.

134. At the First Committee of the UN General Assembly's debate in 1966, Kenya supported the principle that international law prohibits the use of chemical weapons as a result of the 1925 Geneva Gas Protocol. Kenya reiterated this position in 1987 and supported of the object and purpose of the 1993 CWC at the First Conference of States Parties to the CWC in 1997.

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

135. 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.

136. Kenya is a member of the African Standby Force Military programme and the Peace making and Post-conflict reconstruction initiative. It has been at the forefront of peace diplomacy in inter-African conflicts and stands to gain in various ways the dividends of peace and security.

137. 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 conflicts in the region. Kenya sent its troops to Somalia to help fight the Al Qaeda-affiliated extremist group Al Shabaab, and other terrorist groups, with the aim of establishing peace and security in the African continent, and lobbied for the integration of Kenya Defense Forces (KDF) into AMISOM, elevating AMISOM's mandate from peace keeping to peace enforcement.

138. Kenya hosted the Peace and Security Council 455th Meeting at the Level of Heads of State and Government on 2nd September, 2014, on the prevention and combating of terrorism and violent extremism in Africa.

139. Kenya was elected to the Peace and Security Council of the AU during the 26th Ordinary Session of the Assembly in 2016. This provides an opportunity to influence the decision making process on initiatives that consolidate peace, rehabilitation and governance on the continent.

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

140. The EAC Protocol on Defence was adopted by the EAC Partner States on 28th April, 2012. It entered into force on 19th November, 2015 after ratification by all the EAC Partner States. The Protocol obligates the Government to enhance collective efforts to promote peace, security and stability within the region.

141. The Governments of Kenya, Uganda and Rwanda have since entered into a Mutual Defence Pact on the 20th February, 2014. The instruments of ratification have been deposited with the AU Secretariat and the UN in New York. The Pact is open to other willing members of the East African region to accede.

142. For implementation purposes of the Protocol, Kenya has been cooperating with other EAC Partner States in: Military Training, Joint Operations, Technical Cooperation, Visits and Exchange of information, Liaison in Military Affairs and Exchange of Military Instructors and Directing Staff to Defence Staff Colleges. In 2016, the Partner States Organized for the 11th edition of Military Games and cultural Event in Bujumbura, Burundi. The event is aimed at enhancing co-operation and spirit of comradeship amongst armed forces of the EAC to promote co-operation in the Defence forces. The Defence forces also organized an EAC Military and Cultural Event, 2016 in Kigali, Rwanda.

3.2.10 UN Optional Protocol on Involvement of Children in Armed Conflict

143. The Protocol was adopted on 30th November, 1999 and entered into force on 12th July, 2002. Kenya ratified the Protocol on 28th January, 2002.

144. The Protocol ensures protection of children from being recruited to serve in Government Armed Forces or any other forms of military engagement. The Protocol outlaws recruitment of children to serve in conflict areas as Armed Forces or any other forms of military engagement. Implementation of the Protocol ensures that persons under 18 years are not recruifted to serve in armed forces but are allowed to enjoy their rights as children.

145. Implementation of the Protocol ensures that persons under 18 years who are vulnerable by virtue of their age are not recruited to serve in armed forces. They are able to enjoy their rights as children and attend school. Poverty and unemployment leads children to the risk of being recruited into outlawed groups like the *Al-* Shabaab. Africa has seen proliferation of recruitment of child soldiers which is an international crime. Poverty and unemployment places children at the risk of being recruited into outlawed groups.

146. The Protocol is being implemented through various measures which are anchored under Article 53 of Constitution of Kenya. The Government has put in place, initiatives to protect children in areas prone to cattle rustling and militia activities in volatile borders. Some of the initiatives include, enhancing security, disarmament programs in cattle rustling areas and peace and reconciliation initiatives.

147. The Children Act, 2001 obligates the Government to provide protection, rehabilitation care, recovery and re-integration into normal social life for any child who may become a victim of armed conflict or natural disaster.

148. In Kenya, a child is considered to be any person below 18 years thus the Kenya Defence Forces only recruits persons above the age of 18 years and this is also reflected in the Kenya's LOAC Manual (1997).

3.2.11 UN Convention against Transnational Organized Crime (2000)

149. The Convention was adopted on 15th November, 2000 and entered into force on 16th June, 2004. Kenya ratified the Convention on 9th June, 2003. The Convention aims at formulating policies and laws and enforces them to eliminate all forms of transnational organized crime.The Convention aims at formulating policies, laws and their enforcement to eliminate all forms of transnational organized crime.

150. Kenya stands to benefit from training and technical assistance to strengthen its capacity to address organized crime. It also offers a framework for preventing and combating organized crime and a platform for cooperating with other state parties.It has given Kenya access to a new framework for mutual legal assistance and extradition as well as a platform for strengthening law enforcement cooperation. Organized crime transcends national boundaries. The Convention offers a framework for preventing and combating organized crime and a platform for cooperating with other State parties through technical assistance, mutual legal assistance and extradition as a platform for strengthening co-operation in law enforcement. Kenya can seek mutual legal assistance and extradition as a platform for strengthening law enforcement cooperation.

151. In meeting the objectives of the Convention Kenya has enacted the Counter-Trafficking in Persons Act, 2010. The implementation of the Convention has been derailed by the following challenges, porous borders make it easy for criminals to cross, proliferation of small arms and corruption among law enforcers. The Counter-Trafficking in Persons Advisory Committee has been operationalized within the

Ministry of Labour, Social Security and Services. Kenya has domesticated the Convention through the Counter-Trafficking in Persons Act, 2010 which prohibits human trafficking. A Counter-Trafficking in Persons Advisory Committee was launched on 8th July, 2014 and is operational. The National Assistance Fund for Victims of Trafficking in Persons has been established to fight human trafficking. The Government established a Steering Committee in 2015 to review the existing framework on adoption and streamline adoption of children in the country.

152. The Government launched the National Plan of Action 2013-2017 for combating human trafficking in 2013. Further, the country has embarked on capacity building and training activities for the prosecutors, immigration and registration of persons department and the National Police Service. There is increased public awareness on human trafficking. The Government has also developed National Referral Mechanism (NRM) Guidelines to assist stakeholders in referring potential victims of trafficking to services.

153. The Government has developed new policies for Kenyans seeking employment abroad to ensure that their work contract comply with specific standards set within the law. Revocation of all accredited certificates issued to private employment recruitment agencies to better regulate overseas labour recruitment.

154. Ivory trafficking is a serious international crime as it involves organized criminal cartels. It threatens Kenya's economy, security, and future aspirations. The implementation of the Convention has been derailed by challenges that make it easy for criminals to cross our borders, proliferation of small arms and corruption among others.

155. To combat ivory trafficking, Kenya is among 25 African countries that adopted a declaration demanding a total ban on ivory trade worldwide. The countries, through the 6thAfrican Elephant Coalition meeting in Cotonou, Benin on 4th November, 2015, called for immediate and decisive action to eliminate ivory trafficking.

156. The Cotonou Declaration aims to strengthen collaboration between member States to secure the highest possible protection for all African elephant populations under international law through re-listing all African elephants as most endangered. The coalition also discussed other threats to elephants, particularly human-elephant conflict, as well as the difficulties member States face against determined and well-armed poachers, and in enforcing laws to combat poaching and ivory trade.

3.2.12 International Convention for the Suppression of Terrorist Bombings

157. The Convention was adopted on 15th December, 1997 and ratified on 16th November 2001.

158. The objective of the Convention is to enhance international cooperation among States in devising and adopting effective and practical measures for the prevention of the acts of terrorism, and for the prosecution and punishment of their perpetrators. State Parties are required to establish jurisdiction over and make punishable, under their domestic laws, the offences described, to extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences, and to assist each other in connection with criminal proceedings under the Convention. The offences referred to

in the Convention are deemed to be extraditable offences between Parties under existing extradition treaties and the Convention itself.

159. To implement this Convention, the Government has established the Anti-Terrorism Police Unit under the Directorate of Criminal Investigations to undertake investigations on Terrorism. Further, a National Counter-terrorism Centre has been established for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.

160. Inadequate technical capacity in detecting and suppressing terrorist bombings and low public awareness are some of the challenges encountered in the suppression of terrorist bombings. It is thus recommended that the capacity of Counter-terrorism agencies be developed, to effectively detect and suppress terrorist bombings, and create public awareness in the fight against terrorism.

3.2.13 International Convention for the suppression of Acts of Nuclear Terrorism

161. The Convention was adopted on 13th April, 2005. Kenya signed it on 15th September, 2005 and ratified on 13th April, 2006.

162. The Convention aims to criminalize acts of nuclear terrorism and to promote cooperation between the National Police Service and the Judiciary to prevent, investigate and punish those acts. The Convention covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors, covers threats and attempts to commit such crimes or to participate as an accomplice. It further stipulates that the offenders shall either be extradited or prosecuted; encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and, deals with both crisis situations, assisting States to solve the situations and post-crisis situations by rendering nuclear material safe through the International Atomic Energy Agency (IAEA).

163. The Government has established an Anti-Terrorism Police Unit and the National Counter Terrorism Centre which are responsible for coordination for national counter terrorism efforts in order to detect, deter and disrupt terrorism acts. There is need to improve the technical capacity of the Units through capacity building programmes.

164. The Financial Action Task Force (FATF) is a global body that is universally recognized as the international standard setter for anti-money laundering and combating the financing of terrorism policies and standards. The international standards are referred to as the 40 Recommendations on Anti-Money Laundering, Combating the Financing of Terrorism and Proliferation. FATF Recommendation 29 requires countries to establish a Financial Intelligence Unit (FIU) which shall be a central, national agency responsible for receiving, analyzing and disseminating disclosures of financial information.

165. The Financial Reporting Centre (FRC), Kenya's Financial Intelligence Unit is established under Section 21 of the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA). The FRC is an independent body whose principal objective is to assist in the identification of the proceeds of crime and combating money laundering and terrorism financing. The other objectives of the FRC are to:

- Make information collected by it available to investigating authorities and supervisory bodies to facilitate the administration and enforcement of the laws of Kenya;
- Ensure compliance with international standards and best practice in anti-money laundering measures. In this regard the FRC has oversight over Reporting Institutions for AML purposes. It however works closely work with other Supervisory bodies to implement and enforce compliance with POCAMLA;
- Exchange information on money laundering activities and related offences with similar bodies in other countries.

The Functions and powers of the FRC include:

(a) Receiving, analysing and interpreting, Suspicious Transactions Reports; Cash Transaction Reports; Currency Declaration Reports; Reports of unusual or suspicious transactions made by reporting institutions or disclosed to the FRC pursuant to the Prevention of Terrorism Act,2012; and, any additional or other information disclosed to it and obtained by it under POCAMLA.

(b) Disseminating financial intelligence reports to law enforcement authorities, intelligence agency and any other appropriate supervisory body for further action.

(c) Inspection of reporting institutions to ensure compliance with the provisions of the POCAMLA.

(d) Formulation of Anti-Money Laundering (AML) policies and regulations.

(e) Compilation and analysing of data (statistics and records) from the market and making recommendations arising out of any information received.

(f) Issuing guidelines to reporting institution and where necessary rendering advise to Government departments on AML/CFT matters.

(g) Designing training requirements and provision of such training to reporting institutions in respect of transactions, record-keeping and reporting obligations in accordance with the provisions of POCAMLA.

(h) Creating and maintaining a database of all suspicious transactions reports and any other related Government information.

(i) Sharing of information relating to money laundering with any foreign financial intelligence unit or appropriate foreign law enforcement authority.

(j) The FRC has the mandate of creating public awareness on AML.

166. Additionally, the Prevention of Terrorism Act, 2012 (POTA) mandates the FRC to assist in combating terrorist financing by requiring financial institutions to report to the FRC information on property or accounts owned or controlled by or on behalf of a terrorist group or specified entity.

167. On April 12, 2012, the Anti-Money Laundering Advisory Board (AMLAB) approved the immediate operationalisation of the Financial Reporting Centre (FRC). Towards this end, 15 members of staff were initially seconded from the Central Bank of Kenya, the National Police Service and the Office of the President (National

Intelligence Service) to assist with its set-up and operationalisation and to put in place appropriate structures and mechanisms to make the FRC fully functional.

168. In October 2016, the Cabinet Secretary of the National Treasury approved the FRC's structure, terms and conditions of service in accordance with section 31 (1) of POCAMLA. The first Director General of the FRC was appointed in July 2017 and the FRC is now in the process of recruiting new staff. The FRC is also in the process of upgrading its ICT infrastructure to enhance its operations.

169. The core mandate of the FRC is to receive and analyse Suspicious Transaction Reports (STRs). Since its operationalisation in 2012, the FRC has seen a steady rise in the number of STRs from Reporting Institutions from a low of 34 STRs in 2012, to 2662 STRs in 2017. The increase in STRs is attributed to amongst others, increased awareness and compliance by reporting entities following measures instituted by the FRC including, training of compliance officers, holding of sensitisation seminars with both reporting institutions and regulatory bodies.

170. FATF recommendation 29, requires Financial Intelligence Units (FIUs) to be members of the Egmont Group of FIUs. The FRC in meeting this requirement and as part of its efforts in become a leading and world class financial intelligence unit meeting the international standards has applied for Egmont membership.

171. The operations of the Centre are funded by the exchequer.

3.2.14 International Convention for the suppression of the Financing of Terrorism

172. The Convention was adopted on 9th December, 1999. It was signed on 4th December, 2001 and ratified on 27th June, 2003.

173. The Convention aims at enhancing international co-operation among States in devising and adopting effective measures for the prevention of the financing of terrorism, and its suppression through the prosecution and punishment of its perpetrators. The speed and ease with which funds can be moved within the international financial system allows terrorists to move funds efficiently and effectively and without detection between jurisdictions. Thus, continuous monitoring of transactions and scrutiny of the sources of funds is critical to identifying and establishing patterns that may indicate possible financing of terrorism.

174. To fight terrorism and ensure security for all Kenyan citizens, the Central bank of Kenya (CBK) has issued guidelines to commercial banks aimed at detecting and stopping finances to terrorist organisations and activities. Additionally, the NGO Board deregistered NGOs for failing to comply with the relevant provisions of the law and security concerns relating to their activities. The bank accounts of affected NGOs are frozen and work permits revoked for some foreign employees.

3.2.15 International Convention against taking of Hostages

175. The Convention was adopted on 17th December, 1979. Kenya ratified it on 8th December, 1981.

176. The Convention aims at developing international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international

terrorism. It applies to the offense of direct involvement or complicity in the seizure or detention of, and threat to kill, injure, or continue to detain a hostage, whether actual or attempted, in order to compel a State, an international inter-Governmental organisation, a person, or a group of persons to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.

177. The Government has enacted the Prevention of Terrorism Act, 2012 which makes kidnapping and hostage taking an offence. It has also established the National Counter-Terrorism Centre and the Anti-Terrorism Police Unit to among others detect, deter and disrupt kidnapping and taking of hostages.

3.2.16 OAU Convention on the Prevention and Combating of Terrorism

178. The Convention was adopted on 1st July, 1999 and entered into force on 6th December, 2002. It was signed on 10th December, 2001, ratified on 28th October, 2001, and deposited on 10th December, 2001.

179. The OAU Convention on the Prevention and Combating of Terrorism requires Member States to review their national laws and criminalize terrorist acts and make such acts punishable by appropriate penalties. It also obligates Member States to consider, as a matter of priority, the signing or ratification of, or accession to, international instruments relating to terrorism which have not yet been signed, ratified or acceded to. Member States are also required to enact legislation that criminalizes terrorist acts and make such acts punishable by appropriate penalties. Member States are obligated to notify the Secretary General of the AU of all the legislative measures taken and the penalties imposed on terrorist acts. The AU Peace and Security Council oversees the implementation of the Convention.

180. The Prevention of Terrorism Act, No 30 of 2012 establishes jurisdiction over terrorist acts committed in Kenya as well as conspiracy to commit terrorist acts outside Kenya by Kenyan nationals or vessels flying the Kenyan flag.

181. Challenges encountered in implementing this instrument include complacency among law enforcers and porous borders which make it easy for terrorists to cross.

182. CCTV cameras have been installed in strategic areas to boost security and deter terrorist activities. The Government is constructing a perimeter fence along the Kenya-Somali border and has also been conducting crackdowns in places perceived to be recruiting the youth to join terrorist groups.

3.2.17 EAC Peace and Security Protocol

183. The Protocol was adopted on 15th February, 2015 and Kenya signed on the same date. The National Assembly approved ratification of the Protocol on 23rd March, 2017 and the process of ratification will be completed.

184. Under Article 124 of the Treaty Establishing EAC, Partner States agreed that peace and security are prerequisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. The Protocol identified over 20 objectives for fostering regional peace and security. These include combating terrorism and piracy, peace support operations, prevention of genocide, disaster management and crisis response, management of refugees, control

of proliferation of small arms and light weapons and combating transnational and cross-border crimes.

185. In implementing the Protocol, the Government has established the Anti-Terrorism Police Unit, undertaken modernisation of the National Police Service through purchase of modern equipment and machinery, capacity building and employment of additional security personnel. The Government has also among others established a National Disaster Management Unit and a Border Management Control Unit.

3.2.18 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

186. The Protocol was adopted on 21st April, 2004. Kenya signed it on the same date and ratified it on 6th September, 2005. A Kenyan diplomat, Amb. Zachary Muburi Muita, is the Executive Secretary for the organization. Within the framework of the ICGLR, Kenya is engaged and supports peace in the Great Lakes region.

187. The Protocol was adopted to prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region, prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region, promote and facilitate information sharing and cooperation between the Governments in the sub-region, as well as between Governments, inter-Governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons, promote cooperation at the sub-regional level as well as in international fora to effectively combat profileration of small arms and light weapons.

188. In addition, the Protocol encourages collaboration of partners, accountability, law enforcement, efficient control and management of small arms and light weapons held by State Parties and civilians.

189. Kenya is a part of the UN Programme of Action on SALW-2001 and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000).These efforts are aimed at transforming the region into a peaceful zone to realize development.

190. The process of marking firearms is on-going and a Policy on Small Arms and Light Weapons has been developed. Procurement of border entry and exit points scanners, metal detectors and screening facilities is envisioned in the long term. These activities are overseen the National Small Arms and Light Weapons Board. It is imperative to acquire canine sniffers and dog handlers at border points.

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

191. This Strategy provides for co-operation and co-ordination of border management actors at all levels. It also provides for capacity building through institutional reforms, acquisition and proper use of modern technology, and continuous training of personnel based on the needs and changing nature of African borders. Inclusion and active involvement of local communities in the management of borders is also encouraged.

192. Kenya has created a Secretariat on Border Management Control in the Ministry of Interior and Co-ordination of National Government to enhance border management along our borders.

193. Cross border co-operation and harmonisation of policies will lead to improved vigilance on border security and 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 and intelligence to reduce threats related to immigration.

194. Implementation is hampered 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.

195. Border patrol, administration and border survey units have been launched and operationalized. There has also been cross border consultative meetings among security agencies, CEWARNs and National focal points. Continuous and select training of personnel at the HPSS/IPSTC on border control is being enhanced and use of development/peace dividends along cross border areas in co-option of community members is on-going.

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

196. The Protocol was adopted on 9th January 2002. It entered into force on 1st August 2003.

197. The objective of the Protocol is to promote regional peace, security and stability. It also creates mechanisms for the prevention, management and resolution of inter and intra-State conflicts through dialogue, enhance regional co-operation, and to eliminate all forms of threats thereto.

198. CEWARN was established in 2002 to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region; undertake and share analyses of that information; develop case scenarios and formulate options for response; share and communicate information analyses and response options; carry out studies on specific types and areas of conflict in the IGAD region.

199. CEWARN undertakes livelihood projects to enhance communal resilience and to promote peace along border areas of Kenya and the Horn of Africa countries.

200. Kenya has benefited from exchange of information with member States on conflicts in the region through the 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.

201. As a member of IGAD, Kenya is obligated to contribute resources to CEWARN and to disseminate information to the authorized networks.

3.2.21 Protocol on Combating Drug Trafficking in the East African Region

202. The Protocol was adopted and signed by Kenya on 13th January 2001.

203. This Protocol seeks to combat drug trafficking and eradicate the use of narcotic drugs and psychotropic substances in the EAC region. As a party Kenya is obligated to promulgate enabling domestic legislation to eradicate narcotic drugs and psychotropic substances in the region and offer mutual legal assistance to other States in the investigation and prosecution of illicit drug trafficking.

204. NACADA works with different partners and stakeholders through campaigns to boost knowledge of drug and substance abuse. In collaboration with international partners it has been able to intercept large drug hauls. NACADA has also been active to ensure that alcohol production, distribution, sale, trafficking, promotion and consumption is controlled as well as ensuring that the production of illicit brews is curbed.The review of the Alcoholic Drinks Control Act, 2010 is ongoing with a view of enhancing the prevention, control and mitigation of alcohol and drug abuse in Kenya.

205. The EAC Partner States have developed Standard Operating Procedures for jointly combating transnational organized crime for the EAC Peace and Security sector targeting Human and Drug Trafficking amongst other serious crimes. The first set of procedures developed is: Stop, Search, Arrest and Detention Procedures. Implementation of the Protocol is hampered by lack of harmonization of Partner States legislation relating to Drug/Narcotics abuse, porous borders and corruption.

206. Kenya has developed legislation to combat drug trafficking, alcohol and substance abuse. These include the Alcohol Drinks Control Act, 2010, Compounding of Portable Spirits Act, (Cap 123), Tobacco Control Act, 2007, The Use of Poisonous Substances Act (Cap 245), the Pharmacy and Poisons Act (Cap 244) and the Narcotic Drugs and Psychotropic Substances (Control) Act (2007).Conclusion of the ongoing review of the Alcohol Drinks Control Act, 2010 will impact all the above Acts.

207. The Government has also undertaken stringent measures to combat drug trafficking. These include zero tolerance to drug trafficking, establishment of anti-narcotics unit, seizure and destruction of drug related carriers, identification, prosecution and extradition of drug offenders, acquisition of modern equipment and training of security personnel.

3.3 HUMAN RIGHTS

3.3.1 Universal Declaration on Human Rights (UDHR)

208. The UDHR was adopted on 10th December, 1948. It entered into force in 1976. Kenya acceded to the UDHR on 31st July, 1990. State Parties are to ensure that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs.

209. Governments commit themselves to progressive measures which secure the universal and effective recognition and observance of the human rights of their people as set out in the Declaration.

210. Chapter Four of the Constitution of Kenya, 2010 stipulates the Bill of Rights based on the principles of international human rights law and other international human rights

instruments such as the Universal Declaration of Human Rights (UDHR), International Convention on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights(ICCPR).

211. The Constitution of Kenya 2010 also has progressive provision on human rights and respect for human life which include protection of all citizens from all forms of discrimination on any grounds and like the UDHR it recognises that all human beings are born free and equal in dignity and rights. These rights extend to persons detained or held in custody.

212. The Constitution establishes the Kenya National Human Rights Commission to promote a culture for respect of human rights. It also recognises the role of Non-Governmental Organisations which champions respect for Human Rights.

213. The Judiciary has been empowered to handle cases of human rights violation.

214. The Kenya Prisons Service has included human rights training in it's curriculum. While reviewing its legislations (Prisons Act Chapter 90 and Borstal Institutions Act Chapter 92), provisions which violated human rights for prisoners and officers were reviewed. Cases of human rights violations have reduced in penal institutions. Officers and prisoners are now treated with human dignity.

215. The Government is currently implementing the Persons Deprived of Liberty Act, 2014 pursuant to Article 51 of the Constitution. The Power of Mercy Committee has been operationalized. In 2016, the President on the recommendation of the Committee exercised his power of clemency and pardoned a number of prisoners.

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

216. The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN General Assembly on 19th December, 1966 and entered into force on 23rd March, 1976. Kenya acceded to ICCPR on 1st May, 1972. The objective of the covenant is to ensure that recognition of the inherent dignity, equality and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

217. Since the accession to the ICCPR by Kenya, there have been significant changes to the legal environment in Kenya including but not limited to the promulgation of the Constitution of Kenya, 2010. It provides for an elaborate legal, policy and institutional framework to ensure substantive protection and promotion of civil and political rights.

218. The Judiciary has also taken an active role in ensuring the domestication of provisions of the ICCPR. In 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.

219. Under Article 40 of the ICCPR state Parties to the Covenant must submit periodic reports as 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. 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.

220. 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. 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.

221. Kenya has submitted and defended three reports to the Committee since it acceded to the Covenant. The fourth report has been prepared and is ready for submission. The report highlights progress made in the implementation of the rights under the treaty since the last report.

222. The legislative framework to implement ICCPR includes the Legal Aid Act, No. 6 of 2016, Matrimonial Property Act, No. 49 of 2013, Marriage Act, No. 4 of 2014, the Person Deprived of Liberty Act No. 23 of 2014, the Victim Protection Act, No. 17 of 2014, the Prohibition of Female Genital Mutilation Act, No. 32 of 2014. Policy measures undertaken include the National Policy and Action Plan on Human Rights and the Kenya National Social Protection Policy. Further there has been an increase in the number of judges thus improving access to justice and the administration of justice.

223. There are challenges in implementing the Covenant which include difficulty in accessing data, particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies and delays in the enactment of some laws such as the Prevention against Torture Bill. As such, there is need to establish a system of compiling national statistics in disaggregated form relevant to the monitoring of the implementation of the various human rights treaties that we are a State party to. The National Legal Aid Service Board needs to 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.

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

224. ICESCR was adopted by the UN General Assembly on the 16th December, 1966 and entered into force on the 3rd January, 1976. Kenya became a State party to the ICESCR on the 1st May, 1972. The Covenant guarantees people their economic, social and cultural rights. The rights are founded on a belief that we should enjoy our rights, freedoms and economic justice.

225. The Constitution, recognises the Bill of Rights as an integral part of Kenya's democratic State. Article 43 forms the framework for Economic, Cultural and Social rights. It gurantees access to health care, adequate and affordable housing, food, water, education and social security for all citizens.

226. Article 16 of the Covenant obliges all State Parties to submit reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized under the Convention. The monitoring body of the ICESCR is the United Nations Committee on Economic, Social and Cultural Rights. Kenya presented

her 2nd to 5th report on the ICESCRs to the UN Committee on Economic, Social and Cultural Rights in February 2016.

227. Kenya has undertaken policy and legislative measures to progressively implement the rights recognized under the Covenant. These include its commitment to achieve universal health coverage, expenditure on education has been increased through provision of free compulsory primary school education, free day secondary school education, adult learning and e-learning program for primary schools is being progressively rolled out. From 2018, the Government is distributing free text books to all public schools.

228. Kenya distributed relief food amounting to KSh. 8.5 billion. This food was distributed to 3.5 million people in 130 sub-counties in the 23 ASALs counties. At the height of drought, the Government developed a cash transfer programme dubbed '*Chakula Kwa Jamii*' for the most affected households, 259,669, where a further KSh. 2.2 Billion was distributed via mobile money transfer.

229. The Government also partnered with rehabilitation centers and rescued street children and youth (4500 boys, 1500 girls) and placed them in care institutions/families to undergo rehabilitation for subsequent reintergration.

230. The Government implemented a cash/food for asset programme at a cost of KSh. 165 Million underwhich 720,000 people in ASALs counties benefitted.

231. The Government implemented the Hunger Safety Net Programme. (HSNP) through cash transfers amounting to KSh. 4.96 Billion to 100,000 poor households in four arid counties of Turkana, Marsabit, Wajir and Mandera. An additional 260,000 households were provided with cash transfers amounting to KSh. 1.3 Billion under the Scalability Programme to enable to purchase food at the height of the drought.

232. Further, a free maternal health care policy is in place and being implemented. Poverty eradication has since been prioritised and the mechanisms used to address this includes: the Poverty Reduction Strategy Paper (PRSP); Vision 2030, MTP 1 and 2 and the National Poverty Eradication Plan (NPEP). The Marriage Act, 2014 and the Matrimonial Property Act, 2013 have made impressive gains in securing women's access to matrimonial property during and after the marriage. The Asian minority, the Makonde and the Nubian communities have since been recognized by the government and given the citizenship status.

233. Youth, women and persons living with disabilities have been empowered through Affirmative Funds and by granting them thirty percent of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative. The Government has introduced Chakula Kwa Jamii program whereby cash is transferred to vulnerable persons in the Arid and Semi-Arid areas. As part of Social protection programme, the Government has introduced Older Persons Cash Transfer Programme (OPCTP) for persons over 70 years old. The Government is also providing relief food to those under threat of starvation. A revolving fund to take care of food insecurity is in the process of being established. The Government has embarked on an elaborate plan to build dams in various parts of the country with a view of enhancing food security.

234. 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 lack of disaggregated data to effectively monitor how these rights are implemented.

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

235. 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.

236. Article 9 of the ICERD obliges State Parties 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. The implementation of the ICERD is monitored by the Committee on the Elimination of Racial Discrimination.

237. Kenya submitted its 5th – 7th periodic reports in 2014 covering the period 2011-2014. The updated report was presented to the Committee in May 2017. The report highlights policy and legislative measures that the country has taken to implement the rights as recognized in the Convention.

238. Policy measures include the diversity Policy for the public Service that provides strategies for ensuring an inclusive public service that takes care of interests of diverse Kenya communities including on gender, ethnicity, youth, persons with disabilities, minority and marginalized groups. The National Safety Net Programme is in existence and guarantee social protection for the most vulnerable groups hence enabling them to meet basic human needs.

239. The HIV and AIDs Prevention and Control Act, 2006 also prohibits discrimination on the ground of one's actual, perceived or suspected HIV status. The Act expressly prohibits discriminatory acts and policies in the workplace, learning institutions, 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. The Act criminalises any acts of discrimination based on HIV/AIDS status.

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

240. This Convention was adopted by the General Assembly of the UN on 10th December, 1984 and entered into force on 26th June, 1987. Kenya became a State party to the Convention on 21st February, 1997. The Purpose of the Convention is the recognition of the equal and inalienable rights of all members of the human family. Its objective is to prevent torture and other cruel, inhuman or degrading treatment or punishment. State Parties are obliged to promote universal respect for, and observance of human rights and fundamental freedoms and ensure that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Kenya guarantees these rights under the Constitution.

241. Implementation of the Convention by States is monitored by the UN Committee against Torture.

242. The third periodic country report to the CAT was submitted by Kenya in May 2017. The UN Committee against torture submitted a list of issues whose responses will constitute the third report of Kenya on CAT.

243. Article 19 of the Convention require all States Parties to submit to the Committee against Torture (CAT) 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. The third periodic country report to the CAT was submitted in May 2017. The implementation of the Convention is monitored by the UN Committee against Torture.

244. 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. The Prevention of Torture Act, No.12 of 2017 provides the definition of torture in line with CAT and criminalizes torture and other cruel, inhuman or degrading treatment. The law provides stiff penalties for those convicted of offences and seeks to establish institutional mechanisms for the support and assistance of victims of torture.

245. Kenya has reviewed its legislations such as the Penal Code Cap 63, National Police Act, 2012, Prisons Act Chapter 90 laws of Kenya among others in order to embrace this instrument. The Government has also put in place mechanisms to sensitise relevant Government personnel on matters related to eradication of torture. Cases related to torture within Government facilities have substantially decreased due to enhanced sensitisation.

3.3.6 The African Youth Charter

246. The African Youth Charter was adopted during the 7th Ordinary Session of the conference of Heads of State and Government held on 2nd July, 2006 in Banjul, Gambia. Kenya ratified the Charter on 23rd January, 2014.

247. Its objective is to ensure constructive involvement of youth in the development agenda of Africa, their effective participation in the debates and decision-making processes about the development of the continent and empowerment of youth in key strategic areas that would not only provide the youth with necessary tools for livelihood but also stem the flow of Africa's most important resource to other parts of the world.

248. The African Youth Charter, provides governments, youth, civil society and international partners, with a continental framework, which underlines the rights, duties and freedoms of youth, with the main aim of paving the way for the development of national programmes and strategic plans for their empowerment.

249. Further, the African Youth Charter ensures 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, provide important guidelines that would provide the youth with necessary tools for livelihood and stem the

flow of Africa's most important resource to other parts of the world. It also outlines the responsibilities of youth to their own development and to their countries and continent.

250. African Union expects all member States to ratify the Charter and support the process of popularizing its provisions at national levels. Kenya is one of the 36 States that has ratified the Charter as of April 2014. There is need to fully devolve the Charter to the County and sub-county levels.

251. The realization of Kenya's Vision 2030 and the attainment of the Sustainable Development Goals (SDGs) 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, youth empowerment and development.

252. Kenya continues to disburse Affirmative Funds that include Youth Enterprise Fund (YEDF) ,Women Enterprise Fund (WEF), National Government Affarmative Fund (NGAAF) and UWEZO Fund. The Funds have given credit advances to youth groups,women and persons with disability in the 47 counties for empowerment, development programmes and projects to enhance entrepreneurial culture among the groups and create employment to the youth in the country.

253. Through Access to Government Procurement Opportunities (AGPO), youth, women and persons with disability have been trained in enterprenual skills and accesed funds under the innitiaties through government contracts. In addition, 480 Youth Development Officers have been employed and deployed to all ministries and in the 47 counties and all constituencies.

254. Kenya has developed macro-economic policies that focus on job creation for youth .The key projects includes; implementation of the Kenya Youth Employment and Opportunities Project (KYEOP) which entails development of strategies to increase youth employability under the period 2016-2021, Component 1; Formal training providers and master craftsmen have been identified and contracted to carry out the training and apprenticeship that targets 70,000 youth in the country and 35,000 youths with on- the-job-skills who lack documentation on their compentency will be assessed and given certificates.

255. The Labour Market Information System and Data Base for unemployed youth is being developed and strategies for implementation of programmes under the Kenya Youth Employment and Opportunities Project (2016-2021, Component 3) have been put in place in the Ministry of Public Service, Youth and Gender Affairs in collaboration with the Ministry of Labour.

256. 74,230 Youth Entrepreneurs trained on entrepreneurial skills and access to Affirmative Action Funds(National Government Affirmative Action Fund (NGAAF), UWEZO Fund, Youth Enterprise Development Fund (YEDF) and Women Enterprise Fund(WEF) in the country.

257. Kenya has also trained a total of 29,198 service men and women, out of which 7,934 were women, under National Youth Service programme from March 2017 to date. A total of 9,061 youths have made a transition from National Youth Service training to Technical Vocational Education Trainning (TVET) under the period. 9,177 youth were admitted to National Youth Service training in the month of September, 2017.

258. 1,200 youth are involved in peace building innitiative, conflict prevention and conflict resolution and promotion of intercultural learning and youth exchange programmes. County sensitization forums were held in six (6) counties namely; Bungoma, Kilifi, Mandera, Makueni, Nairobi and Kisumu to popularize Youth affirmative action funds and and inspire and promote spirit of unity and patriotism among the youth.

259. Kenya steered the UN negotiations that led to the adoption of the 2035 Sustainable Development Goals (SDGs) and hosted a series of Youth ICT Conference in the month of September, 2017 aimed at empowering the youth as per Article. 10 of the Charter and participated in the 9th Commonwealth Youth Ministers Meeting held from 31st July to 4th August, 2017 in Kampala, Uganda.

260. Kenya, through the Kenya School of Government (KSG), has continued to sensitize as well as provide training to the youth on leadership, especially at the University level in the areas of decision making, governance and leadership in accordance to Article 10 of the Charter.

261. The government has also carried out profiling of 118 Youth Serving Organisations to co-ordinate and enhance youth empowerement programmes in the country.

262. Government has carried out training and awareness creation on Access to Government Procurement Opportunities (AGPO) to over 74,000 youths in Kakamega, Garissa, Kirinyanga, Mombasa and parts of the contry.

263. Government has conducted a series of Immigration trainings for officers from the Republic of South Sudan with the aim of fostering region, in the spirit of promoting freedom of movement among the member states as per Article 11 of the Charter.

264. Challenges experienced include: inadequate infrastructure, technical human resource, and funds to roll out the programs in all the counties and constituencies to reach out to more youth.

3.3.7 Conventions on the Status of Refugees

265. Kenya is signatory to a number of international treaties applicable to individuals seeking asylum and protection. For instance, it acceded to the 1951 United Nations Convention Relating to the Status of Refugees on May 16, 1966, and its 1967 Protocol in 1981. Kenya is also a state party to the 1969 African Union (AU) (formerly known as the Organization of African Unity, OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which it signed in September 1969 and ratified in June 1992. In addition, Kenya acceded to the 1984 Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment in February 1997. Kenya has domesticated the Conventions through the Refugee Act of 2006. The Act established the Department of Refugee Affairs (DRA), whose responsibilities include receiving and processing applications for refugee status.

266. State Parties to the UN Refugee Convention and its 1967 Protocol are required to cooperate with the UNHCR in the exercise of its functions. State Parties are also obliged to inform the UN Secretary General about the laws and regulations adopted to ensure application of the Convention.

267. Eight Six per cent (86%) of the world's 22 million forced migrants and refugees are hosted in 10 developing countries including Kenya. Kenya hosts a large number of

refugees and asylum-seekers from the region and exceeded its obligations under the Conventions. The obligation of non-refoulment takes no account of the potential financial, social, political and environmental impact on the receiving country and the Convention places no requirement on burden sharing between States. The large number of refugees in Kenya has caused challenges to the country mainly heavy financial burden, health and security threats. Kenya is also experiencing overwhelming difficulty in continuing to host more refugees and asylum-seekers.

268. In 2015, Somalia, Kenya and the UNHCR concluded and signed a tripartite agreement for the repatriation of Somali refugees back to Somalia. In order to facilitate the repatriation of the refugees, the Government announced the closure of Dadaab Refugee Camp. The government established a National Multi-Agency Refugee Repatriation Team (NMARRT) to monitor and oversee the process of repatriation. To this end, thirty three thousand (33,000) refugees were repatriated as at 10th November, 2016. However it is worthy of note that the process of repatriation continues to be conducted in a voluntary, humane, safe and dignified manner in accordance with international law.

269. The Government established the Refugees Affairs Secretariat to be in charge of management of refugees and asylum-seekers in Kenya.The United Nations needs to upscale its support to host countries.

3.3.8 The UN Convention on the Rights of the Child (UNCRC)

270. The United Nations Convention on the Rights of the Child (UNCRC) entered into force on 2nd September, 1990 and Kenya ratified it on 30th July, 1990. The Convention ensures that children enjoy the rights guaranteed by the Convention without discrimination of any kind, in respect of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, ensuring the best interest of the child principle in all matters affecting children.

271. State Parties are obligated to take appropriate measures to ensure that the child is protected against all forms of discrimination or punishment.The Convention together with the African Charter on the rights of the Child recognizes a child as any person under the age of 18 years. It provides that the child has rights as any other human being on issues concerning a child and shall uphold the "Best Interests of the Child" as the key principle while dealing with matters affecting children.

272. The Convention obligates State Parties to uphold the "Best Interests of the Child" as the key principle while dealing with matters affecting children. Children enjoy human rights that includes survival, protection, development and participation. The Children's Act, 2001 provides for child rights and protection that includes; protection from harmful cultural practices, child abuse and neglect, child labour and free basic education as provided for under the Basic Education Act, 2013.

273. Under the Children Act, 2001, the penalty for acts of torture and other forms of ill-treatment of children are not commensurate with the gravity of the crimes as it provides for a penalty of imprisonment not exceeding twelve months or a fine of fifty thousand Kenya shillings or both.

274. Provisions of the Convention are entrenched under the Constitution, the Children's Act, 2001 and other legislations that includes the Sexual Offences Act, 2006 Employment

Act, 2007, Counter-trafficking Act, 2010 which protect the rights and welfare of children. The Employment Act, 2007 prohibits any form of child labour including worst forms of child labour.

275. 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". It also states that recruitment shall be 'entirely and genuinely voluntary". The government is therefore to "ensure" that those under the age of 18 are not recruited into the armed forces.

276. In an effort to implement the provisions of the Convention, the government has put 353,000 households under the cash transfer program for Orphans and Vulnerable Children.This is meant to cushion the children against poverty and to protect their rights.

277. Under the Presidential Busary fund, the government is paying school fees to 27,408 secondary school children from poor families as at December 2017.

278. Kenya joins the international community to celebrate; the World Orphans Day, International day of the Girl Child and the Day of the African Child in line with the Convention.

279. Kenya Children Assemblies (KCA) have been established in the counties and sub-counties to articulate children's issues with the three arms of government.This is to enhance child participation as enshrined under the Covention.

280. The Government has increased capitation grants to public schools and in particular special schools.

281. The Government has put 353,000 households under cash transfer program for orphans and vulnerable children.

282. The Government is also paying fees under Presidential Bursary for 22,000 Secondary School students from poor families.

283. National celebrations of the World Orphans Day is done ever year May.The Day of the African Child was celebrated in Bungoma country on 16th June, 2017. International Day of the Girl child was celebrated in various countries in November, 2016.

284. Kenya Children Assemblies have been established and operationalized in all the counties to enable voice their concerns. The 2017 National meeting was held in April, 2017 at Nationa Industrial Trainning Authority Machakos Country.

3.3.9 The Convention on Rights of Persons With Disabilities

285. Kenya ratified the UN Convention on Rights of Persons with Disabilities (CRPD) on 19th May, 2008.

286. The Convention on persons living with disabilities is aimed at ensuring that persons with Disabilities enjoy all the rights guaranteed under the Convention without discrimination.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.

287. The Convention obligates the Member States to maintain, strengthen, designate or establish within the State Party, an appropriate framework to promote, protect and monitor implementation of the present Convention. In doing so, Kenya is required to take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

288. Kenya has enacted the Persons with Disability Act of 2003 which came into force in June, 2004. The Act provides a legislative framework for access of services and inclusion of Persons with disabilities in all facets of life. It provides for equalization 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.

289. The Act also establishes the National Council for Persons with Disabilities. The mandate of the Council is among others to formulate and develop measures and policies designed to achieve equal opportunities for PWDs, recommend measures to prevent discrimination against PWDs, register persons with disabilities and institutions and organisations giving services to PWDs and raise public awareness on Disability.

290. The Convention is also being implemented through the National Policy on Disability to ensure that persons with various types of Disabilities are not discriminated and have access to public services. A Standing Committee comprising key stakeholders was put in place to monitor the implementation of the National Action Plan.

291. The Cash Transfer Programme for PWDs ensures support for people living with disabilities. Cash transfers to 47,000 households of persons with severe disabilities have been made. Mainstreaming of disability in various spheres of life is being undertaken.

292. The Convention is also being implemented through the policy of reserving 30% of Government procurement for PWDs, Women and Youth.

293. The government has put in place affirmative action measures to cater for the welfare of persons with disability. These include tax exemptions on income, extension of retirement age upto 65 years amongst others.

294. Kenya marked the International Day of Persons with disabilities on 3rd December, 2016 in Kwale County, and on the same date in Laikipia County in 2017.

295. Kenya presented a candidate and secured a position in the UNCRPD Committee of Experts in June 2016.

296. Besides the low awareness on the rights of persons with disabilities, mainstreaming of disability is slow due to the weak institutional frameworks and partnerships for effective management of disability issues.

3.3.10 Convention on Prisoners' Rights - The UN Standard Minimum Rules For The Treatment of Prisoners (UNSMRTP) – Mandela Rules

297. The treaty was adopted on 30th August, 1955 and approved on 31st July 1957. The standard minimum rules for treatment of prisoners was first adopted in 1955, revised in 2015 and adopted as the Mandela rules.

298. The Convention on Prisoners' rights provides that the State should ensure that the rights of prisoners are upheld, namely; the right to life, liberty, security, use of force,

protection against torture and any form of mistreatment, right to make complaints and requests among others. It further provides that rights for specific categories of prisoners such as female prisoners, prisoners awaiting trial, juveniles, civil prisoners, prisoners facing death penalty, aged, disabled, and prisoners with HIV Aids are upheld.

299. This treaty enables the Government to evaluate internal structures of implementation and identify areas of improvement in offender containment and rehabilitation. It further provides guidance for the Government to take legislative, executive and administrative actions necessary to give effect to the rights and fundamental freedoms recognised and guaranteed by this treaty.

300. The Management of correctional services is a mandate carried out by two technical Departments of the State Department for Correctional Services namely: the Kenya Prisons Service (KPS), and the Probation and Aftercare Services.

301. The Kenya Correctional Services has undergone enormous changes. Through the introduction of open door policy of the Kenya Prisons Service in the year 2000, the Service embraced the global paradigm shift from punitive to rehabilitative approach in the management and treatment of prisoners. This gave the public an opportunity to see what happens in prisons and also enabled the Service to address many challenges including decongestion, human rights, access to justice and improvement of the living conditions of its staff due to support from various stakeholders and criminal justice agencies.

302. Expansion of accommodation facilities of inmates and efforts to alleviate congestion in affected prisons are among obligations imposed on Kenya Prisons Service by the instrument. The construction of Vision 2030 flagship prisons was initiated in the first Medium Term Plan (MTP) and this include Kaloleni, Kwale, Vihiga, Rachuonyo, Mwingi and Nyamira and other high priority penal institutions established in Chuka, Maara, Marimanti, Kehancha, Sotik, Bomet, Loitoktok and Kamae Girls Borstal Institution to address the problem of congestion. Construction and refurbishment of existing facilities is ongoing.

303. The Kenya Prisons Service has a unique role in serving extremely vulnerable members of the community who are offenders in conflict with the law and placed in custody. The Kenya Prisons Service is also aware of the great potential for the violation of the legal and basic human rights of inmates under such circumstances. The Kenya Prisons has embraced legal and human rights matters in its reform program.

304. These measures include formation of a Directorate of Legal and Human Rights in the Kenya Prisons Service in 2009 with mandate to oversee respect for human rights, including provision of legal services to inmates who lack ability to engage legal representation. A Legal and Human Rights office has been established in all the major prisons in the country and hired additional Legal Personnel. A Departmental Human Rights Committee has been set up at the headquarters to monitor compliance.

305. Human Rights issues have also been integrated in the training curriculum at the Prisons Staff Training College (PSTC) and subsequent training of over 40 human rights officers.

306. The Kenya Prisons Service collaborates with the Kenya National Commission of Human Rights (KNCHR) and other human rights Organisations to monitor human rights standards in prisons. Probation and Aftercare Services has mainstreamed human rights

approach in their services by establishing a unit and forums for sharing best practices in offender management.

307. KPS has the obligation from the International and Regional Instruments to ensure regular review of the different pieces of existing legislation that govern the operations of the Prisons Service in order to conform to universally accepted standards for the treatment of offenders. The enactment of the Persons Deprived of Liberty Act, 2014 and Transfer of Prisoners Act, No. 22 of 2015 will enable Kenya to enter into bilateral arrangements for transfer of prisoners to serve sentences in their home countries.

308. Review of The Prisons Act, Cap. 90 and The Borstal Institutions Act, Cap. 92 to align them with the Constitution of Kenya is ongoing. The State Department of correctional services is in the process of developing the Kenya National Correctional Policy, Aftercare Policy and Aftercare Bill to address post penal needs of prisoners and to facilitate reintegration and resettlement of ex-offenders.

309. Kenya is obligated by International and Regional Instruments to ensure its Correctional Service, staff development and welfare is up to the required standards. Prison and Probation Officers are a cadre of professional staff with direct responsibility for the care and rehabilitation of inmates and offenders. A direct correlation exists therefore between the welfare of officers and the welfare of inmates.

310. Considerable progress in staff development and welfare in the Kenya Correctional Service has been made in the following ways; Scheme of Service for Uniformed Personnel in the Service was approved by the Public Service Commission in October 2014 and it is currently being implemented; Recruitment and capacity building to provide for Officer Cadets, Regulars, and officers with specialized training and skills; Salary and other remuneration are continually reviewed for improvement alongside other civil servants by relevant Government agencies; Construction of staff houses is ongoing and is being spearheaded by Ministry of Housing proposals are underway for the National Treasury to fund this project through the strategic intervention fund every financial year.

311. The Kenya Prisons Service (KPS) has an obligation to offer support to post conflict States with the main purpose of assisting them restructure and observe universal standards for treatment of offenders. This is done through mentoring, advising and planning. As a result KPS and Probation and Aftercare Services has achieved international recognition and acclaim. The Kenya Prisons Service is a UN preferred source of officers to serve in Peace Support missions around the world. An average of 50 officers served in the missions every year. These missions include Liberia, Sudan, South Sudan, Somali and DR Congo among others.

312. Kenya Prisons Service is a member of the African Correctional Services Association (ACSA) and International Corrections and Prisons Association (ICPA). These forums offer opportunity for Prisons officers to share experiences in best practice with other countries in the African region. It also participates in the EAC Sectorial Council on Peace and Security which is a platform for sharing experiences among Partner States and providing solutions to challenges in East Africa in regard to peace and security matters. The Service also participates in the Northern Corridor Integration Projects (NCIP) under Peace and Security Cluster.

313. The Service through the Department of Justice of the Office of the Attorney General submits periodic reports to various Committees in the United Nations (UN) and African Union (AU).

3.3.11 United Nations Rules for the Protection of Juveniles Deprived of Their Liberty National Gains

314. The Rules were adopted on 14th December, 1990 and entered into force on 2nd April, 1991.

315. The Kenya Prisons Service has established Borstal Institutions which contain and train youthful offenders. The young offenders are held separately from adults. The Government amended the Borstal Institutions Act to uphold children's rights under the Children's Act, 2001 and provide rehabilitation facilities for them. The construction of Kamae Borstol at Kamiti Prison for rehabilitation of youthful offenders is ongoing and is expected to be operational in the near future.

316. The Department has introduced formal and informal education for young offenders. However, inadequate facilities to hold young offenders and delays in expansion of the infrastructure hamper implementation. There is need for increased funding to expand facilities and further training of officers on how to handle this category of offenders. There is a Borstal Institutions Bill to review the Cap 92 Borstal Act as a legislative framework guiding the protection of juveniles deprived of their liberty.

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

317. Kenya signed the Rome Statute on 11th August, 1999 and ratified it on 15th March, 2005. The Rome Statute establishes the ICC which has jurisdiction to try war crimes, genocide, crimes against humanity and the crime of aggression. Kenya enacted the International Crimes Act in 2008 which domesticated the Statute.

318. 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 Government has been assisting and co-operating with the ICC whenever called upon to do so. However, the Government has maintained that requests by the Court have to be guided by the Statute.

319. 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.

320. Member States to the Rome Statute are required to punish international crimes. Kenya's obligations under the Statute require it to support any cases before the Court. The government also created a complementary institutional framework to ensure national prosecutions for serious crimes take place. In this light, an International and Organized Crimes Division within the High Court to deal with International Crimes has been established.

321. While Kenya continues to honour its obligations under the Statute, concerns regarding the selective administration of justice have been raised. The crimes that fall under the

Court's jurisdiction are not limited to Africa, yet Africa has been targeted, 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.

322. It is on this basis that the 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.

323. 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 Rights which was adopted in Malabo, Equatorial Guinea on 27th 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 ratification by fifteen countries, 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 Government is keen on ratification of the Malabo Protocol.

324. The 26th Ordinary Session of the AU Summit held from 30th – 31st January, 2016 noted the commitment of the AU and its Member States to fight impunity in accordance with the Constitutive Act of the AU. The AU Summit agreed on mass pullout from the Rome Statute should the UN and the Court continue to sideline and ignore the issues and concerns of the AU and its member States regarding the global administration of international criminal justice. To this end, the AU Member States developed a comprehensive exit strategy for collective withdrawal from the Court. An Open ended Ministerial Committee to follow up on this decision and seek all possible avenues to address the AU's concerns before the UN and the ICC was put in place by the Assembly of State Parties.

325. During the 14th Assembly of State Parties in 2016, Burundi, South Africa and The Gambia from Africa, Russia from Europe and the Philippines from Asia gave their intention to leave the ICC. These countries joined Kenya in sending a strong message concerning the Court's functioning. Burundi eventually followed through with its intention while the Gambia reversed its decision, promised to domesticate the Statute and support the Court. South Africa is yet to make good its threat to withdraw from the Court owing to domestic opposition to leave the ICC. No country announced withdrawal from the ICC at the 15th ASP. However, S. Africa reiterated her previous position that even though her judiciary nullified their withdrawal, She will commence the necessary domestic procedures which require change of law and amendment of the Constitution.

326. Ms. Margaret Shava, a Kenyan was elected to the Committee on Budget and Finance. Presentation of this candidature is consistent with the national position that Kenya values its membership of the ICC and is ready to chart a better relationship with the Court as long as long as the rule of law is applied equally .

327. During the 16th Session of the ASP, held on 4th-14th December 2017, in New York, a new President of the Assembly, Judge O-Gon KWON, of the Republic of South Korea, was appointed to take over from Mr. Sidiki KABA of Senegal. The ASP also appointed six (6) new Judges and members of the Committee of Budget and Finance (CBF), including Kenya's nominee Ms. Margaret Wambui Shava.

328. It should be noted that during the 16th Session of the ASP, the Assembly reluctantly adopted the activation of the Crime of Aggression. Kenya had earlier expressed her reservation to submit herself to the Court's jurisdiction on the Crime of Aggression and used its legal right to opt-out of the matter.

3.3.13 United Nations Standard Minimum Rules For Non-Custodial Measures (The Tokyo Rules)

329. The Tokyo Rules were adopted on 14th December, 1990 and entered into force on 11th July, 1991. The Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.

330. Majority of the judicial officers grant custodial sentences to petty offenders instead of utilizing the non-custodial sentences. This has in turn led to congestion of the prisons. There is need to sensitize all Judges and Magistrates on the importance of utilizing non-custodial sentences. Kenya has reviewed its Laws to embrace non-custodial measures instead of imprisonment.

331. Kenya has enacted new laws and policies such as the Bail and Bond policy and the sentencing policy. These include the Constitution of Kenya that requires that arrested persons are afforded the opportunity to be released on bail pending trial.

332. The implementation of the Community Service Order Act, 10 of 1998 has been hampered by lack of funds.

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

333. The principles were adopted on 9th December, 1988. The obligation of the Government includes undertaking that no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

334. Kenya has enacted the Persons Deprived of Liberty Act, 2014 which upholds the rights of persons under imprisonment. While reviewing the relevant legislative framework, all provisions that may lead to human rights violations for those in custody were deleted.

335. The Criminal justice agencies have also ensured that prisoners get justice by timely producing them in courts, facilitating Community Service Orders among others. Judiciary has established mobile courts as well as utilizing effectively mentions in custody. The Kenya Prisons Service has introduced an "Open Day Policy" which ensures that prisoners are visited on regular basis by their spouses, children, relatives,

friends and Advocates among others. KPS in liaison with stakeholders also provide legal aid clinics and seminars to those still facing trial and Appellants of all stages.

3.3.15 Madrid Plan of Action on Ageing

336. The Madrid Plan of Action on Ageing was adopted in April 2002. Older persons represent a large and the fastest growing segment of the growing population. By 2050, there will be more older persons than children under the age of 15 years and it is projected that the number of older persons will be more than double from 900 million currently to nearly 2 billion. A demographic transformation of such magnitude has far reaching implications for society at all levels. The older population is also ageing. The group of persons aged 80 and over, which currently accounts for 14% will grow to 21% in 2050.

337. UN members are required to provide enabling and supportive environments for older persons with a view of ensuring their well-being into old age.

338. Kenya developed the National Policy on Older Persons and Ageing in 2009. It provides for an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity. The Social Protection Policy aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development.

339. The Constitution recognises the family as the natural and fundamental unit of society and the necessary basis of social order and should therefore enjoy the recognition and protection of the State.The National Family Promotion and Protection Policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons.

340. The Older Members of Society Bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society.

3.3.16 Convention on the Rights of Persons With Disabilities

341. The Convention was adopted on 30th March, 2007 and entered into force on 3rd May, 2007.

342. The Convention obligates the State Parties to 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. State 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; ensuring that public authorities and institutions act in conformity with the present Convention; promoting, research and development of universally designed goods, services, equipment and facilities

343. Kenya submits periodic reports for review by the Committee of Experts on the rights of Persons with Disabilities. A National Action Plan to implement the recommendations by the committee has been developed.

344. Kenya presented a candidate and secured a position in the UNCRPD Committee of Experts in June 2016. A Standing Committee comprising key stakeholders is in place to monitor the implementation of the National Action Plan for the next 3 years.

345. The Convention is also being implemented through programmes in Vocational Rehabilitation Centres, disability mainstreaming in various spheres of life and cash transfers to 47,000 households of persons with severe disabilities.

346. Kenya marked the International Day of Persons with disabilities on 3rd December 2016 in Kwale County.

347. There has been Implementation of 30% on Public Procurement Preference for persons with Disabilities, women and youth.

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

348. The Protocol on the Protection and Assistance to Internally Displaced Persons establishes a legal framework for the protection of IDPs through incorporation of the Guiding Principles into domestic law, providing measures aimed at protecting the physical safety and material needs of the displaced, and creating obligations to prevent and address the root causes of displacement. One of its main objectives of the Great Lakes Process is to create lasting conditions for security, stability, sustainable development and reconstruction in the region as a whole.

349. The IDP Protocol which is a component of the Great Lakes Pact signed by Kenya. It obligates the State to establish a legal framework for the adoption of the Guiding Principles on Internal Displacement and a legal basis for their implementation in national law. It reinforces Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict, ensure freedom of movement and facilitate family reunification.

350. Kenya discharges the above responsibilities to internally displaced persons through the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 that recognises the rights of internally displaced persons. It sets up a National Consultative Co-ordination Committee on Internally Displaced Persons to handle funds allocated for the resettlement and reintegration of IDPs, preventative and protective measures as well. The Act follows the Great Lakes Protocol on internally displaced persons as a guiding principle.

3.3.18 Convention on Elimination of All Forms of Discrimination against Women (CEDAW)

351. The Convention was adopted on 18th December, 1979 by the United Nations General Assembly. It entered into force on 3rd September 1981. Kenya acceded to it on 16th May, 1984. The Convention is often described as an international Bill of rights for women.

352. The concention defines discrimination against women as any distinction or exclusion or restriction made on the basis of sex which has the effect or purpose of imparing the enjoyment or exercise of women rights irrespective of their marital status, on the basis of equality of men and women, and of human rights and fundamental freedoms in the political, economical, social, civil or any other field. The convention has been used as a

guide to formulate policies and implement programs to eliminate all forms of discrimination against women.

353. The objectives of the convention to member states is for them to incorporate the principle of equality of in their legal system,abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women. Other objectives includes establishment of tribunals and other public institutions to ensure effectibe protection of women against discrimination and ensure elimination of all acts of discrimination against women by persons,institutions,organisations or enterprises.

354. The Government have taken measures to domesticate the convention through the development and implementation policies and laws namely; the National Gender Policy, 2000, the constitution of Kenya (2010), National Gender and Equality Commission Act, 2011, Matrimonial Property Act, 2013; the Marriage Act, 2014; the Land Act, 2012; the Land Registration Act, 2012; Counter-Trafficking in Persons Act, 2010; the Prohibition of Female Genital Mutilation (FGM) Act, 2011; the Sexual Offences Act, 2006 (Rev.2012; the Kenya Citizenship and Immigration Act, 2011 and review of the Law of Succession Act, 2010 (Rev.2015).

355. The Government submits progress reports every four years to the CEDAW Monitoring Committee in Geneva. However, there are challenges in obtaining timely and accurate data on achievements and gaps.

356. Kenya has also adopted Sustainable Millennium Development Goals of promoting gender equality and women empowerment through the development of policies and legislation. The principle of non-discrimination in governance has been entrenched in the Constitution and other legislation to enhance representation and welfare of women in all spheres of life.

357. The National Gender and Equality Commission is mandated to reduce gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities.

358. The mearsures undertaken includes increase of number of women in elective positions, recruitment and appointment as well as 30% of all government procurement opportunities reserved for women,youth and persons with disability through Acess to Government Procument Opportunity(AGPO) initiative.Meanstreaming of one- third gender rule in recruitment in public service and government appointments is ongoing ,whereby more women have been able to access governance and leadership positions both in Government and the private sector.

359. During the period under review, State Department responsible for gender affairs has also developed the Two-Thirds Gender Bill,2007 that was introduced in parliament twice and has not been passed.Mainstreaming, monitoring and evaluation of gender programs is progressively being implemented by all MDAs to facilitate promotion of equality between men and women and equal opportunities in, political and public life, as well as education, health and employment. To this end, all government agencies has establish a data bank of their activities on gender and to report on regular basis to the National Gender and Equality Commission and the Gender Directorate.

360. Through the Affarmative Funds initiative, the government has disbursed a total of KSh. 2,212,396,400 through Women Enterprise Fund(WEF) to 106,845 beneficiaries,Ksh.

467,565,582 as loans through UWEZO Fund to 4,892 groups and KSh. 3,803,800,000 under the National Government Affirmative Action Funds (NGAAF) to support Socio-economic empowerment projects and programmes for women, youth and Persons with Disabilities in 47 Counties. This initiative has enhanced access to finance by youth,women and persons with disability entrepreneurs and increased investment opportunities for them.

361. However, retrogressive cultural practices such female genital mutilation (FGM),widows inheritance,disinheritance of widows and orpans of their property and early and forced marriages have continued to deny girls and women opportunities for the realization of their full potential. Therefore, there is need to mobilize resources for the sensitization,awareness creation of the existing policies and legislation and and need for empowerment of affected communities to bring them at par with the rest of the communities.

3.3.19 Commission on the Status of Women (CSW)

362. The Commission on the Status of Women (CSW) is the principal global policy-making body of the United Nations Economic and Social Council (ECOSOC) dedicated to gender equality and advancement of women. It meets every year at the UN headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and advancement of women worldwide.

363. The aim of the Commission is to prepare recommendations and reports to the Council to facilitate promotion of women's rights in political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

364. Its purpose is to implement resolutions of the Beijing Platform for Action on Gender Equality, 1995 Policies. The Government reports once a year to the CSW.

365. Implementation has seen an increased number of women representation in leadership. In particular, three(3) elected female governors and three (3) senators. There has been an increase of Women in Parliament to 26% up from 25% in 2013. Women Cabinet Secretaries comprise of (31.6 % 2017), (27.3 % 2018) and there are more women in strategic portfolios in Ministries, Departments and Agencies.

366. The 2/3rd gender rule has not been met. This can be addressed through legislation and advocacy which will address repugnant cultural practices that prevent women from participating in leadership.

3.3.20 Commonwealth Treaty on Gender Equality

367. The Commonwealth Treaty on Gender Equality objective is to implement Commonwealth resolutions on gender equality. Kenya implements the Constitution on this aspect through affirmative action. KSh. 10.5 Billion has been disbursed to Uwezo Fund, NGAAF and the Women Enterprise Fund (WEF). WEF has been accessed by 1,363,679 women, 892, 551 women have been trained on export trade while 27,431 women have been sensitized on sacco formation. One hundred and fifty seven (157) women owned saccos registered countrywide.

368. The Government reports once a year to the Commonwealth Monitoring and Evaluation Unit that convenes on the side-lines of the CSW in New York.

369. All Government agencies are mandated to establish a data bank of their activities on gender and report on regular basis to the National Gender and Equality Commission and the Gender Directorate.

370. Low awareness on the existence of affirmative funds which should be addressed by enhanced sensitization.

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

371. The Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted on 11th July, 2003 and entered into force in 25th November, 2005 . Kenya ratified the Protocol on 6th October, 2010.

372. Under the Protocol, Kenya is obligated to eliminate all forms of discrimination against women through development and implementation of appropriate legislation,establish institutional and others mearsures that will entreach the principle of equality between men and women, integrate gender perspective in their policy decisions, legislation, development plans, programmes and activities in all other spheres of life.

373. Kenya has also been a party to other reginal and international initiatives that have drawn attention to the need for gender equality such as Millennium Development Goals (MDGs) and the Agenda 2030 on the UN Sustainable Development Goals (SDGs) in particular Goal 5 focusing on gender equality and empowerment an reduction of harmful cultural and tratidional practices of women and girls,Goal 4 on universal education, Goal 3 on healthcare and Agenda 2063 of the Africa Union, the Beijing Platform for Action for equality, development and Peace.

374. The government has domesticated the protocol and is implementing the existing policies and legislation on elimination of all forms of discrimination against women that includes; the National Gender and Development Policy (NGDP) of 2000, Constitution of Kenya 2010, the National Gender and Equality Commission Act, 2011, Matrimonial Property Act, 2013, Marriage Act, 2014, Land Act, 2012, Land Registration Act, 2012, Counter-Trafficking in Persons Act, 2010, the Prohibition of Female Genital Mutilation (FGM) Act, 2011, the Sexual Offences Act, 2006 (Rev. 2012), the Kenya Citizenship and Immigration Act, 2011 and the Law of Succession Act, 2010 (Rev.2015).

375. The measures undertaken promote the other government obligations includes is the establishment of the National Gender and Equality Comission and the Anti-Female Gental Mutilation Board in the year 2011. The Anti-FGM Prosecution Unit under the Office of the Director of Public Prosecution and the Anti-FGM Board created a comprehensive FGM case-tracking tool. The tool aims to promote accountability in the reporting, investigation, and prosecutorial phases of cases, while also providing authorities with the ability to track success stories where the girls have been protected from female genital mutilation due to proactive judicial mechanisms and alternatives to criminal prosecution.

376. The Ministry responsible for Gender Affairs has developed Draft National Gender Policy, 2017 and the Anti-FGM Policy, 2017, aligning them to the Constitution, 2010.

Proposed ammendments to the Law of Succession to protect widow's and orphans property rights has also been developed and forwarded to the Office of the Attorney-General.

377. The Anti-FGM Board in collaboration with the Kenya Institute of Curriculam Development has developed and included FGM content and Alternative to Rites of Passage(ARP) guidelines in the basic school programmes. also developed a simplified version of the anti-FGM law in English and Swahili. The booklet targets girls, teachers, chiefs, police, parents, medical practitioners and the general public to encourage them to protect, prevent and report the practice of FGM. It also includes information on the FGM hotline number 1195 where the public can report Sexual Gender Based Violence(SGBV) related matters and link girls and other victims to rescue centres where they can receive assistance.

378. The reluctatnce to abandon harmful and retrogressive cultural and tradictional practices hampers progress in the fight for elimination of acts of discrimination against girls and women.It is recommended that resource mobilisation,community dialongue,sensitisation and awareness creation,building of partnership by state and nonstate actors approaches to be used to enhance protection and empoweremwnt of girls and women.

379. Kenya reports to the African Union Commission once a year on the implementation of policies and legislation geered towards eliminating discrimination against women.

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

380. The Great Lakes Protocol on the Prevention and Suppression of Sexual Violence against Women and Children was adopted on 30th November , 2006. Kenya ratified the The Protocol recognises the need to prevent sexual violence and the exploitation of women and girls. It obligates States to put in place regional mechanisms for providing legal, medical, material and social assistance, including counselling and compensation, assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.

381. The Government is obligated to submit a report to the Council of Ministers of Gender in the Great Lakes Region once a year.

382. Kenya has taken steps to facilitate the implementation of the Protocol such as criminalizing all forms of sexual violence against women and children. There has been an increased awareness of the effects of Female Genital Mutilation hence an overall decline in FGM practices.

383. The Government has established Gender Based Violence Recovery Centres, operationalised the GBV Referral System and conducted capacity building of the prosecution system duty bearers such as Judges, Police, Administration and Care Givers on SGBV issues and launch of a GBV prevention campaign.

384. Public sensitisation, programme implementation, monitoring and evaluation have however been constrained due to inadequate resources. It is recommended that adequate resources be availed to support programmes on prevention and suppression of sexual violence against women.

3.4 INTERNATIONAL TRADE AND INVESTMENT

3.4.1 Treaty Establishing the World Trade Organisation (The Marrakech Agreement)

385. 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 organisation 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).

386. The WTO enables international trade by eliminating tariff barriers that restrict trade and prohibits dumping of goods. It provides Kenya with a platform for negotiating trade agreements with other countries in the global sphere with favourable terms for her development.

387. Kenya was privileged to be the first African country to host the World Trade Organisation (WTO) 10th Ministerial Conference in December 2015 since itsestablishment in 1995. Hosting the conference was a clear sign of Kenya's commitment towards the Organisation.

388. The WTO meeting in Nairobi culminated in the "Nairobi Package" containing a series of six Ministerial Decisions on agriculture, cotton and issues related to least-developed countries (LDCs). The adoption of the package demonstrated the value and centrality of multilateralism in tackling the world's challenges.

389. The MC10 Ministerial Declaration (Nairobi Package) adopted the Special Safeguard Mechanism (SSM), Public Stock Holding for food security purposes and Export Competition Pillar.The Special Safeguard Mechanism (SSM) is a trade defense instrument to address issues of import surges and price decline for agricultural products to automatically increase import duties on selected agricultural products to protect domestic producers on a temporary basis. This is a benefit to countries like Kenya which did not have any legal recourse to the increased incidences of import surges and price fluctuations for agricultural products. The Public Stock Holding for food security purposes is a measure which allows the Government to buy foodstuff from poor farmers at a higher price than the market price and store for food security purposes. The Export Competition Pillar's mandate is to level the playing field in agricultural export markets, protect domestic producers from unfair competition and ensure that Food Aid received in the country is need based and requested by the Government.

390. The third part of the MC10 Declaration covers the future work of the WTO, a delicate balance between reaffirmation of the Doha Mandate and the introduction of new approaches to achieve meaningful outcomes in multilateral negotiations.

391. On the development component, the MC10 emphasized on the importance of effective assistance to support the cotton sector in developing country members to help them revive their cotton industries.

392. The Doha Development Round of talks was launched in 2001 with an explicit focus on addressing the needs of developing countries.

393. 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.

394. Countries such as Kenya are obliged to meet stiff export standards, when exporting both Agricultural and Industrial products to developed countries. These include: export subsidies, tariff peaks and tariff escalation for value added products. However, developing countries are facing the challenge of opening up their markets to products from the developed countries that are produced cheaply under subsidized production in Agriculture.

3.4.2 Protocol Amending the Marrakech Agreement Establishing the World Trade Organisation

395. The Protocol was adopted at Geneva on 27th November, 2014. Kenya signed on 3rd December, 2015 and acceded on 10th December, 2015.

396. It incorporates trade facilitation agreement into the WTO Agreements which aims at simplifying, harmonising, and automation of custom procedures with the view to expediting the movement, release and clearance of goods including goods in transit and thereby reducing the cost of doing business.

397. Kenya has established a National Trade Facilitation Committee whose mandate is to implement the Trade Facilitation Agreement.

398. Kenya has established the Kenya Electronic Single Window System to facilitate international trade by reducing delays and lowering costs associated with clearing of goods at the Kenyan border.

399. Kenya has established the Kenya Trade Portal to link investors to trade opportunities and facilitate ease of doing business.

400. Establishment of One-Stop Border Posts to harmonise transit clearance and inspection of goods.

401. Inadequate awareness on the existence of the Kenya Trade Portal hampers ease of conducting business and as such, awareness should be enhanced.

402. Mistrust among member states hampers cross border trade. Consultations and negotiations should continue in order to address this challenge.

3.4.3 The Doha Development Agenda and the Bali Package

403. The Doha Development Round began with a ministerial-level meeting in Doha, Qatar in 2001. However progress was hampered after negotiations stalled over disagreements concerning agriculture, industrial tariffs and non-tariff barriers, services, and trade remedies. Subsequent negotiations led to The Ninth Bali Ministerial Declaration from 3rd to 7th December 2013, that addressed bureaucratic barriers to commerce which is a section of the Doha Round agenda. The issues in the package included trade facilitation, agriculture, development and Least Developed Countries (LDCs).

404. On 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 reduce bureaucracy, ease and harmonize customs formalities. The agreement is significant especially for small and medium sized enterprises (SMEs) including those in Kenya that are looking at connecting to and moving up value chains and participating in the global economy. Kenya has undertaken the National Needs Assessment on Trade Facilitation.

405. The agriculture issues included food security, export competition and 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.

406. As regards development and Least Developed Countries (LDC), 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.

407. For the Post-Bali Work Programme, 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 proceeded in two tracks namely: implementation of decisions and agreements reached at Bali; and clear work program on remaining DDA issues.

408. 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.

409. To ensure that Kenya complies with its international trade obligations, it has domesticated most of the WTO agreements through 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 Trade Remedies Act, 2017 was enacted to address trade distortions (dumping, and import surges) in the domestic market.

410. To ensure that Kenya's trade interests are identified with the involvement of stakeholders, an active National Committee on the World Trade Organisation (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.

411. The trade component offered Quota Free Duty Free (DFQF) market access for exports by LDCs of relevant cotton related products.

412. Economic diplomacy is one of the five Pillars of Kenya's Foreign Policy. Adoption of the Nairobi package on a wide range of issues of interest to all WTO Members was a boost to the capacity of Kenya's Economic and Multilateral Diplomacy. It demonstrated the capability of Kenya to use its diplomatic muscle to build bridges among WTO Members with wide divergences on issues to reach a compromise.

413. The Information Technology Agreement (ITA) is a multilateral agreement that will assist the free flow of trade in Information Technology (IT) products. Kenya is not a member but stands to benefit from the Agreement since the liberalization achieved under the Agreement will be extended on a Most Favoured Nation (MFN) basis to all WTO Members. The Agreement will also enhance the affordability of IT products and services for Kenyan enterprises due to the suspension of levying duties on any electronic transaction until the next Ministerial Conference.

3.4.4 East Africa Community (EAC) - European Union (EU) Economic Partnership Agreements (EPAS)

414. Kenya is part of the African, Caribbean and Pacific (ACP) member States that have previously benefitted from preferential market access to the EU. The preferential access and trade with the EU were based on the Lomé 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.

415. 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. Kenya signed the Agreement on 1st September, 2016 and ratified on 20th September , 2016.

416. 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.

417. The EPA was subjected to legal scrubbing aimed at ensuring legal soundness of the Agreement and translated into 24 EU languages and Kiswahili as provided for in the Agreement. The final agreement has been signed by the EU on the one hand and two EAC Partner States (Kenya and Rwanda). It is expected that the remaining EAC Partner States will sign and ratify in the near future to enable the agreement to enter into force.

418. 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.

419. The benefits that are not available right now under MAR 1528/2007 include; access to flexible and enabling Rules of Origin that are only available under the EPA, opportunity to spearhead industrial development through the very generous cumulation provision of the Rules of Origin, enabling trade facilitation framework touching on sensitive issues as SPS and standards, where the EPA has included a transparent structure for policing the SPS and standards issues, opportunity to exploit the provisions of the fisheries chapter of the EPA in stimulating manufacture of marine fisheries products targeting the multibillion Euro market and Trade related development assistance that is provided for in the development chapter of the EPA.

3.4.5 World Trade Organisation Technical Barriers to Trade (WTO/ TBT) Agreement-National Enquiry Point

420. The World Trade Organisation Technical Barriers to Trade (WTO/ TBT) Agreement-National Enquiry Point was adopted in May, 2013. 398. The Kenya Bureau of Standards (KEBS) is the designated WTO/TBT National Enquiry Point (NEP) which is an obligation under the WTO/TBT Agreement. The NEP 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.

421. Kenyan stakeholders both in the public and private sectors have access to relevant information in the international market relating to standards and technical regulations requirements so as to ensure continued access to international markets.

422. 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.

423. 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.

424. The Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT." It allows KEBS to inform private and public sector stakeholders of notifications more efficiently 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.

425. 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 receipts of notifications from the WTO to dissemination of that information to registered users from up to 15 days to real time.

3.4.6 WTO Trade Related Investment Measures (TRIMS)

426. The WTO Trade Related Investment Measures was concluded in 1994 and entered into force in 1995. The Agreement establishing TRIMS was negotiated in the Uruguay Round to deal with trade-restrictive and trade-distorting effects of investment measures on trade. The Agreement relates to goods only and not services. 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.

427. 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.

428. TRIMS prohibit local content requirements and trade balancing rules that were used to promote the interests of domestic industries and promote unfair competition.

429. 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.

430. TRIMS prohibits trade related investment measures that are discriminatory. The rules restrict preference of domestic firms and discourage international firms to operate easily with domestic firms in the same market.

3.4.7 The WTO Dispute Settlement System

431. 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.

432. Kenya or any other member State can initiate a dispute settlement process on any trade dispute she may have with another country. However, the system has operated against the interests of the developing countries as it is costly for developing countries to initiate the dispute settlement process to exercise their rights unlike the developed countries. There are also delays in the relief granted by the system that may result in irreparable damage to Kenya's economy.

433. 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. In this regard, the Trade Remedies Act, 2017 was enacted.

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

434. The ICSID Convention is a treaty ratified by 153 contracting States. It entered into force on 14th October, 1966 with its headquarters in Washington. Kenya signed as sa contracting state on 24th May, 1966 and ratified on 2nd February, 1967. The convention is a multilateral treaty formulated by Executive Directors of the World Bank to further objective of promoting international investments. ICSID is an independent, depoliticized and effective ddispute-settlement institution. Its aim is to promote international investments by providing confidence in dispute resolution process between investors and states, state-state disputes under investment treaties and free trade agreements and as an administrative registry. Kenya became a State Party to the International Centre for Settlement of Investments Disputes Convention (ICSID) on 3rd January, 1967. The Convention obligates the Government to provide structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States. The Convention is complemented by Regulations and Rules comprising of administrative and financial Regulations and rules of Procedures for institution of Conciliation and Arbitration Rules.

435. Accordingly, the Nairobi Centre for International Arbitration was established in 2013 by the Nairobi Centre for International Arbitration Act, No. 26 of 2013. The Act establishes rules and procedure for Arbitration and Conciliation.

436. Currently Kenya is defending *Case No. Arb/15/29 Cortec Mining Kenya Limited, (Cortec Pty) Stirling Capital Ltd (Australia) V Republic of Kenya.* The case is premised on a Bilateral Investment Treaty (BIT) signed between Kenya and the U.K. Cancellation of Mining licenses, issued to Cortec Pty, by the Mining Minister led to the dispute. The dispute was initially lodged in Kenya and the High Court concurred with the cancellation of the licenses on grounds that they were illegally issued. An appeal was lodged against Kenya, and the Court of Appeal upheld the verdict from the High Court. Subsequently, Cortec Pty claimed foreign investment protection at an arbitration under ICSID that was heard in Dubai. Kenya awaits the outcome of the arbitration.

437. Arbitration as an alternative method of dispute resolution is costly. Thus the Arbitration Centre should be fully strengthened to have adequate structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States.

3.4.9 Constitution of the United Nations Industrial Development Organisation (UNIDO)

438. 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 Organisation as a Specialized Agency. It entered into force on 21st June, 1985. Kenya ratified this Constitution on 13th November, 1981. The mandate of UNIDO is to promote industrial development for poverty reduction, inclusive globalization and environment sustainability.

439. Being a member of the organisation contributes to the development of a country's industrial development. Kenya became a member so as to benefit from the technical assistance from UNIDO to the process of Industrialization in the Country.

440. To date 100 projects have been implemented in Kenya with a total disbursement of over US$ 30 million for the last 26 years. Kenya has also gained extensively from the services and deliberations at the Organisation.

441. Kenya through the Ministry of Industrialization and Enterprise Development pays an annual assessed contribution to UNIDO. 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.

442. UNIDO intends to carry out a number of projects in Kenya such as the Promotion of Special Economic Zones and Free Trade Zones.

443. The failure to utilize opportunities offered by UNIDO hamper progress therefore Kenya should strive to fully utilize all available opportunities.

3.4.10 WTO/SPS/OIE Including Sub-Regional Office

444. 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.

445. 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.

446. Kenya benefits by gaining access to international markets and obtaining 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 assistance especially where the imports are from developing countries.

447. 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.

448. Kenya complies with the international standards developed by Office of Epizootics (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food

safety. 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.

449. The major challenge is the high cost of laboratory analysis due to lack of an accredited referral fish laboratory. Consequently samples have to be taken out of the country for testing.

450. Kenya's fish have 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 Management and Development Act, Cap. 36, Terrestrial and Aquatic Codes, Animal Diseases Act, Cap. 364, Fertilizers and Animal Foodstuffs Act, Cap. 345 to domesticate the requirements.

3.4.11 The Office International Des Epizooties (OIE)

451. The World Organisation for animal health with the mandate to prevent the spread of animal diseases throughout the world was formed in 1924. The OIE is WTO's standard setting Organisation for safe trade in animals and animal products, 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 harmonisation of health regulations for trade in animal products among members.

452. Kenya has hosted the OIE Sub-Regional Representation for Eastern Africa in Nairobi since 2008. The OIE has assisted Kenya to do the Performance Evaluation of Veterinary Services and the Performance Evaluation of Veterinary Services Gap Analysis. Kenya is currently undertaking the OIE Veterinary Legislation Support Programme (VLSP).

453. Kenya is an exporter of animal products and benefits greatly from the standards, guidelines and recommendations established by OIE pertaining to animal health.

454. Kenya needs resources for capacity building and training to ensure it has enough manpower in matters of animal health.

455. The OIE was created in 1924 to prevent the spread of animal diseases throughout the world. The OIE is now the products and also collaborates with FAO/WHO in the Codex Alimentarius Commission for trade in food World Trade Organization's standard setting organization for safe trade in animals and animal. Kenya is among 181 Member States of the organization.

456. The OIE achieves its objectives through the World Assembly of its Member State Delegates and Specialist Commissions. It has Regional and Sub-Regional representations in Africa, Americas, Asia and the Pacific, Europe, and the Middle East.

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

457. The Inter-African Bureau for Animal Resources (AU-IBAR) was established as the Inter-African Bureau of Epizootic Diseases (IBED) in 1951 formed pursuant to the African Union Charter. It now has a broader mandate to support and coordinate the

improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas. The AU-IBAR co-ordinated the Pan-African Rinderpest Campaign (PARC) and the Pan-African Programme for the Control of Epizootics (PACE) which eradicated Rinderpest in the World. Kenya was declared Rinderpest free in 2007. The AU-IBAR is hosts. The State Department of Livestock (Directorate of Veterinary Services) also participates in projects coordinated by AU-IBAR and IGAD eg: Surveillance of Trade Sensitive Diseases (STSD) project [2013-2016]; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012-2016]; and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016].

458. The Inter-African Bureau for Animal Resources (AU-IBAR) was established as the Inter-African Bureau of Epizootic Diseases (IBED) in 1951. It now has a broader mandate to support and coordinate the improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas.

3.4.13 AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

459. The Agreement was adopted on 30th November, 2011 and Kenya signed on the same date. Kenya ratified the agreement in February, 2015. The objective of the Agreement is facilitate co-operation of EAC Partner States in monetary and financial matters and ensure that the systems cater for taxation matters to avoid instances of double taxation and the prevention of fiscal evasion with respect to taxes on income.

460. Some partners however are yet to ratify due to fear of loss of revenue.

3.4.14 COTONOU ACP-EU PARTNERSHIP AGREEMENT

461. The Cotonou Partnership Agreement was signed in the year 2000 by the African Caribbean and Pacific Group of States and the European Union, in Cotonou, Benin. It is the framework through which ACP countries, Kenya included, draw development support as well duty and quota free access to the European market. The third revision of the Agreement, which comes to an end in 2020 was undertaken in the year 2016. Following the forthcoming expiry of the Agreement, discussions are already on going between the two partners on the future of the ACP-EU relationship post 2020 with negotiations expected to start in 2018.

462. The framework helps promote and expedite the economic, cultural and social development of the ACP States and contribute to peace and security as well as promotes a stable and democratic political environment. It has made it easier for Kenya to work towards regional and international integration in line with the seventeen (17) SDGs-partnerships for the goals which is in conformity with Kenya's Vision 2030.

463. The agricultural sector has developed in terms of value addition as well as in research. A case in point is the East African CAADP compact which includes coordination on plant and animal diseases control; climate change and environment; and transport and communication infrastructure among the EAC Partner States. It also aims to address cross cutting issues such as research and development, education, technology innovation

and dissemination; capacity building; communication and information sharing and infrastructural development. Through the Compact, hunger and poverty reduction and regional integration by boosting intra-and inter regional trade are to be progressively realized.

3.4.15 Tokyo International Conference on African Development (TICAD)

464. The Tokyo International Conference on African Development (TICAD) is a development platform launched by Japan in 1993 to promote high-level policy dialogue between African leaders and development partners and mobilizing support for African-owned development initiatives. Coming at a time when aid fatigue had become apparent, the launch of TICAD was catalytic for refocusing international attention on Africa's development needs. In August 2016, Kenya successfully hosted the Sixth Tokyo International Conference on African Development (TICAD VI) in Nairobi. The outcome of this conference included the Nairobi Declaration, the Nairobi Action Plan and the ABE pledges (USD 30 billion) which together with the Yokohama Action Plan of 2013 are guiding implementation of TICAD programmmes until 2019. The country also participated in the First TICAD VI Ministerial Follow up Meeting which was convened in August 2017 to review TICAD implementation Progress.

465. A key objective of TICAD is to mobilize support for Africa's socio-economic development, peace and security, governance and human rights agendas. In this respect, TICAD underscores the spirit of "African ownership" and "international partnership" and is structured as a multilateral forum inclusive of a wide range of strategic partners and five co-organizers.

466. Kenya participated in the first TICAD-VI Ministerial follow up meeting in August 2017 to review TICAD implementation progress.

3.4.16 Sustainable Development Goals (SDGs)

467. On 25th September, 2015, World leaders adopted the post 2015 development agenda where 17 Sustainable Development Goals were launched for implementation in the next fifteen years. The post 2015 development agenda replaces the MDGs. Kenya successfully launched the SDGs process in Kenya on 14th September, 2016.

468. Since October 2016, the Government has undertaken several activities towards the coordination of implementation of Sustainable Development Goals (SDGs). These include Capacity building of MDAs Staff, mapping of all relevant stakeholders and alignment of SDGs provisional performance indicators.

469. Alignment of SDGs provisional indicators has seen One hundred and twenty eight (128) indicators of the total two hundred and thirty one (231) been aligned with local indicators. All SDGs contact officers from line Ministries and other lead agencies have built consensus on the 128 indicators as they are responsible for data collection. Led by the Kenya National Bureau of Statistics, the objective is to align the 231 SDG global indicators to fit the country context.

470. Government has mainstreamed SDGs activities in Performance Contracts. It is therefore expected that all Ministries mainstream SDGs in their Performance Contracts. The Presidential Delivery Unit will ensure this is done through the Performance Contract vetting process.

471. The implementation of the SDGs has faced challenges of limited resources to facilitate co-ordination of SDGs implementation and reporting. An estimated budgetary provision of KSh. 500 million is required on annual basis.

3.4.17 Africa Regional Action Plan for Investing in Youth

472. The African Regional Plan for Investing in Youth was adopted in 2011.

473. The Action plan imposes on Member States obligations for developing of Labour Market System and Data Base for unemployed youth, modernization of agriculture and making it attractive for youth, development of sports, entertainment and creative industries as employment opportunities for youth, promotion of environmental management as an employment avenue, developing support structures for youth enterprise initiatives, promoting public and private partnerships in youth enterprise development and establishment of youth empowerment funds.

474. The Labour Market System and Data Base for unemployed youth is being implemented by the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3), under the Ministry responsible for Youth affairs.

475. Modernization of agriculture and making it attractive to the youth as an employment avenue has been initiated and is being implemented by the Ministry responsible for youth affairs.

476. The Ministry responsible for sports is mandated to among others, spearhead the development of sports, entertainment and creative industries as employment opportunities for youth.

477. The establishment of the youth enterprise economy and architecture is under implementation by the National Youth Service (NYS) under the Youth Empowerment Program – Youth SACCOs Project. Over KSh. 1.5 billion has been saved and is being accessed by youth cohorts in various counties.

478. Partnerships geared towards youth empowerment have been established with the Kenya Private Sector Alliance (KEPSA), the African Development Bank (AfDB), World Bank and Housing Finance.

479. Various funds have been established targeting to empower youth. These include: Youth Enterprise Development Fund, established in 2006, Women Enterprise Development Fund, established in 2007 and UWEZO Fund, established in 2013. The Government is in the process of consolidating all the Affirmative Funds into a specialized bank known as the Biashara Bank.

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

480. Kenya ratified the Protocol on the Establishment of the Common Market in 2010. The Protocol's objective is to widen and deepen cooperation in economic and social fields for the benefit of Partner States and the citizen's growth. The Protocol provides for five freedoms and two rights; free movement of goods, persons, labour, services, capital, right of establishment and residence.

481. The Common Market has ensured that goods produced in Kenya are able to move across East Africa's borders with minimal restrictions. Kenya's total export earnings from the EAC accounted for 51.9% of total exports to Africa and is equivalent to KSh.121.7

billion during the review period of FY 2015/2016. Intra-EAC traded goods are also cleared through the Single Customs Territory (SCT) and the system was rolled out in December, 2017 to cover the imported goods. The EAC Partner States are also in the process of operationalizing the Integrated Customs Management System (ICMS). However, persistent NTBs affect intra-EAC trade.

482. Kenyans are also able to enter, leave or stay in any of the East Africa Partner States with minimal restrictions as the travel documents have now been standardized for all the EAC Partner States. Currently, Kenyans only require a national identification card to travel to the EAC Partner States of Uganda and Rwanda. Kenya launched the EAC E-Passport on 31st August, 2017.

483. The EAC Partner States have undertaken to liberalize services as a measure of facilitating the free movement of services in the implementation of the Common Market Protocol. Kenya has increased her liberalized sub sectors from 52 to 86. The EAC Partner States have also concluded various Mutual Recognition Agreements (MRAs) for Accountants, Architects and Engineers which are operational. The Mutual Recognition Agreements for Land Surveyors and Advocates have been finalized and are awaiting signature. Negotiation of the Mutual Recognition Agreement for Pharmacists has commenced. However giving legal effect to the additional liberalized subsectors requires the amendment of some provisions in the Common Market Protocol touching on trade in services. Legal text on amendment of the Protocol is yet to be agreed on.

484. Under the free movement of labour, Kenyans are allowed to work in any of the EAC Partner States and they receive the same treatment offered to citizens of the Host Partner State in terms of employment, professional fees, salary wages and any other conditions of work and employment.

485. The Protocol grants free movement of services supplied by East African nationals and East African Service suppliers in cross border trade, consumption abroad; several Kenyan companies have established a commercial presence in the other Partner States and free movement of natural persons.

486. Under the Protocol, Partner States agreed to remove all barriers and restrictions on the movement, sale, investment and payment of capital. Kenya, Rwanda and Uganda have already opened up their capital accounts which eliminate discrimination based on nationality, place of residence of persons or place where capital is invested. The EAC-Common Market Protocol (CMP) provides for the right of establishment where self-employed persons who would like to establish themselves in another East African country and legal persons are able to work and establish commercial presence in any of the East African Countries in accordance with the Host Country's National Laws.

487. Under the right of residence, a person who intends to reside in another East African Country is provided with a residence permit at a reduced cost. EAC- CMP is experiencing several implementation challenges due to different legal systems and national sovereignty concerns and protectionism which has limited liberalization of commitment in certain areas.

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

488. Kenya ratified the Protocol in April 2004. The framework has led to increased trade, enhanced interconnectivity of custom systems, upgrading and integration of customs

system, establishment of the EAC Competition Authority, East African Standards Committee amongst others. The Protocol is implemented through the East African Community Customs Management Act, 2006.

489. Multiple memberships to other regional blocs results in an overlap of responsibilities in the implementation of the Customs Union, particularly the EAC Customs Management Act, 2006. Lack of reliable ICT interconnectivity is a challenge in the implementation of Single Customs Territory (SCT).

490. Implementation of the Customs Union Protocol has also been hampered by Non-Tarrif Barriers which hinder the movement of goods.There have been efforts through bilateral meetings to resolve Non-Tariff Barriers (NTBs) imposed on goods exported by Kenya to other EAC Partner States. EAC Heads of State assented to the Elimination of Non-Tarrif Barriers Act, 2016 to address the issue of Non-Tarrif Barriers. Reading of budgets on the same day by all Partner States has also promoted implementation of the Customs Union in terms of taxes.

491. A number of milestones have been achieved under the Multilateral arrangements of EAC Partner States.The Government advocated for signing of the EAC – EU Economic Parnership Agreement. Kenya has ratified the agreement. However, it is worth noting that some Partner States have not ratified the Agreement hence, it is yet to enter into force. To address this situation, Kenya negotiated an arrangement with the EU to allow her access the EU markets pending the entry into force of the Agreement.

492. The EAC Partner States are also negotiating on Tripartite Free Trade Area Agreement under the COMESA-EAC-SADC arrangements and a Continental Free Trade Area which are aimed at enhancing intra-regional Trade by creating a wider market.

3.4.20 East African Monetary Union Protocol

493. Kenya ratified the Protocol on 28th November, 2014. The Protocol seeks to establish a single currency by 2024. In order to support the establishment of the Monetary Union, five regional institutions will be established. Kenya has to contribute towards the financing of the five (5) institutions to be established to support the monetary union. The institutions are: East African Monetary Institute, East African Surveillance Compliance and Enforcement Commission, East African Finance Service Commission and East African Central Bank.

494. The Draft Bills to establish the above institutions have been finalized and are awaiting approval by the Organs of the Community. Once the Bills are adopted, they will be presented to the East African Legislative Assembly for consideration and thereafter forwarded to the EAC Heads of State for assent.

495. The finalisation of these Bills and the setting up of these instituions will be crucial in the achievement of the Monetary Union. Currently, Partner States are seeking to ensure that the Bills are fastracked and the instutions constituted. The National Treasury in consultation with the State Department of EAC Integration has been coordinating Kenya's participation in the activites relating to the Monetary Union.

496. According to the roadmap for the realization of the Monetary Union, the East African Monetary Institute should have been established by 2015. However there has been an overall delay due to bureaucracy within the decision making process of the EAC. The

National Treasuries are responsible for implementation of the Road map of the Monetary Union through the East African Monitoring System (EAMS), Sectoral Council and Summit where decisions on this Protocol are monitored.

497. Funding accessibility has delayed implementation of some activities, hence the need for Partner States to increase funding to the community due to additional responsibilities brought forth by the new Protocol. In addition, there is need for goodwill from all the Partner States in order to effectively implement the Protocol.

4.0 STANDARDIZATION

4.1.1 The Metre Convention

498. The Convention was adopted on 20th May, 1875 in Paris, France. Kenya ratified the Convention on 23rd June, 2017.

499. 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.

500. 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).

4.1.2 Codex Alimentarius Commissions

501. 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. It is a joint body of the World Health Organization (WHO) and Food and Agriculture Organization of the United Nations (FAO) that sets standards for the safety of international food trade. Codex standards are science based and assisted by international risk assessment bodies. Codex standards are recommendations for voluntary application, but serve in many cases as a basis for national legislation.

502. 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.

503. Codex food Standards are used in case there is dispute in trade and also during harmonisation EAC-COMESA standards among the five partner States. Currently Kenya is an African regional representative to CAC.

4.1.3 African Accreditation Co-operation (AFRAC)

504. The African Accreditation Co-operation(AFRAC) is an umbrella Organisation founded in 2009 and comprises of members who are national accreditation bodies, national

accreditation focal points and other stakeholders that include conformity assessment bodies. These include 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.

505. 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.

506. Kenya joined 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 cooperation and institutional linkages with other members.

4.1.4 International Accreditation Forum (IAF)

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

508. Kenya joined IAF on 24th July, 2013 in order to fully participate, contribute and articulate Kenya's interest in the global accreditation arena particularly in the development of technical competence of conformity assessment bodies that provide conformity assessment services in all fields, both in the private and public sectors. This has a direct contribution towards facilitation of global trade a critical component of our economy's sustainable development, now and in the future.

509. 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 Organisation (WHO), World Anti-Doping Agency (WADA), International Organisation for Standardization (ISO), International Telecommunication Union (ITU), World Trade Organisation (WTO), and United Nations Framework Convention on Climate Change (UNFCCC) among others.

4.1.5 International Laboratory Accreditation Co-operation (ILAC)

510. International Laboratory Accreditation Co-operation (ILAC), established in 1977, is the international umbrella organisation that oversees accreditation activities in the field of laboratory testing and inspection in all fields. ILAC became a formal Co-operation with a Charter to establish a network of mutual recognition agreements among accreditation bodies.

511. Kenya has gained expertise 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. It has also enabled the country to foster greater co-operation and institutional linkages with other Accreditation Body members and stakeholders.

4.1.6 International Measurement Confederation (IMEKO)

512. International Measurement Confederation (IMEKO) is a non-Governmental federation which was founded in 1958 in Budapest, Hungary. It is comprised of 42 Member Organisations individually concerned with the advancement of measurement technology. IMEKO's fundamental objectives are the promotion of international interchange of scientific and technical information in the field of measurement and instrumentation and the enhancement of international co-operation among scientists and engineers from research industry.

513. Kenya became a member in order to achieve metrological capability in specific activities through exchange of knowledge in seminars, conferences and congresses.

514. KEBS has enhanced control of counterfeit products and adherence to international standards.

4.1.7 International Organisation for Standardization (ISO)

515. The International Organisation for Standardization (ISO) was established in 1947 and is based in Geneva, Switzerland. The role of ISO is to develop international standards that facilitate international trade. The members of ISO are national standards bodies. Kenya Bureau of Standards (KEBS) became a permanent member of ISO in order to participate in international standardization, to ensure that international standards take into consideration the national interest of the country and to ensure that trade in Kenyan products is protected.

516. 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.

517. KEBS membership to ISO is beneficial by giving early access to information that could shape the global markets, giving Kenya and its stakeholders a voice in the development of standards, and helping to keep market access open.

518. Institutions are endeavouring to be ISO certified & the processes of the institutions which have been certified have contributed to their efficiency and re-engineered business processes. It has contributed to the professionalism of the human resources in the Institutions. Currently some MDAs have attained ISO certification.

4.1.8 International Electro technical Commission (IEC)

519. The International Electro technical Commission (IEC) was founded in 1906 and is charged with the responsibility of promoting international co-operation on all questions of standardization and related matters in the field of electrical, electronic (electro-technology) and related technologies. The IEC member in every country is the National Committee of the IEC. The National Committee has its Secretariat at KEBS and Kenya

participates in four (4) IEC Committees 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). KEBS implements the decisions of the National Committees of IEC.

520. Kenya became a member of the IEC in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country especially since performance of electro technical equipment is significantly affected by the climatic conditions. Most of the IEC standards address altitudes up to 1000 m which is below most of the parts in Kenya. Hence, Kenya needed to influence the inclusion of altitudes above 1000m in the standards to cater for her climatic conditions. The country pays an annual subscription of CHF 23,800 to the Commission.

521. IEC has provided KEBS with materials and equipment and carried capacity building for KEBS staff. This has made it possible for KEBS in collaboration with relevant National Organisations develop Kenyan Standards for Electrical/Electronic sector thereby being able to regulate the sector.

522. Kenya should upgrade expertise in the sector and inclusion of altitudes above 1000m in the standards to cater for our climatic conditions.

4.1.9 International Bureau of Weights and Measures (*Bureau International des Poids et Mesures*, BIPM)

523. The Convention of the Metre (*Convention du Metre*) is a Treaty that created the International Bureau of Weights and Measures (BIPM), an Inter-Governmental 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.

524. Kenya became a member 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.

525. The BIPM also serves as a liaison between its Member States and other inter-Governmental organisations 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.

526. Kenya strives to gurantee the weights and measurements of all products for import and export comply with the agreed international standards.

4.1.10 African Electro-technical Standardization Commission (AFSEC)

527. African Electro-technical Standardization Commission (AFSEC) was founded in 2008 by a declaration of the Conference of African Ministers of Energy held in Algiers on

17th February 2008 and established as a subsidiary body under the auspices of the African Energy Commission. AFSEC enjoys legal status in accordance with Article 24 of the Convention of the African Energy Commission. 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 inter-operation of complex systems.

528. Kenya is a founding member of AFSEC and participates in the Management Committee of all the five (5) Technical Committees (TCs) established by the Commission. Membership is through the National Committee which has its Secretariat at KEBS.

529. 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.

530. Kenya has managed to influence which IEC standards are 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 Organisation develop Kenyan Standards for Electrical/Electronic sector thereby being able to regulate the sector.

4.1.11 The African Organisation for Standardization (ARSO)

531. The African Organisation for Standardization (ARSO) is a continental standardization body that aims at addressing the factors that may affect interoperability in the African markets.

532. 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.

533. Through membership in the Management Committee and Technical Committee (TC) in the ARSO, Kenya is able and has managed to influence several council decisions and standards to be adopted through the African Organisation for Standardization Technical Committee (ARSOTCs). KEBS heads most standards bodies in Africa and is committed to not only ensure that Kenyan products are able to access more markets but also that the standards of the products emanating from the continent improve.

4.1.12 Asia Pacific Metrology Programme (APMP)

534. The Asian Pacific Metrology Programme (APMP) has been operating in the Asia-Pacific since its inception as a Commonwealth Science Council initiative in 1977.

535. The APMP is a grouping of National Metrology Institutes (NMIs) from the Asia-Pacific region engaged in improving regional metrological capability through the sharing of expertise and exchange of technical services among Member laboratories. APMP is also a Regional Metrology Organisation (RMO) recognised 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.

536. The aim of APMP is to promote and support a measurement infrastructure in the Asia-Pacific region that facilitates international trade, improves industrial efficiency and

competitiveness, ensures equity in the marketplace, and enhances the quality of life and the environment. Kenya through KEBS is an associate member of APMP.

537. APMP's vision is to become an inclusive, representative and transparent regional metrology organisation providing leadership for meeting the measurement challenge of the region.

538. The member economies benefit by; getting support from APMP in establishing or improving metrological capabilities through transferring expertise in metrological fields between Members through conferences, seminars, workshops, training programs, consultancies and technical publications; fostering information exchange and sharing among members and facilitating collaboration among interested members on specific projects. Other benefits include; encouraging participation in CIMP comparisons and initiating regional comparisons of measurement standards in order to gain international recognition of measurement capability of member laboratories. It further gives special attention to the needs of less developed Members and initiates, develops and implements activities to assist them in achieving metrological capability in specific activities and implementing other resolutions and actions as decided by the APMP General Assembly.

4.1.13 Conference of Africa Union Ministers of Industry (CAMI)

539. The Conference of Africa Union Ministers of Industry (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 Organisation (UNIDO), as a Pan-African response to promote accelerated and sustainable industrial development. It partners with the United Nations Industrial Development Organisation (UNIDO) and United Nations Economic Commission for Africa (UNECA). CAMI holds conferences every two years. Twenty conferences have been held to date with the most recent (CAMI 20) being convened in June 2013.

540. Kenya became a member to benefit from the technical assistance from CAMI and also propagate its position in the African Continent on issues of Industrialization.

4.1.14 Intra-Africa Metrology System (AFRIMETS)

541. Intra-Africa Metrology System (AFRIMETS) formed in March 2006, was established in order to harmonize metrology activities in Africa based on the Regional Metrology Organisation (RMO) of the Americas, *Sistema Interamericano de Metrologia* (SIM). The initiative is supported by the New Partnership for Africa's Development (NEPAD), the *Physikalish Technische Bundesanstalt* (PTB), the National Metrology Institute of South Africa (NMISA) and legal metrology at the National Regulator for Compulsory Specifications (NRCS) of South Africa.

542. Kenya through KEBS is a participating member of AFRIMETS through the sub-regional metrology Organisation, East African MetrologyTechnical Sub-Committee (EAMET). KEBS actively participates in the relevant technical committees of the Organization.

543. Benefits accruing to Kenya include: regional interactions between metrology Organisations and exchange of members, harmonisation of regulations and policies, quality assurance in conformity with ISO 9000 and 17025, facilitates the removal of

Tats, improved standard of metrology, capacity building at affordable rates, establishment of databases for use by members, use of african experts for training, technical competence of personnel and adoption of a culture of continued learning.

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

544. The South African Development Community Co-operation in Measurement Traceability (SADCMET) co-ordinates metrology activities and services in the Region with a view of providing 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 recognised national measurement standards. Kenya is an associate member and participates in the Assembly and technical meetings to enhance measurement standards in Africa.

545. Kenya co-ordinates metrology activities to provide regional calibration and testing services with readily available traceability to the SI units of measurements.

546. The benefits to Kenya include, participation in SADCMET organised measurement comparisons and exchange of knowledge and expertise within the Member States.

4.1.16 East African Accreditation Board (EAAB)

547. The East African Accreditation Board (EAAB) was established in the year 2007 under Section 10 of the East African Community Standardization Quality Assurance, Metrology and Testing Act, 2006 (EAC SQMT Act, 2006) . It facilitates cooperation and coordinates accreditation activities in order to avoid duplication of functions of the national accreditation bodies and focal points.

548. Kenya's membership to the EAAB has contributed to the deepening of the EAC integration process. Besides, this increases the volume of its exports of goods and services to the EAC and COMESA regions and potentially to SADC.

549. Kenya's trade has been enhanced through mutual recognition of accredited conformity assessment results of products accompanied by inspection reports, test reports or certificates based on EAC harmonized standards. This enables products gain access to the EAC markets without the need for retesting, re-inspection or 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.

4.1.17 East Africa Community Protocol on Standardization Quality Assurance Metrology and Testing

550. The Protocol was concluded in 2010 and ratified by all Partner States. The Partner States are required to formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the community. The Partner States are also required to apply a common policy on the relationship of the EAC Bureaux of Standards with regional, international and other organisations and institutions concerned with standardization, quality assurance, and metrology and testing. The Partner States are further required to evolve and apply a common policy in the development of activities in standardization, quality assurance, metrology and testing.

551. The EAC has harmonized a total 1,428 Standards; of these standards, five hundred and seven (507) are indigenous, designated as East African Standards and the nine hundred and twenty one (921) are international standards agreed upon and endorsed for adoption by the Partner States. Kenya as at June 2017 had adopted 1,062 out of the total harmonized EAC standards.

552. Currently, the EAC is undertaking a review of the EAC SQMT Act, 2006 and has developed a Draft EAC Metrology Bill, 2017 and draft Standards, Assessment and Conformity Assurance Bill, 2016. The Bills seek to separate matters of Metrology from Standards and Quality Assessment. To facilitate the operations of EAC Bureaux of Standards, Quality Assurance, Metrology and Testing, the EAC Secretariat has also drafted the EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2016.

553. In Kenya, the Protocol is being implemented by Kenya Bureau of Standards and Directorate of Weights and Measures under the Ministry of Industrialization, which participates in standards, quality assurance metrology testing and other conformity assessment activities to ensure that Kenyan products are not barred from accessing regional markets.

554. Kenya participates in standards harmonisation technical committees and is Secretariat to various sectorial technical committees.

4.1.18 African Accreditation Co-operation (AFRAC)

555. The African Accreditation Co-operation (AFRAC) was founded in 2007 and established in 2010 as an umbrella Organisation 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.

556. Kenya's stakeholder membership to AFRAC since 26th September, 2014 has enabled contribution of ideas that have improved the credibility, trust and confidence in conformity assessment results. This has led to improved trade hence creation of the wealth that is transforming our country towards the goals and objectives of Kenya Vision 2030. Besides, AFRAC gives Africa a stronger voice in articulating the interest of its members taking into account the evolution of conformity assessment standards, market requirements, and applicable regulatory requirements against the backdrop of our stage of economic developments vis-à-vis the need to ensure global competitiveness.

557. The country has gained, through technical exposure, new ideas in the accreditation profession and is 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.

558. 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.

4.2 CO-OPERATIVES

4.2.1 World Council for Credit Unions (WOCCU)

559. 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 vast network. Kenya has been rated as having the fastest growing financial co-operatives in Africa and hence the need for Kenya to benchmark with the rest of the world. This creates an opportunity for sourcing financial partners.

560. Kenya became a member in 1980 to gain from experiences of other CFIs in the world for purposes of boosting the Cooperative movement in Kenya. The obligation of the Government is to register and regulate cooperative societies.

561. Kenya can market and export expertise and products within the network. Kenya can also access alternative affordable financial credit sources for the movement. Membership leads to the development of the movement by accessing alternative financial sources which results in job creation.

562. Kenya is the best ranked African country in terms of number of enterprises, membership, capital and contribution to national economy. Today, Kenya has an estimated 22,000 registered Co-operatives which can be broadly categorized as financial and non-financial Co-operatives. As an integral part of the financial services sector, the Sacco industry is expected to continue playing a critical role in mobilizing savings and providing credit to the middle and low income segment.

563. Kenya has established an oversight authority for SACCOs known as Sacco Societies Regulatory Authority (SASRA) in 2009.

564. 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.

4.2.2 International Co-operative Alliance (ICA)

565. The International Co-operative Alliance (ICA) founded on 19th August, 1895, is a worldwide co-operative body with headquarters in Geneva, Switzerland. Its regional office for Africa is based in Nairobi, Kenya. It aims at forming networks within the co-operative movement in Kenya and the rest of the world. The Co-operative movement in Kenya is the top ranked movement in Africa and 7th in the whole world hence it is used to spearhead the Co-operative initiative in Africa.

566. Being a member of the organisation contributes to the development of the country's Co-operative movement, creates jobs and business opportunities for Kenya and the Co-operative movement bodies.

567. The Government is working with other African countries interested in developing their co-operative movements through secondment of Kenyan experts to these countries. Examples include Namibia and South Sudan. Further, the Co-operative Bank has been co-operating with the Co-operative Movement in South Sudan to establish the Co-

operative Bank of South Sudan. The bank has opened a branch in South Sudan. Kenya has also established a Co-operative University that is instrumental in training Co-operative Officers within the region. Moreover, Kenya has marketed and exported expertise of co-operative products in the African region.

568. The Government has developed and maintains an online Co-operative database.

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

569. The African Confederation of Co-operative Savings and Credit Association (ACCOSCA) is an African Co-operative body with its headquarters in Kenya. Its aim is to form a network within the cooperative movement in Kenya and African Countries. Kenya is leading in the co-operative movement in Africa and is therefore the best benchmarking destination in the African continent.

570. Kenya became a member on 17th September, 1968 so as to benefit from networking for the purpose of boosting the co-operative movement in Kenya.

571. As a member of ACCOSCA, Kenya contributes to the development of the country's co-operative movement and creates jobs for Kenyan citizens and the co-operative movement bodies. It also plays a leading role in the formation and capacity building of co-operative movement bodies of other member States.

4.3 INTELLECTUAL PROPERTY

4.3.1 Convention Establishing the World Intellectual Property Organisation

572. The World Intellectual Property Organisation (WIPO) is the global forum for intellectual property services, policy, information and cooperation. The objective of this Convention is to modernize and render more efficient administration of the Unions established in the fields of protection of industrial property and the protection of innovations, literary and artistic works, while fully respecting the independence of each of the unions.

573. Kenya Industrial Property Institute (KIPI) has the mandate of nationally co-ordinating Intellectual Property matters. Kenya has established policy, legal and institutional frameworks necessary for the promotion, protection, and utilization of all aspects of IP within its territory.

574. 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.

575. Membership to this Agreement increases the potential of generation of income related to intellectual property issues. Being a member of the Organisation contributes to the development of the country's industrial development through technical assistance in infrastructure and administration of IP policy discussions and negotiations on IP development. It has however been a challenge for Kenya to attend all the WIPO meetings due to financial constraints.

576. Nonetheless, 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 and finalization of the National IP Policy.

577. Presently enforcement of Intellectual Property Rights (IPRs) in Kenya is undertaken by various Government agencies in conjunction with the Anti-Counterfeit Agency. These include agencies such as 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.

578. 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.

579. KIPI administers industrial property rights, provides technological information to the public and promotes inventiveness and innovativeness in Kenya by providing training on industrial property rights. Through KIPI's work in the protection of intellectual property, the country is experiencing an "innovation sprout" in the tech, creative and performing arts industries.

580. All the treaties are currently being implemented by the Kenya Industrial Property Institute (KIPI), Kenya Copyright Board (KECOBO) and Kenya Plant Health Inspectorate Services (KEPHIS).

4.3.2 Paris Convention for the Protection of Industrial Property

581. The Paris Convention is an International Convention for promoting trade among the member countries, devised to facilitate protection of industrial property rights. 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.

582. The Treaty is being implemented by the Kenya Industrial Property Institute. Kenya pays Membership subscription and participates in WIPO related activities.

4.3.3 Madrid Agreement Concerning the International Registration of Marks Madrid, 1891

583. Kenya became a party to the Madrid Agreement in 1998. 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.

584. The Treaty has enhanced protection of trademarks, helped the applications from Kenya, reduced costs by filing a single trademark application and designating countries that seek for protection. The Government is obliged with protection and registration of trademarks and is actively involved in protecting Industrial Property Rights through KIPI. The trademark law is in place.

585. Implementation of the Agreement for developing countries is a challenge given its very technical nature and owing to a tight budget.

4.3.4 Patent Co-operation Treaty, Washington, 1970

586. 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.

587. 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.

588. Kenya is actively involved in protecting Industrial Property Rights through KIPI

4.3.5 Singapore Treaty on the Law of Trademarks

589. The objective of the Singapore Treaty, adopted on 27th March, 2006 is to create a modern and dynamic international framework for the harmonisation of the administrative trade mark registration procedures by establishing common standards for procedural aspects of trademark registration and licensing and Patent Co-operation Treaty. The Singapore Treaty on the Law of Trademarks establishes common standards for procedural aspects of trademark registration and licensing and Patent Cooperation Treaty. Kenya signed the Treaty on 28th March, 2006.

590. The obligation of the Government is to ensure protection and registration of trademarks.

591. 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).

4.3.6 Berne Convention

592. The Berne Convention adopted on 9th September, 1886, is for the protection of Literary and Artistic Works. It requires all its signatories to recognise the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognises the copyright of its own nationals, which is the obligation placed upon Kenya.

593. 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.

4.3.7 Trade Related Aspects of Intellectual Property Rights (TRIPS)

594. 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. It gives members a free choice to determine the appropriate method of implementation within their own legal systems and practice.

595. 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. It has

also enacted the Protection of Traditional Knowledge and Cultural Expressions Act, 2016 which provides that every community shall have the exclusive right to authorise the exploitation of their traditional knowledge and prevent any person from exploiting it without their prior informed consent.

596. Under TRIPS, Developing and Least Developing Countries have had difficulties in importation of cheap generic drugs to management of HIV/AIDS. Multinational Drug manufacturers have 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.

4.3.8 Protocol Ammending the TRIPS Agreement

597. The Protocol was adopted in Geneva on 6th December, 2005. Kenya signed the Protocol on 7th July, 2015. The date of acceptance was 21st July 2015. The Protocol entered into force on 23rd February, 2017.

598. The objective of the Protocol is to facilitate access for least developed and developing countries to affordable versions of patented medicines needed to address public health problems (such as HIV/AIDS, malaria and other epidemics).

599. The Protocol establishes a mechanism for pharmaceutical products manufactured under compulsory licence to be exported to eligible member under certain circumstances.

4.3.9 Lusaka Agreement (1976) and Harare Protocol (1982) on the creation of the African Regional Intellectual Property Organisation (ARIPO)

600. The Agreement led to the development of the African Regional Intellectual Property Organisation (ARIPO). The Organisation is mandated with the registration of patents and industrial designs. Kenya became a party to the Agreement on 15th February,1978. The Harare Protocol, 1982 empowers ARIPO to receive and process patent and industrial design applications on behalf of State Parties to the Protocol.

601. The implementing agencies in Kenya are Kenya Industrial Property Institute (KIPI) and Kenya Copyright Board (KECOBO).

602. 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.

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

603. The Convention was adopted in Morocco on 27th June 2013. Kenya signed the Convention on 28th June 2013 and ratified on 18th May 2017.

604. The Convention is the latest addition to the body of international copyright treaties, WIPO.

605. It requires contracting parties to introduce a set of limitations and expectations to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to Visually Impaired Persons, and to permit exchange of these works across borders by organisations that serve those beneficiaries.

5.0 EDUCATION, SCIENCE AND TECHNOLOGY

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

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

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

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

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

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

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

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

613. Kenya has developed several policies and legislations in the education sector to ensure that education is accessible to all. These include: Free Primary Education Policy, 2003; Early Childhood Policy, 1985 (The Government is in the process of reviewing the early Childhood policy); 8-4-4 Education Policy, 1985 (also under review); The Kenya Literature Bureau Act, Cap. 209; Science, Technology and Innovations Act, No. 28 of 2013; Universities Act, No. 42 of 2012; Higher Education Loan Board Act, No. 6 of 2005; Kenya National Examinations Council Act and the Basic Education Act, No. 14 of 2013; Technical and Vocational Education and Training Act of 2013. The Free Primary Education Fund, 2003 (FPEF) was introduced to cover Primary Education and Free Day Secondary Education Program, 2008 (FDEP) to cover Secondary Education.

614. The 2008 Global Campaign for Education ranked Kenya (3rd) third in Africa and position 47 globally for its efforts to attain the Education for All by 2015 target set in Dakar in 2000. Each of the EFA goals had definite targets with clear timelines to be achieved. Several changes have been made in the education sector to ensure compliance with the agreement. Some of which include; restructuring of the school calendar to increase the quality of education, waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education, improvement of infrastructure in public schools, introduction of E-learning in public schools, audit of schools and universities for transparency and accountability, increased allocation to the HELB to cater for needy students, reform of the Kenya National Examination Council

and established the Free Primary Education Fund (FPEF) in 2003 and the Free Day Secondary Education (FSDE) Programme in 2008.

5.1.2 Protocol on the Establishment of the Inter-University Council for East Africa

615. The Protocol was signed in September 2002 between Kenya, Tanzania and Uganda and the other Partner States ratified it later. The Protocol establishes an Inter-University Council to implement the objectives of the Protocol. The Council's functions are to coordinate inter-university cooperation in East Africa; facilitate the strategic development of member universities; and to promote internationally comparable higher education standards and systems for sustainable regional development.

616. The Council also has a mandate to advise the EAC Partner States on higher education matters, and to contribute towards meeting national and regional developmental needs; developing quality assurance processes in order to ensure that teaching, learning and research in the region achieve and maintain international standards; assisting member universities and other higher education institutions to identify and implement good practices in institutional management and use of resources; developing human resource capacity in all disciplines of higher education in the Community; and promoting equal opportunities for all higher education students in East Africa, including those with special needs.

617. The EAC Secretariat has proposed to revise the Inter-University Council for East Africa Act (2009) and has drafted a revised draft bill which seeks to repeal the Inter-University Council for East Africa Act (2009). The Draft Bill seeks to effectively mainstream IUCEA into EAC. The proposal to revise the Act is as a result of operationalisation challenges under the IUCEA Act (2009). The challenges under the Act are that; it has a number of inconsistencies, shortfalls, anomalies and errors in several sections. In addition, some sections of the Act are inconsistent with the Treaty for the Establishment of the East African Community and the institutional position of IUCEA in the Community, as well as with new developments in the provision of higher education.

5.2 Protocol on the establishment of the East African Kiswahili Commission

618. The Protocol was concluded on 18th April, 2007. Kenya was the first Partner State to ratify the Protocol in 2010. All Partner States have ratified the Protocol and implementation is by the East African Kiswahili Commission. The objective of this Protocol is to establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters relating to Kiswahili research, teaching, learning and development. This is being implemented through policy formulation, knowledge generation, and curriculum review, standardization of terminology and promotion of Kiswahili as a lingua franca of the Partner States.

619. The first EAKC International Conference was held in September, 2017. The Commission has so far developed multilateral collaboration framework for furthering the EAKC agenda which has resulted in establishment of National Kiswahili Council in all the Partner States. The Commission is implementing the Staff-Student Exchange and Mentorship programme in and beyond the EAC.

620. Implementation of the Commission's work has been delayed due to inadequate resources. The Commission is planning to undertake annual Kiswahili International Conference from 2018 with a view of promoting the use of Kiswahili in the region

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

621. The objectives of the Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB) are to promote the development, production and wide application of biotechnology in the interest of developing countries; promote the transfer of technology to member countries and overcome difficulties encountered by developing countries in fostering innovation, ownership and in-house application in line with ICGEB statutory mandate. Kenya acceded to the ICGEB on 30th July 2010.

622. 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.

623. Kenya has been training Doctor in Philosophy (PhD) students through ICGEB funds. There has also been capacity building in the areas of biomedicine-crop improvement, environmental protection/remediation and biopharmaceuticals and bio pesticide production through ICGEB funds. However, minimal resource provision for sensitization at the county level and limited opportunities under ICGEB slows down progress. As a result, Kenyan Researchers have been linked with those of South Africa (2013) to promote partnership.

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

624. Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA) is an Inter-Governmental Agreement established by African Member States to strengthen and enlarge the contribution of nuclear science and technology to socio-economic development on the African continent. Kenya became a member of AFRA in 1991 and acceded to it in 2011.

625. AFRA activities cover a wide range of peaceful applications of nuclear techniques that contribute towards the achievement of national and regional development goals. These activities include peaceful application of nuclear science and technology in areas of agriculture, human health, industry, water, energy and radiation protections.

626. AFRA seeks to accelerate movement towards self-sufficiency in scientific disciplines and appropriate technologies by coordinating and disseminating innovative methods and practices in a cost-effective manner. These technologies will assist the country in economic development. Kenya is obligated as per the Agreement to promote cooperative research, development and training in nuclear science and technology.

627. The Organisation assists the country in capacity building in areas of nuclear technology for improvement of the economy and the environment.

5.5 The African Resource and Environment Management Satellite Constellation Initiative

628. In the recognition of its strategic location and its history of space science and technology, Kenya teamed up with South Africa, Nigeria and Algeria to form a consortium-African Resource and Environment Management Satellite Constellation Initiative (ARMC) Initiative. The main objective of the Initiative is to establish African

Satellite Management Constellation for Monitoring Management of African Resources and Environment. The collaborating countries signed the Agreement in Algiers, Algeria on 7th December, 2009.

629. The objective of the Organisation is to design, construct and launch a set of satellites for Africa and ensure collection of earth observation data on Africa on a continuous basis for various applications including food security, early warning and disaster management.

630. Through the data sharing policy Kenya can access data from other member satellites in the following fields: disaster management, food security, public health, infrastructure, land use, and water resource management. It would thus support activities such as urban development, land use monitoring, and mapping for the surveillance of climate change effects.

631. The Government is expected to design, construct and launch a satellite for collection of earth observation data and provide a budget for this activity. The Government through the National Commission for Science Technology and Innovation is developing a strategy for implementation of the obligations under the Agreement.

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

632. The Protocol was adopted on 18th April, 2007, and entered into force on 1st July, 2014. The Commission is based in Rwanda and its main objective is to establish the East African Science and Technology Commission as an apex body to promote and co-ordinate the development, management and application of science and technology in the EAC. It seeks to promote regional research in Science and technology. The Governing Board for the Commission was inaugurated in Entebbe – Uganda, from 20 to 21st June, 2017.

633. The Commission is established as a regional body to spearhead research in science and technology development; and acquisition of reliable data to guide decision making in science and technology matters. Through its membership, Kenya can improve its research capacity through co-operation with other partner States in the EAC.

634. The EAC has developed and adopted the EASTECO Strategic Plan 2017/18 – 2021/22 in Kigali, Rwanda on 13th October, 2017 and Kenya participated in the development of the EASTECO Strategic Plan.The EAC also organized for the Regional Workshops to build capacity in technology transfer and support innovation and economic development. The East African Regional workshop on Knowledge and Technology Transfer to support innovation and economic development, was held on the 19th June, 2017 in Entebbe, Uganda.

635. Kenya trained innovators in science and technology through the support of NEWTON Utafiti Funds (UK).

636. Three Kenyan universities; Jaramogi Oginga Odinga Univeristy of Science and Technology, Egerton and Moi Univerities have benefited from the African Centre of Exellence (ACE), a programme under the World Bank which encourages innovation.

637. The current challenges experienced by the Commission relates to delay in asymmetrical development of Science and Innovation in Partner States which impacts negatively on

the seamless implementation of relevant programmes and projects across the region and lack of adequate funding to support science and innovation projects which require large funds.

6.0 OUTER SPACE

638. 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.

639. 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 in 1967); Convention on internal liability for Damage caused by Space objects (ratified in 1972) and Agreement governing the activities of States on the Moon and other celestial Bodies (acceded to in 1984).

640. Benefits attributable to these treaties 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.

641. In ensuring implementation of this Treaty, the country has established the Kenya Space Agency in 2017 to co-ordinate and regulate space related activities in the country. It is also undertaking earth and space sciences as programmes under the Science, Technology and Innovation Act, 2013.

642. The Government launched the 1 KUNS (1st University Nanosatellite Precursor Flight in January, 2018 as the first small satellite developed by an African Country.

7.0 PLANNING AND STATISTICS

7.1 Cotonou ACP-EU Partnership Agreement

643. The Cotonou Partnership Agreement which has been in existence since 2000 is the basis upon which African Caribbean and Pacific (ACP) Group of States, Kenya included, get development support, duty and quota free access to the European market. The second revision was signed in 22ndJune, 2010.

644. The 2nd revision streamlines the Cotonou Agreement adapting it to global changes in trade and aid policies. It further strengthens the relationship between ACP and the EU, addresses critical issues of aid effectiveness, economic and financial crisis, climate change, poverty eradication, and achievement of sustainable development as well as gradual integration of the ACP States into the world economy.

645. The Agreement also underpins the EPA negotiations centre for Enterprise Development established in Nairobi as a result of the co-operation. The third and last review of the Agreement was undertaken in 2016 before its expiry in the year 2020. Discusions are on going on the possible post 2020 co-operation scenarios before commencement of negotiations in 2018.

7.2 The African Charter on Statistics.

646. The African Charter on Statistics is a legal instrument to regulate statistical activity and also acts as a tool for advocacy and the development of statistics in Africa. Its ratification represents positive momentum towards development of statistics in Africa.

647. The Charter was adopted by the Assembly of Heads of State and Government in February 2009 in Addis Ababa, Ethiopia. The African Charter on Statistics pursues, inter alia, the following objectives: Serve as policy framework and advocacy tool for the development of statistics in Africa; ensure improved quality and comparability of the statistics; Strengthen the coordination of statistical activities and facilitate the harmonisation of development partners' interventions in order to avoid duplications in the implementation of statistical programmes; Promote compliance with the fundamental principles of public statistics in Africa and a culture of evidence-based policymaking; and Build up the institutional capacity of African statistical authorities by ensuring their autonomy in operations, while paying attention to adequacy of human, material and financial resources.

648. The Charter came into force on 8th February 2015, thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States. Currently Sixteen (16) countries including Kenya have signed but are yet to ratify.

7.3 Strategy for the Harmonisation of Statistics in Africa (SHaSA)

649. The Strategy for the Harmonisation of Statistics in Africa (SHaSA) was developed to support the African integration agenda and enhanced coordination and collaboration with National Statistical Offices (NSOs), Regional and continental statistical organisations as well as development partners. The main purpose of the SHaSA is to enable the Africa Statistical System (ASS) to generate timely, reliable and harmonized statistical information, covering all aspects of political, economic, social and cultural integration for Africa. It intends to contribute to the attainment of the continental integration agenda which is a pivotal goal of African Heads of State and Government.

650. In July 2009, the Assembly of Heads of State and Government of the African Union in Sirte, Libya, mandated the African Union Commission (AUC) in collaboration with the United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB) and members of the African Statistical System (ASS), to develop a Strategy for the Harmonization of Statistics in Africa (SHaSA). This was envisioned to support the African integration agenda and enhance coordination and collaboration with National Statistical Offices (NSOs), regional and continental statistical organizations, as well as development partners.

651. The capacity of producers of statistics at national, regional, and continental levels is significantly limited by inadequate human and financial resources, among other things. In addition, many ongoing initiatives for statistical harmonization are sector-based and do not respond holistically to the demands of the African integration process, as set out in the Abuja Treaty of 1991. This situation, therefore, reinforces the need to develop a comprehensive strategy, bringing all members of the ASS together to cover the three dimensions of the African integration process in order to guide the statistics harmonization process.

652. The main purpose of the SHaSA is to enable the ASS to generate timely, reliable, and harmonized statistical information, covering all aspects of political, economic, social, and cultural integration for Africa. It aims to drive forward the continental integration agenda.

653. The strategy serves as a valuable tool to statistical users including practitioners, policy and decision makers, institutions for harmonized planning, projection, and programming for accelerated regional integration and development. The SHaSA was launched during the meeting of Directors-General of National Statistical Offices in December 2010 in Yaoundé, Cameroon.

654. The emergence of consistent and harmonized African statistics remains limited by institutional capacity weaknesses, duplication and dispersion of efforts by our institutions, and lack of adequate resources. Kenya has already initiated the process of developing a National Strategy for Development of Statistics (NSDS). This is part of implementation of the SHaSA in dealing with challenges of developing and producing statistics in a holistic way, taking into account key stakeholders and sectoral concerns. NSDS is therefore a framework to strengthen statistical capacity across the National Statistical System in Kenya.

7.4 Statistical Peer Review Mechanism of the African Charter on Statistics

655. The Economic Commission for Africa carries out peer reviews on National Statistical Offices to ensure that good practices pass from country to country, based on the first-hand experience of peers, to help accelerate the change processes in reforming statistical systems. The peer reviews advise on a number of processes that may include coordination, governance, advocacy, financing, human resource development, management of the national statistical system including sub-national statistical systems and overall implementation NSDS. The focus of the peer reviews is on governance of the National Statistical System (NSS), its organisation, strategic planning, service to users, funding and sustainability – all against the backdrop of the African Charter on Statistics which sets best practice principles for professional independence, quality, mandates and resources, dissemination, protection of confidentiality, and co-ordination and co-operation.

656. Kenya National Bureau of Statistics (KNBS) was selected for peer review from 4th to 18th September, 2015. The objective of peer review is to assist KNBS improve its policies, to adopt best practices and comply with the standards and principles established internationally. In addition, the peer review is expected to offer the participants an opportunity to reflect on their own performance. The Peer Review Team is composed of members from South Africa and Tanzania national statistics offices, African Union Commission, and PARIS 21. An interim report of the review was produced at the end of the mission by the reviewers.

8.0 HEALTH

8.1 The Constitution of the World Health Organisation

657. The World Health Organisation (WHO) is a specialized agency of the United Nations that is concerned with international public health. It was established on 7th April, 1948, headquartered in Geneva, Switzerland. The WHO is a member of the United Nations Development Group. Its predecessor, the Health Organisation, was an agency of the

League of Nations. Since its creation, it has played a leading role in the eradication of smallpox. Its current priorities include communicable diseases, in particular HIV/AIDS, Ebola, malaria and tuberculosis; the mitigation of the effects of non-communicable diseases; sexual and reproductive health, development, and aging; nutrition, food security and healthy eating; occupational health; substance abuse; and driving the development of reporting, publications, and networking.

658. The WHO Country Cooperation Strategy III (CCS III) represents the medium-term strategy for the work of WHO in Kenya for the period 2014–2019 in support of the country's national health policy, strategies and plans. It is an important tool for harmonizing WHO co-operation with that of other UN agencies and development partners. The CCS III is anchored on three key planning frameworks, namely: the Twelfth General Programme of Work (GPW 2014-2019) which is the high-level strategic vision for the work of WHO globally; Kenya's Medium-Term Plan II (MTPII 2014-2018) and Health Sector Strategic and Investment Plan (KHSSIP 2014-2018) which outline the country's development and health agenda and The United Nations Development Assistance Framework (UNDAF 2014-2018) which outlines the framework for UN co-operation with the Government of Kenya.

8.2 WHO Framework Convention on Tobacco Control

659. Tobacco is a major cause of diseases, disability and death in the world resulting 6 million deaths annually in the world. Out of these deaths 600, 000 occur as a result of exposure to second-hand tobacco smoke (SHS) including among non-smokers and children. Cognizant of the growing evidence on the harmfulness of tobacco and the aggressiveness of tobacco industry to proliferate its consumption, the member states of the World Health Organisation developed, negotiated and adopted the Framework Convention on Tobacco Control (FCTC). The FCTC is the first public health Treaty currently with 180 Parties covering 90% of the world's population. Once a Party, a country is obligated to implement its obligations and provide biannual reports to the Conference of Parties.

660. Kenya is both a Party to the FCTC and a member state of WHO and continues to participate in activities derived from WHO and the FCTC Secretariat.

661. Kenya signed and ratified the FCTC in 2004 hence it has an obligation to implement its provisions. By becoming a Party to the FCTC, the treaty becomes part of the Kenyan laws as stipulated under the Kenya Constitution, 2010 Article 2 (5) and (6). Kenya has comprehensively domesticated the FCTC vide the Tobacco Control Act, 2007. Kenya is currently the Bureau member representing the AFRO region on the COP-FCTC.

662. Kenya is a regional and global leader in the implementation of the FCTC with best practices in legislation, elimination of Illicit trade in tobacco products, taxation, smoke-free policies, ban on advertising, promotion and sponsorship, mitigating tobacco Industry interference and international policy development.

8.3 Protocol to Eliminate Illicit Trade in Tobacco Products (ITP)

663. The Protocol to Eliminate Illicit Trade in Tobacco Products adopted in November , 2012 , is based on Article 15 of the WHO FCTC. Kenya signed the Protocol on 29th May, 2013 and is in the process of ratifying the Protocol. The objective of the Protocol is to

eliminate all forms of illicit trade in tobacco products through a package of measures to be taken by countries acting in cooperation with each other. Illicit trade poses a serious threat to public health because it increases access to – often cheaper –tobacco products, thus fuelling the tobacco epidemic and undermining tobacco control policies. It also causes substantial losses in Government revenues, and at the same time contributes to the funding of international criminal activities.

8.4 Conventions on Illicit and Psychotropic Drugs

664. 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.

665. The implementation of Conventions on Illicit and Psychotropic Drugs is overseen by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) which is a State Corporation in the Ministry of Interior and Coordination of National Government. NACADA was established by the NACADA Act of 2012 (CAP 121B) of the Laws of Kenya. NACADA was established to coordinate multi-sectoral efforts aimed at preventing, controlling and mitigating alcohol and drug abuse in Kenya.

666. Under the Conventions, Kenya is obligated to report annually on the 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.

667. These Conventions guide countries in the formation of clear guidelines in the management of persons addicted or abusing narcotic substances. 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 Government established "The Anti-Narcotics Unit" within the Criminal Investigations Department (C.I.D) of the Kenya Police to enforce the Act throughout Kenya and beyond.

668. The Pharmacy and Poisons Board regulates the practice of pharmacy and the manufacture and trade in drugs and poisons. This is to achieve the highest standards of safety, efficacy and quality for all drugs, chemical substances and medical devices that are locally manufactured, imported, exported, distributed, sold, or used to ensure the protection of the consumer as envisaged by the laws regulating drugs in force in Kenya.

669. Government launched the National Substance Use Management Technical Co-ordinating Committee in March, 2016 mandated to coordinate and harmonize multi-

sectoral activities on substance use, management, monitoring, evaluating and review progress as well as address challenges in substance use management.

670. Kenya has intensified her efforts in prevention, early intervention, treatment, care, harm reduction, recovery, rehabilitation and social reintegration of drug use disorders and associated co-morbidities.

671. The National Substance Use Disorder Treatment Protocol 2016 gives guidelines for pharmacological as well as psychosocial treatment of Substance Use Disorders at the Outreach level, Outpatient level and Inpatient level. It also gives guidelines for recovery management. Kenya has model general substance use disorder treatment outpatient clinics (CSAT) as well as inpatient treatment facilities.

672. With regard to heroin use disorder treatment, the Government has ensured availability of Methadone in licensed centers. Kenya has six Medically Assisted Therapy clinics, three in the coastal region: in Kisauni, Mombasa County Referal Hospital and Malindi Sub-county Hospital; two in Nairobi, Ngara Clinic and Mathari National Teaching and Referal Hospital and Jaramogi Oginga Odinga Teaching and Refferal Hospital in Kisumu.

8.5 The Convention on Psychotropic Substances, 1971

673. This Convention was adopted in Vienna on 21st February, 1971 and entered into force on 16th August, 1976. Kenya ratified it on 18th October, 2000.

674. The Convention establishes an international control system for psychotropic substances. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic value on the other.

8.6 The Single Convention on Narcotic Drugs (1961)

675. The Single Convention on Narcotic Drugs, 1961, was amended by the Protocol amending the Single Convention on Narcotic Drugs on 25th March, 1972. This Convention, as amended, entered into force on 9th February, 1973. Kenya ratified the Convention on 19th October, 1992.

676. This Convention aims to combat drug abuse through coordinated international action. There are two forms of intervention and control that work together. First, it seeks to limit the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international co-operation to deter and discourage drug traffickers.

8.7 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

677. This Convention was adopted on 20th December, 1988 and entered into force on 11th November, 1990. Kenya ratified the Convention on 19th October, 1992.

678. The Convention provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

8.8 Protocol on the Establishment of the EAC Health Research Commission (EACHRC)

679. Protocol for the establishment of the EACHRC, signed by the Heads of State of the EAC Partner States in 2008, marked a new era of close cooperation on health research in the region.

680. The EACHRC Headquarters has been set up and operationalized in Bujumbura, Burundi. Kenya nominated KEMRI as the national focal point institution for coordination and implementation of Protocol.

681. EACHRC is established as the principal advisory institution of the community on all matters of health research and development. To achieve this objective, the Commission undertakes research and findings that are necessary for knowledge generation, technological development, policy formulation, practice, and other related matters. Kenya Medical Research Institute (KEMRI) co-ordinates collaboration and participation in the activities of the Commission. The vision of EACHRC is high quality health research for improvement of health and wellbeing of the people of East Africa.

682. The EAC has developed legal and operational frameworks to address the emerging issues in the EAC region, institutionalized the digital regional EAC health initiative to integrate technology in all health initiatives to improve health outcomes across the region, developed the Strategic Plan 2016-2021 with a focus on improvement of health care in the region.

683. The EAC has also developed the East African Health Research and East African Health Science Journals and is currently mobilising renowned scholars and scientists from all Partner States to publish articles in the journals. The journals will be used to disseminate research findings on health for improved health care in the region and provide a resource material for university students and other research institutions.

684. The EAC has also developed the East Africa Web portal for Health information. The Portal will serve as a one stop shop for generation, capture, synthesise, assessment, sharing, dissemination and utilisation of health-related information in the region. It also provides information on opportunities for employment, collaboration and disease surveillance.

685. Kenya participated in the 6th East African Health and Scientific Conference and International Health Exhibition and Trade Fair held from the 29th - 31st March, 2017 in Bujumbura, Burundi. The Conference brings together scholars, researchers and policy makers for exchange of experiences and information.

686. Implementation of the Protocol has been seriously hampered by lack of adequate funds for activities of the Commission.

9 TRANSPORT

9.1 Air Transport

9.1.1 Convention on International Civil Aviation (1944 Chicago Convention)

687. The Convention was adopted on 7th December, 1944 and entered into force on 4th April, 1947. Kenya ratified the Convention on 1st May, 1964. The Convention aims to ensure the safe and orderly development of international civil aviation throughout the world;

encourage the arts of aircraft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others.

688. The Convention establishes the International Civil Aviation Organisation 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 re-elected to the ICAO Council in October, 2016 for a period of 3 years.

689. 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. The subscriptions are fully paid up currently.

690. In implementing the Convention, Kenya has enacted the Civil Aviation Act, 2013 which was amended in 2016. The Government has also developed 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.

691. The Authority faces the challenge of attracting and retaining qualified technical staff due to the wide disparities in remuneration within the industry. It is recommended that the Government should enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.

692. 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 to thrive.

693. 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.

694. In 2017, Kenya was granted Category 1 Safety Standard rate after complying with ICAO International Aviation Safety Assessment (IASA) Standards. This is the prerequisite requirement for direct flights from Nairobi to the United States.

695. Kenya was also amongst a select group of nations chosen by ICAO for the EU/ICAO Assistance Project that will measure the carbon emission and reduction in order to meet Kenya's carbon footprint.

9.1.2 Convention on the Unification of Certain Rules of International Carriage by Air, (1999 Montreal Convention)

696. The Convention was adopted on 28th May, 1999 and entered into force on 4th November, 2003. Kenya ratified the Convention on 7th January, 2002. The Convention aims to re-establish uniformity and predictability of rules relating to the international carriage of passengers- airline liability in the case of death, injury or delay to passengers or in cases of delay, damage or loss of baggage and cargo whilst maintaining the core provisions

which have served the international air transport community for several decades (i.e. the Warsaw regime).

697. 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.

698. Airlines world-wide have a challenge when dealing with damages and lost baggage, due to human emotions, and the amounts of compensation especially when relating to aircraft accidents and subsequent litigation. Kenya Civil Aviation Authority has established a consumer protection unit to address claims for damage and loss of baggage. Further, KCAA has developed draft regulations (Consumer Protection Regulations, 2017). The regulations have been subjected to stakeholders workshop and are awaiting finalization.

699. The ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage.

700. The Airline operators in Kenya participate in the Airline Operators Committee to address issues relating to damaged and lost baggage and compensation to passengers relating to the same.

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

701. The Convention was adopted on 1st March, 1991 and entered into force on 21st June, 1998. Kenya became a State Party to the Convention on 21st October, 2002. 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.

702. Kenya is not a producer 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.

703. The Convention establishes an International Explosives Technical Commission, which is composed of experts in the field of explosives.

704. 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 Kenya. Implementation of the framework reduces the ability and risk of terrorists utilizing plastic explosives within Kenya.

9.1.4 Convention on International Interests in Mobile Equipment (Cape Town Convention) and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment 2001

705. The Convention and the Protocol were adopted on 16th November, 2001 and entered into force on 1st March, 2006. Kenya became a State Party to the Convention and Protocol on 13th October, 2006. The Convention and its Protocol recognises the need to acquire and use mobile equipment of high value or particular economic significance to facilitate the financing of the acquisition and use of such equipment in an efficient manner.

706. The Convention and its Protocol emphasizes on 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.

707. Kenya has domesticated and is implementing the Convention through the enactment of the International Interests in Aircraft Equipment Act, 2013.

708. The benefits to Kenya are that local airlines are able to acquire aircraft at a discount due to assurance to the sellers, that their interests in such equipment are recognised and protected.

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

709. The Convention was adopted on 23rd September, 1971 and entered into force on 26th January, 1973. Kenya ratified the Convention on 11th January, 1977. The Convention recognises that unlawful acts of seizure or exercise of control of aircraft in flight jeopardizes the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts.

710. Ratification of the Convention by the Government demonstrates its commitment towards ensuring that acts of unlawful interference are eliminated. The Civil Aviation Act, 2013 (amended 2016) recognises acts of unlawful interference as a crime.

711. Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. Kenya's security agencies continue to undertake surveillance and have been strengthened to promote and enhance deterrence.

712. Kenya prohibits and punishes behavior which may threaten safety of civil aviation.

9.1.6 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)

713. The Protocol was adopted on 24th February, 1988 and entered into force on 6th August, 1989. Kenya became a State Party to the Protocol on 5th October, 1995. The Protocol recognizes the unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports, undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States.

714. The Civil Aviation Act, 2013 (ammended 2016) recognises and addresses unlawful acts of violence at the airport serving international civil aviation.

715. Terrorism is a challenge to most States and terrorist will use any means to achieve their goals. It is recommended that Kenya's security agencies undertake continuous surveillance and be strengthened to ensure that security is maintained at our airports.

716. The benefit is that this will prohibit and punish behavior which may threaten safety of civil aviation.

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

717. The Convention was adopted on 7th October, 1952 and entered into force on 4th February, 1958. Kenya became a State Party on 5th July, 1999.The Convention aims to ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft, while limiting in a reasonable manner the extent of the liabilities incurred for such damage in order not to hinder the development of international civil air transport.

718. The ratification of the Protocol by the Government demonstrates its commitment towards adequate compensation to those who suffer damage.

719. The challenge is the inadequacy of compensation especially when relating to aircraft accidents tends to lead to litigation. It is recommended that the General Risk Convention that seeks to modify the Rome Convention and provide for better and adequate compensation be ratified. The benefit of the Convention is that it standardizes compensation relating to damage suffered.

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

720. The Protocol was adopted and entered into force on 18th April, 2007. Kenya became a State Party on the same date. The Protocol established the Civil Aviation Safety and Security Oversight Agency (CASSOA).The ratification of the Protocol by the Government demonstrates its commitment towards aviation safety in the region.

721. The Protocol seeks to promote a safe and secure environment in the development of civil aviation within and outside the Partner States. It assists the Partner States in meeting their safety and security oversight obligations and responsibilities under the Chicago Convention and its annexes. It also provides the Partner States with an

appropriate forum and structure to discuss, plan and implement common measures required for achieving the safe and orderly development of civil aviation through the implementation of international standards and recommended practices relating to the safety and security of civil aviation. The Agency has developed several regulations to facilitate the operations and implementation of the Protocol.

722. Conformity with the Protocol will improve aviation safety in the region. Kenya will host the EAC Centre of Aviation Medicine at Kenya Civil Aviation Authority Headquarters. Negotiations to conclude the host Agreement are ongoing.

9.1.9 SEARCH AND RESCUE AGREEMENT CO-OPERATION IN AIR ACCIDENT INVESTIGATIONS

723. The Protocol was adopted on 13th September, 2003. Kenya signed on 13th September, 2003. The purpose of the Protocol was to assist Partner States in cooperating in the activities of Interstate Search and Rescue Services.

724. The EAC has adopted an updated roadmap for the operationalization of the EAC Search and Rescue Agreement. The EAC has also considered and adopted the proposed EAC SAR Joint Technical Committee composed of the 5 National SAR Coordinators one from each of the EAC Partner States to participate in coordination activities.

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

725. The Convention was adopted on 19th June, 1948 and Kenya became a State Party to the Convention on 15th January, 1997. The spirit of the Convention is to encourage investors to make financial assistance possible for the purchase of new aircrafts to be used internationally.

726. Ratification of the Convention demonstrates Kenya's commitment to international commercial sale and leasing of aircrafts.

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

727. The Protocol was adopted on 23rd September, 1978 and Kenya became a State Party to the Protocol on 23rd October, 2002 and ratified the protocol on 25th July, 2002. The Protocol addresses compensation relating to damage caused by the international flights on the ground.The ratification of the Protocol demonstrates the Government's commitment towards adequate compensation to those who suffer damage caused by an aircraft on the ground.

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

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

729. The Convention was adopted on 12th October, 1929 and Kenya became a State Party on 12th December, 1963. The objective of the Convention is to ensure compensation for death or injury of a flight passenger and damage or loss of luggage or goods. The

ratification of the Convention demonstrates the Government's commitment towards compensation.

730. The Kenya Civil Aviation Authority has established a Consumer Protection Unit to address claims for damages and loss of baggage. Implementation of the Convention enhances passengers' confidence.

9.1.13 Protocol to Amend the Warsaw Convention of 1929 (1955 Hague)

10 The Protocol was adopted on 28th September, 1955. Kenya became a State Party to the Protocol on 4th October, 1999. The Protocol improved compensation of international carriage of persons, luggage and goods. Ratification of this Protocol demonstrates Kenya's commitment to consumer protection. The challenges experienced remain the same as for the 1929 Warsaw Convention.

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

731. The Convention was adopted on 14th September, 1963. Kenya became a State Party on 20th September, 1970. The Convention is applicable to offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft. Ratification of the Convention demonstrates Government commitment to fighting terrorism and punishment of offenders.

732. Jeopardizing the safety of persons or property on board civilian aircrafts is now an offence under the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences.

733. The benefit is that there is improved security of persons on board aircrafts with amendment of the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012 to incorporate the offence.

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

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

735. Kenya has incorporated the punishment of offenders for this crime of unlawful seizure or exercise of control of aircraft in flight under the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012. The benefit is that there is improved security of persons on board aircrafts with amendment of the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012 to incorporate the offence.

736. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences.

9.1.16 The Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing Convention 2010) and the Protocol Supplementary to the Convention on the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol 2010)

737. The Convention was adopted on 10th September, 2010 and entered into force on the same day. Kenya became a State Party to the Convention on 10th September, 2010 and ratified the Convention and its Protocol on 18th August, 2015. The Convention and its Protocol seek to criminalise a number of acts constituting emerging threats against civil aviation including certain preparatory acts of the offences and using aircraft as a weapon. The main objective of the Convention and Protocol is to promote aviation security by addressing unlawful acts against civil aviation that may jeopardize the safety and security of persons and property

738. Kenya participated in the diplomatic conference held in Beijing, China in September 2010. The Conference was aimed at reviewing the Hague Convention of 1970 and the Montreal Convention of 1971 as amended by the Montreal Protocol of 1988 to address emerging threats to civil aviation security.

739. Kenya has incorporated the punishment of offenders for this crime under the Penal Code and the Prevention of Terrorism Act, No. 30 of 2012. The Office of the Director of Public Prosecutions is undertaking prosecution of the offence and investigations are undertaken by the National Police Service and Anti-Terrorism Unit at the airports. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences. However, the implementation of the Convention and the Protocol will contribute to the enforcement of the United Nations Global Counter-Terrorism Strategy adopted on 8th September, 2006.

9.1.17 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol, 2014)

740. The Protocol was adopted on 4th April, 2014. Kenya became a State Party on 4th April, 2014. Currently the Protocol is pending ratification before the National Assembly. The main object of the protocol is to empower Governments to take measures as may be necessary to initiate appropriate criminal, administrative or any other forms of legal proceedings against any person who commits an offence on board an aircraft.

741. The Tokyo Convention, 1963 limits jurisdiction over offences and other acts committed on board aircraft to the State of registration of the aircraft in question. A jurisdictional gap arises when an unruly passenger is handed over to competent authorities in another State other than the State of registration. Such State of landing can decline to exercise jurisdiction on the basis that the aircraft is registered in another State. Similarly, authorities in the State of registration may have little connection with an incident taking place on board an aircraft operated in another State. As a result, unruly passengers get released to continue their journey without facing punishment for their misconduct, which may jeopardize the safety of aircrafts.

742. Implementation of the Montreal Protocol, 2014 will enhance civil aviation safety and security by: Extending jurisdiction to the State of landing and State of Operator; Clarifying conduct that constitutes an offence and encourages States to take

appropriate criminal or other legal proceedings. Such conduct includes physical assault or threat to commit such assault against a crew member and refusal to follow a lawful instruction given by or on behalf of aircraft commander (for safety purposes); Recognizing that airlines have a right to and may seek compensation from unruly passengers for costs incurred as a result of their unruly behavior where this involves diversions to disembark an unruly passenger; and recognizing that States may establish an in-flight security officer programme on a bilateral or multilateral basis.

10.0 Road Transport

10.1.1 Geneva Convention on Road Traffic Accident

743. The Convention entered into force on 19th September, 1949. Kenya became a state party on 21st May, 1977. The Convention mandates State Parties to develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally. State Parties have agreed to establish nationwide emergency response system; equip emergency providers with adequate means for safety evacuation of casualties; improve health facility capacity to respond to casualties of road traffic crashes and enhance data management on road traffic injuries. This Convention is implemented through the National Transport and Safety Authority Act, No. 33 of 2012 and the Traffic Act (Cap. 403).

744. The Government has established a National Transport and Safety Authority (NTSA) whose objective is to harmonize the operations of the key road transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes. The Government has also established the Transport Licencing Appeals Board (TLAB), under the National Transport and Safety Authority Act, which is domiciled in the Judiciary. TLAB is a quasi judicial body that hears appeals from NTSA.

745. The Government has enacted measures aimed at reducing road carnages which stands at approximately 3000 deaths per year. All public service vehicles are required to belong to a Savings and Credit Co-operative Society (SACCO) which has self-regulation mechanisms. Bus companies are now required to employ two qualified drivers for night travels. Fleet owners are now tasked to manage the speed limits of their vehicles using a fleet management system capable of recording speed and locating the vehicle at any time. As from October, 2017 all vehicles including private vehicles are required to have an ownership sticker and undergo inspection.

746. In a bid to reduce drunk driving- related accidents, breathalyzers have been deployed throughout the country. There has been a reduction of fatal road accidents. Licensing of individual Matatu owners was stopped and instead only owners of a minimum of 30 vehicles are licensed to operate Public Service Vehicles (PSVs).

747. The Government has developed a new Standardized Curriculum for driver training and testing for use in all driving schools in Kenya. This will ensure standardized training and testing of all driver trainees in the country. In addition, digital driving license with demerit points, supported by the Transport Information Management System (TIMS), was rolled out in mid-2016 to enhance monitoring performance of all drivers.

748. Secondly, many County Governments have contracted Red Cross teams and Ambulances to provide emergency and evacuation services in the Counties. The sector

faces several challenges in terms of inadequate resources, implementation challenges due to lack of capacity and conflict of roles amongst the various implementing Partners.

10.1.2 The Northern Corridor Transit and Transport Agreement, 2007

749. The new Northern Corridor Transit and Transport Agreement (NCTTA) was signed in 1995 and revised on October 7, 2007, between the Governments of Burundi, Democratic Republic of the Congo, Kenya, Rwanda, and Uganda. It entered into force on 6th December, 2012. The Republic of South Sudan acceded to the Agreement as the sixth member State on March 7, 2013. The Agreement extends the mandate and scope of the 1985 Agreement.

750. 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.

751. The Government has established the Northern Corridor Transit and Transport Co-ordination Authority (NCTTCA) to co-ordinate implementation of the Agreement and to carry out decisions and resolutions reached by policy organs of the Authority.

752. The Agreement mandates NCTTCA to promote co-operative transport policies and foster an efficient and cost-effective transit transport system within the Corridor. The treaty has contributed significantly to improved corridor performance, and has brought member States together, facilitating trade and commerce, cooperation and bilateral agreements between member States of funding for the rehabilitation of major highways along the Corridor. The rehabilitation of major highways has led to the reduction of transit time between Mombasa, Kenya, and Bujumbura, Burundi, by half, from over 30 days to about 15 days, as a result of transit facilitation measures undertaken. Some unnecessary border formalities along the Corridor have been removed.

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

753. The Lamu Port Southern Sudan-Ethiopia Transport (LAPSSET) Corridor project 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 will link Nairobi through Nairobi-Isiolo railway link. 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. It is anticipated that when the project is complete it will impact a growth value of approximately between 2% to 3% of GDP.

10.1.4 Regional Customs Transit Guarantee (RCTG) Agreement

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

10.1.5 1993 COMESA Protocol for the Establishment of Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation

755. 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.

756. In Kenya, it is a mandatory minimum for motorists who cannot take out a comprehensive insurance policy for their vehicles, to have a third party (motor vehicle risks) insurance cover.

10.1.6 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

757. The objectives of the tripartite agreement are; to harmonize policies with respect to trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services and people. The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at 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.

758. The first phase of a standard gauge railway line linking the port city of Mombasa to Nairobi is complete and operational. Construction of the second phase, Nairobi to Naivasha is ongoing. The standard gauge railway is envisioned to provide efficient and cost-effective rail transport for both freight and passengers.

11.0 Rail Transport

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

759. The Protocol was signed by Kenya, Uganda, South Sudan and Rwanda in May 2014. The aim of the Protocol is to enable development and operationalisation of a seamless railway network from Mombasa to Kampala, Kigali and Juba.

760. The Tripartite Agreement on the creation of the Standard Gauge Railway which aims to address infrastructure development, energy, trade facilitation and regional integration within the countries was signed on 28th August, 2013.

761. The SGR is to reduce the cost of doing business in the region and improve competitiveness in investment through:

a) Reduced freight transportation tariff charges on average by 41.5% per tonne-kilometre.

b) Reduced transit time by freight trains on average by 26.6%.

c) Increased rail transport share in the Northern corridor.

d) Reduced damage to the roads on the Northern Corridor.

762. Phase 1 of the SGR (Mombasa to Nairobi section – 485 km) is complete. The SGR passenger started operations on 1st June, 2017. This means of transport has received overwhelming support evidenced by the heavy online bookings witnessed.The

Government has also created a Railway Development Fund supported by a 1.5% levy on the cost of all imports to support the railway development.

763. For the SGR operations to be sustainable, Kenya is required to:

- Ensure the harmonisation of the policy, legal and institutional framework for SGR;
- Adopt a common logical framework of project management;
- Adopt agreed common SGR standards;
- Co-operate and co-ordinate human resource capacity building strategies;
- Co-operate and coordinate in joint mobilization of financial resources;
- Ensure sufficient budgetary allocations and funding mechanisms
- Undertake joint implementation of any other matter related to SGR inter-parties;
- Undertake joint monitoring and evaluation of SGR projects;
- Co-operate and coordinate Research and Development and transfer of technology; and
- Develop and adopt mechanisms to ensure seamless operations

12.0 Maritime Transport

12.1.1 International Maritime Organisation (IMO Convention) as Amended

764. The International Maritime Organisation (IMO) is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. Kenya became a signatory to the Convention on 22nd August, 1973.

765. IMO provides a mechanism for co-operation among governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety; and ensure efficiency of navigation and prevention and control of marine pollution from ships". The Organisation is also empowered to deal with administrative and legal matters related to these purposes.

766. 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; ensure efficiency of navigation and prevention and control of marine pollution from ships". The Organization is also empowered to deal with administrative and legal matters related to these purposes.

767. Kenya is a member of the IMO Governing Council. The Government implements IMO programs and pays yearly subscriptions to the Organisation, besides participating in IMO meetings.

768. 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.

769. 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.

12.1.2 Maritime Labour Convention (MLC), 2006

770. The MLC, 2006 is an international labor convention adopted by the International Labour Organisation (ILO), widely known as the "seafarers' bill of rights." The MLC, 2006 was adopted by Governments, employer and workers representatives at a special ILO International Labour Conference in February, 2006 and it provides international standards for the world's first genuinely global industry. Kenya ratified the Convention on 31st July, 2014.

771. The objective of the Convention is to ensure the universal protection of the rights of seafarers; ensure a level playing field for countries and ship owners committed to providing decent working and living conditions for seafarers, protecting them from unfair competition on the part of substandard ships. The Government of Kenya is to ensure that ships flying its flag are duly inspected and certified in accordance with international standards set out in the Convention and that it provides effective protection for Kenyan seafarers.

772. It aims to achieve decent work for seafarers and to secure economic interests through fair competition for quality ship owners.

773. Ratification and implementation of the MLC is part of Kenya's commitment to seafarers who perform a crucial function for the shipping industry. The framework also provides opportunities for capacity building.

12.1.3 International Network for Bamboo and Rattan (INBAR)

774. The International Network for Bamboo and Rattan (INBAR) is an independent intergovernmental organization established in 1997 to develop and promote innovative solutions to poverty and environmental sustainability using bamboo and rattan.

775. INBAR evolved from an informal network of bamboo and rattan researchers set up in 1984 by the International Development Research Centre (IDRC). In 1993 the network was formalized under its present name, but remained a project of IDRC. Work to launch INBAR as an independent organization started in 1995, and was completed in 1997 when INBAR became an independent organization with its headquarters in Beijing, China with regional offices for South Asia (New Delhi, India), East Africa (Addis Ababa, Ethiopia), West Africa (Kumasi, Ghana) and Latin America and the Caribbean (Quito, Ecuador).

776. Membership of INBAR is open to member states of the United Nations and to Inter-Governmental Organizations. INBAR currently has 42 member countries. Kenya joined INBAR in February 2001.

777. INBAR's supreme governing body is the council of representatives of its member countries which meets biennially. The Board of Trustees is the second tier of governance, and develops appropriate policies, oversees management and ensures efficient operations at its annual meetings.

778. INBAR aims to foster informed debate on matters that affect the development of bamboo and rattan in its member countries, and has been emphasizing support for appropriate policy development in its member countries and beyond. INBAR delivers a series of technical training and awareness courses each year, and produces a wide-ranging series of online publications on a broad range of bamboo and rattan-related issues.

779. INBAR has been endeavoring to work through bamboo and rattan for six (6) of the seventeen (17) Sustainable Development Goals (SDGs), targeting poverty reduction, energy, housing, sustainable production and consumption, climate change and land degradation. As an international organization, INBAR also contributes directly to SDG 17 by promoting partnership. With 42 members from the Global South, INBAR has played an especially strong role in promoting South-South co-operation.

780 The work of INBAR is based around the following strategic goals: promoting bamboo and rattan in socio-economic and environmental development policies at national, regional and international levels; coordinating inputs on bamboo and rattan from its growing global network of members and partners; sharing knowledge and communicating lessons learnt, providing training and raising awareness of the relevance of bamboo and rattan as plants and commodities; and fostering adaptive research and on the ground innovation by promoting pilot case studies and supporting up-scaling of best practices across INBAR members.

781 INBAR works in partnership with other international and multilateral organizations. Its major international partners are the International Fund for Agricultural Development; the Common Fund for Commodities and the European Commission. Major bilateral partners are INBAR's member country governments.

782 Kenya's designated focal point with INBAR is the Kenya Forestry Research Institute (KEFRI), under the Ministry of Environment and Natural Resources.

783 Kenya is actively collaborating with INBAR, and local stakeholders in research and dissemination of information on bamboo production among rural communities with a view to promoting cultivation and commercialization of bamboo in Kenya. INBAR also undertakes workshops with the government on the development of an integrated national bamboo sector policy for Kenya.

784 INBAR in collaboration with the Netherlands and China is undertaking a Triangular Co-operation Programme on Bamboo value chains and standardization in Africa in three(3) countries Kenya, Uganda and Ethiopia to support poverty reduction, sustainable development and international trade (export of bamboo products), through the value chain development of bamboo in the three countries.

785 In October 2017, Kenya co-sponsored a resolution at the 72nd United Nations General Assembly (UNGA) for INBAR's Observer Status at the United Nations General Assembly. A relationship between INBAR and UNGA would enrich discussions on the Sustainable Development Agenda particularly related to the six (6) Sustainable

Development Goals (SDGs) which INBAR has endeavoured to work on through the development of bamboo and rattan.

12.1.4 INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED (SOLAS 1974)

786 The Convention was adopted on 1st November, 1974, entered into force on 25th May, 1999. Kenya ratified it on 21st October, 1999. It is being implemented through the Merchant Shipping Act, 2009.

787 The SOLAS Convention concerns the safety of merchant ships. The SOLAS Convention specifies minimum standards for the construction, equipment and operation of ships. Flag States are responsible for ensuring that ships under their flag comply with the requirements under the Convention, and certification issued as prescribed in the Convention. Port State control allows Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ships and their equipment do not substantially comply with the requirements of the Convention.

788 Shortage of human and financial resources, have been an impediment to achieving the objectives in this treaty.

12.1.5 1978 Protocol to the 1974 Safety of Life at Sea (SOLAS) Convention (SOLAS 78 Protocol)

789 Kenya is a Contracting Party to the 1974 SOLAS Protocol, effective from 21st October, 1999. The 1978 Protocol entered into force in 1981. Kenya acceded to the Protocol of 1978 on 7th July, 2015.

790 The 1978 SOLAS Protocol made important changes to Chapter 1 of SOLAS Convention by introducing unscheduled inspections and/or mandatory annual surveys thus strengthening port State control requirements. This ensures seaworthiness of vessels. Port State control inspection is done by the Kenya Maritime Authority (KMA).

791 This Protocol is important to Kenya considering that approximately fifty ships of various types voyage through the major shipping lanes off the Kenyan coastline at any given time. Of these, approximately nine are oil tankers whose risks to the marine environment in case of oil spillage are enormous.

12.1.6 Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974

792 The 1988 SOLAS Protocol entered into force in 2000 and Kenya acceded to it on 7th July, 2015.

793 The SOLAS Protocol introduced a new coordinated system of surveys and certification. It Harmonized Ship Survey and Certification (HSSC) as provided in the Load lines 1966 Convention and MARPOL 73/78 as well as with various codes dealing with construction and equipment of ships carrying dangerous chemicals in bulk. Kenya is party to the International conventions on safety of Life at Sea 1974. (SOLAS 74), MARPOL 73/78 and the International Convention on Load lines 1966 and therefore there is need for ratification of the Protocol so as to fully benefit from the regime.

794 The aim of the 1988 Protocol is to alleviate difficulty caused by the varying requirements in the three instruments. Ships may be obliged to go into dry-dock for a survey required by one Convention shortly after being surveyed in connection with another. By enabling the required surveys to be carried out at the same time, the system will reduce costs for ship Owners and the KMA in carrying out Port State Control activities.

795 The SOLAS Protocol is domesticated vide the Merchant Shipping Act, 2009. Implementing the Protocol will ensure ship and crew safety, and protection of the marine environment from pollution by ships. Apart from ensuring that unseaworthy vessels do not call at our ports, the surveys and inspections will also enhance revenue generation for the country.

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

796 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. The convention was adopted on 2nd November, 1973 and entered into force on 2nd October, 1983 (Annexes I-III), 19th May, 2005 (Annexes IV-VI). Kenya ratified annexes 1 to V in 1993 and the MARPOL Protocol 1997 in 2007.

797 Implementation is supposed to ensure provision of oil waste reception facilities at ports, legislation of relevant laws and regulations, capacity building, sensitization among others.

798 Measures for handling packed dangerous goods, port reception facilities for sewage and oil waste are in place. Other implementation activities include: Port State Control measures, and continuous stakeholders' workshops and seminars. The process of developing a Shipping Operations (Marine Pollution) Bill, 2014 and regulations to domesticate the Convention is on-going.

799 The KMA regulates ships and offshore installations with potential to pollute Kenyan navigable waters for safe navigation and protection of the marine environment. To reduce the risk of marine pollution from ships, 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.

800 Shortage of technical capacity, inadequate legislation and funding have made the implementation process a challenge.

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

801 The Convention was adopted on 7th July, 1978 and entered into force on 28th April, 1984.

802 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.

803 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. This is being implemented through the MSA and STCW regulations that have already been gazetted and are operational. Appropriate curricula have been developed for training and monitoring, Institutions for training have identified and accredited (JKUAT), concept paper for training in shipping is under development, and negotiations with other maritime nations to train Kenyan seafarersare ongoing.

804 Compliance will ensure legislation of relevant laws and regulations, training facilities (simulation facilities, training ship for sea-time and swimming pools), capacity building, sensitization among others.

805 Inadequate trainers in technical areas, lack of training ships and limited funding remain an impediment.

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

806 The Convention was signed on 5th April, 1966, amended in 1998, 2003 and entered into force on 21st July, 1968. Kenya acceded to the Convention in 1975. It establishes uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea.

807 The potential hazards present in different zones and different seasons have to be considered when loading ships. The technical annex to the Convention 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.

808 The Convention helps in determining the freeboard of ships by subdivision and damage stability calculations for safety hence preventing loss of lives/ships/cargo and prevention of marine pollution from ships.

809 Kenya enforces the Convention through the Merchants Shipping Act, 2009 (Revised 2012) the Maritime Authority Act, Port State Control, and inspections and survey. Currently, draft regulations are under consideration. Inadequate technical capacity poses a challenge during implementation.

12.1.10 1988 Protocol to the Load Lines Convention, 1966

810 Kenya became a contracting party to the 1966 Load Lines Convention on 12th September, 1975 and acceded to the 1988 Protocol amending the Convention on 7th July, 2015.

811 The 1988 Protocol to the Load Lines Convention of 1966 was primarily adopted in order to harmonize the Convention's survey and certification requirements with those contained in the Safety of Life at Sea (SOLAS 74/78) Convention and the Marine Pollution Convention of 73/78 (MARPOL). The harmonized system resolves the problems caused by survey dates and intervals between surveys which do not coincide. A ship therefore does not have to go to a port or repair yard for a survey as required by one Convention shortly after going through the same process in connection with another instrument.

812 When implemented, the 1988 Protocol of the Load Lines Convention will enhance KMA's powers to conduct Port State Control functions and render our coastline free from unseaworthy ships among others.

813 Enhanced safety of life, property and protection of the marine environment in connection with ships on international voyages calling at Kenyan Ports will be achieved. The Country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured. The country will also benefit from the IMO's Technical Co-operation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

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

814 Kenya acceded to the Convention in 1993. It was adopted on 23rd June, 1969 and entered into force on 18th July, 1982. The Convention introduced a universal tonnage measurement system. The Convention provides for gross and net tonnages, both of which are calculated independently. Kenya's obligation to domesticate the Convention was achieved through the MSA, Port State Control, inspections, survey measures and implementation will be enhanced through regulations elaborated from time to time as needed.

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

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

816 The convention was adopted on 20th October, 1972 and came into force on 15th July, 1977. Kenya has ratified the Convention and is ensuring implementation by establishing mandatory traffic separation schemes for ship navigation to avoid collisions. Kenya acceded to the Convention in 1992.

817 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.

818 Kenya is implementing the Convention through the Merchant Shipping Act, 2009 (Revised 2012), KPA Act (pilotage), Navigational Watch Tower operational with regard to traffic control and safety and Automatic Identification System /Long Range Identification (LRIT). Draft distress and collision regulations have been developed for approval.

12.1.13 International Convention for Safe Containers (CSC), 1972, as Amended

819 The Convention was adopted on 2nd December, 1972 and entered into force on 6th September, 1977. It has two goals: 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; and 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.

12.1.14 International Convention on Maritime Search and Rescue (SAR)

820 The Convention was adopted in Hamburg on 27th April, 1979 and came into force on 22nd June, 1985. Kenya acceded in 1993. Its objective is centralization of international SAR so that no matter where accidents occur, the rescue of persons in distress at sea is coordinated by a SAR organisation and, when necessary, by co-operation between neighbouring SAR organisations. Parties to the Convention are required to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters.

821 The Convention stipulates that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties. It further stipulates preparatory measures to be taken, including the establishment of rescue co-ordination centers and sub-centers, 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.

822 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 center for SAR.

823 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.

824 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, the Government is to establish full time rescue co-ordination centers with trained staff that have working knowledge of English; ensure the closest practicable co-ordination between maritime and aeronautical services; co-ordinate SAR organisations, and where necessary, SAR operations with those of neighboring 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 Centers and Rescue Sub-Centers 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.

825 State Parties are required 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.

826 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 center for piracy.

12.1.15Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965)

827 The Convention was adopted on 9th April, 1965 and entered into force on 5th March, 1967. Kenya acceded to the Convention in 1973. 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.

828 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.

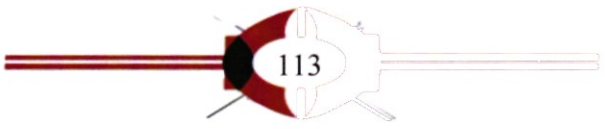
829 The Kenya Ports Authority is implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS). KENTRADE is implementing single window with participation of other stakeholders.

12.1.16Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, (London Convention), 1972

830 The Convention was adopted on 13th November, 1972 (1986) and entred into force on 30th August, 1975 (2006). Kenya acceded to the Convention in 1976 and is implemented through the Merchant Shipment Act, 2009 (Revised 2012).

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

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



833 Kenya is limited by inadequate capacity for surveillance and competing priorities for allocation of available resources.

12.1.17The Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992)

834 The Convention was adopted on 27th November, 1992 and entered into force on 30th May, 1996. The Convention governs the liability of ship owners for oil pollution damage. It lays down the principle of strict liability for ship owners and creats a system of compulsory liability and insurance.

835 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.

836 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.

837 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.

838 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 Convention on Civil Liability (CLC PROT), 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.

12.1.18Convention on the International Mobile Satellite Organisation, as Amended (IMSO C 1976)/INMARSAT C 76 /INMARSAT OA 76

839 The Convention was adopted on 3rd September, 1976 and entered into force on 16th July, 1979. 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 recognised by SOLAS Contracting Governments for use in the GMDSS, and ensures uniformity across Member States.

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

12.1.19 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)

841 The Convention was adopted on 27th November, 1992 and entered into force on 30th May, 1996. 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.

842 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.

843 Kenya submits annual oil reports to the Fund Secretariat. However, failure by Oil importing companies in Kenya to submit reports has proved a challenge to the realization of the objectives of the Convention.

12.1.20 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

844 The Convention was adopted on 10th March, 1988 and entered into force on 1st March, 1992. Contracting Governments are obliged either to extradite or prosecute alleged offenders.

845 The purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or cause damage.

12.1.21 International Convention on Salvage, 1989 (Salvage 1989)

846 The Convention was adopted on 28th April, 1989 and entered into force on 14th July, 1996. Kenya acceded on 21st July, 1999. This convention is implemented through the MSA and the East African Harbor regulations.

847 It sets out the standard and reward procedures for salvage operations by salvors, taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment. The Convention provides that if a salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward at least equivalent to the special compensation assessable in accordance with the criteria given in the Convention, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as defined in the Convention.

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

848 The Convention was adopted on 30th November, 1990 and came into force on 13th May, 1995. Kenya ratified it on 21st July, 1999 (came into force in Kenya, 21st October, 1999).

849 It 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.

850 Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the Convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents.

851 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. The IMO is obliged to co-ordinate.

852 Kenya is committed to protection of the marine environment and is required to establish measures for dealing with pollution incidents, nationally and in collaboration with other countries. In this regard, an Oil Spill Response Contingency Plan is in place (with sensitivity mapping and dispersants policy); Stock pile of equipment and facilities is undertaken in Co-operation with oil industry (OSMAG); an Oil Spill Response center 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.

12.1.23 International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM), 2004

853 The Convention was adopted on 13th February, 2004 and entered into force on 8th September, 2017 . Kenya acceded to it on 14th January, 2008.

854 It 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 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.

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

12.1.24 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

856 The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) was adopted by an International Conference held during the IMO Legal Committee meeting on 23rd March, 2001. To-date, 77 more contracting States have ratified the instrument. Kenya acceded to the Convention on 7th July, 2015. The driving force for the development of the Bunkers Convention was the realization by many countries that bunker spills were causing significant damage and there was no orderly international regime to insure coverage or to establish limits. The Convention was adopted to ensure that adequate, prompt, and effective compensation for damage caused by oil spills, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties.

857 The Bunkers Convention is primarily meant to improve the process by which claimants are able to recover costs incurred as a result of pollution from ships' bunker fuel oils, whether in responding to a bunker pollution incident or as a result of damage caused by bunker oil pollution. The Bunkers Convention establishes a strict liability regime on the ship-owner for pollution damage arising from all types of oil used in the operation or propulsion of ships (i.e. the ship-owner is liable regardless of fault); all registered owners of vessels over 1,000 gross tons entering or leaving a Kenyan Port or terminal are required to maintain insurance certified by the State to meet their liability; and; a provision that entitles claimants to sue ships' insurers via the right of direct action is in place in accordance with the Convention.

858 The Convention is modeled after the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969, as amended by the 1992 Protocol, but is not applicable to oil tankers and vessels transporting 2000 DWT of persistent oils as cargo, the bunkers from which are already covered by the CLC. As with the CLC Convention, a key requirement in the Bunkers Convention is the need for the registered owner of a vessel to maintain compulsory insurance cover.

12.1.25 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC)

859 Kenya acceded to the Protocol on 7th July, 2015. The Protocol which entered into force in 2004 increases the amount of compensation payable in the event of an incident and also introduces a "tacit acceptance" procedure for updating these amounts.

860 When implemented, the 1996 LLMC Protocol will enable Kenyan importers to draw increased amounts in compensation in case of an incident where their property is lost at sea.Further, Kenyans who serve in the ships as seafarers are to be adequately compensated in case of personal injury or loss of life, to the tune of 2 million SDR equivalent to US $ 3.17 million if they were serving in a ship whose gross tonnage does not exceed 2,000.

12.1.26 International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001

861 The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 was adopted at an International Diplomatic Conference at the International Maritime Organisation Headquarters in London on 5th October, 2001. It came into force on 17th September, 2008.

862 To-date the Convention has 68 contracting Member States whose combined merchant fleet is approximately 83.2% of gross tonnage of world merchant fleet. The Convention requirements forbid application of anti- fouling coatings to new and existing ships, fixed and floating platforms, floating productions and/or storage units, regardless of size after January 2003. Enforcement would reduce any risk to the marine environment, human health, marine life and resources from the use of compounds that contain harmful anti-fouling systems. Ships are required to comply with the requirements of the Convention since January 2008.

863 Anti-fouling systems are a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms. The anti-fouling paints are used to coat the bottoms of ships to prevent sea life such as algae and molasses being attached to the hull, thereby slowing down ships and increasing their fuel consumption. Anti-fouling paints replaced lime, later arsenical and mercurial compounds and pesticides which were used in the past as anti-fouling systems, but have proved to persist in the water killing sea life, harming the environment and possibly entering the food chain. The Anti-Fouling Systems 2001 Convention's main objective is to; Prohibit the use of harmful compounds in anti-fouling paints used on ships; Establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems; Encourage contracting Parties to the Convention to have national laws that prohibit and restrict the use of harmful anti-fouling systems on ships flying their flag, as well as foreign ships not entitled to fly their flag but which operate under their jurisdiction.

864 The Convention is incorporated in the Merchant Shipping Act, 2009 as it provides enforcement mechanism for Port State Control Surveys and Inspections amongst others.

12.1.27 InterGovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended

865 Kenya ratified the ISCOS Protocol in 2013. The obligations include Ratification and implementation, yearly Subscriptions and active participation at meetings. Kenya reports to the Council of Ministers and Executive Board meetings

866 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 other activities.

12.1.28 African Maritime Transport Charter, 2010 (Revised 2014)

867 Formulation of the African Maritime Charter and its articles began in December, 2008. It was adopted on 26th July, 2010. Kenya ratified the Reviewed African Maritime Charter on 28th March, 2014. The obligation to the Government is to co-operate in the

implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the maritime envirionment and maritime labour.

868 The benefits include opportunities for job creation and Investments in the maritime sector.

869 The Charter will strengthen cooperation in maritime transport and inland waterways navigation in member States. The Charter will further address the challenges of the African continent in marine transportation. Kenya recognises the role of maritime transport in the facilitation and development of trade between her, Africa and the rest of the World.

12.1.29 Nairobi International Convention on Removal of Wrecks, 2007

870 The International Convention on Removal of Wrecks 2007 was adopted at Diplomatic Conference held at the United Nations Office in Nairobi (UNON) on 18th May, 2007. Kenya signed the Convention on the date of adoption and acceded to it on 14th April, 2015 and the Convention came into force for Kenya on 14th July, 2015. The Convention to-date has more than 11 contracting States. It entered into force in April 2015 having met the entry into force requirement of 10 contracting States.

871 The Convention provides an international legal framework aimed at ensuring prompt and effective removal of wrecks located beyond the territorial sea.

872 The Convention's provisions contain a clause enabling State parties to apply certain provisions to their territory and territorial sea. Though marine casualties have decreased in recent years, there are a big number of abandoned marine wrecks that have posed big challenges to coastal States and shipping.

873 Wrecks pose a hazard to the safety of navigation or to the marine and coastal environments or both environments hence the regime obliges Coastal States to remove or have hazards removed from their coastlines. It makes ship owners financially liable and requires them to take out insurance or provide other financial security to cover the costs of wreck removal. It also provides States with a right of direct action against insurers.

874 Implementation of the Convention creates a safe marine and coastal environment for operations.

13.0 LAW OF THE SEA AND FISHERIES

13.1 United Nations Convention on the Law of the Sea (UNCLOS)

875 The Convention, often described as a "constitution for the oceans" was adopted on 10th December, 1982 and entered into force on 16th November, 1994. Kenya signed the Convention on 10th December, 1982 and ratified it on 2nd March, 1989. UNCLOS allows countries to engage in bilateral and multilateral arrangements regarding the control and management of the maritime zones.

876 The Convention defines the rights and responsibilities of nations in their use of the world's oceans. It outlaws militarization of the sea, and lays out rules for delimitation of maritime zones, safeguarding the marine environment and protecting freedom of scientific research on the high seas; and mineral resource exploitation in deep seabed areas beyond national jurisdiction through the International Seabed Authority (ISA).

The ISA was established to organize, regulate and control all mineral-related activities in the international seabed area beyond the limits on national jurisdiction. Kenya became a member on 29th July, 1994.

877 The Convention elaborates the common heritage of mankind principle; regulates maritime safety and security; provides for the transfer of marine technology and spells out dispute settlement procedures. It emphasizes the orderly and stable regulation of the uses of the oceans without compromising the security and welfare of any State.

878 The Convention is implemented through; the Maritime Zones Act, 1989, Cap. 371 which defines the Exclusive Economic Zones (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. On September 13th 2016, Kenya enacted a new Fisheries Management and Development Act, 2016, which repealed the Fisheries Act, Cap. 378. Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ). It also creates several new Institutions, namely: The Kenya Fisheries Service, the Kenya Fisheries Marketing Authority and the Fisheries Advisory Council.

879 The Executive Order No. 1 of 2016 expanded the mandate to the Department of Fisheries to include blue economy. Kenya is a member of the FAO Blue Growth Initiative and a signatory to the UN Sustainable Development Goals that recognise the importance of oceans, seas, lakes and rivers in socio-economic development.

880 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.

881 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. The State Department for Fisheries and Blue Economy has procured the Vessel Monitoring System, an Offshore Research Vessel and an Offshore Patrol Vessel.

882 The major challenges in implementation include weak co-ordination 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 seabed.

883 The court of appeal in nairobi pronounced itself in civil appeal 113 of 2011; AG versus Mohammed Mohammed Hashi and others when the issue of where Kenya had jurisdiction to try persons in respect of Piracy *Jure Gentium* committed in the High Seas and the court was clear that Kenya has relied on piracy provisions in UNCLOS to interpret their own domestic criminal code prescribing general piracy.

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

884 This Convention was adopted on 4th August, 1995 and entered into force on 11th December, 2001. Kenya ratified the Agreement in 13th July, 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 Organisations for a co-ordinated management of the migratory fish such as IOTC, South West Indian Ocean Commission (SWIOFC) 2005 and Lake Victoria Fisheries Organisation (LVFO).

885 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 and Blue Economy under the Fisheries Management and Development Act, 2016 and Maritime Zones Act, Cap. 371.

886 The challenges faced in implementation include, low capacity for offshore enforcement not only by Kenya but all the Member States within the West Indian Ocean Region. The Regional Fisheries Management Organisations (RFMOs) are at their infancy and lack the capacity to support the States to conduct joint enforcements.

887 MV Doria, an Offshore Patrol Vessel was handed over to Kenya by the Bangladeshi shipbuilder Western Marine Shipyard (WMS) in August 2017.

13.3 International Convention for Regulation of Whaling, 1946

888 The Convention was adopted on 2nd December 1946 in Washington and entered into force on 10th November, 1948. Kenya signed the Convention on 1st January, 1970 and ratified it on 2nd December, 1981.

889 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.

890 Kenya domesticated the Convention through the Fisheries Management and Development Act, 2016, and the Maritime Zones Act, Cap. 371. Kenya joined the IWC to manage her whale stocks, and benefit from IWC programmes aimed at shark conservation. Kenya is required to closely monitor the whale stocks and 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.

891 The Convention is implementated through the State Department for Fisheries and Blue Economy and Kenya Wildlife Service.

13.4 Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC)

892 The Agreement was adopted on 25th November, 1993 and entered into force on 27th March, 1996. Kenya signed and ratified it on 29th September, 2004.

893 The IOTC Agreement establishes the Indian Ocean Tuna Commission (IOTC), a Regional Fisheries Management Organisation (RFMO) within the framework of the Food and Agriculture Organisation of the United Nations (FAO). 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.

894 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 Organisations.

895 On implementation, parts of this Agreement and the IOTC resolutions (2010) were domesticated through the Fisheries Management and Development Act, 2016 and the Maritime Zones Act, Cap. 371.

896 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.

13.5 South West Indian Ocean Fisheries Commission (SWIOFC)

897 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. The objective of the Commission is 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.

898 Kenya 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.

899 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.

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

900 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.

901 Kenya has been a member of IOC since 1973 whose headquarter is in Nairobi. The Secretariat is based in Paris, France, with project offices in Nairobi (Kenya), Apia (Samoa), Cartagena (Colombia), Muscat (Oman), Copenhagen (Denmark), Port-au-Prince (Haiti), Jakarta (Indonesia), Bangkok (Thailand), Kingston (Jamaica), and Perth (Australia).

902 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.

903 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.

13.7 Western Indian Ocean Marine Science Association (WIOMSA)

904 The Association was founded in 1993. Membership of the Association is intended to share research based knowledge relating to management and governance issues affecting marine and coastal ecosystems in the region.

905 Fisheries management decisions are implemented through the Kenya Marine and Fisheries Research Institute (KMFRI) and Consortium for the Conservation of Coastal and
Marine Ecosystems in the Western Indian Ocean (WIOC).

906 Kenya benefits from shared information which has enabled Kenya formulate knowledge based policies and programmes for the benefit of the fishing communities in the coastal areas such as the Kenya Coastal Development Programme (KCDP).

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

907 The Agreement was adopted on 22nd November, 2009. Kenya signed and ratified the Agreement on 19th November, 2010 and 1st August, 2017 respectively. Kenya 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 Organisations (RFMOs) and to apply the Ecosystem Approach to Fisheries Management (EAF).

908 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.

909 The Agreement has been domesticated in the Fisheries Management and Development Act, 2016. The Act created an inter-agency MCS unit composed of members of a variety of agencies under the national government. 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.

910 Kenya is working collectively with Partner States to fight against illegal, unreported and unregulated fishing and deter vessels flying flags of convenience from using our ports for fish laundering.

911 The major challenges include inadequate legal framework and capacity for enforcement of the Act, lack of a designated fish port and related infrastracture as well as minimal resource allocation for operations.

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

912 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 aims at restoring agricultural growth, food security, reduce poverty and promote rural development partner States and Africa as a whole.

913 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.

13.10 Convention for the Establishment of the Lake Victoria Fisheries Organization

914 The Convention was adopted on 30th June, 1994. Kenya signed it on 30th June, 1994 and ratified it on 24th May, 1996.

915 The Convention established the Lake Victoria Fisheries Organisation (LVFO), in June 1994 after its signing. LVFO is an EAC institution is and is also recognized as a Regional Fisheries Management Organisation (RFMO) under the UN.

916 The objectives of the Organisation are to foster co-operation among the Partner States, harmonize national measures for the sustainable utilization of living resources of the Lake Victoria, and to develop and adopt conservation and management measures.

917 Kenya benefits from the membership through participating in harmonized fisheries conservation, management, 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 lakes' fisheries resources. The Organisation also serves as the depository for fisheries data.

918 The Organisation has managed to get funding for capacity building in fisheries management, research and trade. It has also harmonized and developed fisheries policies, fisheries management measures, EAC Sanitary and Phyto-sanitary Standard Operating procedures and Protocols.

919 Regional donor-funded projects through the Organisation 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.

920 As a member, Kenya is able to work together with Partner 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 Organisations (RFMOs) and to apply the Ecosystem Approach to Fisheries Management (EAF).

921 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.



922 As a member, Kenya is able to manage her fisheries resources as a single ecosystem and to market fish from Lake Victoria in the European Union.

923 On implementation, Kenya has so far been able to participate as a full member. However, minimal resource allocation for operations slows down progress.

14.0 ENVIRONMENT, FORESTRY AND AGRICULTURE

14.1 United Nations Framework Conventionon Climate Change (UNFCCC)

924 The Convention was adopted in 9th May, 1992 and entered in force in 30th August, 1994. Kenya ratified the United Nations Framework Convention on Climate Change (UNFCCC) on 30th August, 1994. 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.

925 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 and any other information that the Party considers relevant to the achievement of the objective of the Convention, forms the National Communication (NC).

926 To implement the Convention, Kenya enacted the Climate Change Act, 2016 which establishes climate change governing council, a secretariat and a fund; developed the National Strategy On Climate Change, and the National Climate Change Action Plan; participated in climate change meetings. In addition, a National Adaptation Plan and Climate Change Framework Policy Sessional Paper No. 5 of 2016 has been finalised.

927 The country needs to; enhance capacity building, mainstream climate change in all sectors; increase funding; and reduce Green House gases among others.

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

928 The Kyoto Protocol was adopted on 11th December, 1997. Kenya ratified on 25th February, 2005 and it entered into force on 26th May, 2005. The main objective of the Protocol is to stabilize greenhouse concentrations in the atmosphere. It sets mandatory and binding greenhouse emissions limitation or reduction targets for industrialized countries and economies in transition.

929 It enables countries to meet their targets through international emissions trading. Countries trade emissions quotas among themselves and or receive credit for financing emissions reductions in developing countries.

930 Some major industrialized countries that account for the world's largest emissions are yet to ratify the Kyoto Protocol due to the exclusion of China and India from binding targets.

931 Though Kenya is a developing country with no binding targets she is committed to reduce her emissions with a view to mitigating the negative impact of climate change. The Country is however allowed to grow her emissions in accordance with her development agenda.

932 Kenya has made impressive legislative and institutional progress on climate change response. This includes the constitutional recognition of sustainable development, public participation in environmental decision making, 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, among others. Kenya is also implementing the Climate Change Act, 2016.

933 Within the current institutional framework, a range of institutions have been created with specific mandate to address climate change issues. These include the National Climate Change Secretariat and desks in relevant Ministries.

934 The National Climate Change Action Plan (NCCAP) launched on 27th March, 2013 provides 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.

935 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.

14.3 Paris Agreement on Climate Change

936 Kenya signed the Paris Agreement on Climate change (Paris Agreement) on 22nd April, 2016 and ratified on 28th December, 2016. It entered into force on 27th January, 2017. The main objective of the Paris Agreement is to re-affirm the goal of limiting global temperature increase well below 2 degrees Celsius, while encouraging efforts to limit the increase to 1.5 degrees celsius.

937 The Paris Agreement enhances the implementation of the UNFCCC, including its objectives and aims to strengthen the global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty. Parties to the Paris Agreement are parties to UNFCCC. Since the adoption of the Agreement, Kenya has Completed the ratification process and has submitted Nationally Determined Contributions (NDCs) for the implementation of the Agreement . Further, the country has formulated the National Adaptation Plan as per the National Climate Change Action Plan and established a task force on the National Climate Change Action Plan. Additionally, the Government has put in place other measures to enhance public awareness on climate change and in particular the provisions of the Paris Agreement across sectors and mainstream the NDCs into sector planning of both County and National Governments.

14.4 nmkUnited Nations Convention to Combat Desertification (UNCCD)

938 The Convention was adopted on 17th June, 1994. Kenya signed on 24th October, 1994 and ratified the same on 24th June, 1997.

939 The Country has been implementing the Convention as per the UNCCD 10 year strategy and has aligned the National Action Plan (NAP) to the strategy.

940 Further the country has been participating in COPs and other UNCCD international engagements. In addition, the Country hosted the UNCCD Committee (as subsidiary of the Convention) for the Implementaion of the Convention in Nairobi in October, 2016.

The country continues to mainstream issues of desertification, land degradation and Sustainable land Management (SLM). It is recommended that SLM be upscaled to reduce land degredation.

14.5 Convention on Biological Diversity (CBD)

941 Kenya signed the Convention on 11th June 1992. The Convention entered into force on 29th December, 1993. Kenya acceded to it on 26th July 1994. The Government is reviewing and updating the National Biodiversity Strategy and Action Plan to align them with the CBD strategic plan and Aichi targets.

942 The Development of the natural Captial Atlas is complete. The Atlas takes into account national wealth and how it can be sustainably used in the context of poverty alleviation and food security for development. The country is also promoting bio-enterprises such as ecotourism.

943 The Government reports on progress to the CBD Secretariat.

14.6 Conventions on Sustainable Development

944 The Conventions ensures mainstreaming of climate change and biodiversity issues in the planning process for sustainable development of non-renewable resources to ensure future generations meet their own needs.

945 The Government has already included climate change and biodiversity issues in the third Medium-Term Plan.

946 Competing priorities for resources to fund programmes on sustainable development and inadequate human capacity on climate change and biodiversity issues negatively impact on the implementation of the Conventions.

14.7 Vienna Convention and its Montreal Protocol on Substances that Deplete the Ozone Layer

947 Kenya adopted the Convention on 16th September, 1987. It entered into force on 9th November, 1989. Kenya has ratified 4 Amendments to the Montreal Protocol, namely, the London Amendment of 1990, Copenhagen Amendment of 1992, Montreal Amendment of 1997 and Beijing Amendment of 1999. Kenya participates in meetings of the Conference of Parties and commemorates the International Day for the Preservation of the Ozone Layer to enhance public awareness on ozone protection issues.

948 The Government has been promoting adoption of ozone friendly technologies to replace ozone depleting substances (ODS) and 80% of them have been phased out.

Government in collaboration with training institutions has trained over Refrigiration and Air Conditioning (RAC) 100 technicians dealing with refrigeration services on good practices during repair and maintenance of refrigeration and air conditioning equipment. Further, it coordinated the training of 32 customs and NEMA officers on control measures of ODS imports. The Government supported the adoption of the Kigali amendment on Hydro Fluorocarbons (HFCs) management under the Montreal Protocol.

14.8 Minamata Convention on Mercury

949 The Convention was adopted at the fifth session of the Inter-Governmental Negotiating Committee (INC) in Geneva, Switzerland in January 2013. Kenya signed the Convention on 10th October, 2013. Kenya is yet to ratify the Convention.

950 Kenya has been implementing the Dental Amalgan phase down project with activities which include training and instalation of Mercury Separation in major dental institutions.

951 Government is in the process of actively engaging with stakeholders to put in place measures to domesticate the Convention.

14.9 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

952 The Protocol was adopted by the Conference of Parties (COPs) 10 to the CBD at its 10th meeting on 1st February, 2012 and Kenya ratified it on 7th April, 2014. It entered into force on 12th October, 2014. The Protocol provides for access and equitable benefits sharing of genetic resources under the Convention on the Conservation of Bio-Diversity.

953 The Government participates in meetings of Parties to the Protocol, and is in the process of preparing regulations for conservation on biodiversity, access to genetic resources and benefit sharing to be aligned with the provisions of the Protocol.

954 Implementation of the regulations will enable Kenya exploit its Genetic Resources and safeguard them from misappropriation.

955 The focal point Organisation is the Ministry of Environment and Natural Resources and NEMA as the clearing house for access and benefits sharing. The Check-point is Kenya Wildlife Service, Kenya Forest Service, Kenya Plant Health Inspectorate Services (KEPHIS), Department of Immigration and Kenya Industrial Property Institute. Since ratification the Government has issued seventy (70) access permits for research and development.

956 Government has put in place a Committee to vet access and benefit sharing proposals.

957 Current challenges in implementing the Protocol are; low awareness and inadequate capacity at both national and County levels, domestication of the Convention and harmonisation of the benefit sharing regulations with the provisions of the Convention.

14.10 Stockholm Convention on Persistent Organic Pollutants

958 Kenya signed the Convention on 23rd May, 2001, and ratified it on 24th September, 2004. It entered into force on 17th May, 2005. The Convention aims at or restricting

the production and use of Persistent Organic Polluters (POPS) to protect human health and the environment. The Government has adopted a National Implementation Plan for action.

959 The Government has developed a concept on solid waste disposal embracing corporate partnership in solid waste management. Mobilization of financial resources from Global Environment Facility (GEF) for a project to finance management of medical waste disposal in Nairobi, Nakuru and Kisumu is being undertaken. There is also a proposed JICA/GoK project to establish a medical and hazardous waste plant in Nairobi that will receive medical waste from any hospital in the country for disposal.

14.11 United Nations Environment Assembly (UNEA)

960 United Nations Environment Assembly (UNEA) is the central body within the UNEP that coordinates environmental issues. Three UNEA meetings were held in Nairobi in 2014, 2016 and 2017.

961 The meetings attracted universal membership following the upgrading of UNEP. Several side events and meetings were held and key decisions on environment were passed including on illegal trade in Wildlife, Sustanable Development Goals, Green Growths Initiatives among others.

14.12 The Cartagena Protocol on Biosafety

962 The Cartagena Protocol is an International Agreement on bio safety which aims to ensure the safe handling, transport and use of living modified organisms (LMOs), also referred to as Genetically Modified Organisms (GMOs) resulting from modern biotechnology that may have adverse effect on biological diversity, taking also into account risks to human health. Kenya signed the Protocol in the year 2000 and ratified it in 2013.

963 The Protocol obliges member States to establish Competent Authorities which act as the National Focal Point for the Protocol and serve as the Biosafety Clearing House (BCH) for the purpose of providing international linkages and exchanges of information. Member States are also obliged to pay an annual subscription fee determined during Conventions of the CBD.

964 Kenya enacted the Biosafety Act in 2009 and established the National Bio safety Authority (NBA) to manage bio safety issues and also serve as the national focal point for the BCH. The Government has met and continues to meet her obligations under the Protocol through the National Competent Authority.

965 The Authority is to facilitate responsible research into GMOs, to ensure adequate level of protection for the safe transfer, handling and use that may have an adverse effect on the health of the people and the environment. It is also supposed to regulate activities in GMOs. The research is conducted by Kenya Agriculture and Livestock Research Organisation (KALRO).

14.13 Convention on International Trade in endangered Species (CITES)

966 CITES was adopted on 3rd March, 1973 in Washington DC and ratified by Kenya on 13th December, 1978. It entered into force on 13th March, 1979. Its objective is to manage international trade in parts or products of, and endangered species. The Government's obligation is to ensure that Kenya's endangered species are protected

from dangers of international trade; protect their survival and regulate international trade in endangered species.

967 Kenya has designated the Kenya Wildlife Services (KWS) as the focal point to coordinate CITES, the Scientific Authority on Animals together with National Museums of Kenya for plants. The Government has strongly lobbied for decisions regarding illegal trade on ivory and rhino horn among other endangered species to be adopted by the international community. In 2016, Kenya burnt 105 tonnes of ivory. Intelligence, investigation and prosecution of poachers and traffickers has been enhanced.

968 The penalties under the Wildlife Conservation and Management Act, 2013 have also been enhanced to curb the illegal trade in endangered species.The Government has prepared eighteen (18) regulations to operationalise the Act out of which five(5) have been gazetted.

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

969 The Convention was concluded on 26th March, 1979 in Bonn, Germany and entered into force on 1st November, 1983. Kenya acceded to the Convention on 26th February, 1999. It provides for the protection and conservation of migratory species, their habitats and migratory routes.

970 CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range. The agreements may range from legally binding treaties (called Agreements) to less formal instruments, such as Memoranda of Understanding, and can be adapted to the requirements of particular regions.

971 Kenya has signed and ratified several agreements and MOUs under the CMS.

972 The KWS is the focal point institution that coordinates and implements Kenya 's obligations under the Convention.

14.15 Convention on Wetlands of International Importance especially as Waterfowl (RAMSAR Convention)

973 The Convention is an inter-Governmental treaty adopted on 2nd February, 1971 in Ramsar, Iran. Kenya ratified it on 5th October, 1990, the Convention and it came into force on October 5th, 1990. The first obligation under the Convention is for a party to designate at least one wetland at the time of accession for inclusion in the List of Wetlands of international importance in accordance with Article 2 (4) ,(The Ramsar List) and to promote its conservation. Kenya is home to six wetland types: Riverine (Ewaso Ngiro, Nyando and Yala Rivers); Lacustrine (Lake Naivasha, Lake Baringo and Lake Victoria); Palustrine (King'wal Swamp in Nandi area and Nyando Flood plains); Estuarine (Tana River Delta and Turtle Bay); Marine (Mombasa Marine National Park and Watamu Marine National Reserve); and constructed wetlands (Mwea Irrigation Scheme, Ahero Irrigation Scheme and Bunyala Irrigation Scheme). Under the Convention, Kenya is required to have an inventory of all the wetlands.

974 Kenya Wildlife Service (KWS) is designated as the Convention's implementing authority and National Focal Point.

975 Under the three pillars of the Convention the contracting parties commit to: work towards the sustainable use of all their wetlands; designate suitable wetlands for the list of wetlands of international importance(The Ramsar List) and ensure the effective management; and co-operate internationally.

976 The Environmental Management and Coordination Act,1999 (EMCA) and its regulations contain a number of innovative wetland provisions. The National Environment Management Authority (NEMA) developed a Wetlands Policy which was approved by National Assembly in December, 2015.

977 Insufficient funds and weak co-ordination hampers focal point actors from carrying out their obligations under the Convention.

14.16 The African Convention on the Conservation of Nature and Natural Resources.

978 The African Convention for the Conservation of Nature and Natural Resources of 1968 (the "Algiers Convention") was adopted on 15th September, 1968 and came into force on 16th June, 1969 was revised on 11th July, 2003. The objectives of the Convention are: to co-operate and collaborate in the sustainability, protection, conservation and rehabilitation of shared natural resources; and to domesticate the Convention.

979 Kenya is required to participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources. Implementation will promote partnership in the conservation of shared natural resources at regional level, besides proper management and conservation of shared natural resources in Kenya.

980 Kenya has actively participated in the negotiations of the Co-operative Framework Agreement (CFA) on the River Nile.

14.17 Convention on the African Migratory Locust

981 The Convention on the African Migratory Locust aims to eliminate the trans- boundary pest which is very destructive to all kinds of vegetation. It was adopted on 25th May, 1962 and entered into force on 13th April, 1963. Kenya became state party on 29th November, 1963.

982 State parties contribute money, supplies or services to the operations of the Locust Control Organisation (LCO) on the basis of the proportions indicated in the annex to the Convention. Contracting Governments are required to facilitate the construction, on their own territory, buildings necessary for the operation of the Organisation when necessary, give assistance requested by the Organisation for the destruction of incipient swarms.

983 Kenya has put in place the necessary infrastructure at the Wilson Airport's Plant Protection Unit manned by a team of officers trained to control the migratory pest. The team works directly with the LCO.

14.18 East Africa Community Protocol on Environment and Natural Resources Management.

984 The Protocol was adopted and signed on 3rd of April, 2006 and Kenya ratified the Protocol in 2011.The Protocol is yet to enter into force as some Partner States have not ratified it. The objective of the Protocol is to co-ordinate Partner States to adopt a

common vision in addressing the challenges of achieving sustainable development at the local, national and regional levels through sound environment and natural resources management.

985 Partner States currently re-negotiating the Protocol as one Partner State declined to ratify due to various fundamental issues raised. Efforts to address the issues under the Protocol in order to finalise the ratification process and make the Protocol operational is ongoing under the guidance of the Council of Ministers.

986 There is however, a delay in implementation of the Protocol due to non-ratification by some Partner States.

14.19 The 1997 UN Watercourses Convention

987 The Convention deals with broad concept of the use of waters in trans-boundary Rivers. The UN established International Law Commission framework, which was accepted by the General Assembly in 21st May, 1997. It entered into force on 17th August, 2014. The Convention has the advantage of being broad in concept and encompassing all aspects associated with water use. However, there is a serious weakness which limits its utility as a working document by permitting the riparian States in dispute to engage in almost endless discussion over divergent issues.

988 The Convention seeks to provide multilateral framework with regard to use and protection of shared water resources. Kenya is supposed to co-operate internationally with regard to use and protection of shared water resources.

989 The Convention provides a multilateral framework for use and protection of shared water resources. Kenya is committed to equitable utilisation of shared water resources. The Government with the assistance of UNEP is coordinating the sustainable development of Lake Turkana and its basin. An interministerial committee has been established to negotiate on behalf of Kenya with Ethiopia on the Gibe Dam III and Kura irrigation project.

14.20 The 1992 Helsinki Convention (The Water Convention)

990 The Convention was adopted on 17th March, 1992 and entered into force on 6th October, 1996. Its main objective is to promote international cooperation and national measures in the protection and sustainable use of Trans-boundary Watercourses and international lakes.

991 It provides an inter-Governmental platform for the day-to-day development and advancement of trans-boundary cooperation. Initially negotiated as a regional instrument, it turned into a universally available legal framework for trans-boundary water cooperation, following the entry into force of amendments in February 2013, opening it to all UN Member States.

992 Kenya stands to benefit from the opportunity to partner internationally in the sustainable management and development of trans-boundary water resources.

993 Successful implementation will contribute to the maintenance of peace and security.

14.21 The 2010 Nile Basin Cooperative Framework Agreement (CFA)

994 The Nile River Basin negotiations started in 1997 to come up with the Nile River Basin Co-operative Framework which was opened for signature on 19th May, 2010 and

so far six countries that include Kenya, Uganda, Tanzania, Rwanda, Burundi and Ethiopia signed it.

995 The Negotiated agreement provides a framework that gives the riparian States of the River equal opportunity to have equitable and reasonable access to water resources of the Nile River. The Nile River Basin is a very important and indispensable water resource to the people of Kenya.

996 As from 2010, Kenya is not a party to any other Nile Treaty.

997 Kenya has been an active participant and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands.

998 The CFA has been approved by Cabinet and the ratification process of the instrument has commenced.

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

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

1000 The Protocol provides for establishing of the Lake Victoria Basin Commission (LVBC). The secretariat headquarters is based in Kisumu, Kenya. The objectives and broad functions of the Secretariat is to promote, co-ordinate and facilitate development initiatives within the Lake Victoria Basin.

1001 As a party, Kenya co-operates in the sustainable management and development of Lake Victoria Basin and is involved in the development and implementation of measures to enhance safety of life, navigation and preservation of aquatic life. The National Focal Point is Ministry of Environment and Forestry while the Ministry of Water and Sanitation actively coordinate Kenya's implementation of the Protocol.

1002 Programmes and Projects being implemented in the basin include the strategy to manage water hyacinth, improved sanitation across the basin, rehabilitation of catchments, community development projects among others, implemented by LVBC and Lake Victoria Environmental Managment Program II (LVEMP II) under the focal point Ministry.

1003 The East African Community has designated Lake Victoria and its Basin as an "area of common economic interest" and a "regional economic growth zone" to be developed jointly by the Partner States. Accordingly, a joint programme has been developed for the overall management and rational utilization of the shared resources of the Lake. Benefits include the development of infrastructure and revamping the transport system on and around the Lake.

1004 Currently, there is a 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. 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.

14.23 Food and Agriculture Organisation of the United Nations (FAO)

1005 As a UN member State, Kenya automatically becomes a member of FAO which is an Organisation of the UN tasked with handling issues of food security, water and environment. Programs under FAO are supposed to lead to eradication of Hunger and poverty and conservation of the environment for sustainable development.

1006 Kenya has enacted the Crops Act, 2013 and the Agriculture and Food Authority Act, No. 13 of 2013. The Agriculture and Food Authority is also in place. Further, Kenya has signed the Comprehensive African Agricultural Development Programme and the Kenya Agricultural Sector Development Strategy, 2010-2020 is being implemented .

1007 Collaboration with FAO aims at eradicating hunger and poverty and conservation of the environment for sustainable development. Staffing at the Kenya Embassy in Rome includes an Agricultural Attachee to monitor agriculture related issues and inform Nairobi.

1008 There is need to harmonise existing policies and laws to avoid duplication of efforts and initiatives.

14.24 Agreement Establishing International Fund for Agricultural Development (IFAD)

1009 The Agreement was adopted in 1977, entered into force in 1979 and Kenya became State Party in 1979. IFAD is a specialized agency of the UN focused on eradication of rural poverty and improvement of food security in developing countries through empowerment and capacity building of the rural poor for job creation, contribution of affordable financial services, and improved agricultural technologies.

1010 Kenya has undertaken agricultural reform legislation. Fertilizer cost-reduction initiative has been launched. Setting up of five livestock disease-free zones in the ASAL regions and ASAL development projects is in progress.

1011 Kenya's Agricultural Attachee monitors the work of IFAD in Rome and advises Government through the Mission on appropriate engagement.

1012 Challenges include financial constraints and slow implementation due to delay in release of funding from IFAD.

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

1013 The Treaty was adopted on 9th November, 2001, Kenya became party on 27th May, 2003, and it entered into force on 29th June, 2004. The ITPGRFA aims at guaranteeing

food security through the fair and equitable benefit sharing from the use of the world's genetic plant resources.

1014 Article 9 of the Treaty obliges States to take responsibility for realizing Farmers' Rights, relating to plant genetic resources for food and agriculture. Farmers are to freely access genetic resources without intellectual property rights restrictions particularly the right to use, save, sell and exchange seeds that they have produced on their farms.

1015 Kenya ratified the Treaty to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture in conformity with Article 43(1) (c) of the Constitution which provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.

1016 The Treaty recognises the enormous contribution of local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, make to the conservation and development of plant genetic resources, as a basis of food and agriculture production throughout the world.

14.26 WTO Agreement on the Application of Sanitary and Phytosanitary Measures

1017 The Agreement was adopted on 15th April, 1994, Kenya ratified on 1st January, 1995 and it entered into force 1st January, 1995. The Agreement sets out the basic rules for protection of human, animal and plant life to ensure safe trade. The measures (standards) for animal health and zoonoses and food safety are developed by the World Organisation for animal health (OIE) and Codex Alimentarius Commission (CAC), respectively.

1018 These standards are embedded in national legislation and sector policies to protect Kenya's trade on both animal and plant products. The Directorate of Veterinary Services is the technical reference point for animal health and zoonoses and the Kenya Plant Health Inspectorate Services (KEPHIS) for Phytosanitary issues. There is in place a multi-competence National Codex Committee under KEBS to deal with food safety. There is also the National SPS Committee.

1019 As a member of the World Trade Organisation (WTO), Kenya is obliged to be party to this agreement.

1020 Kenya participates in WTO-SPS Committee meetings, and notifies of measures taken to comply with standards in a timely manner to allow members make comments before adoption. Kenya also participates in the work of international standard setting bodies i.e. OIE, CODEX & IPPC.

1021 Compliance ensures stringent sanitary and phytosanitary standards not only for export but also for local products.

14.27 Phytosanitary Convention for Africa

1022 The Convention was adopted in Kinshasa, DRC, on 13th September, 1967. It was reviewed in 1997. The Convention does not contain any provision relating to its entry into force. Kenya has neither signed nor ratified the Convention. However, Kenya being a member of the Inter African Phytosanitary Council is bound by the Convention.

1023 Kenya is a major producer and exporter of agricultural commodities especially of the plant variety, and adherence to the Convention helps the country protect its plant genetic resources and biodiversity.

1024 The implementation of the Convention helps minimize the introduction and spread of diseases.

1025 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.

1026 Kenya started adhering to the Convention on 7th May, 1974 and abides by the revised Convention (1997). Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity is a challenge.

14.28 East Africa Community Protocol on Sanitary and Phyto-sanitary (SPS) Measures

1027 The Protocol was concluded on 12th July, 2013 and ratified by Kenya in June 2016. The Protocol aims to promote safe trade in animal and plant products and strengthen the application of a harmonized approach for implementation of SPS measures and activities within the Partner States.

1028 Ratification of the SPS Protocol will provide the country with the legal basis for further reforms to guarantee food safety measures, plant protection and animal health. The Protocol will improve mitigation of risks arising from pests, diseases and food safety concerns; improve competitiveness of produce originating from EAC in external markets; and help the region effectively contain disease and pest major threats.

1029 Ratification of the Protocol will further make Kenya compliant with the EAC Common Market Protocol which requires Partner States to harmonize and mutually recognise sanitary and phyto-sanitary standards.

14.29 Agreement of the World Organisation for Animal Health (OIE)

1030 The Agreement was adopted on 25th January, 1924. It requires the country to align its animal health, zoonoses 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. The OIE was created in 1924 to prevent the spread of animal diseases throughout the world. The OIE is now the World Trade Organization's standard setting organization for safe trade in animals and animal products and also collaborates with FAO/WHO in the Codex Alimentarius Commission for safe trade in animal and animal products. Kenya is among 181 Member States of the Organization.

1031 The OIE achieves its objectives through the World Assembly of its Member State Delegates and Specialist Commissions. It has Regional and Sub-Regional representations in Africa, Americas, Asia and the Pacific, Europe, and the Middle East.

1032 The Directorate of Veterinary Services is the technical reference point for this Agreement. Kenya hosts the sub-regional office for OIE in Nairobi.

14.30 Treaty Establishing the Common Fund For Commodities

1033 The Treaty establishing the Common Fund for Commodities (CFC) was adopted on 27th June, 1980, Kenya ratified it on 6th April, 1982 and it entered into force on 19th June, 1989. The CFC is an autonomous Inter-Governmental financial institution established within the framework of the United Nations. Its mandate is to enhance socio-economic development of commodity producers and contribute to the development of society as a whole through commodity development projects financed from its resources which consist of voluntary contributions and capital subscriptions by Member Countries. Through co-operation with other development institutions, the private sector and civil society, CFC endeavours to achieve overall efficiency and impact on commodity development.

1034 CFC supported interventions cover all aspects of the value chain from production to consumption. The Fund has financed development projects for nearly two decades to enhance social and economic development in commodity dependent developing countries such as Kenya. Innovative projects target new opportunities in common markets and value chains with potential to generate positive impact on social, economic and environmental development of stakeholders. The CFC is currently funding a Programme on Cotton Value Chain Development in the country to accelerate growth; contribute to poverty reduction and increase employment, livelihoods and incomes of targeted beneficiaries.

14.31 International Seed Testing Association (ISTA)

1035 The treaty establishing the International Seed Testing Association (ISTA) was adopted in 1924. The Organisation was founded with the aim of developing and publishing standard procedures in the field of seed testing. The Organisation facilitates seed trading nationally and internationally. Kenya's objective is to produce high quality seeds and also ensure that imported seeds meet the required standards. Compliance with the required standards enables Kenya to export and import high quality seeds to improve agricultural production. Kenya also participates in meetings in the decision making process of the Organisation, and host ISTA meetings.

1036 One laboratory has been accredited by ISTA for seed testing. Acquisition of necessary equipment for accreditation for a second laboratory has been a challenge. Resource mobilisation is encouraged to complete the second laboratory for accreditation.

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

1037 The International Convention for the Protection of New Varieties of Plants was adopted at a Diplomatic Conference in Paris on December 2nd 1961 to recognise the rights of plant breeders internationally. Kenya acceded to the Convention on 3rd March, 2014.

1038 The UPOV Convention provides a unique form of intellectual property protection, specifically adapted for the process of plant breeding, and developed with the aim of encouraging breeders to develop new varieties of plants. Kenya acceded to UPOV under the 1978 Convention on 13th May, 1999.

1039 UPOV membership offers possible mechanisms for stimulating research, enables access to technology, and promotes enterprise growth, and increases potential for

further agricultural development (e.g. for supporting public agricultural research, regulating seed production and marketing, providing an enabling environment for agribusiness development, and empowering smallholders).

1040 Kenya enacted the Seeds and Plant Varieties Act (Cap. 326) of 1972, which became operational in 1975. Regulations to guide seed operations were made in 1977 and revised in 1991, while Plant Breeder's Rights (PBR) regulations were published in 1994.

1041 KEPHIS is mandated to regulate quality of agricultural inputs and produce. Seed Quality Assurance Services are managed within the guidelines and procedures stipulated in The Seeds and Plant Varieties Act (Cap. 326) of the Laws of Kenya.

1042 Kenya actively participates in formulation and implementation of regional and international policy and law on plant variety protection and, besides the UPOV Convention, is party to the Lusaka Agreement and therefore a member of ARIPO.

1043 The Government has continued to improve its plant variety protection system including amendment of the Seeds and Plant Varieties Act (1972) in 2012 to incorporate aspects of the 1991 Act of the UPOV Convention. The process of acceding to the 1991 Act of the UPOV Convention has been initiated. Review of the official regulations to guide implementation of the Seeds and Plant Varieties Act (1972) in 2012 is currently underway.

1044 KEPHIS is implementing the UPOV system of plant variety protection.

14.33 International Grains Agreement

1045 The Agreement was adopted on 7th December, 1994 and came into force on 1st July, 1995. Kenya became party to the Agreement in 1994. The objective of the Agreement is to further international co-operation in all aspects of trade in grains, especially insofar as these affect the food grain situation and contribute to world food security and improve the ability of the international community to respond to emergency food situations and other food needs of developing countries.

1046 The Agreement has two components namely Grain Trade Convention (GTC) and Food Aid Convention (FAK). 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. Kenya has a well-developed seed industry and strives to access the world market and promote expansion, openness and fairness in the sector.

1047 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. The Cereals Policy, 2013 is currently under review to provide an enabling policy, legal and regulatory framework that addresses constraints in; technology development; input accessibility; adoption of technologies; marketing systems; products quality and infrastructure for the development of the subsector along the cereal commodity value chains.

1048 Any member may withdraw from this Convention at the end of any fiscal year by giving written notice of withdrawal to the depositary at least ninety days prior to the end of that fiscal year, but shall not thereby be released from any obligations under this Convention which have not been discharged by the end of that fiscal year. The member shall simultaneously inform the Council of the action it has taken.

14.34 International Sugar Agreement 1969 (ISA)

1049 The Agreement was adopted on 1st January, 1992 by United Nations Convention on Trade and Development and entered into force in 1993. The objective is to promote trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for intergovernmental discussions on sugar.

1050 Kenya undertakes to adopt such measures as are necessary to enable it fulfill its obligations under this Agreement and fully to cooperate with other members in securing the attainment of the objectives of this Agreement.

14.35 International Coffee Agreement (ICA)

1051 The Agreement was adopted in 1962. It was reviewed and approved on 28th September, 2007 by Member States. It entered into force on 2nd February, 2011. The main objective of the Agreement is to offer a forum for intergovernmental consultations, facilitation of international trade through increased transparency and access to relevant information, and promotion of a sustainable coffee economy for the benefit of all stakeholders and particularly of small-scale farmers in coffee producing countries.

1052 Certificates of Origin are important sources of information in coffee trade. The Coffee Directorate is responsible for the proper issuing and use of Certificates of Origin to Kenyan coffee exporters.

1053 Kenya, therefore furnishes regular and accurate information on re-exports, in the form and manner determined by the Council. Participation has led improvement of coffee prices in the international market and increased earnings for farmers for coffee farmers. Nonetheless, the challenge of middlemen in the trade requires to be addressed.

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

1054 The Convention was adopted on 1st July, 1985. The objective of the Convention is to promote establishment of national institutions as for Fertilizer Technology by Member States. A fertilizer blending plant has already been established in Eldoret.

1055 Member States are expected to facilitate the collection, exchange and dissemination of information; and to make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre.

1056 Low intake of fertilizer use is because of exorbitant prices and availability. The Agreement is therefore important in promoting increased fertilizer use for increased production in the Agriculture Sector.

1057 Kenya stands to benefit from technologies on fertilizer use to attain food security and increased export earnings.

1058 The goverment has been providing subsidized fertilizer so as to encourage increased use of fertilizer which should lead to increase in yields and productivity.

14.37 Organisation for Economic Co-operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes

1059 The OECD was formed in 1960 and entered into force in 1961. The main objectives of the Organisation is to provide a worldwide reference for the certification and standardization of seeds, agricultural and forestry tractors, forest reproductive materials and fruit and vegetables. The Organisation 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.

1060 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 members.

1061 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.

1062 Joining the Organisation ensures easier integration of Kenya's seeds, fruits and vegetables into the international markets through application of OECD standards in inspection and labelling of seeds. Kenya contributes towards the day to day running of OECD schemes and participates in decision making meetings of OECD schemes and shares information/data with other OECD schemes' members.

1063 Kenya implements OECD seed schemes, fruits and vegetables schemes and forestry seed schemes.

15.0 TOURISM

15.1 United Nations World Tourism Organization (UNWTO)

1064 Kenya is a member of the United Nations World Tourism Organization (UNWTO). The UNWTO) is a specialized international agency leading in the field of tourism. It serves as a global forum for tourism policy issues and a practical source of tourism knowhow. The fundamental aim of the Organization is the promotion and development of tourism with the view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

1065 The Government participates in forums organized by the Organization and has honoured its obligations to date.

1066 In 2017, Kenya participated in the following UNWTO events: FITUR 2017, The International Tourism Trade Fair was held in Madrid, Spain from 18 to 22 January, 2017; 3rd UNWTO World Forum on Gastronomy Tourism was held on 8th – 9th May, 2017 in Donostia-San-Sebastian Spain; The Fifty-Ninth Meeting of the UNWTO Commission for Africa and High-level Meeting on Chinese Outbound Tourism to Africa took place in Addis Ababa, Ethiopia from 18 to 21 of April 2017; The Inaugural UNWTO High Level Task Force on Tourism and Security was held in Madrid from

11th to 12th May, 2017; Kenya participated at the 22nd UNWTO General Assembly in Chengdu, China from 1th to 16th September, 2017. Kenya was elected to chair the United Nations World Tourism Organization Commission for Africa for a term of 2 years. As Chair, Kenya will be expected to channel Africa's concerns to the global body (UNWTO) such as marketing the destination, security and air connectivity among other issues.

15.2 Africa Travel Association (ATA)

1067 ATA is the leading global trade association promoting travel and tourism to Africa and strengthening intra-Africa partnerships. Established in 1975, ATA serves both the public and private sectors of the international travel and tourism industry. ATA membership comprises African Governments, the tourism Ministers, tourism bureaus and boards, airlines, cruise lines, hotels, resorts, travel sellers, tour operators and travel agents and affiliate industries. ATA partners with the African Union Commission (AUC) to promote sustainable development of tourism to and across Africa. ATA's annual events in Africa and the United States (US) bring together industry leaders to shape Africa's tourism agenda. Kenya is a member of ATA and has held four successful ATA events in Nairobi – 1975, 1985, 1995, 2005.

1068 Kenya participated in the 41st Africa Travel Association (ATA) Congress held in Kigali, Rwanda from 14th to 17th September, 2017.

1069 Kenya, Uganda and Rwanda launched the East African Tourism Portal in February 2017 in Kampala, Uganda. The objective of the portal is to promote the region as a single tourist destination.

15.3 Association of Hotel Training Schools in Africa– AHTSA

1070 The State department in charge of tourism through the Kenya Utalii College (KUC) is obligated to the Association of Hospitality and Tourism Schools in Africa (AHTSA) to ensure that member schools offer first class training in hospitality. Kenya Utalii College is the Secretariat for AHTSA. The association comprises 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.

1071 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.

1072 KUC is in the process of establishing linkages with more institutions in the world.The linkages are aimed at creating the much required connection between the African safari experience and the global Hospitality and Tourism industry, to harness the untapped, rich African market. The collaborations include exchange programs for lecturers and students.

16.0 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

16.1 International Telecommunications Union (ITU)

1073 The International Telecommunication Union (ITU)'s main objective is to set and publish regulations and standards relevant to electronic communication and broadcasting technologies of all kinds including radio, television, satellite, telephone and internet.

1074 The Organisation conducts working parties, study groups and meetings to address current and future issues and to resolve disputes. The ITU organizes and holds exhibitions and forums known as the Global TELECOM every four years. It also helps emerging countries to establish and develop telecommunication systems of their own.

1075 The Communications Authority of Kenya is the regulatory authority for the communications sector as provided by the Kenya Communications Act (KCA), No. 2 of 1998. CA is responsible for facilitating the development of the information and communications sectors (including broadcasting, multimedia, telecommunications and postal services) and electronic commerce.

1076 Kenya ratified the Final Acts of the Union at the 2010 Plenipotentiary Conference; the Final Acts at the World Radio communication Conference of 2012; the instruments at the Geneva 84 (GE84) on FM Broadcasting; and the instruments at the Regional Radio Communications Conference of 2006 (RRC-06) on Digital Migration.

1077 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 which was later revised in 2011. The Government has developed the Computer and Cybercrimes Bill, 2017, Cyber Security and Protection Bill, 2016 and Critical Infrastructure Bill, 2017.

1078 As an Associate member of ITU, Kenya has achieved the following: Increased social networking in the country;Increased cultural diffusion, exchange and learning; Accelerated and integrated development of rural areas by playing a catalytic role in development; Enhanced citizenry empowerment, e-Government services, land management systems, m-banking, e-health and e-education among others; increased access to relevant information for marketing and distribution of agricultural products and other goods manufactured in Africa.

1079 The Government has promoted development of ICT infrastructure through laying of fast internet fibre optic cables, and initiation of the Konza Technopolis which strategically positions Kenya as a regional ICT hub. These measures have lowered the cost of internet and as a result increased accessibility to internet.

1080 The implementation of the e-Government policy has increased access to Government services e.g. e-Citizen for processing of passports, e-procurement of goods and services, increased Government revenue collection, reduced bureaucracy, reduced cost of doing business and improved management and security of Government records. The Government has enhanced management of national examinations through investment in ICT technology.

16.2 African Telecommunications Union

1081 The African Telecmmunications Union (ATU) was formed in 1977 as the leading continental Organisation fostering development of information and communications technologies infrastructure and services. The Union's vision is to accelerate info-communication interconnectivity in Africa for rapid development.

1082 The ATU advocates for increased information development within their region of interest on the continent of Africa; transparency and accountability, effective funding and financing, and quality service to all with whom it collaborates; and promotion of positive collaboration with the Institute for Computer Technology Research and Development with a view to addressing the connectivity gap among the nations in Africa and for universal access throughout Africa.

1083 Kenya has laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communication.

16.3 Universal Postal Union

1084 The Universal Postal Union (UPU) is a specialized agency of the United Nations formed in 1874 in order to organize and improve postal services throughout the world and to ensure international collaboration in this area. Kenya became a member on 27th October, 1964.

1085 It helps to ensure a truly universal network of up-to-date products and services. The Organisation provides advisory, mediation and liaison services, as well as technical assistance where needed. It sets rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial service volumes and improve quality of services for customers.

1086 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.

1087 The Universal Postal Union (UPU) efforts to separate postal services from those of Telecommunications were initiated in the late 1980s. In July 1999, the Kenya Post and Telecommunication Corporation (KP&TC) was split to create, the Postal Corporation of Kenya (PCK), Telcom Kenya Limited and Communications Commission of Kenya which has now been transformed to the Communications Authority of Kenya (CAK).

1088 Kenya provides postal services through the Postal Corporation of Kenya. The mandate of PCK 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 Cabinet Secretary for communications may assign. PCK provides delivery of mail services to the desired destination in a timely manner, provides employment opportunities for the people living in rural areas and improves varied facilities like banking in the rural areas besides mailing facilities.

16.4 Pan African Postal Union (PAPU)

1089 The Pan African Postal Union (PAPU) was established on 17th January, 1980 as a specialised agency of the African Union. Its objectives are: to coordinate all decisions pertaining to the development of postal services in Africa; and to maintain and extend

co-operation among Member-States for the improvement and rational use of postal services and harmonise tariff structure. Compatibility in tariffs on goods and services, and a sound financial management of postal services will promote establishment of multi-national regional and sub-regional postal training institutes in Africa, in co-operation with International, Regional and Sub-regional Organisations.

1090 PAPU harmonizes as far as possible the position of its Member-States during international meetings in the field of postal services and in particular at UPU meetings. It publishes information and research material on postal services for the benefit of Member-States and encourages exchange of information and staff between Member-States. The Union also acts as a servicing institution for its Member-States for integrated postal development through provision of necessary technical support.

16.5 Inter-Governmental Agreement establishing the African Advanced Level Telecommunications Institute (AFRALTI)

1091 Founded in 1993, the African Advanced Level Telecommunications Institute (AFRALTI) is an inter-Governmental organisation with its headquarters in Nairobi. Its key mandate is to provide human resources capacity building through high-level quality training. AFRALTI also offers consultancy and advisory services to both management and technical personnel in the ICT sector in Africa.

1092 AFRALTI collaborates with a number of regional and international Organisations. Partnership with ITU has made AFRALTI a Center of Excellence within the ITU Center of Excellence project.

16.6 EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION, COMMUNICATIONS AND TECHNOLOGY

1093 The Protocol was adopted and signed by Kenya on 30th June, 2013. The Protocol's main objective is to promote ICT services in the Common Market Protocol, harmonise ICT policies and establish and manage technology networks across the bloc.

1094 The Protocol has been submitted to the National Assembly for ratification approval.

17.0 CONVENTIONS DEALING WITH ETHICS AND INTEGRITY

17.1 United Nations Convention against Corruption (UNCAC)

1095 The Convention was adopted on 31st October, 2003, in New York. Kenya signed and ratified the Convention on 9th December, 2003.

1096 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 Parties to the United Nations Convention against Corruption. It requires States Parties to implement several anti-corruption measures which may affect their laws, institutions and practices.

1097 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, the Witness Protection Act, 2010 and the Bribery Act, (No. 47 of 2016).

1098 Kenya has implemented the electronic procurement and payment system in order to eliminate corruption in the country's procurement system.The establishment of a Treasury Single Account (TSA) from which all payments shall be processed in compliance with the Public Finance Management Act, 2012 and the Public Finance Management Regulations, 2015 will greatly help in curbing corruption.

1099 In addition, Kenya has established institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; Assets Recovery Agency; the Office of the Director of Public Prosecutions, and Anti Corruption Courts for hearing and determining corruption and economic crime cases on priority basis. In 2016, Kenya also established the Asset Recovery Agency that is mandated to track and seize properties and funds which have been acquired with proceeds of corruption.

1100 Kenya has also filed with the UN Secretary-General, the depositary of the Convention, various notifications required under the Convention – relating to, *inter alia*: the name and address of the national anti-corruption agency (previously the 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.

1101 Kenya derives several benefits from being a State party such as : Technical assistance towards the fight against corruption, especially in the areas of criminalization and law enforcement; international co-operation; prevention, and asset recovery; Capacity building of Kenyan officials engaged in the war on corruption and economic crime, such as: judicial officers; investigators; prosecutors and other public officers; Expert advice on model laws, policies and strategies for effective onslaught against corruption.

1102 Other benefits include: 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 has enhanced efficiency in anti-corruption investigations and asset recovery; Exchange of new ideas, techniques and best-practices in the war on corruption as may arise from time to time through research; 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; Assessment of technical assistance needs to address the gaps identified in the implementation of UNCAC and the fight against corruption generally; 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; Demonstration of Kenya's commitment to co-operating with other countries and international organisations, to the fight against corruption locally and internationally; 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 Improved rankings in corruption perception surveys.

1103 Some of the challenges faced in the fight against corruption include: poor collaboration between investigating and prosecuting institution; the complex nature of corruption related crimes and difficulties in prosecuting due to interference of witnesses and tampering of evidence while prosecuting of corruption matters.

1104 There is need to improve coordination between the investigating institutions and prosecuting institution.

17.2 African Convention on Preventing and Combating Corruption

1105 The Convention was adopted on 1st July, 2003. Kenya signed and ratified on 17th December, 2003 and 3rd February, 2007 respectively.

1106 State Parties to the Convention are required 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.

1107 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 (No. 36 of 2011); the Proceeds of Crime and Anti-Money Laundering Act, Rev 2014, (No. 9 of 2009), the Witness Protection Act, 2010 and the Bribery Act (No. 47 of 2016).

1108 Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; Asset Recovery Agency; the Office of the Director of Public Prosecutions, and Anti Corruption Courts who hear and determine corruption and economic crime matters on priority basis.

1109 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. Kenya has also been represented in the AU Advisory Board on Corruption.

1110 There is enhanced transparency in the management of government affairs. However, delays of feedback from the African Union Commission (AUC) is hindering ACPCC's implementation.

18.0 LABOUR, SOCIAL PROTECTION AND EMPLOYMENT

1111 Under this thematic area, there are three types of Conventions, namely, fundamental, governance and technical Conventions. Kenya has ratified 7 out of 8 Fundamental Conventions; 3 out of 4 Governance (or Priority) Conventions, and 39 of the 177 Technical Conventions.

Fundamental Conventions:

1112 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.

1113 All ILO member States are bound by the provisions of the Fundamental Conventions.

1114 The Fundamental Conventions are:

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

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

Governance (or Priority) Conventions:

1115 The ILO's Governing Body has also designated another four Conventions as "priority" instruments, because of their importance for the functioning of the international labour standards system. Since 2008, these Conventions are now referred to as Governance Conventions as they were identified by the ILO Declaration on Social Justice for a Fair Globalization as the standards that are the most significant from the viewpoint of governance.The governance conventions are;

(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)

Technical Conventions:

1116 Technical Conventions are all other Conventions that set out basic principles and rights at work.

18.1 Fundamental Conventions

18.1.1 Forced Labour Convention, 29 of 1930

1117 It was adopted in 28th June, 1930, entered into force on 1st May, 1932 and was ratified by Kenya on 13th January, 1964.

1118 This Covention forbids forced labour. Forced labour 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.

1119 Its provisions are entrenched in Article 30 (2) of the Constitution and in the Employment Act. Section 4 of the Employment Act, 2007 prohibits use or assistance to any person in recruiting, trafficking or use of forced labour.

1120 Application of the Convention is done through inspectorate service by the department of labour to ensure that the country complies with international labour standards. However, sensitization and awareness creation should be enhanced to complement these efforts.

18.1.2 Right to Organize and Collective Bargaining Convention, 98 of 1949

1121 The Convention was adopted on 1st July, 1949, entered into force on 19th July, 1951 and Kenya ratified it on 13th January, 1964. This Convention covers the rights of union members to organize independently without interference by employers and requires positive creation of rights through collective bargaining. The Convention guarantees protection against anti-union acts of discrimination. It prohibits in particular, unions being dominated by employers through financial or other means.

1122 Article 41 of the Constitution and the Labour Relations Act, 2007 have domesticated the ILO Convention and enabled workers enjoy the right to collectively bargain in order to realize the labour rights guaranteed in Convention.

1123 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.

1124 The Constitution 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.

1125 The exercise of the right to collective bargaining has enabled workers to negotiate for higher wages translating to better living standards. However, this has led to high wages leading to retrenchment of workers where firms are unable to maintain the negotiated wages.

1126 Following the entrenchment of labour rights in the Constitution, the Courts have ordered for registration of multiple trade unions in a sector and increasing the enjoyment of the right. On the other hand there has been increased litigation and industrial unrest and strikes in the country particularly in the public sector. In the last four years, many collective bargaining agreements were not concluded due to delays or failure of the Salaries and Remuneration Commission, which is a creation of the Constitution, to give its advise on remuneration. Consequently, it is deemed to be an impediment to enjoyment of the right to collective bargaining. This has affected the service delivery, sometimes, in essential sectors such as health and water in the economy of the country, sometimes leading to loss of jobs.

1127 It is important to have the role of the Salaries and Remuneration Commmission clarified and its capacity built to perform its functions appropriately.

1128 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.

18.1.3 Equal Remuneration Convention, 100 of 1951

1129 The Convention was adopted on 29th June, 1951, entered into force on 23rd May, 1953 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 and the Employment Act, 2007 provide for the enjoyment of labour rights by both men and women without discrimination.

1130 The Government is required to ensure compliance with the provisions of The Convention which are guaranteed in the Constitution and The Employment Act. Out-dated occupational standards, subjective employment evaluation and cultural biases negatively impact on undervaluing certain jobs thereby negatively impacting on achievement of gender parity in remuneration.

1131 There exist different wage fixing mechanisms and criteria leading to disparities in remuneration levels. There is need for a comparative and integrated Wages and Remuneration Policy in the country to progressively achieve gender parity in remuneration in all sectors of the economy. The National Labour Board initiated review of the Kenya National Occupational Classification Standards (KNOCS) to meet contemporary standards and social equity in remuneration. There is urgent need to provide technical assistance to the Wages Councils to enable them conduct sectoral and national studies on wage, job evaluation and the impending review of the KNOCS.

18.1.4 Minimum Age Convention, 138 of 1973

1132 The Convention was adopted on 6th June, 1973, entered into force on 19th June, 1976 and was ratified by Kenya on 9th April, 1979.

1133 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.

1134 The Children's Act, 2001 guarantees the right to education and 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.

1135 Implementation of the Convention protects children against child labour. The Basic Education Act, 2013 stipulates the minimum age for engagement in work as 18. The Employment Act prohibits employment of children as it is harmful to the health, safety or morals of a child. The Employment Act 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. The

minimum age for employment in an industrial undertaking is 16, unless he/she is an apprentice under the Industrial Training Act.

1136 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 to obtain, and the different provisions regarding the minimum age for admission to work. HIV/AIDS makes many children leave school to work to support themselves and siblings. Different provisions regarding the minimum age for admission to work make compliance difficult. The Convention makes the minimum age for admission to work the age for completion of the compulsory schooling age but the Basic Education Act extends it to 18.

1137 There is inadequate institutional and policy framework for protection of children against child labour and the Government is making significant steps in this area. The National Policy on the Elimination of Child Labour (Sessional Paper No. 1 of 2015) was approved by the Cabinet and adopted by Parliament in October 2016. In addition, the varied interpretation of the term "child," in relation to labour matters negatively impacts on implementation. Hence, harmonisation of laws and creating public awareness will cure the problem.

18.1.5 Worst Forms of Child Labour Convention, 182 of 1999

1138 The Convention was adopted on 17th June, 1999, entered into force on 19th November, 2000 and was ratified by Kenya 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.

1139 The Convention aims to prohibit and eliminate the worst forms of child labour as a matter of urgency. It defines the worst forms of child labour as all types of slavery including the sale and trafficking of children, bonded labour to pay off debt including use of children in war and armed conflict. All activities which sexually exploit children such as prostitution, pornography or pornographic performance and involvement in illegal activities especially in the production or trafficking of drugs or any work which could damage the health, safety and well being of children.

1140 The Convention has been domesticated through the Constitution and labour laws. The Government in collaboration with ILO and Partners such as International Programme on the Elimination of Child Labour (IPEC) and tackling child labour through education implements various programs aimed at eliminating the worst forms of child labour targeting vulnerable populations. The root causes of child labour, such as poverty and lack of access to education are being addressed through education, skills and livelihood training for adolescent children and empowerment of local communities.

1141 Challenges arise due to 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. The labour inspectorate requires strengthening to be able to carry out inspections.

18.2 Governance Conventions

18.2.1 Labour Inspection (Industry) Convention, 81 of 1947

1142 This Convention was adopted on 11th June, 1947, entered into force on 7th April, 1950 and was ratified by Kenya on 13th January, 1964. It requires maintaining a system of labour inspection in industrial workplaces to ensure compliance with minimum labour standards.

1143 The Convention targets enforcement of labour standards through effective inspection of workplaces to ensure adherence to terms and conditions of employment and safety of workers at the work place.

1144 Compliance with labour standards ensures that employees work under reasonable conditions to reduce the likelihood of industrial unrest. Industrial harmony is vital for the political stability, economic and social development of countries.

1145 The Convention has been domesticated in the Constitution, the Work Injury Benefits Act (WIBA), 2007, Occupational Safety and Health Act, 2007, NHIF Act and NSSF Act. Under the Occupational Safety and Health Act, 2007 it is obligatory on employers to ensure health, safety and welfare of persons at workplace.

1146 Implementation of the Convention ensures effective enforcement of labour standards through effective inspection of workplaces and ensures reasonable terms and conditions of employment and safety of workers. Compliance with labour standards ensures that workers work under reasonable conditions and this reduces likelihood of industrial unrest. Industrial harmony is vital for stability and the political, economic and social development of the country.

1147 The Labour Inspectorate Service needs to be restructured to enhance performance. The Inspectorate also needs to be well resourced both in material means and personnel.

18.2.2 Labour Inspection (Agriculture) Convention, 129 of 1969

1148 This Convention was adopted on 25th June, 1969, entered into force on 19th January, 1972 and ratified by Kenya on 9th April, 1979. It 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. Kenya has challenges in enforcement due to shortage of inspectorate personnel and material resources.

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

1149 This Convention was adopted on 21st June, 1976, entered into force on 16th May, 1978 and ratified by Kenya on 6th June, 1990. It requires governments to set up procedures which ensure effective consultations, between representatives of the Government, employers and workers with respect to the matters concerning the activities of the International Labour Organisation (ILO). Tripartite Consultations among

representatives of the Government, employers and workers is an important pillar for harmonious industrial relations.

1150 The National Labour Board (NLB) and wages councils have been set up under the Labour Institutions Act, 2007 (No. 12 of 2007). They are key tripartite advisory bodies to the Government on labour policy and the law. This includes labour market issues, employment, productivity, wages, industrial training, employment relations, trade unionism, settlement of labour disputes, and Kenya's participation in international organisations, regional and continental institutions on labour and employment issues.

1151 The under-funding of tripartite institutions inhibits their performance and threatens their continuity. The role of the Government in tripartite consultation and disputes resolution is often misunderstood. Sometimes it is difficult to build consensus amongst the Social Partners and Stakeholders. Hence there is need to sensitize workers and employers on the system of social dialogue and tripartism.

1152 Tripartite bodies face challenges in performing their duties due to limited material resources and technical expertise.

18.3 Technical Conventions

18.3.1 Unemployment Convention, 2 of 1919

1153 This Convention was adopted on 28th November, 1919, entered into force on 14th July, 1921 and ratified by Kenya on 13th January, 1964. Member States are required to communicate to the ILO all available statistical information, concerning unemployment, including reports on measures taken or contemplated to address unemployment. They must also establish a system of free public employment agencies under the control of a National authority.

1154 The Convention promotes effective monitoring of unemployment and proper planning to address unemployment. There is a large number of unemployed persons whose qualifications do not match the job market needs.

1155 Job seekers should be encouraged and supported to venture into entrepreneurships. The Government has created Affirmative Funds to support Women, Youth and Persons With Disabilities. There is also need to transform Technical and Vocational Education Training (TVET) to respond to the contemporary labour market needs.

18.3.2 Right of Association (Agriculture) Convention No. 11 of 1921

1156 This Convention was adopted on 12th November, 1921, entered into force on 11th May, 1923 and ratified by Kenya on 13th January, 1964. It 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 policy, legislative and institutional framework to ensure workers in the agriculture sector are properly compensated through wage fixing mechanism.

1157 The Government set up Agricultural Wages Council which determines the minimum wage in the agricultural sector every year. It has also registered trade unions to represent workers in the agriculture sector.

18.3.3 Weekly Rest (Industry) Convention, 1921

1158 This Convention was adopted on 17th November, 1921, entered into force on 19th June, 1923 and ratified by Kenya 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.

18.3.4 PACKAGES TRANSPORTED BY VESSELS CONVENTION, 1929 No. 27

1159 Kenya Ports Authority has reviewed its training programmes at the training facility (Bandari College) which provides capacity building for equipment operators. This has included in-house trainings at manufacturer's premises to support use of new equipment and procurement process. Some of the courses offered for equipment operators include safe container handling, top loader/reach stacker operators forklift driving among others.

18.3.5 PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932 No. 32

1160 Kenya Ports Authority has put in place comprehensive and effective occupational safety and health policy that ensures minimal accidents and injuries to dock workers. It establishes a co-ordinating mechanism prioritizes improvement of work safety conditions, accident prevention, hazard control and preservation of health besides compliance with all relevant occupational health and safety legal and statutory instruments. It provides for induction, continuous safety training for all dock workers, personal protective equipment and employee assistance programs including workplace counselling to mitigate different types of social distress.

18.3.6 LABOUR INSPECTION CONVENTION, 1947 NO. 81

1161 The Department of Labour (DOL) and the Department of Occupational Safety and Health (DOSH) were placed under centralised supervision and control of a common administrative authority – State Department for Labour. The Department having received approval of the Public Service Commission of Kenya, it recruited a total of forty (40) at entry levels. The total staff complement is still low because of natural attrition and large number due for retirement. Thus there is need to recruit further for better performance and service delivery. The Ministry has also made training projections for labour inspectors for the next financial year (July 2018–June 2019) and given priority consideration to special courses for improved performance of the inspectorate such as negotiation skills and prosecution. The training will be delivered through a public partnership arrangement and also through the Kenya School of Government. The low budgetary allocations to the Ministry and inadequate material means is currently under address and mitigating measures have been factored in the proposed budgets and the sectoral medium term frame work.

18.3.7 LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949 (NO. 94)

1162 The Public Procurement Regulatory Authority is currently developing new bidding documents in line with the provisions of the Public Procurement and Asset Act which mandates it to "prepare, issue and publicise standard public procurement and asset disposal documents and formats to be used by public entities and other stakeholders."

The Constitution stipulates stakeholders participation before finalization of the bidding documents.

18.3.8 MIGRATION FOR EMPLOYMENT CONVENTION NO. 97 OF 1949

1163 The Government has initiated a number of reforms in the regulation of private employment agencies. Registration and regulation of private employment agencies have been reviewed and the relevant rules have been gazetted Legal Notice No. 110, Labour Institutions Act, No. 12 of 2007 (Private Employment Agencies) Regulation, Kenya Gazette Supplement No, 92, 17th June, 2016. The development of a CODE OF CONDUCT for private employment agencies is temporarily on hold.

Sessional paper No. 4 of 2013 on Employment Policy and Strategy for Kenya was launched and it is envisaged that it will guide and assist the country attain full employment status. The policy seeks to promote labour market efficiency and national competitiveness through improved productivity, green job creation, skills and knowledge development,decent work and poverty reduction. It also aims to strengthen the labour administration system and promoting public-private partnership in employment creation.

In operationalizing the policy, the Employment Creation Analysis framework and guidelines have been developed and now awaits validation and finalization.

18.3.9 RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 1949 No. 98

1164 All State and Public Officers are subject to the mandate of the Salaries and Remuneration Commission in determination of Remuneration and Benefits. The relevant documents in this regard are the following:

1. The Salaries and Remuneration Commission (Remuneration and Benefits of State and Public Officers) Regulations, 2013.
2. Gazette Notice No. 2885 of 1st March, 2017 on Remuneration and Benefits of State Officers in the Executive.
3. Legal Notice No. 2 of 16th January , 2013 on the Salaries and Remuneration Commission (Remuneration and Benefits of State and Public Officers) Regulations, 2013.

18.3.10 MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951 No. 99

1165 The government has taken a number of steps towards development of the National Wages and Remuneration Policy and to also ensure that the principle of equal remuneration between men and women for work of equal value is duly taken into consideration during the process and, when determining wage rates through job evaluation, skills considered to be female are not undervalued in comparison with traditionally male skills.

The Ministry for East African Community, Labour and Social Protection with the support of the ILO conducted a study on the development of a national wage policy. The Salaries and Remuneration Commission (SRC) launched a job evaluation exercise in 2015 with a view to having a harmonized wage structure in the public sector and to

address the existing disparities as well as introduce fairness in remuneration. In starting off the evaluation exercise, the SRC divided the public sector into seven sub-sectors of county governments, commercial and strategic corporations, service and regulatory state corporations, constitutional commissions, independent offices and teaching services, disciplined, research and learning institutions. The first report on this work has drawn much criticism from trade unions and professionals. For better appreciation and implementation, the report needs to be subjected to public debate and possible review.

Owing to financial constraints, the government adopted a phased approach towards review of the Kenya National Occupational Classifications 2000. This commenced with a sectoral study in the Information and Communication Technology (ICT) in 2010 to identify emerging occupations. In the subsequent National Manpower Survey of 2011/12 many more additional occupations were identified. These have all been documented and earmarked for investigation so as to establish the tasks performed under specific job titles and the skills required to perform the specific jobs in order to group them under relevant occupations during the revision process.

18.3.11 DOCK WORK CONVENTION, 1973 No. 137

1166 The Convention ensures protection of labour rights for workers. The Employment Act, 2007 provides that employees shall be entitled to at least one rest day in every period of seven days. Workers enjoy the labour rights guaranteed in the Constitution and the labour laws. There are challenges in conducting regular inspections to ensure compliance.

18.3.12 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975 No. 143

Since 2010 the Government has initiated a number of measures to safeguard the fundamental rights of migrants. An outstanding intervention is the appointment of two important committees, which have the responsibility to lead and co-ordinate national efforts in suppressing trafficking in person. These are:

- The Counter Trafficking in Persons Advisory Committee
- The National Assistance Trust Fund for Victims of Trafficking in Persons.

On 25th March, 2014, the Government set up the Counter Trafficking in Persons Advisory Committee as mandated by the Act with the broad functions, to—

a) advise government on inter-agency activities to combat trafficking;

b) implement prevention, protection and rehabilitation programme;

c) development of regulations and guidelines to implement a national plan of action; and

d) set up an assistance fund for the victims of trafficking in person.

The Government also gazetted Legal Notice No. 110, Labour Institutions Act, No. 12 of 2007 (Private Employment Agencies) Regulation, Kenya Gazette Supplement No. 92 of 17th June, 2016 in an effort to streamline recruitment of employees and to secure that of migrant labour.

18.3.13 Workmen's Compensation (Accidents) Convention, No. 19 of 1925

1167 This Convention was adopted on 10th June, 1925, entered into force on 1st April, 1927 and ratified by Kenya on 13th January, 1964. 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.

1168 There are challenges in ensuring effective inspections to ensure compliance. Key provisions of the Act require employers to be insured with an insurer approved by the Cabinet Secretary, excluding common law claims, giving the Director of Occupational Safety and Health quasi-judicial powers to investigate work injury claims and 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.

1169 Review of WIBA should be fast tracked to ensure effective institutional and legislative measures for adequate compensation for persons injured or killed in the course of employment.

18.3.14 Minimum Wage-Fixing Machinery Convention, No. 26 of 1928

1170 This Convention was adopted on 16th June, 1928, entered into force on 14th June, 1930 and ratified by Kenya on 13th January, 1964.

1171 The Convention requires Governments to set up and maintain machinery to fix minimum wages for workers. The rationale is to ensure that workers are paid adequately to meet the cost of living in prevailing economic circumstances.

1172 The Labour Institutions Act, 2007 establishes various Wages Councils to set minimum wages for all sectors. Howerver, there is no national wages and remuneration policy in place to guide on wage fixing.

1173 There are employers who do not pay the set minimum wage and the Government has challenges in ensuring effective inspections to ensure compliance. The Labour Inspectorate Department should be strengthened to ensure compliance and a wage and remuneration policy should be formulated to provide guidelines on wage fixing.

1174 The National Productivity and Competetiveness Centre is being restructured in order to promote productivity measurement and work culture indices which will help in determination of wages in the future.

18.3.15 Marking of Weight (Packages Transported by Vessels) Convention, No. 27 of 1929

1175 The Convention was adopted on 21st June, 1929 and ratified by Kenya on 9th February, 1971.

1176 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.

1177 The port of Mombasa has acquired 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.

1178 There are challenges in ensuring compliance through inspections. The Labour Inspectorate Department should be strengthened.

18.3.16 Protection against Accidents (Dockers) Convention (Revised), 1932

1179 The Convention was adopted in 27th April, 1932, entered into force on 30th November, 1934 and ratified by Kenya on 13th January, 1964.

1180 It requires the States to ensure safety and protection of dock workers against accidents. Compliance is ensured through effective inspections.

1181 A curriculum has been developed for the purpose of ensuring uniformity, consistence and standardization 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.

1182 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 also undergo Safety induction. For the already employed, they undergo periodic safety training 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. It requires the Government to ensure safety and protection of dock workers against accidents.

18.3.17 Convention Concerning Statistics of Wages and Hours of Work, No. 63 of 1938

1183 This Convention was adopted on 20th June, 1938, entered into force on 22nd June, 1940 and ratified by Kenya on 13th January, 1964. The Government's obligation is to undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. It should publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively.

1184 The Government collects and publishes data to ensure effective monitoring for compliance with labour standards. Kenya has a weak labour market information system due to inadequate technical capacity and funds to collect and collate data on wages.

1185 The Government recently launched the Kenya Labour Market Information System to improve data collection, management and use by the labour market.

18.3.18 Employment Service Convention, No. 88 of 1948

1186 The Convention was adopted on 9th July, 1948, entered into force on 10th August, 1950 and ratified by Kenya on 13th January, 1964.

1187 The Convention ensures effective Management of employment services and labour market information.

1188 The Government also recently introduced a new law, the National Employment Authority Act, No. 3 of 2016, whose objective is to establish an authority to provide a comprehensive institutional framework for employment management and to enhance employment promotion interventions. It is expected to enhance access to employment for youth, minorities and marginalized groups.

1189 The Government recently launched the Kenya Labour Market Information System (KLMIS) to improve data collection, management and use by the labour market . However, there is need to strengthen KLMIS and the National Employment Authority.

18.3.19 Night Work (Women) Convention (Revised), No. 89 of 1948

1190 This Convention was adopted on 9th July, 1948, entered into force on 27th February, 1951 and ratified by Kenya on 30th November, 1965. The Convention requires regulation of conditions for night work for women.

1191 The Government has taken into consideration comments made by the Committee of Experts 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 the Act. Night Work is generally regulated through regulations under the Act and the various Wages Orders.

18.3.20 Equality of Treatment (Social Security) Convention, 1962 (No. 118)

1192 This Convention was adopted in 28th June, 1962 and entered into force on 25th April, 1964 and Kenya ratified it on 9th February, 1971.

1193 The Convention aims at ensuring that Governments provide social security covering its own nationals within its own territory in medical care benefits covering; sickness; maternity; invalidity; old-age; survivors'; employment injury; unemployment; and family.

1194 Implementation of the Convention ensures social security for Kenyans through the National Social Security Fund, National Hospital Insurance Fund, Retirement Benefits Authority Act, Work Injury Benefits Act, social assistance programmes to older persons, Orphans and Vulnerable Children (OVCs) and persons with severe disabilities.

1195 It is a challenge to provide effective social security for all, especially in respect of the unemployment benefit. Implementation of the National Social Security Fund is also posing a challenge and it is difficult to ensure compliance.

18.3.21 Minimum Wage Fixing Convention, No. 131 of 1970

1196 This Convention was adopted on 22nd June, 1970 and entered into force 29th April, 1972. Kenya ratified the Convention on 9th April, 1979.

1197 The Convention requires Governments 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. 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.

1198 The Labour Institutions Act, 2007 establishes wage councils for purposes of fixing wages in various sectors. This ensures reasonable terms and conditions of employment for workers in the relevant sectors.

1199 There are still workers who are not covered by the wage fixing machinery. 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.

1200 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.

1201 Wage fixing should be done using objective criteria and in consultation with the Salaries and Remuneration Commission in the case of the public sector.

18.3.22 Holidays With Pay Convention (Revised), 1970 (No. 132)

1202 The Convention was adopted on 24th June, 1970 and entered into force 30th June, 1973. Kenya ratified the Convention on 9th April, 1979.

1203 It is aimed at ensuring that Government provisions on 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.

1204 The Convention ensures enjoyment of rights guaranteed therein. It is aimed at ensuring provision of holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

1205 The applicable law is the Employment Act, 2007 and the Public Service Commission Act, 2017 in addition to which the Government has formulated the Human Resource Policies and Procedures for the Public Service of May, 2016 that provides annual paid leave for the public service. The Convention ensures enjoyment of rights guaranteed therein.There are challenges in ensuring compliance.

18.3.23 Prevention of Accidents (Seafarers) Convention, 1970

1206 It aims at ensuring prevention and documentation of occupational accidents among sea farers.

1207 The Convention assists in prevention and management of records of accidents among sea farers.

1208 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.

18.3.24 C135 – Dock Workers' Representatives Convention, 1971

1209 It aims ensuring 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

1210 There are challenges in getting accurate data on dock workers.

18.3.25 United Nations Convention on the Rights of Persons with Disabilities

1211 Kenya is a signatory to the rights of persons with disabilities having signed the Convention on 30th March, 2007 and ratified on 19th May, 2008.

1212 Kenya prepared a report and submitted for review in the committee of experts in relation to the Convention on rights of persons with Disabilities Geneva, Switzerland August 2015.

1213 Kenya developed a national action plan to implement the recommendations by the Committee of experts.

1214 A standing Committee made up of key stakeholders for the next three years has been put in place to monitor the implementation of the national action plan.

1215 A national disability policy is under process.

1216 There's a disability bill under process aimed at providing legal framework for issues of disability.

1217 The Convention on persons living with disabilities is aimed at ensuring that persons with disabilities enjoy all the rights guaranteed under the Convention without discrimination.

18.3.26 Workers' Representatives Convention, No. 135 of 1971

1218 The Convention was adopted on 23rd June, 1971, entered into force on 30th June, 1973 and Kenya ratified this Convention on 9th April, 1979. Its objective is to ensure that Member States put in place mechanisms where Workers benefit from representation by their representatives and enjoy effective protection against any act prejudicial to them, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

1219 Kenya has domesticated its provisions in the Constitution and the Labour Relations Act, 2007. There is low public awareness on the provisions of the law protecting workers' representatives and there is need to educate employers and workers on the same.

18.3.27 Paid Educational Leave Convention, No. 140 of 1974

1220 The Convention was adopted on 24th June, 1974, entered into force on 23rd September, 1976 and ratified on 9th April, 1979. The Convention aims at ensuring that Member States formulate and apply policies designed to promote the granting of

paid educational leave for purpose at any level, general, social and civic education and trade union education.

1221 Labour Institutions Act, 2007 provides for the determination of paid educational leave. The Public Service Human Resource Policies and Procedures Manual, May 2016 also provides that an officer will continue to draw his substantive salary for the duration of courses. All Government employees are entitled to paid educational leave.

1222 The National Labour Board is yet to develop a policy for paid educational leave.

18.3.28 Rural Workers' Organisations' Convention, No. 141 of 1975

1223 The Convention was adopted by the General Conference of the International Labour Organisation on 23rd June, 1975. It entered into force on 24th November, 1977 and was ratified by Kenya on 9th April, 1979. It's applicable to all types of Organisations of rural workers, including Organisations not restricted to, but representative of, rural workers. It is intended to ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.

1224 The Constitution and the Labour Relations Act domesticate this Convention. There's low unionization of rural workers hence there's need to create awareness and develop programmes to have a wider outreach in recruitment of workers and strengthen the unions' capacity.

18.3.29 Human Resources Development Convention, No. 142 of 1975

1225 This Convention was adopted on 23rd June, 1975, entered into force on 19th July, 1977 and was ratified on 9th April, 1979. The Convention's main aim is to ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems in line with the Convention.

1226 Kenya adopted and developed comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training closely linked with employment, in particular through public employment services. It has also established and developed open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training.

1227 The National Industrial Training Authority established under the Industrial Training (Amendment) Act, 2011 and the Technical Training Institutions have under the Technical Vocational Education and Training (TVET) Act of 2013 have the overarching mandate to ensure adequate supply of skilled manpower at all levels in industry.

1228 The government has developed Public Service Commission Human Resource Development Policy, 2015 that has made provisions for internship programme, induction, training, development and capacity building of public servants.

1229 The ratification has progressively ensured harmonized vocational training and attachment throughout the life of both young persons and adults by creating a

globally competitive and adaptive human resource base to meet the requirements of a rapidly industrializing economy.

1230 The Convention will ensure effective management of human resource management including vocational training and guidance that meets the requirements of the labour market.

1231 Government has further institutionalized vocational training through upgrading, equipping and establishing new TVET institutions in every constituency offering training and industrial attachment to equip the youth with the necessary skills to meet the current labour market demands. The Government has increased the number of service men and women transiting to technical vocational training from 4200 in 2013 to 8889 in 2016.

1232 The Government has established the Integrated Human Resource Management System under the Ministry responsible for Public Service and also established the Kenya Labour Market Information System under the Ministry of Labour, which provides labour market indices for both private and public sectors.

18.3.30 Nursing Personnel Convention, No. 149 of 1977

1233 The Convention was adopted on 21st June, 1977 and entered into force on 11th July, 1979. The protocol was ratified by Kenya on 6th June, 1990.

1234 Member States to this Convention are expected to adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and 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. In particular, countries shall take the necessary measures to provide nursing personnel with education and training appropriate to the exercise of their functions; and employment and working conditions, including career prospects and remuneration.

1235 Implementation of the Convention will ensure retention of qualified nurses to meet the country's needs in providing accessible and affordable health care for Kenyans. Better terms and conditions of employment abroad has led to migration of huge numbers of trained nursing personnel causing grave concern.

1236 The Ministry of Health has established a Nursing Services Unit headed by a Director of Nursing. In addition, the Nursing Council of Kenya (NCK) was established in 1948 as authorized by the Colony and Protectorate of Kenya ordinance No. 16 of 4th June, 1946. It was then called the Nurses, Midwives and Health Visitors' Council of Kenya (NMCK). Presently, the Nursing Council of Kenya is established under the Nurses Act, Cap. 257 of 1983 as amended in 2011.

1237 The Nursing Council of Kenya (NCK) set standards related to the education and practice of nurses. The NCK uses the Regulatory Human Resources Information System (RHRIS) to track nurses through the process of training, examination and registration to practice nursing.

1238 The Revised Scheme of Service for Nursing Personnel, 2014 establishes five (5) grades of Enrolled Nurses, seven (7) grades of Registered Nurses and eight (8)

grades of Nursing Officers. It provides clear and concise job descriptions and specifications at all levels within the grading structure.

1239 The National Nurse Association of Kenya not only looks after the welfare of its members but also ensures that its members continuously maintain and update their competencies by providing accredited CPD programmes that meet required standards and guidelines.

18.4 Social Protection

18.4.1 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

1240 The Optional Protocol was adopted on 25th May, 2000. Kenya signed the Protocol on 8th September, 2008. It has not been ratified yet. The Convention requires governments to have in place measures that ensure prohibition of the sale of children, child prostitution and child pornography.

1241 The signing of the code of conduct for hoteliers has been done to protect the children and curb child prostitution. The implementation of the National Plan of Action against sexual exploitation of children in Kenya, 2013-2017 is still ongoing.

1242 To address root causes of sexual exploitation, implementation of policies and projects and rural development, poverty alleviation and reduction of rural to urban migration are ongoing.

18.4.2 The Hague Convention on the Protection of Children and Cooperation in Respect of Inter Country Adoption, May, 1993.

1243 The Convention came into force on 1st of May, 1995. Kenya ratified to the Convention on 1st June, 2007.

1244 State parties are to ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.

1245 The Children Act, 2001 has been enacted and the implementation of the Children (Adoption) Regulations 2005 is ongoing. Further, Guidelines for the Alternative Family Care of Children in Kenya 2014 are being disseminated. Celebrations for the World Adoption Month are done in November every year. In November, 2017, celebrations were held in Vihiga County. Further, the government formed the National Adoption Committee in 2006. The Fourth Adoption Committee was gazetted in March, 2016, and its still operational.

1246 There are challenges associated with adoption of children in Kenya such as stigma and perceived high costs of the process. The Government is undertaking awareness campaigns and engagements of stakeholders.

18.4.3 Madrid International Plan of Ageing (2002)

1247 The Madrid Plan of Action on Ageing was adopted in April 2002. Older persons represent a large and the fastest growing segment of the growing population. By 2050, there will be more older persons than children under the age of 15 years and it is projected that the number of older persons will be more than double from 900 million currently to nearly 2 billion. A demographic transformation of such magnitude has far reaching implications for society at all levels. The older

population is also ageing. The group of persons aged 80 and over, which currently accounts for 14% will grow to 21% in 2050.

1248 UN members are required to provide enabling and supportive environments for older persons with a view of ensuring their well-being into old age.

1249 Kenya developed the National Policy on Older Persons and Ageing in 2009. It provides for an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity. The Social Protection Policy aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development.

1250 The Constitution recognises the family as the natural and fundamental unit of society and the necessary basis of social order and should therefore enjoy the recognition and protection of the State.The National Family Promotion and Protection Policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons.

1251 The Older Members of Society Bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society.

18.4.4 Vienna International Plan of Action on Ageing (1982)

1252 The Plan was adopted in 1982 in Vienna, Austria during the First World Assembly on Ageing.

1253 The Plan requires States to take specific steps to ensure realization of the UN principles stipulating the rights of older persons to independence, participation, care, self -fulfilment and dignity.

1254 The National Policy on older Persons and Ageing is being implemented through the NSSF Act and NHIF Act which provide for social protection and assistance, and welfare of old people and other vulnerable members of society. The Government runs Cash Transfer programmes for Older Persons through the Social Assistance Unit.

1255 Service providers are far from beneficiaries who have to rely on 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.

1256 Finalization of the National Social Protection Bill to provide effective institutional and legal framework for social protection should be fast tracked. More resources should be made available to ensure that more deserving persons benefit from the social assistance programmes.

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

1257 The Charter was adopted in 1990 and entered into force on 29th November, 1999. Kenya became a State party to the Charter on 25th July, 2000.

1258 The African Charter on the Rights and Welfare of the Child (ACRWC) is intended to address the specific and peculiar conditions of children in Africa such as poverty, internal conflicts, displacement and harmful cultural practices.

1259 Based on the UNCRC, the African Charter on the rights of the Child recognises a child as any human being under the age of 18 years. It provides that the child has rights as any other human being. On issues concerning children, the "Best Interests of the Child" will be the key principle. State Parties shall respect and ensure the rights guaranteed in the UNCRC and the ACRWC without discrimination of any of the grounds including the legal status 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 and disability.

1260 Provisions of the Convention and the ACRWC are entrenched in the Constitution, the Children's Act, 2001 and other legislations including the labour laws which also protect the rights of children. They guarantee protection against child abuse and exploitation. The Employment Act prohibits child labour including worst forms of child labour. They are able to enjoy the right to free and compulsory basic education and develop their full potential.

1261 Several laws and policies have been developed and are being implemented by the government to protect children such as the National Children's Policy, the National Policy on Human Rights, the Sexual Offences Act, 2006, the Countertrafficking Act, 2010 and the Marriage Act, 2015 among others.

1262 The best interest of the child which is an international human rights principle touching on the rights and welfare of the child is the basis upon which the Kenyan Courts makes decisions on any petitions touching on the children in Kenya.

1263 Other measures by the government include, celebration of the Day of the African Child on 18th June, every year. In 2017, celebrations were held in Bungoma County.

1264 The National Plan of Action for Children in Kenya 2015-2022 is being implemented. Children offices have been established across the country. Area Advisory Councils (AAC) in all the 47 counties and 195 sub-counties have been operationalized. Seventy one more sub-county offices are proposed to be opened and operationalised in the coming year, 2017/18. A toll free 24-hour child helpline 116 and 1195 have been established and awareness on its existence created. Child protection units (CPU's), rescue centres and gender violent recovery centres have been established across the cuntry. This year, centres in Siaya, Kakamega and Kabete have been operationalized. The government has also established child help desks in police stations and Child Protection Units as well as establishment of more children courts across the country.

1265 The government has increased the capitation grants to all public schools particularly special schools to enhance the rights of a child to free and compulsory basic education. The government has introduced school feeding programmes in Arid and Semi Arid (ASAL) areas and free sanitary towels to all basic education institutions countrywide to retain the children in school. Day wing classes have been introduced to enhance 100% transition from primary to secondary schools.The government has streamlined the procurement of textbooks for schools to ensure that the book to child ratio of 1:1 is achieved.

1266 The government has developed guidelines on admission of refugees to institutions of basic education and training. It has also allowed the use of Kenya curriculum, Kenya National Examinations and disbursement of early grade material in refugee schools.

1267 The Government has introduced deworming and immunization programme in all basic education institutions countrywide.

18.4.6 International Day of Older Persons

1268 The national policy of older persons and aging has been developed, which aims at providing an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity.

1269 The Older Members of Society Bill , which is in the process of being developed, intends to give effect to the Constitution of Kenya by establishing a framework aimed at empowerment and protection of the rights of older members of society.

1270 The social protection Policy aims at ensuring that all Kenyans live in dignity and exploiting the human capabilities for their own social and economic development.

1271 The National family promotion and protection policy being developed requires families to take up responsibility of caring for their vulnerable members, including older persons.

1272 The Ministry through the social assistance program is providing support to vulnerable households through the older persons, orphans and vulnerable children and persons with severe disabilities cash transfer program.

1273 Development of guidelines on establishment of institutions of older persons. This will provide a bench mark of good practice upon which institutions for older person will be established and managed to ensure that the constitutional provision on reasonable care is realized.

1274 International day of older persons is observed on 1st of October each year. In 2017, the day of older persons was celebrated on 6th October, in Kisii County. The celebrations give an opportunity to highlight the important contributions that older people make to society. It also an opportunity to raise awareness on the issues and challenges of aging in today's world.

1275 World elder abuse awareness day is observed annually on the 15th of May is a UN designated day. The objectives of the day are: To provide an opportunity for communities in Kenya to promote a better understanding of abuse and neglect of older persons; To raise awareness of the cultural, social , economic and demographic processes affecting older persons and resorting to elder abuse and neglect; Create awareness on elder abuse in Kenya and the world; initiate process to address elder abuse and to curb the vice in Kenya and resource mobilization by the stakeholders to address elder abuse in Kenya.

18.4.7 International Volunteer Day

1276 Kenya has developed a national volunteerism policy and cabinet approved its implementation on 18th February, 2016.

1277 The Ministry of East African Community, Labour and Social Protection has initiated the development of Volunteerism legal framework through which the country at both national and county levels can tap the volunteer resources to augment to attain planned national goals.

1278 Volunteerism provides an invaluable opportunity for accessing and utilizing the skills of volunteers for enhanced peace and development.

1279 The International Volunteers day is annually marked on 5th December, 2017. Kenya launched the international volunteers day in Garissa after a weeklong of activities across all counties.

1280 The Government under the G-UNITED Programme has introduced volunteerism across the country for youth who have cleared basic education and training to volunteer in counties other than their home counties.

1281 The Department of Children Services runs a volunteerism programme.

19.0 SPORTS, ARTS AND CULTURE

19.1 International Convention against Doping In Sport

1282 The Convention was adopted on 19th October, 2005 and entered into force on 1st February, 2007. Kenya became a state party on 28th August, 2009. 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 Organisations that are not in compliance with the Code.

1283 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.

1284 Kenya has enacted the Anti-Doping Act No. 5 of 2016 to deal with doping issues. Kenya also complies with the World Anti-Doping Association (WADA) code which allows International federations to conduct regular testing of athletes.

1285 Kenya is a member of the Regional Anti-doping Organisation which Communicates to WADA on progress made. The Government has partnered with with the private sector to raise funds for Anti-doping education programmes.

1286 The Anti-Doping Agency of Kenya (ADAK)was established to co-operate 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.

19.2 The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)

1287 The Convention was adopted on 17th October, 2003, entered into force on 20th April, 2006 and ratified by Kenya on 24th October, 2007. It requires State Parties to take necessary measures to ensure the safeguarding of intangible cultural heritage present in its territory.

1288 Kenya is obligated to pay annual subscriptions; provide funding for implementation of the programs in collaboration with the United Nations Organization for Education, Science and Culture (UNESCO); formulate and implement cultural policies and adopt measures to protect and promote the diversity of cultural expressions and strengthen international co-operation to achieve the purposes of the Convention.

1289 Kenya has implemented the Convention as follows:

(a) Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008.

(b) 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.

(c) 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 their consideration and for safeguarding.

(d) The *Isukuti* Cultural Dance elements were nominated and submitted and are in the process of consideration by UNESCO.

1290 Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions:

(a) The *Enkipasia*, *Eunoto* and *Olng'esherr* – three male-rites of passage of the Maasai;

(b) Indigenous Knowledge of Woodcarving of the Akamba and

(c) The *Kit Mikayi* shrine of the Luo elements;

(d) 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.

(e) 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 a collaboration between the Ministry and the UNESCO Nairobi office.

(f) 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.

(g) 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.

19.3 The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions

1291 The Convention was adopted 20th October, 2005, came into force on 18th March, 2007 and was ratified by Kenya on 24th October, 2007. The Convention 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.

1292 Under the convention, Kenya is required to:

a. Formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.

b. Strengthen international Co-operation to achieve the purposes of this Convention.

c. Train artists in the music sector by building capacity for them to come up with strategies for marketing themselves.

d. Pay annual subscriptions.

e. Provide funding for implementation of programmes in partnership with the UNESCO.

1293 Kenya has done the following to implement the Convention:

(a) 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);

(b) 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.

(c) Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded by UNESCO programme to strengthen the artists' capacity in implementing the 2008 Convention.

(d) Developed a five year Cultural Diplomacy Strategy covering the period 2017-2022

19.4 Statutes on the International Centre for the Study of the Preservation and Restoration of Cultural Property

1294 The Statutes were acceded to on 3rd May, 1998. The objective is to promote the conservation of all types of cultural heritage.

20.0 LANDS, HOUSING AND URBAN DEVELOPMENT

20.1 The United Nations Agency for Human Settlement and Urban Development (UN Habitat Programe)

1295 Human Settlements Programme (UN–Habitat) is a UN agency for human settlements and sustainable urban development. It was established in 1978 after Vancouver meeting in Canada in 1976 as an outcome of the First UN Conference on Human Settlements and Sustainable Urban Development (Habitat I). Its headquarters is in Nairobi.

1296 UN-Habitat works towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all.

1297 The Government embarked on implementation of the New Urban Agenda through slum upgrading, installation of social infrastructure in urban areas, facilitating access to the cities and development of housing for marginalised groups. Some of the programmes include Kenya Informal Settlememt Improvement Programme (KISIP), Nairobi Metropolitan Service Improvement Programme (NAMSIP-I) and Slum upgrading programmes in Kibera, Mariguini and Kiambiu.

1298 The Government has put up two hundred thousand (200,000) social houses and three hundred thousand (300,000) public houses (2017-2022). This will entail Public Private Partnerships to realize the objective. In addition, the Government has comprehensive housing programmes in major counties for public officers where the houses will be sold through a mortgage scheme whose interest rate is five percent (5%).

1299 Over the years provision of adequate and affordable housing has faced a number of challenges. These include; high cost of unserviced land, unplanned human settlements, high cost of construction, high cost of obtaining development approvals, expensive mortgage financing, high number of loans which are not harmonious in application in response to housing, lack of authenticity in land ownership documents, land grabbing and institutional disconnect between the National Land Commision (NLC) and the Ministry of Lands. However, the Government has embarked on a number of programmes to address to the challenges. These programmes include; digitization of land documents, review of existing land based laws; implementation of a National Spatial Plan (NSP); promotion of appropriate building technologies and public private partnerships in housing provisions.

1300 Kenya's International Obligation is to fulfil its social function, including the social and ecological function of land, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living without discrimination; ensure universal access to safe

and affordable drinking water and sanitation, as well as facilitate equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, mobility and transportation, energy, air quality and livelihoods.

1301 The United Nations Conference on Housing and Urban Development (UN HABITAT) focuses on policies and strategies that can result in housing and sustainable urbanization. Kenya being a Member State of the United Nations endorsed the 1976 Habitat Agenda and Istanbul Declaration of 1996.

1302 The Ministry responsible for Housing is the National Focal Point on housing and human settlement issues. The National focal point constitutes a broad based National Habitat Committee with permanent and alternate members. The National Habitat Committee has spearheaded all housing and human settlement programs and activities which include participation in national, regional and international fora such as United Nations Governing Council and General Assembly meetings, World Urban Forum and World Habitat Day among others. Outcome of these forums have informed Government policies and legislations.

1303 Other achievements include; development and implementation of key policy instruments such as the National Housing Policy (2012), Slum Upgrading and Prevention Policy (2017), the National Land Policy (2005), National Urban Development Policy (2016); legal and institutional frameworks, strategies and programmes; heavy investment by the Government in infrastructure development; and, promotion of policy dialogue among all levels of Government, the private, community sectors and other representatives of civil society.

20.2 Shelter Afrique

1304 Shelter Afrique (SA) is a continental housing mortgage company formed in 1985 with membership restricted to African states. Kenya is a founding member. The headquarters are in Nairobi. Each year, Shelter Afrique holds its Annual General Meeting (AGM) with its shareholders in the month of June. Kenya is the largest beneficiary and gains from its membership as the Kenyan private developers and investors are able to borrow from the company for investments in real estate.

1305 Kenya also benefits from employment from the agency and its activities.The Government is committed to increase its share capital in line with the resolution during the Annual General Meeting (AGM) of Shelter Afrique held in Zimbabwe in June 2017.

21.0 DELIMITATION AND DEMARCATION OF INTERNATIONAL BOUNDARIES

21.1 Declaration on the African Union Border Programme (AUBP)

1306 The Declaration was pronounced on 7th June, 2007 and is for all African States to agree on their common international boundaries to minimize conflicts among African States on border delimitation and demarcation issues and address cross-border criminal activities while enhancing regional integration. This is intended to promote peace and unity in the continent. In this regard, AU States are to submit boundary surveys to the AU Commission and the UN, together with accompanying treaties.

1307 Through the declaration, the African Geodetic Reference Framework (AFREF) programme has been designed to facilitate the development of a common spatial reference system to unify the very many geodetic reference frames of Africa using data from a network of permanent global navigaton satellite systems. It will among other things facilitate cross border infrastructure development.

1308 The Government has established the Kenya International Boundaries Office (KIBO) to coordinate reaffirmation of Kenya's international boundaries in liaison with neighbours.

1309 The logistics involved require substantial budget, time and commitment to synchronize survey and mapping programmes, boundary maintenance and capacity building for the next few years. The cost of carrying out surveys, boundary maintenance and capacity building for the next five years is approximately KSh. 5.55 billion.

1310 Kenya will invoke international norms in the resolution of any boundary disputes.

1311 Kenya is at an advanced stage of becoming a full member of International Hydrographic Organisation (IHO). This will enable her make hydrographic charts on her own which are necessary for exploitation of marine resources and for facilitation of surveillance and navigation in the sea.

21.2 Addis Ababa Declaration on Geospatial Information Management

1312 Kenya is bound by the Declaration pronounced on 22nd April, 2016 by virtue of being a member of African Union.

1313 By being party to the development of AFREF, a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies will be realized in Kenya and the rest of the continent. This will lead to reduced time of carrying out surveys, ease of connecting infrastructural projects like roads, railways, pipelines with neighbouring countries and disaster mitigation through monitoring of crustal movements. There will be homogeneity in mapping across the country and cross-border seamless mapping will also be possible. National Spatial Data will facilitate sharing of geospatial data among all stakeholders dealing with and applying geospatial data.

1314 The Government is in the process of establishing a Kenya Geodetic Reference Frame (KENREF). Once the process is completed, the Government will begin developing Geospatial Information for the whole country.

1315 Apart from resource constraints, the existing geospatial data sets are not compatible so as to create the National Spatial Data Infrastructure to collect geospatial data uniformly.

22.0 CONCLUSION

1316 In conclusion, Kenya should review its investment treaty regime, with a view to developing legislation to protect Kenyan investments abroad. These legislations should also conform to best practices, while taking into account public interest and promotion of development.

MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS			
1.	**CHARTER OF THE UNITED NATIONS** **Adopted in:** 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 promote international co-operation in solving international problems, and encourage respect for human rights and 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya accredited a Permanent Mission to the UN for active and effective engagement and participates in decision making at various UN Organs. Kenya has served twice as a non-permanent member of the UN Security Council (1973-1974 and 1997-1998).	Financial constraints	Increase budgetary allocation and resource mobilization
	Kenya steered the UN negotiations that led to the adoption of the 2035 Sustainable Development Goals (SDG's).	Ignorance of the public about UN activities and programmes	Upscale political goodwill for UN activities
	Kenya is host to the UN headquarters in Africa and several UN Agencies. To provide leadership on global environmental policy, Kenya lobbied for the upgrading of UNEP from a governing council to an Environmental Assembly of the UN (UNEA) with universal membership of all the UN member States. Two UNEA meetings have been held in Nairobi (2014 and 2016) to address environmental issues. Kenya continues to host other numerous high-level meetings.	Low funding on environmental programmes	Enhance funding of environmental programmes
	Participation in international fora, peace keeping missions, and meetings on global issues.		Create public awareness on the role of the UN
	Kenya is compliant with its financial obligations through its Mission to the UN.		
	Kenya draws lessons and best practises that enhance good governance		
2.	**STATUTE OF THE INTERNATIONAL COURT OF JUSTICE** **Adopted on:** 26th June, 1945 **Entered into force on:** 24th October, 1945 **Kenya recognised the compulsory jurisdiction of the Court in 1964.** **Obligation to Government:** Compliance with decisions of the Court in any case to which Kenya is a party, failure of which the other party may seek assistance from the UN Security Council, which if it deems necessary may make recommendations or decide on measures to be taken to give effect to the judgment.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya recognises judgments and advisory opinions emanating from the Court.	Complex Court Procedures.	Participate in trainings and seminars organized by the judicial body.
3.	**THE CONSTITUTIVE ACT OF THE AFRICAN UNION** **Adopted by**: African State parties of the Organisation of African Unity on the 11th July 2000 **Entered into force on:** 26th May, 2001 **Kenya became a State party to the Charter on:** 4th July, 2001. **Obligation to Government:** To help achieve greater unity and solidarity between the African countries and Africans.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Contribution to peace building, peace-keeping and peace-enforcement efforts.	Sustenance of the peace processes due to transnational conflict, terrorist threats in the region, and competing priorities.	Enhance good governance in the region, and reduce dependence on non-AU donor support.
	Participated in decision-making in various AU Organs.	Weak coordination in formulating decision/country positions.	Consistent and unified African State political supports.
		Inadequate financial, human resource, technological challenges governance structures of various actors.	Enhance budgetary allocation, good governance, human resource and adopt up-to-date technology to effectively implement regional obligations.
4.	**THE AFRICA CHARTER ON HUMAN AND PEOPLES' RIGHTS** **Adopted by**: adopted by the African State parties of the Organization of African Unity on the 27 June 1981 **Entered into force on:** in 21st October 1986. **Kenya became a State party to the Charter on:** 23rd January, 1992. **Obligation to Government:** to submit every two years from the time of ratification, a report on the legislative and other measures taken to give effect to the rights as recognized by the Charter.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The African Commission on Human and Peoples' Rights is responsible for monitoring the implementation of the Charter by member states.	Lack of implementation of the African Commission's decisions on the Endorois.	Enact the Eviction and resettlement Act
	The 8th -11th combined periodic report on the African Charter on Human and Peoples Rights was presented to the African Commission on Human and People's Rights In October 2015. The report detailed the measures taken by the government to implement the rights recognized in the Charter.	Lack of adequate resources to ensure realization of economic, social and cultural in a progressive but meaningful way.	Implement the of African Commission's decisions on the Endorois.
	These measures include constitutional safeguards for marginalized and vulnerable groups, non-discrimination and state responsibility to ensure	Challenges in upholding 1/3 gender rule. There are still more men than women in	Enactment of strong legislative, policy and administrative frameworks that

	that the economic, social cultural rights of Kenyans are realized. Vision 2030, Medium term plan II, Eviction and Resettlement Bill 2012, eviction guidelines, The Kenya Informal Settlement Improvement Programme (KISIP) 2011 – 2016, devolved governance and decision-making that comes into operation after the March 2013 elections and gives Kenyans greater say in determining the development initiatives in their local areas. Other initiatives include the Youth Enterprise Development Fund and the Women's Enterprise Fund.	most public and private offices in Kenya.	balance the needs of groups where minerals and other resources have been found with the developmental needs of the country.
5.	**THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS** **Adopted by**: African State parties of the Organisation of African Unity on June 1998. **Entered into force on:** 25th January 2004. **Kenya became a State party to the Charter on:** 6th October 2010. **Obligation to Government:** To comply with the decisions of the Court in which Kenya is a party to the Protocol, failure of which sanctions shall be issued.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya recognised the Court's jurisdiction in 2010	It has not yet made a Declaration on the admissibility of cases brought by individuals and NGO'S.	Make a permanent Declaration to allow the parties submit their cases directly.
	Kenya has signed the Malabo Protocol on the extension of the Court's jurisdiction to deal with International crimes.	The Court has been questioned on whether the extension is self-preserving to the African leaders or a replacement of the ICC.	Sensitization of the citizens on the existence, jurisdiction and integrity of the Court.
	Kenya has donated USD$1 million dollars to contribute to the extension of the Court's jurisdiction.		
	THE EAST AFRICAN COMMUNITY – TREATY ESTABLISHING THE EAST AFRICAN COMMUNITY (EAC) **Adopted in**: 30th November, 1999. **Entered into force on:** 7th July, 2000. **Kenya became a State party to the Treaty on:** 7th July, 2000. **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Designation of a State Department to coordinate the implementation of EAC affairs.	Limited resources	Prioritize programmes to be implemented
	State Department coordinating EAC activities in all sectors.	Slow progress in implementation of the Protocols	Increase funding for EAC Programmes and projects

	Implementation of a Single Customs Territory which eliminates internal tariffs and barriers to facilitates trade within EAC.	Declining intra-EAC trade occasioned by among others by persistent NTBs.	There is need to enhance mechanisms in the elimination of NTBs.
	EAC Elimination of Non-Tariff Barriers Act, 2015 recently enacted and now operational after assent by all Partner States in April, 2017.	Persistent NTBs – new NTBs continue emerging as the existing ones are eliminated.	
	All the Partner States are according zero customs tariff on goods originating and traded in EAC. Intra-EAC traded goods are cleared through the Single Customs Territory (SCT) and the system will be rolled out to cover the imported goods from December, 2017. Consequently, turnaround time of trucks that used to be 18 and 21 days to Kampala and Kigali from port of Mombasa now takes 4 and 6 days respectively.	Delay in rolling out of Single Customs territory.	There is need to ensure the role out of SCT is done before the end of 2017.
	Implementation of the Monetary Union and the EAC Macro Economic Convergence Criteria and Fiscal Matters ongoing.	Achieving a consensus on macro economic convergence critical criteria and prerequisites requires a lot of consultations and negotiations hence it will take a longer time.	Engage the financial sector stakeholders in consultations and negotiations to facilitate in the process.
	Process of establishing the institutions to support monetary union ongoing. Bills to establish East African Statistics Bureau and East African Monetary institute submitted to East African Legislative Assembly for enactment.The East African Surveillance, Compliance and Enforcement Commission Bill currently subjected to scrutiny by Legal Experts.	The process of development and clearance of Bills has been slow.	
	Harmonization of Statistics ongoing. Harmonization of government Finance to be concluded in 2017.		
	Implementation of a Common Market within the EAC which operates as a single market for goods, services, labour and capital, having common tax and common trade laws.	Slow progress in the implementation of EAC Common Market Protocol by Partner States.	Partner States to be encouraged to make further commitments under the Common Market Protocol and implement the same for full realization of a Common Market within EAC.
	Partner States have negotiated and concluded several Articles and Annexes under the Common Market Protocol.		
	Kenya has made several commitments under the 86 Articles and six Annexes of the Common Market Protocol to support the full attainment of a Common Market within EAC.		

	Ongoing consultations amongst Partner States on the Political Federation model to be adopted for the EAC Political Federation. Partner States adopted a confederation model for the EAC political federation.	Political confederation matters are complex and will require a lot of consultations and negotiations amongst the Partner States in the initial stages of implementation which will require; development of the road map, concept note, terms of reference and budget estimates.	Kenya to adequately prepare itself for the task ahead.
7.	**PROTOCOL ON DECISION MAKING BY THE COUNCIL OF THE EAST AFRICAN COMMUNITY.** **Adopted on:**21st April, 2001. **Signed on:** 21st April 2001. **Obligation to Government:** To comply with the provisions of the Protocol with regard to the procedures for decision making by the Council of Ministers and other institutions of the EAC.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	EAC Partner States complying with the Protocol as decision making is majorly by consensus.	Decision making by consensus is difficult and slows down implementation as all partner States have to agree on every matter.	There are various proposals to review the consensus decision making policy which should be looked at seriously for effective implementation of the EAC Treaty.
	Variable geometry in decision making also adopted by EAC Partner States in exceptional circumstances.		
	EAC Rules of Procedure reviewed from time to time to perfect the decision making process.		
8.	**PROTOCOL TO OPERATIONALIZE EXTENDED JURISDICTION OF THE EAST AFRICA COURT OF JUSTICE.** **Adopted on:**20th April, 2015 **Signed on:** 20th April, 2015 **Kenya ratified on:** Ratification process ongoing **Obligation to Government:** To deposit the instruments of ratification with the EAC Secretariat. The Protocol seeks to extend the jurisdiction of the EACJ to cover; trade and investment disputes arising out of the implementation of the Protocol on the establishment of the East African Community Customs Union, the Protocol on the establishment of the East African Community Common Market and disputes arising out of the implementation of the Protocol on the establishment of the East African Community Monetary Union.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The National Assembly approved ratification of the Protocol on 11th October, 2017. Ratification documents prepared and will be deposited with the EAC Secretariat.	Slow pace in ratification by the Kenya National Assembly which took 2 years.	Other Partner States to be urged to ratify the Protocol so that it can be operational.

9.	**INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)** **Adopted in**: 1996 **Kenya is a founding member.** **Obligation to Government:** Implement IGAD decisions on Peace and Security and other measures		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	IGAD Plans of Action in place e.g on increasing Women's Participation in Politics and implementation is on course	Minimal resource mobilization for programs and monitoring progress.	UN Agencies to be requested to give more support to activities under IGAD plans of action
	All IGAD Heads of state and Government in a summit held in Nairobi in September 2011 committed to End Drought Emergences (EDE) in the region by the year 2027. Kenya has established a National Drought Management Authority (NDMA) to ensure the EDE goal is achieved. Implementation is ongoing in national and county Governments.	Inadequate resources to fund EDE activities	Provision of more funds
	New projects have been initiated in ASALS in line with EDE	Inadequate resources to fund EDE programmes	Provision of more funds
	NDMA has been institutionalized through the NDMA Act 2016.		
	Participation in Regional Peace efforts.		
	The State Department of Livestock implements the following AU/IGAD projects: Regional Pastoral Livelihoods Resilience Project (RPLRP), The Standard Methods and Procedures in Animal Health (SMP-AH) project, and the Reinforcing Veterinary Governance in Africa (VET-GOV) Project.	Inadequate funding to participate in all activities.	Ring fencing of budgetary requirements for IGAD activities
10.	**COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)** **Adopted on**: 5th November, 1993. **Entered into force on:** 8th December, 1994. **Kenya became a state party on:** 5th November, 1993. **Obligation to Government:** To promote regional integration through trade and investment and Pay assessed contributions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has signed and ratified most of the COMESA instruments	Non-tariff barriers particularly with regard to exports of Kenyan milk and camel meat as well as palm-based cooking oil to Zambia.	Reciprocity.
	Kenya obtained an extension of special safeguards on importation of duty free sugar from COMESA, awaiting completion of reforms in the ailing sugar industry	COMESA sugar safeguards	Overhaul the entire sugar industry in Kenya.

	Government is in the process of developing a Strategy to implement the Buy Kenya Build Kenya Policy.		
11.	**NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)** **Obligation to Government:** To formulate policies and implement programs to: eradicate poverty; place African countries, both individually and collectively, on a path of sustainable growth and development; Accelerate the empowerment of women and; Fully integrate Africa into the global economy.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enforced through Presidential Executive Order vide Gazette Notice No. 6225, of 2002.	Minimal resource mobilization hamper implementation of programmes Inadequate coordination.	Need for innovative ways of mobilizing resources Improved coordination
	Programmes implemented include: • CAADP • E-Schools Infrastructure • Homegrown School Feeding Program • African Peer Review Mechanism	Inadequate monitoring and evaluation structures.	Improved M&E structures
	Annual thematic reporting to the AUC is undertaken, and evaluation is on-going in readiness for APRM review in January, 2017.	Weak monitoring and evaluation system.	Empower all institutions to follow up implementation in their respective thematic areas.

DIPLOMATIC PRIVILEGES AND IMMUNITIES			
1.	**1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS** **Adopted on:** 18 April 1961 **Entered into force on:**24 April 1964 **Kenya became a State party to the Convention on:** 1 July 1965. **Obligation to Government:** Adhere to the set rules on diplomatic relations in its diplomatic engagement		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities, political interference, weak monitoring and lack of Regulations to implement CAP 179.	Collaboration with stakeholders to enhance implementation and minimize political interference. Increase budgetary allocation to the Ministry of Foreign Affairs to develop regulations
	110 Missions, 26 Consulates, 24 UN Agencies and 130 International Organisations are accredited to Kenya.	Financial constraints	Enhanced budgetary allocation
	To expand her global outreach, Kenya has fifty six (56) diplomatic Missions abroad, the latest one being Havana, Cuba opened in September, 2016.		
	Government grants diplomatic immunity to missions and diplomats accredited to Kenya, as well as delegations to meetings and conferences to Kenya. The gesture is reciprocated to Kenyan Missions and delegations to meetings abroad.	Reciprocity is unmatched to that offered by Kenya hence Service	Reintroduce service passports.
	Facilitated state protocol, hosted numerous diplomatic conferences and meetings (6th TICAD, and 14th UNCTAD etc.), and held quarterly briefings for the diplomatic corp in Kenya.		
	Payment of assessed contributions to various International Organisations.		
	Foreign Policy blue print launched	Inadequate funds	Increase budgetary allocation to the Ministry of Foreign Affairs
	Capacity building of Foreign Service Officers through Continuous training.	Misuse of privileges and immunities	Develop regulations to assist in monitoring foreign NGO's who use host country agreements to avoid regulations under the NGO Act

2.	**1963 VIENNA CONVENTIONON CONSULAR RELATIONS** **Adopted on:** 24th April, 1963. **Entered into force on:** 19th March, 1967. **Kenya became a State party to the Convention on:** 1st July, 1965. **Obligation to Government:** To adhere to the set rules on consular relations in its engagement with foreign missions in the country.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVE	**CHALLENGES**	**RECOMMENDATIONS**
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities Political interference Weak monitoring. Lack of Regulations to implement CAP 179	Collaboration with stakeholders to enhance implementation and minimize political interference Increase budgetary allocation to the Ministry of Foreign Affairs Develop regulations
	Diaspora Policy developed and launched	Ignorance by the public on the existence of the policy	Enlighten the public on the policy
	Facilitate assistance in Kenyans in fragile situations abroad.		
	Authentication of Documents.		
	Outsourcing for business opportunity for Kenyan companies and businesses.		
	Initiation of a skills database of the Kenyan Diaspora in Five Pilot countries.		
	Responding to public enquiries on information regarding to foreign affairs issues.		
3.	**CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.** **Adopted on:** 13th February, 1946. **Enters into force f**or each State on date of deposit of Ratification/Accession Instrument. **Kenya became a State party to the Convention on:** 1st July, 1965. **Obligation to Government:** To grant privileges and immunities to the UN, necessary for the fulfilment of its purposes on the Kenyan territory. The Government must respect the immunity that the U N has from every legal process including its property and assets and the inviolability of its premises.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated vide the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities due to weak monitoring.	Collaboration with stakeholders to enhance implementation, and control.
		Lack of Regulations to implement Privileges and Immunities Act Cap 179.	Develop Regulations for the better discharge of the Act.

	Government grants privileges and immunities to UN Officials, and Delegates attending meetings in Kenya.		
	Grant of privileges and immunities to the UN Office in Kenya and Agencies		
	Ad hoc Host Country Relations Committee in place.	The Ad hoc nature of the Host Country Committee.	Institutionalize and strengthen the Ad Hoc Host Country Committee.
4.	**CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UN SPECIALISED AGENCIES.** **Adopted on:** 21st November, 1947 **Entered into force in:** 1948 **Kenya became a State party to the Convention on:** 1st July, 1965. **Obligation to Government:** grant the UN specialised Agencies privileges and immunities necessary for the fulfilment of their purposes in the Kenyan territory. The Government is to respect the immunity that the specialised agencies have from every legal process including their property and assets and the inviolability of their premises.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities	Collaboration with stakeholders to enhance implementation, and control.
	Grant of Privileges and immunities to the UN Specialized Agencies and staff.	Weak monitoring.	Develop Regulations for the better discharge of the Act.
5.	**GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES ON THE OAU (GENERAL CONVENTION)** **Adopted on:** 25th October, 1965. **Entered into force in:** 25th October, 1965. **Kenya became a State party to the Convention on:** 25th October, 1965. **Obligation to Government:** Member states are to grant the OAU privileges and immunities within their territories for independence exercise of their functions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Government grants privileges and immunities to AU officials and delegates attending meetings in Kenya.	Misuse of privileges and immunities	Collaboration Of All Relevant Stakeholders.
6.	**ADDITIONAL PROTOCOL TO THE OAU GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES** **Adopted on:** 1st June 1980. **Obligation to Government:** To extend the Privileges and Immunities of the Convention to the specialized agencies of the AU.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Government extends the treatment accorded to the Organization, to its specialized agencies	Misuse of privileges and immunities.	Collaboration of all relevant stakeholders.

7.	**EAST AFRICAN COMMUNITY PROTOCOL ON FOREIGN POLICY COORDINATION** **Adopted on :** 3rd December, 2010. **Signed on:** 3rd December, 2010. **Obligation to Government:** To Safeguard the common values, fundamental interests and independence of the community. To collaborate on diplomatic and consular matters and harmonize efforts in addressing regional needs in the international fora.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Protocol ratified by Kenya.	Protocol yet to enter into force as one Partner State has not ratified it.	The remaining Partner State to be urged to ratify the Protocol.
8.	**EAC PROTOCOL ON PRIVILEGES AND IMMUNITIES.** **Concluded in:** 30th April, 2015 **Kenya Ratified:** Ratification process ongoing. **Obligation to Government:** To deposit the instruments of ratification with the EAC Secretariat to accord the Community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international organizations in the territories of the partner States.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The National Assembly approved ratification of the Protocol on 11th October, 2017.	Slow pace in ratification by the Kenya National Assembly which took 2 years.	Other Partner States to be urged to ratify the Protocol so that it can be operational.
	Ratification documents deposited with the EAC Secretariat.		

PEACE AND SECURITY			
1.	**GENEVA CONVENTIONS (CONVENTION I -IV AND ADDITIONAL PROTOCOLS I, II, AND III)** **Adopted on:** 12th August, 1949 **Signed in:** 1966 **Entered into force on:** 12th August, 1949 **Kenya became a State party on:** 20th September, 1996 **Ratified in:** 1966 **Additional Protocol I** **Adopted on:** 8th June, 1977 **Signed on:** **Ratified on:** 23rd February, 1999 **Additional Protocol II** **Adopted on:** 8th June, 1977 **Signed on:** **Ratified on:** 23rd February, 1999 **Additional Protocol III** **Adopted on:** 8th December, 2005 **Signed on:** **Ratified on:** 28th October, 2013 **Obligation to Government:** The Protocols obliges warring sides and combatants not to attack civilians and civilian objects and to guarantee the provision of military operations in compliance with generally accepted principles of humanitarian law.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Fully domesticated the four Geneva Conventions through the Constitution namely: Geneva Conventions Act, Chapter 198 of the Laws of Kenya, Kenya Defence Forces Act, 2012 and Geneva Conventions Act, 1968 incorporates portions of the 1949 Geneva Conventions.		
	Signed the instrument ratifying the protocol in addition to the Geneva Conventions of 12th August 1949 relating to the adoption of a distinctive emblem for the ICRC in addition to the Red Cross and Red Crescent on 26th September, 2013.		

	Enforcement of the Rules of Engagement for KDF conduct.		
	Kenya's LOAC manual (1997) specifies that medical and religious persons are non-combatants.		
	Prohibition on attacking persons and objects displaying the distinctive emblems.		
	Implementation of the National legislation that include the Constitution of Kenya, 2010, Kenya Defence Forces Act, 2012 and the Humanitarian Law.		
	Employment of Military Legal advisors on application and compliance with International Humanitarian Law (IHL).		
	Disciplinary measures taken against service men that violate IHL.		
	Training of all service personnel on the distinctive emblem and instruction programs incorporated in peacetime. Establishment of National Committee comprising of Government and relevant Humanitarian Organisations to coordinate implementation of Obligations relating to International Humanitarian Law.		
2.	**CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS ON THEIR DESTRUCTION (CWC)** **Adopted on**: 15th January, 1993 **Entered into force on:** 29th April, 1997 **Kenya became a State party to the Convention on:** 25th April, 1997 **Obligation to Government:** Prohibition of production and use 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 Organisation for the Prohibition of Chemical Weapons in the case of use of chemical weapons; An Organisation for the Prohibition of Chemical Weapons inspection regime for the production of chemicals which might be converted to chemical weapons; and International Co-operation in the peaceful use of chemistry in relevant areas.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Development of the Chemical Conventions Bill to domesticate the Convention is on-going.	Lack of a legal and institutional framework for the domestication and implementation of the Convention.	There is need to fast track the development of a Bill to domesticate the Convention.
	Designated the Government Chemist in the Ministry of Health as Focal Point on the implementation of the Convention	Inadequate personnel	Training of technical personnel for this area
	Signatory to the International Code against Ballistic Missiles,	Evolving nature of designs of missiles	Enhance partnerships with other countries for effective implementation

	Member State to International Organisation: CD, IAEA, OPCW, CTBTO-PC	Differences in commitment levels of Member States	Mobilise support from all member States
	Undertook capacity building and technical assistance in the area of nuclear, chemical and biological weapon technology, provision of necessary technical knowledge and technical devices to customs and police officers to enable them identify weapons of mass destruction.	Inadequate technical capacity in the handling of the issues	Enhance resource allocation
	On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to the OPCW.		
3.	**BIOLOGICAL AND TOXIN WEAPON CONVENTION (BTWC)** **Adopted in**: 7th January 1976 in Geneva. **Entered into force on:** 26th 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 BTWC: 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVE	**CHALLENGES**	**RECOMMENDATIONS**
	Training of personnel to detect and respond to outbreak of any biological danger.	Inadequate Legal and Regulatory framework.	Domestication and implementation of the BTWC.
			Sensitize the relevant bodies including the Counties on the BTWC.
	Setting up of Laboratories for testing and carrying out other activities related to biological and toxin weapons.	Inadequate capacity in matters relating to biosciences in the relevant Ministries and Research Institutions; and in management of biological and toxin weapons.	Improvement on inventories and safe custodies of valuable biological materials
			Introduction of curriculum at secondary and institutions of higher learning on bio-safety and bio-security.
			Establishment of rapid response systems on bio-safety and bio-security issues.
			Inadequate funds
		Inadequate capacity for implementation of the Convention	Allocate resources
	Establishment of an inter-Ministerial National Biological and Toxin Weapons Committee to address issues relating to bio-security and develop a policy and legal framework.	Inadequate capacity for implementation of the Convention	Build capacity of the committee to assist in the implementation of the Convention

	Implementation of the Voluntary Management Standards on Bio-security, the Goverment has established a National Bio-security Centre to promote Bio-security and related issues in the country. Additiaonlly, a biosecurity survey was conducted to gather information on the Biosecurity and Laboratory capacity in Kenya.		
	Developing the National Biosciences Policy Bill to govern sutainable expolitation , use, conservation and management of bilogical resources in a safe, secure and ethical manner.	Lack of relevant policy and legislation to govern the National Biosafety and Security Systems.	
	Univeristy of Nairobi is in the process of establishing a Biosafety course to build technical capacity in he country.	Inadequate funds to fast truck the establishment of Bio-safety courses at University of Nairobi to build technical capacity in the country.	
4.	**COMPREHENSIVE NUCLEAR TEST-BAN TREATY NEW YORK (CNTBT)** **Adopted in**: 10th September, 1996 **Entered into force on:** Not yet. **Kenya became a State party to the Treaty on:** 30th November, 2000. **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	A commitment by the Government not to carry out any nuclear weapon test explosion	Threat of clandestine nuclear programs by terrorist organisations	Await the entry into force of the treaty to domesticate the Convention.
	In the process of establishing a national data centre.	Inadequate capacity and funding	Regional and International Co-operation and inter-Organisation collaboration.
5.	**TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS** **Adopted on**: 1st July, 1968. **Entered into force on:** 5th March, 1970. **Kenya became a State party to the Treaty on:** 11th June, 1970. **Obligation to Government:** Nuclear Weapon States (NWS) are not to transfer to any recipient whatsoever of 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 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Promoting the transfer of technology on positive uses of nuclear energy.	Threat of nuclear terrorism.	More cooperation among State parties. Host more international meetings.
6.	**AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)** **Adopted in**: July, 1995 and 31st January, 2005. **Entered into force on:** 15th July 2009. **Kenya became a State party to the Treaty on:** 24 May, 2007. **Obligation to Government:** Take appropriate legal and administrative measures to prevent and punish any prohibited nuclear activity; 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Government has adopted positive and safe use of nuclear energy.	Asymmetric warfare posed by terrorist groups.	International Co-operation with States for peaceful uses of nuclear science and technology.
	Developing the appropriate legal framework on Nuclear Radiation and Safety to support the implementation of the treaty	Inadequate capacity in technical skills.	Capacity building.
7.	**PROTOCOL FOR THE PROHIBITION OF THE USE OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE.** **Adopted on**: 17th June, 1925 **Entered into force on:** 8th February, 1928. **Kenya became a State Party to the Protocol on:** 6th July, 1970. **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 and people handling biological materials: reliability check of personnel: measures to account for secure physically protect means of delivery; 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Prohibition of the production, uses, storage, and transport of asphyxiating, poisonous or other gases and of bacteriological methods of warfare in the LOAC Manual.	Complex and constantly changing nature of terrorist activities	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
8.	**PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION** **Adopted in**: 9th October, 2002 **Entered into force on:** 13th December, 2006 **Kenya became a State party to the Protocol on:** 29th December, 2006 **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya Defence Forces are actively involved in peace keeping and peace building missions of the African Union.	Emerging security threats from terrorist groups. Inadequate financial support from Member States.	Enhance Regional Co-operation. Lobby for financial support from relevant International Organisations.
9.	**EAST AFRICAN COMMUNITY PROTOCOL ON PEACE AND SECURITY** **Adopted on:** 15th February, 2015 **Signed on**: 15th February, 2015. **Ratification process ongoing.** **Obligations created to Government:** Deposit instruments of ratification with the EAC Secretariat.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATION**
	The National Assembly approved ratification of the Protocol on 23rd March, 2017. Ratification documents prepared and to be deposited with the EAC Secretariat.	Delays in ratification by the Partner states	Fast track ratification by Partner States so as to begin implementation of the Protocol.

10.	**EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN DEFENCE AFFAIRS.** **Adopted on**: 28th April, 2012. **Entered into force on**: 19th November 2015. **Obligation to Government**: to enhance collective efforts to promote peace, security and stability within the EAC region.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATION**
	Formulation of EAC Mutual Defence Pact ongoing. Signing of Mutual Defence Pact has the benefits of consolidation of peace in the region to promote development.	Instability in some Partner States frustrates co-operation efforts.	Encourage Partner States to co-operate in matters of Defence.
	Depositing of the Instrument with AU Secretariat and UN Secretary General.	Lack of political good on co-operation in some areas.	Promote peace in the instable Partner States to resolve the conflict issues.
	Organized for the 11th edition of Military Games and cultural Event in Bujumbura, Burundi. The event is aimed at enhancing co-operation and spirit of comradeship amongst armed forces of the EAC.	Lack of political good will when some Partner States do not participate.	Additional funding of activities to implement the Protocol.
	Kenya Defence Forces participated in the events.	Lack of political good will when some Partner States do not participate	Encourage participation of all Partner States to build on the spirit of co-operation.
11.	**UNITED NATIONS OPTIONAL PROTOCOL ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT** **Adopted in**: 25th May 2000 **Entered into force on:** 28th January, 2002. **Obligation to Government**: To ensure children are not recruited to serve in armed conflict or other forms of military engagement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enhancement of security and disarmament in areas prone to cattle rustling and militia activities.	Presence of illegal weapons in porous borders.	Enhancing security and strengthening the existing mechanisms for protecting children in conflict prone areas
	Continuous implementation of Children Act, 2001.	Poverty, unemployment, Retrogressive Cultural Practices,	Continuous enforcement of the Children's Act, 2001.

		and Extremisms lead to risk of children being recruited into outlawed groups.	
12.	**UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME** **Adopted in**: 15th November, 2000. **Entered into force on:** 29th September, 2003. **Accession:** 9th June, 2004. **Obligation to Government:** The Convention requires the Government to take measures to prevent, suppress and punish transnational organized crimes such as trafficking in persons.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of Counter trafficking in Persons Act, 2010 and National Plan of Action for Counter-Trafficking In Persons was launched in 2013.	Non-operational mechanisms for combating trafficking in persons and assisting victims.	
		Poverty and unemployment	Provide adequate resources to combat trafficking and assist victims of trafficking in persons.
		Poaching	Employment creation and sensitization on available facilities for start-ups.
	Adoption of a declaration demanding total ban on ivory ban worldwide.	Inadequate funding	Enhance regional cooperation and implementation of the existing laws.
	Counter-Trafficking in Persons Advisory Committee and National Assistance Fund for Victims of trafficking in Persons in place.	Inadequate technical personnel	Allocate adequate resources.
		Inadequate technical personnel	Enhance capacity building.
13.	**CONVENTION FOR THE SUPPRESSING OF TERRORIST BOMBINGS.** **Adopted in**: 15th December, 1997 **Entered into force on:** 23rd May, 2001 **Kenya became a State party to the Protocol on:** November, 16th 2001. **Obligation to Government:** Establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention, to extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences, and to assist each other in connection with criminal proceedings under the Convention.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVE	**CHALLENGES**	**RECOMMENDATIONS**
	The Government has established a National Counterterrorism Centre, which is responsible for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.	Inadequate technical capacity in detecting and suppressing terrorist bombings.	Facilitate capacity building for counter-terrorism stakeholders to effectively detect and suppress terrorist bombings, and conduct public awareness on

		Low public awareness. Radicalization Inadequate capacity radicalization	prevention of terrorism, and undertake activities towards the implementation of the Convention.
	Establishment of the Anti-Terrorism Police Unit.	Inadequate capacity radicalization	Adequate resources for training and capacity building Create public awareness in the fight against terrorism.
14.	**INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM.** **Adopted on**: 15th September, 2005. **Entered into force on:** 6th June 2007. **Kenya became a State Party to the Convention on:** April 13th, 2006. **Obligation to Government:** To adopt measures as may be necessary to establish criminal offences under its national law and to make them punishable by appropriate penalties for criminal acts within the Convention. To Cooperate in preventing terrorist attacks by sharing information and assisting each other in criminal investigations and extradition proceedings		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Government has established the Anti-Terrorism Police Unit and the National counterterrorism Centre, which is responsible for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.	Inadequate technical capacity in preventing acts of nuclear terrorism.	Facilitate capacity building for counter-terrorism stakeholders to effectively detect and suppress acts of nuclear terrorism.
15.	**INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM.** **Adopted on**: 9th December, 1999. **Entered into force on:** 10th April, 2002. **Kenya became a State Party to the Convention on:** 4th December, 2001. **Obligation to Government:** To take steps to prevent and counteract the financing of terrorists and terrorism organisations; to consider, where appropriate, adopting regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements; and to intensify the exchange of information concerning international movements of such funds.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Establishment of Financial Reporting Centre to assist in the identification and financing of terrorism.	Inadequate capacity to effectively identify and combat financing of terrorism.	Build the capacity of the Financial Reporting Centre
		Non-compliance by some banks in enforcing the legal provisions on banking rules	Enforce the law on Banking to the letter.
	The Central Bank of Kenya (CBK) has issued guidelines to Commercial Banks aimed at stopping finances to terrorist organisations and activities.	Lack of adequate capacity to monitor compliance	Build the capacity of the Financial Reporting Centre.
		Inadequate capacity to monitor the work of all national and international Non-Governmental Organisations operating in Kenya.	Strengthen collaboration and partnerships for adequate monitoring.
	The NGO Board deregistered NGOs which failed to comply with the provisions of the Act and for security concerns.	Inadequate capacity to monitor	To enforce the NGO code of conduct that regulates the conduct of the Non-Governmental Organisations, and their activities in Kenya.
	Freezing of the bank accounts of non-compliant NGOs	Inadequate legal capacity	CBK to continue monitoring and to enhance compliance with issued guidelines
		Enforcement of revocation status	Fast track commencement of the Public Benefits Organisations Act, 2013.
	Revoking work permits for Foreign employees of deregistered NGOs	Operationalisation of the PBO Act	Ensure strict vetting before issuing permits
	Enactment of the Public Benefits Organisations Act, 2013	Operationalisation of the PBO Act	Fast track commencement of the Public Benefits Organisations Act, 2013.
16.	**INTERNATIONAL CONVENTION AGAINST TAKING OF HOSTAGES** **Adopted on**: 18th December, 1979 **Entered into force on:** 3rd June, 1983 **Kenya became a State party on:** 3rd June, 1983. **Obligation to Government:** To establish jurisdiction over the offense of taking of hostages. To make offenses in the Convention punishable by appropriate penalties. To take all measures it considers appropriate to ease the situation of the hostages and secure their release. To facilitate the departure of the hostages.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATION**
	Enactment of the Prevention of Terrorism Act, 2012 makes Kidnapping and hostage taking an offence,	Inadequate capacity to investigate, deter and combat Kidnapping and hostage taking.	Facilitate capacity building for counter-terrorism stakeholders to effectively curb Kidnapping and hostage taking.
		Inadequate funding	

	Establishment of the National Counter-Terrorism Centre responsible for detecting, deterring and disrupting Kidnapping and hostage taking.	Inadequate funding	Allocate more resources and enhance stakeholder partnerships in the fight against terrorism.
17.	**OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM** **Adopted in**: 1st July, 1999. **Entered into force on:** 10th December, 2001. **Kenya became a State party to the Protocol on:** 28th November, 2001. **Obligation to Government:** Review of national laws, and establish criminal offences for terrorist acts; to consider, as a matter of priority, the signing or ratification of instruments related to terrorism; establish jurisdiction over terrorism as defined in the Treaty. Refrain from acts aimed at supporting or financing terrorists or providing safe havens for terrorists. States are expected to provide mutual legal assistance. States are required to establish jurisdiction over terrorism if committed in their territory by their nationals or over vessels flying its flag. States are required States are required to inform the Chairperson of the AU Commission of the jurisdiction they have established over terrorism.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Government has conducted crackdowns in places perceived to be recruiting the youth to join terrorist groups.	Complacency among law enforcers.	
		Inadequate technical personnel to handle the technology	Strengthen the Ethics and Anti – Corruption Commission in their fight against corruption.
	CCTV cameras have been installed in strategic areas to capture the movements of terrorists.	Porous borders which make it easy for terrorists to cross over.	Train more personnel to handle the technology
	Guidelines havebeen issued to commercial banks meant to stop finances to terrorist Organisations and activities.	Inadequate funding	Reinforce the Security along the Kenyan Borders by deploying more security personnel.
	Capacity development of Law enforcement Agencies through acquisition of additional machinery to curb terrorism.	Inadequate funding	Increase funding for capacity development
18.	**EAST AFRICAN COMMUNITY PEACE AND SECURITY PROTOCOL** **Adopted on:** 30th November, 2012. **Ratification:** 23rd March, 2017. **Obligation to Government:** In order to promote the achievement of the objectives of the Community set out in the Treaty the Partner States agreed under Article 5(3)(f) to promote peace, security, and stability within, and good neighbourliness among themselves.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Establishment of the Anti-Terrorism Unit in the National Police Service.	Inadequate funds to recruit adequate Staff. Lack of technical knowledge and appropriate skill to handle the equipment and devices.	Resource mobilisation and allocation of sufficient funds.
	Undertaken modernisation of the police service through purchase of modern equipment and machinery.	Inadequate security personnel	Capacity building and training on the use of the modern equipment and machinery.

	Employment of additional security personnel.	Lack of coordination amongst the designated disaster management agencies	Employment of additional security personnel.
	Establishment on National Disaster Management Unit.	Porous borders and inadequate skilled personnel and resources	Development of appropriate policy and legal framework and Strengthening the Coordination of the mandate.
	Undertaking border patrols to enhance security in the region.	Porous borders and inadequate skilled personnel and resources	Joint border patrol among member states, resource mobilisation and adequate allocation of funds.
19.	**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.** **Adopted by**: 21st April, 2004. **Entered into force on:** 5th May, 2006. **Kenya became a State party to the Protocol on:** 5th May, 2006. **Obligation to Government:** Criminalize the illicit manufacturing of, trafficking in, possession and use of small arms and Light Weapons: to review national procedures for issuing and withdrawing SALW licences and maintain databases of licences of SALW: maintain inventory of SALW held by security forces and other state bodies: mark each SALW with unique marking providing the name and place of the manufacturer and serial number and provide mutual legal assistance and cooperation in the eradication of illicit manufacturing, trafficking and possession of SALW.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Development of a policy on small arms and light weapons Legal firearms marked so far are at 97%.	Number of illegal small arms due to porous borders	Fast track development of policy on small arms and light weapons and Finalize the development of the Small Arms and Light Weapons Management Bill.
	Marking of firearms and procurement of security equipment	Inadequate resources for purchase of the border security installations	Fast track procure border/entry/exit points scanners, metal detectors and screening facilities.
	Illicit firearms destroyed by the government in the year 2016 were 5,225.	Inadequate resources for purchase of the border security installations.	
	Firearms declared obsolete and unserviceable are 13, 416 in the year 2017.		

20.	**AFRICAN UNION STRATEGY FOR ENHANCING BORDER MANAGEMENT IN AFRICA (2012)** **Adopted by all AU Member States.** **Entered into force on:** March 2010. **Obligation to Government:** Co-operation and co-ordination of border management all levels.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Border patrol, administration and border survey unit launched and operationalized.	Water hyacinth will hinder movement of security personnel There is lack of follow up on agreed upon areas of co-operation i.e. joint deployment for Simultaneous sensitization and disarming.	Strengthen internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, and intelligence to reduce threats related to immigration.
	Cross border consultative meetings among security agencies, CEWERNs and National focal points.	Scarce funding for training and equipment.	Enhance regional cooperation in border control Develop a mechanism for follow up
	Continuous and select training of personnel at the HPSS/IPSTC on border control is being enhanced	Inadequate research to inform policy on boarder security.	Adequate funding for training
	Use of development/peace dividends along cross border areas in co-option of community members is on-going.	Inadequate research to inform policy on boarder security.	Undertake research on border management and control
21.	**PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES** **Adopted in**: 9th January, 2002. (Khartoum) **Entry in to force:** August 2003. **Obligation to Government:** Kenya as a member State of IGAD is obligated under the protocol to contribute to the resources of the Conflict Early Warning and Response Mechanism (CEWARN) and disseminate information to the authorized networks under the protocol.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Delayed contribution by some member States.	Lack of information and coordination between the various actors.	Fast track contributions by Member States
	Exchange of information with Member States	Complexity of conflicts in the region.	Strengthen information sharing mechanisms among member States and improve communication

		Poor infrastructure and inaccessibility of the areas of coverage. Inadequate capacity in addressing conflicts.	infrastructure. End internal Conflicts in the Horn of Africa.
22.	**PROTOCOL ON COMBATING DRUG TRAFFICKING IN THE EAST AFRICAN REGION** **Adopted by**: 13th January, 2001. **Obligation to Government:** Co-operate with other State parties in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Organizing for EAC joint training workshops with INTERPOL on Anti-Drugs/Narcotics and Human trafficking. For example, a four-day INTERPOL - EAC joint training workshop for Heads of Anti-Drug/Narcotics and Human Trafficking in the EAC Partner States held in Nairobi, Kenya from 7th -10th November, 2017.	Inadequate budgetary allocation to support more training sessions in this sector.	Allocate more resources to support training of actors in the sector. Partner States to be urged to continue taking the lead in developing such joint initiatives such as the joint training workshop, which will reinforce both personnel and institutional capacities of the Police Forces/Services in the bloc.
	First set of procedures developed; Stop Search, Arrest and Detention Procedures. EAC Peace and Security Sector are currently developing Standard Operating Procedures (SOPs) for Jointly Combating Transnational Organised Crime of which Human and Drug Trafficking are some of the Key crimes targeted.	Lack of harmonization of Partner States legislation relating to Drugs/Narcotics abuse.	Put stringent measures to control abuse Enhance regional and international engagement on the fight against drugs and illicit brews.
		Porous borders and corruption promoting the Drugs/Narcotics trade in the region.	Enhance community participation. Harmonisation of Narcotic related legislation.

HUMAN RIGHTS			
1.	**Universal Declaration of Human Rights (UDHR)** **Adopted in:** 10th December 1948 **Entered into force on:** 1976 **Acceded to in**: 31st July 1990. **Obligation of the Government:** Governments commit themselves and their people to progressive measures which secure the universal and effective recognition and observance of the human rights set out in the Declaration.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Promulgation of the Constitution of Kenya 2010, with an elaborate Bill of Rights	Enforcement and implementation of the progressive Bill of Rights	Relevant actors to endeavour to adhere to the Human Rights standards as set out in the constitution
	Enactment of legislative framework supporting implementation of the Bill of Rights e.g,. Kenya Human Rights Commission Act, 2002; Persons Deprived of Liberty Act 2014; Power of Mercy Committee e.t.c	Inadequate funding Delayed operationalisation of some of the acts	Fast track full implementation of the relevant acts
	Sensitization of Government departments on Human Rights	Slow change of mentality	Enhance sensitization and training
	Judiciary has been empowered to prosecute human Rights violators	All institutions in the criminal justice system have not fully implemented the Persons Deprived of Liberty Act 2014.	Institutions in the criminal justice system to fast track the implementation of Persons Deprived of Liberty Act, 2014 pursuant to Article 51 of the Constitution.
2.	**INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS (ICCPR)** **Adopted in**: 19th December, 1966. **Entered into force on:** 23rd March, 1976. **Kenya became a State party to the Convention on:** 1st May, 1972. **Obligation to Government:** 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has been reporting to the Committee since it acceded to the Covenant. The reports indicate measures taken by Kenya to fulfil its obligations under the Covenant.	Difficulty in accessing data particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies.	Establishment of a system of compiling national statistics and disaggregated statistical data relevant to the monitoring of the implementation of the various human

	The fourth report has been prepared and is ready for submission. The report highlights progress made in the implementation of the rights under the treaty since the last report: Legislation: The Legal Aid Act 2016, Matrimonial Property Act, Marriage Act 2014, The Person Deprived Of Liberty Act, The Victim Protection Act, The Prohibition of Female Genital Mutilation Act		rights treaties that we are a State party to. 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. 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
	The UN 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		
	The following polices have been implemented: • National Policy And Action Plan On Human Rights • Kenya National Social Protection Policy Further there has been an increase in the number of judges thus improving access to justice and the administration of justice	The full implementation of the Covenant has largely been hindered by: • Delay in the enactment of the Prevention against Torture Bill. • Failure to remove the death penalty from our laws	
	Development of a legislative framework through enactment of relevant laws	Delayed operationalisation of some laws that may facilitate implementationof the Covenant e.g including the Victims of Offences Bill, The Persons Deprived of Liberty Bill. 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	Fast track the operationalisation of appropriate legislation and policies. The process also allows for evaluation of internal structures of implementation and identification of further technical and financial assistance the Government may require.

		requires the State to enact and implement legislation to fulfil its international obligations.	The Attorney General should seek an advisory from the Supreme Court to provide clarity on article 2(6) and 21 (4) of the Constitution
	The establishment of a National Legal Aid and Awareness Programme.	Financial constraints in establishing a comprehensive legal aid programme that will enable all Kenyans access justice.	Adequate resources 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. Fast track the formulation and enactment of the National Legal Aid Policy. 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. These treaties contain highest 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. Compliance with our international human rights obligations opens up important opportunities not only for the support for various programmes and projects but also appointment or election of our professionals to international human rights organizations

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

Adopted in: 16th December, 1966.
Entered into force on: 3rd January, 1976.
Kenya became a State party to the Covenant on: 1st May, 1972.
Obligation to Government: Article 16 of the Covenant obligates all State Parties to submit reports in conformity with the Covenant on the measures adopted and the progress made in achieving the observation of the rights recognised under the Convention.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATION
Development of legal and policy framework to implement economic and social right, that includes free primary education, free maternal health, Affirmative Action Policies. The monitoring body of the ICESCR is the United Nations Committee on Economic, Social and Cultural Rights Ceated a mobile money platform 'Chakuka Kwa Jamii' under which kshs 2.2B was disbursed to 259,669 households More than 300 Street familes rehabilitate	Inadequate funding to enable the progressive implementation and actualization of economic, social and cultural rights	Resource mobilization and allocation of more funds. 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.
Submission of periodic report on the economic, social and cultural rights. Kenya presented its 2nd to 5threport on the ICESCRs to the UN Committee on Economic, Social and Cultural Rights February 2016. Kenya has made great strides in implementing the rights recognized under the Covenant. Participated in th Confrence of Parties on UN Framework Convention on Climate Change and the meeting of the subsidiary bodies. Kenya played a key role in the implementation of Nationally Determined Contributions (NDCs) i.e The social protection against climate risks and implementation of Ending Drought Emergencies (EDE) strategy. Participated in a South-South knowledge exchange visit in Bogota in April 2017 on disaster risk management between the Government of Kenya and the Government of Colombia.	Inadequate resources for collection of credible data	Allocate adequate resources for preparation of the reports. Sensitization of people to separate politics from life saving activities. Resource mobilization to expand the programme.
Implementing reforms to address the longer-term financial sustainability of the National Hospital Insurance Fund, by ensuring sufficient revenue and continuing to reduce operating expenditures.	Lack of adequate policy frameworks to ensure that these rights are realized non discriminatively , for example- the cash transfer programmes.	Increased funding and collaboration among stakeholders

	Undertaking reforms in the National Social Security Fund to increase its efficiency and coverage. Increasing the capitation for Free Day Secondary School by 30%. Strengthening quality Assurance and Standards by establishing a Council to ensure there is quality education in basic education institutions. Recruitment of additional teachers and gradual replacement of teachers who leave service. The Marriage Act, 2014 and the Matrimonial Property Act, 2013 have made impressive gains in securing women's access to matrimonial property during and after the marriage. Poverty eradication has since been prioritised and the mechanisms used to address this includes: the poverty Reduction Strategy Paper (PRSP); Vision 2030, MTP 1 and 2 and the National Poverty Eradication plan (NPEP) hence the ultimate realization of free primary education. Access to health services have increased tremendously. There is improved access to preventive and promotive health care which potentially reduced demand for curative care. The expansion, upgrading and establishment of health facilities around the country has been witnessed and so is the procurement and supply of medical equipment and drugs for medication. The Asian minority, the Makonde and the Nubian communities have since been recognized by the government and given the citizenship status as per the law gazetted. Hence are able to benefit on all sphere of life like any other Kenyan in terms of access to education, civic, health and land rights. Ongoing review to mainstream the concerns of People with Disability in all laws and policies: The Law of Succession (Amendment) Bill, The Evidence (Amendment) Bill, the Children Act (Amendment) Bill 2015, among others. Already concluded Legislation includes: The Person Deprived of Liberty Act 2015, the Victim Protection Act 2014, Elections Act 2011, the Political Parties Act 2011 and the Judicial Service Commission Act. To empower women, youth and persons with disabilities the Public Procurement (Preference & Reservations) (Amendment) Regulations were developed in 2013	Lack of disaggregated data to effectively monitor how these rights are implemented. Lack of human rights indicators to monitor implementation of these rights.	Proper planning and allocation of budgets to undertake international obligations

	Implementation of the existing policies and legal framework	Lack of human rights indicators to monitor implementation of these rights	Development of human rights indicators.
	Establishment of Affirmative Action Funds namely, Women Enterprise Fund, UWEZO, Youth Enterprise Fund, National Government Affirmative Action Fund amongst others. Prevention of death of people during the 2016/17 drought . Responded to the drought by distributing relief food worth Kshs 8,505, 919, 390.5 Distribution of relief food to more than 1.6 Million people affected by drought from 2017 Rehabilitation of Street Families Contributed to global conventions and agreements relating to drought risk management and climate change adaptation such as the Sustainable Development Goals (SDGs), Sendai Framwork and the Paris Agreement	Lack of disaggregated data to effectively monitor how these rights are implemented	Development of disaggregated data for monitoring the implementation and the impact of the
		Low absorption of the funds and lack of data on the impact of the Affirmative Funds on the target groups. Resistance of some communities to accept relief provided due to political propaganda Inadequate funds to cater for more people that may qualify for the programme Economic difficulties that keep pushing moe fmailies into the streets Lack of budgetary allocations to effectively implement NDCs projects. Logistical challenges to support all require dlegations to attend conventions	

		Inadequate funding for implementation of the EDE.	
4.	**The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)** **Adopted in**: General Assembly on 21st December, 1965 **Entered into force on:** 4th January, 1969 **Kenya became a State party to the Convention on:** 13th September, 2001. **Obligation to Government:** Article 9 of the ICERD obligates State Parties to submit report on the legislative, judicial, administrative and other measures adopted,which give effect to the provisions of this Convention. The State Parties are expected to report every two years or as requested by the Committee.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of policies and legal framework that includes National Cohesion and Integration Act, 2008 and The Persons withDisabilities Act,2013amongst others. Establishment institutions to address non-discrimination issues and concerns.	Institutional capacity to implement the provisions of the relevant legislations.	Strengthen institutional and human capacity of National Cohesion and Integrity Commission.
		Inadequate funding. Challenge in redressing historical injustices and foster reconciliation.	Resource mobilisation and allocation of adequate funds.
	Kenya submitted its 5th-7th periodic reports in 2014 covering the period 2011-2014. The updated report will be as presented to the Committee in May 2017. The report highlights measures that the country has taken to implement the rights as recognized in the Convention since the last report. The implementation of the ICERD is monitored by the Committee on the Elimination of Racial Discrimination. Community Land Act 2016was enacted to cater for the protection and registration of community land rights; management and administration of community land; and the role of County governments among other aspects. The Land Act (No. 12 of 2012) and the Land Registration Act (No. 3 of 2012) have eased the tension in land ownership parameters with women	Failure to enact effective laws to ensure equality between and women as provided for in the Constitution. Delay in implementing the recommendations of the Truth, Justice and Reconciliation Commission (TJRC). Lack of disaggregated statistical data from relevant institutions that evaluates equal enjoyment of rights under the convention. Lack of adequate financial resource/funding that will enable institutions such as the Kenya National Commission on Human	Enact meaningful laws that protect both genders. Implement the recommendations of the Truth, Justice and Reconciliation Commission (TJRC) so as to redress historical injustices and foster reconciliation. Encourage a centralized data collection system that would enable the National Bureau of Statistics to provide an updated data disaggregated by sex, employment,

	gaining recognition and access to land ownership and use, through inheritance and through personal acquisition. Others legislations: County Government Act 2012, Media Council Act 2013, The Commission On Revenue Allocation Act 2011, Social Assistance Act2013,Election Campaign Financing Act 2013, The Kenya Citizenship Act, Immigration Act, Land Act 2012 Other measures: Diversity Policy for the public Service is now in place and provides strategies for ensuring an inclusive public service that takes care of interests of diverse Kenya communities including on gender, ethnicity, youth, persons with disabilities, minority and marginalized groups. The National Safety Net Programme is in existence and guarantee social protection for the most vulnerable groups hence enabling them to meet basic human needs. The programme consists of five main cash transfer programs which are: the Older Persons Cash Transfer Program (OPCT), the Cash Transfers to Orphans and Vulnerable Children (CT-OVC) program, the Hunger Safety Net Program (HSNP), the Urban Food Subsidy Cash Transfer (UFS-CT) and the Persons with Severe Disability Cash Transfer (PWSD-CT). So far the programme has managed to reach 5% of people living below $1.90 a day particularly older people, orphans, vulnerable children, and people living with disabilities. NSNP budget increased by 537% between 2012/13 and 2016/17. The National Values Policy in existence seeks to operationalize National Values and Principles of Governance as enshrined in Article 10 of the Constitution. This a policy that provides a broad framework for fostering national unity and inclusiveness, inculcating patriotism and redressing marginalization and unequitable distribution of resources which are basic ingredients for national cohesion. The establishment of the National Social Assistance, The Inclusivity Charter for counties and the Diversity Charters for staff recruitment by Universities.	Rights to execute its mandate effectively and efficiently. Lack of restrictive measures and follow up mechanism on recruitment hence impeding and causing lack of prosecution of perpetrators of trafficking Offences.	health care, on social economic situation and representation in education among others. The urgent need to cater for and facilitate adequate financial resources to various institutions. Need to come up with solutions to encourage combating of Human Trafficking in all its facets.

	Development of a Framework and Checklist for Incorporating National Cohesion and Integration Principles into Kenya's Laws and Policies. The rolling out of the devolved system of government introduced by the Constitution. The Commission on Revenue Allocation (CRA) makes recommendations concerning the basis for the equitable sharing of revenue. The principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.		
5.	**THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, IN HUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)** **Adopted by the** UN General Assembly on 10th December, 1984. **Entered into force on:** 26th June, 1987. **Kenya became a State party to the Convention on:** 21st February, 1997. **Obligation to Government:** Article 19 of the Convention requires all States Parties to submit a report to the Committee against torture on the measures they have taken to give effect to the undertakings under this Convention within one year after entry into force of the Convention by the concerned State Parties and submission of periodic reports every four years.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of Policy and legal framework that enhances the right to fair trial, rights of an arrested person and absolute prohibition of torture and slavery. Implementation of the Convention by states is monitored by the UN Committee against Torture.	Existing legislative gaps like the Prevention of Torture bill, 2016 that is yet to be enacted Inadequate statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officers and other persons	Enactment of relevant Bills to close in the existing gaps i.e Prevention of Torture Bill 2016, and the Victims of Offences Bill amongst others. Development of disaggregated data.
	The third periodic country report to the CAT was submitted by Kenya in May 2017. The UN Committee against torture submitted a list of issues whose responses will constitute the third report of Kenya on CAT.		
	Kenya Prisons service sensitized over 20,000 officers on Human rights concerns.	Inadequate funds to train more prison officers on human rights concerns.	Resource mobilisation and adequate allocation of funds.

6.	**AFRICAN YOUTH CHARTER (AYC)** **Adopted in**: July, 2016 **Kenya signed the Charter:** 28th June, 2008. **Kenya became a State party to the Charter on:** 23rd January, 2014. **Obligation to Government:**member States are to protect the youth against all forms of discrimination.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of National Youth Policy 2007, National Youth Council Act, 2009 and Youth Empowerment Programmes integrated in the 1st and 2nd MTP of Vision 2030.	Inadequate finances to implement youth empowerment programmes.	Resource mobilization and allocation of funds.
	Alignment of National Youth Policy and National Youth Act, 2009 with the Constitution OF Kenya, 2010.	Lengthy procedures for policy and law making. Inadequate infrastructure at the County level.	Fast-track the process to improve the National Youth Policy and National Youth Council Act.
	Ksh.465 million advanced to youth entrepreneurs through the Youth Enterprise Development Funds.	Low uptake of the Affirmative Funds	Sensitization, awareness creation and capacity building on access to Affirmative Funds.
	51 youths have been awarded tenders worth Ksh.37,892, 042/= under Access to Government procurement opportunities (AGPO)	Low uptake of funds reserved under the AGPO	Sensitization, awareness creation and capacity building of the youth and youth groups.
	Implementation of the Kenya Youth Employment and Opportunities Project (KYEOP): Strategies to increase youth employability have been put in place through the provision of Industry Specific Training under NITA which is one of the implementing agencies of the project. (2016-2021, Component 1) Formal training providers and master craftsmen have been identified and contracted to carry out the training and apprenticeship that targets 70,000 youth in the country; and 35,000 youths with on- the-job-skills but who lack documentation on their compentency will be assessed and given certificates.	Constraints in bringing on board adequate numbers of training providers and master craftsmen due to the lengthy World Bank procurement process. Inadequate staffing levels at the NITA project implementation unit(PIU) Pedagogical capacity of the master craftsmen	A procurement specialist brought on board to support the implementation agencies. Recommendation for more relevant staff to be sourced for the project. Pedagogical up-scaling of the master craftsmen done at the Kenya Technical Teachers College.

	Implementation of the Kenya Youth Employment and Opportunities Project (**KYEOP**); Under the project, strategies to encourage enterprise development among the youth have been put in place through the provision of business start-up grants, business development services and a business plan competition (2016-2021); 34,000 youths are targeted for the business start-up grants and a further 500 youth led businesses targeted for the business plan competition; and An Entrepreneurship Aptitude Test (EAT) has been administered to 1100 cycle 1 counties youth before giving them grants.	Financial Constraints Inadequate numbers of ICT equipment for administering the EAT. Some of the youth ere not IT literate	To mobilize financial resources to facilitate implementation of the project. Capacity building and technical support to the youth who have undertaken EAT.
	74,230 Youth Entrepreneurs trained on entrepreneurial skills and access to Affirmative Action Funds(National Government Affirmative Action Fund(NGAAF),UWEZO Fund, Youth Enterprise Development Fund(YEDF) and Women Enterprise Fund(WEF) in the country.	Inadequate fund to roll out the program in all the counties and constituencies. Inadequate funds to reach out to more youths and budget cuts.	Recourse mobilization and adequate allocation of funds for the Affarmative Funds. Public Private Partnership with development partners and Youth Serving Organisations (YSO) for funding.
	Kenya has trained a total of 29,198 service men and women,out of which 7,934 were women, under National Youth Service programme from March, 2017 todate. A total of 9,061 youths have transition from National Youth Service training to Technical Vovational Education Trainning (TVET) and vocational training under the period. 9177 admitted to National Youth Service training in the in the month of September, 2017.	Inadequate resources and personnel to train more service women and men	Resource mobilization and allocation of more funds.
	Development of macro-economic policies that focus on job creation for youth.	Inadequate capacity in the existing Youth Enterprises	Capacity building of the Youth on enterprises enterpreneual skills and the Youths.
	1200 youth are involved in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning or youth	Inadequate facilitation to access the grassroots level.	Resource mobilization and allocation of more funds.

	exchange programmes; County sensitization forums held in six (6) Counties namely; Bungoma, Kilifi, Mandera, Makueni, Nairobi, Kisumu popularize Youth affirmative action funds and and inspire and promote spirit of unity and patriotism among the youth.		
	Kenya steered the UN negotiations that led to the adoption of the 2035 Sustainable Development Goals (SDGs);	Adequate resources for implementation of the SDGs	Mobilisation of resources through partnerships
	The Labour Market Information System and Data Base for unemployed youth is being implemented by the Kenya Youth Employment and Opportunities Project (2016-2021, Component 3) in the Ministry of Public Service, Youth and Gender Affairs in collaboration with the Ministry of Labour.	Inadequate facilitation and funding to access the grassroImproving on 'ease of doing business' Inadequate infrastructure and technical human resourse.	Resource mobilization and allocation of more funds. Strengthening of technological transfer and infrastructure development to attract youth in the sector.ots level Building partnerships with public and private actors for exchange of knowledge and skills. Deployment of relevant technical project staff. Capacity building of the project staff.
	Kenya, through the Kenya School of Government, has continued to sensitize as well as provide training to the youth leadership especially at the University level in the areas of decision making, governance and leadership in accordance to Article 10.	Financial constrains which limit the number of youth leaders to be trained and the number of courses.	There is need to seek financial support to ensure that the process remains sustainable as well as allow for a wider reach of youth. There is need to conduct a capacity assessment to ensure that the training is structured.
	Government, hosted a series of Youth ICT Conference in the month of September, 2016 aimed at empowering the youth as per Article. 10 of the Charter.	Inadequate sponsorship for the youth groups which limit the number of participating groups.	Increase training and capacity building on ICT and innovation.
	Government, has continued to sensitize as well as provide training to the youth leadership especially at the University level in the areas of decision making, governance and leadership in accordance to Article 10 of the Charter	Inadequate funds to increase training for youth leaders.	There is need to seek financial support to ensure that the process remains sustainable as well as allow for a wider reach of youth. There is need to conduct a capacity assessment to ensure that the training is structured.
	National Youth Council has carried out profiling of 118 of Youth Serving Organisation (YSO) to coordinate and enhance youth empowerment in the Country	Duplication of efforts and lack of coordination among the (YSO) among Government agencies and the private sector	Aligning the current structures and coordination of the youth sector to have regulatory and implementing bodies.

	Government has carried out training and awareness creation on Access to Government Procurement Opportunities(AGPO) to 480 youths in Kakamega, Garissa, Kirinyanga and Mombasa	Inadequate funds to roll out the training and awareness creation and low uptake on AGPO	Increased budgetary allocation from Government and PPPs with YSOs and development partners
	Kenya participated in the 9th Commonwealth Youth Ministers Meeting held from 31st July to 4th August 2017 in Kampala, Uganda.	Low representation of Youth from the Commonwealth countries.	Enhance partnerships with the Commonwealth Youth Ministers.
	Kenya participated in the 9th Commonwealth Youth Ministers Meeting held from 31st July to 4th August 2017 in Kampala, Uganda.	Poor visibility of the Commonwealth Youth Council activities.	NYC to enhance visibility of the Commonwealth Youth Council through joint programmes.
	Government has conducted a series of Immigration trainings for officers from the Republic of South Sudan with the aim of fostering region, in the spirit of promoting freedom of movement among the member states as per Article 11.	Inadequate funding to Kenya School of Government limiting the number of courses and participants to be trained. Internal Conflict in the Republic of South Sudan that has slowed the progress in building the capacity of the officers.	Resource mobilisation and increase budget allocation. Enhance peace efforts for the warring factions to stop the war and make peace.
7.	**1951 CONVENTION RELATING TO THE STATUS OF THE REFUGEES** **Adopted on:** 1951 **Entered into force on:** 4th October, 1964 **Kenya became a State party to the Convention on:** 16th May, 1966. **Obligation to Government:** The Convention grants refugees and asylum seekers basic rights while in the host country. Parties to the Convention are required to Co-operate with UNHCR under Article 35.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of Refugee Act 2006 is ongoing. In this regard Kenya has exceedingly empowered and provided humanitarian assistance to refugees and asylum seekers.	The refugees have been abusing the liberal provisions of the Act	Fast-track the amendment to the Refugee Act 2006 make implementation effective
			Enhance screening of refugees and asylum seekers
			Monitor refugees movement and activities
	Conclusion of a tripartite agreement on repatriation of Somali refugees 2015 and repatriation of refugees at Dadaab and Kakuma refugee camps is ongoing.	Lack of funding	Government to outsource more funding from international partners
		Reluctance of the refugees to leave	More persuasion efforts

8. THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Adopted in: 20th November, 1989.
Entered into force on:2nd September, 1990.
Kenya ratified the Treaty on: 30th July, 1990.
Obligation of the Government: States Parties are obliged to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
The Constitution of Kenya provides for child protection against any form of violation.	There are a number of cases of child abuse and poor coordination of interventions to protect children who have been violated or abused sexually, physically or psychosocially.	Integration of the management of children who suffer sexual, physical or psychological abuse or violation.
		Concerned authorities to be more vigilant in dealing with children cases appropriately.
	Cultural beliefs with regards to the place of a child in the society	Public awareness on the rights of the child and what constitutes child abuse
Convention is domesticated in the Children Act 2001 which guarantees the rights in the Convention and prohibits child abuse and exploitation. Currently the Children Act, 2001 is being repealed	Extreme poverty, inadequate resources to support children programmes and children in conflict with the law,	Strengthen institutions dealing with children issues.
		Review legislations and policies in line with international instruments
		Improve on data collection, management and analysis for effective planning of children programs
		Capacity building of officers handling children issues
The KPS has established three (3) Borstal institutions and one Youth Corrective Training Centre to hold and train juvenile offenders	Inadequate infrastructure	Treasury to increase budgetary allocations to enable the department expand its infrastructure. More Borstal institution to constructed at least in the main prisons
Witness Protection for children	Inadequate sensitization on the provisions of children protection	Enhance sensitization and enforcement

	Employment Act prohibits child labour.	Lack of reliable data on children in Child labour	Strengthen data collection procedures
	The National Children Policy Sessional Paper and National Policy on Elimination of child Labour were approved by National Assembly in October 2016.	Implementation process	Initiate the implementation process
	The Government has put 353,000 households under cash transfer program for orphans and vulnerable children	The program is yet to cover the entire country	Strengthen and upscale social protection programs to cushion vulnerable children and families
	The Government is also paying fees under Presidential Bursary for 22,000 Secondary School students from poor families	HIV and AIDS which deprives children of parents, thus affecting their education and leading to child headed households	Allocate more money to enable for the increase the number of beneficiaries
	National celebrations of the World Orphans Day is done ever year May.The Day of the African Child was celebrated in Bungoma country on 16th June,2017. International Day of the Girl child was celebrated in various countries in November, 2016.	Financial constraints.	Enhance budgetary allocation
	Kenya Children Assemblies have been established and operationalized in all the counties to enable voice their concerns. The 2017 National meeting was held in April, 2017 at Nationa Industrial Trainning Authority Machakos Country.	Not all children have access to this structure.	Upscale the Kenya Assembly structure to the location and ward level
	Reproductive health policy and Child survival and development strategy 2008-2015 in place.	Inadequate sensitization on the policies.	Implementation of existing policies
	Free comprehensive maternal child health programme, Neo-natal and post-natal services and free treatment of under five year old children.	Low funding allocations to children's disabilities.	Integration of child health services.
	Free prevention of mother to child transmission (PMTCT) of HIV and provision of free ARVs for all children across the country.	Gap in financial support by GoK, most funding is from donors.	Integration of child health services.
	Protecting the right to life, survival and development through Kenya Expanded Programme immunization- 87% immunization coverage	Compartmentalization of services offered to the child.	Integration of the management of children who suffer sexual, physical or psychological abuse or violation
	Training manual for health workers on prevention and early detection of disabilities.	Challenges in mainstreaming children with vulnerabilities to various sectors and social environment.	Enhance resources for mainstreaming
	National Guideline and Manual on the Identification and referral of all children with disabilities and special needs 2010.	Gap in financial support by GoK, most funding is from donors.	Implementation of existing policies
	School health policies and guidelines 2008 Diarrhoea policy.		Implementation of existing policies

9. UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Entered into force: 3rd May, 2006.
Adopted on 30th March, 2007.
Kenya ratified: 19th May, 2008.
Obligation to Government: To promote the rights and freedoms of persons with disabilities.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya has put in place rehabilitations and Cash Transfer Programme for persons with severe disabilities.	Inadequate budgetary allocation	Increase budgetary allocation
1mplementation of the National Policy on Disability and the Persons with Disabilities Act,2003 to ensure that persons with various types of Disabilities are not discriminated and have access to public services.	Low funding Low public awareness on the provisions of the Convention	Enhance funding Need for continuous awareness creation on the rights and freedoms of persons with disabilities.
Prepared a report and submitted for review by the committee of experts on the rights of Persons with Disabilities in relation to the Convention.	Implementation of the existing policy	Enforcement of existing disability laws and policies and providing for equal opportunities
Mainstreaming of disability in various spheres of life is being undertaken.	Lack of adequate resources for implementation	Increase budgetary allocation for training sensitization
A National Action Plan to implement the recommendations by the committee has been developed.	Inadequate funding. Weak institutional frameworks and partnerships for effective Mainstreaming of disability issues and concerns.	Allocate adequate funding to facilitate implementation
Kenya presented a candidate and secured a position in the UNCRPD Committee of Experts in June 2016	Inadequate support for the candidate,	Provide financial, material and moral support to vying candidates as they represent the country
A Standing Committee comprising key stakeholders was put in place to monitor the implementation of the National Action Plan for the next 3 years.	Inadequate funds	Increase budgetary allocations
The Convention is also being implemented through programmes in Vocational Rehabilitation Centres, disability mainstreaming in various spheres of life and cash transfers to 47,000 households with persons with severe disabilities.	There is low awareness on disability issues There is also lack of adequate technical skills for mainstreaming disabilities	Allocation of more resources for programmes for persons with disabilities. Strengthening of the coordination of institutions dealing with disability issues More awareness creation on disability issues

	Kenya marked the International Day of Persons with disabilities on 3rd December 2016 in Kwale County.	Inadequate funding necessary for facilitation, preparation and marking of the UN day.	Allocate funding that will adequately cater for mobilization, awareness creation and celebration of the day.
	Implementation of the 30% on Public Procurement Preference for persons with Disabilities.	Very few persons with disabilities apply for tenders due to lack of adequate awareness.	Create awareness amongst persons with disabilities on the provisions for public procurement.
	Disability mainstreaming to ensure inclusion and accessibility.	Slow pace in enforcement of existing laws that make provisions for disability friendly environment.	There is need for monitoring of implementation of laws relating to disability mainstreaming.
10.	**CONVENTION ON PRISONERS' RIGHTS - THE UN STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (UNSMRTP) – MANDELA RULES** **Adopted in:** 30th August, 1955. **Entered into force on:** 31st July, 1957. **Obligation of the Government:** The UNSMRTP provides that there shall be no discrimination of prisoners and detainees on basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It isthe responsibility of all member States to ensure that all prisoners and detainees should be treated with respect for their human dignity with regard to their conditions of detention such as health, complaints records, work and creation treatment and discipline among others.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Draft Kenya National Correctional Policy has been developed	Inadequate funding to finalize the instrument	Increase funding to finalize the Policy
	Development of Aftercare Policy and Aftercare Bill to address post-penal needs of prisoners and to facilitate reintegration and resettlement issues is ongoing	Inadequate funding to finalize the Bill and Policy	Increase funding to finalize the Policy
	The construction of prisons as part of Vision 2030 flagship projects, the on-going construction of additional prisoners' accommodation blocks, refurbishment of the existing facilities.	Incomplete projects due to low levels of funding from treasury	Increase funding of the Vision 2030 flagship prisons to complete the projects
	Introduction of diverse rehabilitation programmes for inmates	In some cases ex-prisoners upon release cannot fully be integrated back to the society. They reoffend to return to prison	Kenya Prison Service to introduce effective rehabilitation programs in prisons to make prisoners self-reliant upon release, Implementation of Non-Custodial Sentences to reintegrate them into the community.
	Upgrade prison health centres and dispensaries to enhance health services.	Budget and medical supplies constraints	Increase medical supplies and funding
	Formation of a legal and human rights directorate. It has integrated human rights issues in the curriculum for staff. It collaborates with KNHCR.	Inadequate capacity in terms of staffing, infrastructure and funds	Enhance capacity through allocation of funds, and resource mobilization from Government and development partners.

	Implementation of Persons Deprived of Liberty Act 2014 and Transfer of Persons Act 22 of 2014.	Lack of guidelines to operationalize the law Prisoner transfer is subject to pre - determined agreements between the two countries	Develop guidelines. Develop Prisoners' transfer agreements
	The provision and improvement of access to clean and safe water.	In some stations there is no piped water. Initiated drilling of boreholes but the water is not enough	Rain water harvesting and other long term solutions are critical
	Ongoing review on the Prisons Act and the Borstal Institutions Act to align it with the Constitution of Kenya.		Fast tracking of the review of the Acts
11.	**UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY** **Adopted in:** 14 December, 1990. **Entered into force on:** 2 April, 1991. **Obligation of the Government:** To guarantee juveniles the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The department is implementing Children's Act of 2001	The Act's recommendations have not been fully implemented for lack of funds.	Treasury to increase funds to KPS to fully implement the Children's Act
	Kenya Prisons Service amended the Borstal Institutions Act to uphold children's rights.	Inadequate Borstal facilities to hold young offenders.	Government to increase funding to expand facilities.
	The Department has introduced formal and informal education for young offenders.	Inadequate funding to expand infrastructure.	Fast track construction of Kamai Borstal.
12.	**THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)** **Adopted in:** 11th August, 1999. **Ratified:** 15th March, 2005. **Obligation to Government**: 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: complimentarily and pay assessed contributions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the International Crimes Act, 2008 which domesticated the Rome Statute.		

	Implementation of the Prevention of Organized Crimes Act, 2010; Prevention of Terrorism Act, 2012; the Mutual Legal Assistance Act, 2011; and the Proceeds of Crime and Anti-Money Laundering Act, 2009. 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. Member States to the Rome Statute are required to punish international crimes since the ICC cannot deal with all cases.	Manipulation of the ICC as a political tool by external actors continues to affect the Court's credibility. Poor investigative capacity because of partiality towards prosecution by the OTP. Procedural re-characterization of charges Perjury by intermediaries Corruption in recruitment etc.	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. Strengthening the African Courts to deal with such cases. Continue to support complimentarily.
	A war crimes division at the High Court was established in 2016.	Inadequate personnel capacity regarding the court's infrastructure and funding.	Enhance capacity and funding.

13. UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)

Adopted in: 14 December, 1990.
Entered into force on: 11 July, 1991.

Obligation of the Government: The Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya has reviewed its laws to embrace non-custodial measures instead of imprisonment.	Majority of the judicial officers grant custodial sentences to petty offenders instead of utilizing the non-custodial sentences. This has in turn led to congestion of the prisons.	Judges and Magistrates will be sensitised on the importance of utilizing non- custodial sentences. Courts will implement Article 49 (2) of the Constitution of Kenya, 2010.
Enacted new laws and policies such as the Bail and Bond policy and the sentencing policy.	Community Service Order Act, is not effective due to lack of funds for the Committee which implements the same.	Government to increase budgetary allocation for Community Service Order Committee to enable it to perform its work.

14. BODY OF PRINCIPLES FOR THE PROTECTION OF PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

Adopted in: 9 December, 1988.
Obligation of the Government: To undertake that no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Criminal justice agencies ensure that prisoners get justice by timely producing them in courts, facilitating Community Service Orders among others.	Inadequate vehicles to transport prisoners to courts, hospitals among others	Government to establish courts where prisons are situated.
	Judiciary has established mobile courts as well as utilizing effectively mentions in custody	Insufficient mobile courts delaying access to justice for those in the rural areas	Encourage Judiciary to establish mobile courts as well as utilizing effectively mentions in custody.
	Kenya Prisons Service has introduced "open door Policy" which ensures that prisoners are visited on regular basis by their relatives, friends, and advocates among others	Inadequate facilities to hold prisoners	Expand prison facilities.
15.	**MADRID PLAN OF ACTION ON AGEING** **Adopted:** Second World Assembly on Ageing in April, 2002. **Obligation to the Government:** UN Members are required to ensure supportive environments for older persons and development: advancing health and well-being into old age: and ensuring enabling and supportive environments.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The National Policy on Older Persons and Ageing has been reviewed and awaits cabinet approval.	More resources required to support programmes for old persons	Allocation of resources to facilitate finalization of the Policies and Bills for implementation.
	The Older Members of Society Bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society	Low public awareness on issues of older persons and ageing including elder abuse	The Bill to be enacted into law to facilitate enhancement of awareness creation.
	The social protection policy which aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development.	Social Assistance Cash transfer is not universal and many vulnerable persons are not covered.	To make the Cash transfer universal by allocating more funds to the Social Protection Policy.
	The National family promotion and protection policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons.	The traditional social structures that used to ensure protection of older persons has changed due to migration and urbanisation.	Allocate adequate resources towards establishment of institutons of vulnerable older persons
	Development of guidelines on establishment of institutions of older persons is in progress.	Various institutions of older persons run without guidelines and regulation that would ensure uniform standards.	Allocate adequate funds to facilitate dissemination of the guidelines. Monitoring of the institutions
	We also marked the UN international day for older persons at Gusii Stadium on 1st October 2016.	Inadequate funding to facilitate the celebratory marking of the UN designated day which is necessary for awareness	Allocate adequate funds to help mark the day

	Kenya marked the world elder abuse awareness day on 15th June 2016 at Mwea in Kirinyaga County.	creation.	
16.	**GREAT LAKES PROTOCOL ON THE PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS** **Entered into force** via the Prevention, Protection and Assistance of the Internally Displaced Persons and Affected Communities AC, 2012. **Obligations to Government:** Establish a legal framework for the adoption of the Guiding Principles on Internal Displacement and a legal basis for their implementation in national law: Ensure legal protection of the physical and material needs of IDPs: Reinforce Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Provision of food and resettlement schemes.	IDP resettlement conflicts Social integration and, Property acquisition.	Enhance dialogue to resolve outstanding issues.
17.	**COMMONWEALTH TREATY ON GENDER EQUALITY**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kshs. 10.5 Billion funds has been disbursed to UWEZO fund, NGAAF and the Women Enterprise Fund. Government provides annual reports to the Commonwealth monitoring and evaluation unit. A draft gender policy has been submitted to the Cabinet for approval.	Low awareness on the existence of the Funds.	Enhance sensitisation and awareness.
18.	**MAPUTO PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL)** **Adopted in:** 11th July, 2003. **Entered into force:** 25th November, 2005. **Kenya ratified:** on 6th October, 2010. **Obligation to government:** To eliminate all forms of discrimination against women through appropriate legislation, institutional and others, to include the principle of equality between men and women, integrate gender perspective in their policy decisions, legislation and development plans, programmes and activities in all other spheres of life.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domestication and implementation of the existing policies and legislation on elimination of all forms of discrimination against women that includes; The National Policy on Gender and Development (NPGAD) of 2000; The Constitution of Kenya,2010; The National Gender and Equality Commission Act,2011; Matrimonial Property Act,2013; Marriage Act, 2014;	Slow pace on abandonment of deeply entrenched harmful cultural and traditional practices has hampers progress in elimination of all forms /acts of discrimination.	Sensitization and awareness creation on the existing laws and policies and through public education, information sharing and communication. Up scaling the implementation of the existing policies.

	Land Act, 2012; Land Registration Act, 2012; Counter-Trafficking in Persons Act, 2010; The Prohibition of Female Genital Mutilation (FGM) Act, 2011; The Sexual Offences Act, 2006 (Rev. 2012; The Kenya Citizenship and Immigration Act, 2011; and Law of Succession Act, 2010 (Rev. 2015).	Weak enforcement measures and mechanism Lengthy prosecution procedures of FGM and SGBV matters in court.	Enforcement of the existing laws campaign against retrogressive cultural practices. Promote community dialogue with opinion leaders and build partnership between state and non-state actors on gender equality.
	Development of Draft National Gender Policy, 2017 to Review of the National Gender Policy, 2000 and align it to the Constitution.	Slow process of policy making.	Parliament to fast-truck the passing into law of the Two-Thirds Gender Bill, 2017.
	Development of Draft Anti-Female Genital Mutilation Policy 2017 to align it to the Constitution.	Slow process of policy making.	Fast-track adoption of the policy.
	Kenya provides an annual report to the African Union Commission on implementation of policies and legislation geared towards eliminating all forms of discrimination against women.		
	Kenya has established Six (6) Gender Based Violence/rescue Centres (GVBRC) during the period under review.	Inadequate resources to establish more rescue centres in the county levels.	Resource mobilization and allocation to establish more (GVBRC) in the counties.
	Developed proposed amendments to the Law of Succession Act to include provisions in relation to protection of widows and orphans property rights and protection from harmful cultural practices.	Slow process of legislative review.	Fast track legislative review.
	Kenya has Adopted the UN Sustainable Development Goals (SDGs) namely goal 1 on poverty reduction, goal 2 reduction of hunger, goal 5 on gender equality that includes elimination of harmful cultural practices , goal 4 on universal education and goal 3 on healthcare through Agenda 2030 and 2063.	Inadequate resources to enhance technical and infrastructure facilities.	Advocacy and stakeholder's involvement to enhance reporting and implementation of the goals.
	Kenya has disbursed of Ksh. 3,803,800,000 under the National Government Affirmative Action Funds (NGAAF) to support Socio-economic empowerment projects and programmes for women, youth and Persons with Disabilities in 47 Counties namely ; 8,296 women groups provided with table banking funds; 158 groups of Person with Disabilities provided with Ksh. 15.8 m;	Inadequate resources to reach a larger group of the intended beneficiaries. Lack of entrepreneurship skills to enhance absorb of the Fund.	Enhance resource mobilisation and allocation to scale up the programmes.

	128 women owned SACCOS provided with funds for the women enterprise initiatives; 105,000 vulnerable and special needs students in public learning institutions benefited from bursaries and scholarships; 28,258 out of school youth supported with sponsorship on vocational training (10,058 female and 18,200 male); 107,689 needy school girls provide with sanitary towels and mentorship programs; For the period between March, 2017 and January 2018.		
	Kenya has disbursed a total of Kshs. 467,565,582 as loans through UWEZO Fund to 4,892 groups.	Low uptake of the funds by the groups and individuals. Lack of entrepreneurship skills to absorb the Fund. Non repayment of the loans by the groups. Inadequate legal framework as the Fund is established through a legal notice.	Capacity building and training on entrepreneurial skills to empower women, youths and persons with disabilities. Sensitization and awareness creation of the existence and access of the Affirmative Funds. Capacity building and training on entrepreneurial skills to empower women, youths and persons with disabilities. Enactment of an Act of Parliament and Harmonization of the mandates and functions of the Affirmative Funds Agencies UWEZO, YEDFA and WEF amongst others).
	Kenya has empowered the capacity of 4,892 groups composed of women, youth, and Persons With Disabilities on business development services, general entrepreneurship, table banking, and AGPO skills through UWEZO Fund.	Large population of the target group against a lean human resource in the counties.	Enhance technical and human capacity of the Fund to reach a larger population.

19.	**Convention on Elimination of All Forms of Discrimination against Women (CEDAW)** **Adopted in:** 18th December, 1979 **Entered into force in:** 3rd September, 1981 **Accession:** 16th May, 1984 **Obligation to Government:** To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women, establish tribunals and other public institutions to ensure effective protection of women against discrimination and ensure elimination of all acts of discrimination against women by persons, institutions, organisations or enterprises.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domestication and implementation of the existing national policies and legislation for protection of women from against discrimination and elimination of all acts/forms of discrimination against women that includes; The National Policy on Gender and Development (NPGAD) of 2000; The Constitution of Kenya,2010; The National Gender and Equality Commission Act,2011; Matrimonial Property Act,2013; Marriage Act,2014; Land Act,2012; Land Registration Act,2012; Counter-Trafficking in Persons Act,2010; The Prohibition of Female Genital Mutilation (FGM) Act,2011; The Sexual Offences Act,2006(Rev.2012; The Kenya Citizenship and Immigration Act,2011; and Law of Succession Act, 2010(Rev.2015)	Inadequate resources to scale up programmes to enhance implementation of the existing policies and legislation. Entrenched belief and practices of harmful cultural practices affecting girls and women. Weak enforcement mechanism of the existing laws.	Enhance resource mobilisation and allocation of funds to scale up Implimentation of the existing policies and laws. Sensitization and awareness creation of the negative effects of harmful cultural practices and development of alternatives to harmful cultural practices. Enhance enforcement of the existing laws.
	Development and Submission of Two-Thirds Gender Bill,2017 to parliament two times.	Reluctance by parliament to pass the Two-Thirds Gender Bill, 2017 into Law two times in the year 2017.	Fast track the enactment of the Two-Thirds Gender Bill,2017 by parliament.
	Kenya has disbursed a total of KShs. 2,212,396,400 under the Women Enterprise Fund to 106,845 beneficiaries that include women groups and individuals.	Non repayment of the advanced loan by the beneficiaries.	Capacity building and training on entrepreneurship skills to enhance uptake

		Limited financial resources which are inadequate to Fund all loan applications. Low literacy levels amongst a large population of target groups.	Resource mobilisation and lobbying the government to enhance resource allocation. Sensitization and awareness creation on the existence of the Women Enterprise Fund.
		Inability to mobilize resources as a result of weak legal framework as the fund is established under a legal notice. Cultural factors and religious factors e.g. some communities still view women as inferior and Islamic perception of interest.	Engaging strategic partners Capacity Building of women entrepreneurs. Development of Affirmative Fund Bill to harmonize all Affirmative Funds. Development of sector-specific products targeting different target groups.
20.	**GREAT LAKES PROTOCOL ON THE PREVENTION AND SUPPRESSION OF SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN** **Adopted and Signed in** 30th November, 2006. **Obligation of Government:** The Protocol recognises the need to prevent sexual violence and the exploitation of women and girls. States guarantees to put in place regional mechanisms for providing legal, medical, material and social assistance, including counselling and compensation, aimed at providing legal assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Sexual Offence Act, 2006 Established the Gender Based Violence (GBV) recovery Centres and operationalised Referral System.	Retrogressive cultural practices.	Sensitization and awareness creation on the provisions on the Sexual Offences Act,2006. Enforcement of the Sexual Offences Act,2006.
	Capacity building of the Prosecution system duty bearers such as; Judges, Police, Administration and Care Givers on SGBV issues.	Inadequate resources.	Resource mobilization from development partners and Government.

	GBV prevention campaign manual is in place.	Inadequate resources Poor perception of SGBV issues.	Sensitization and awareness creation on SGBV issues and approaches.
21.	**THE ROBBEN ISLAND GUIDELINES** **Adopted** in 2002 by the African Commission. **Objectives:** Guidance for African States on how to implement the provisions of the African Charter on the Prohibition and the Prevention of Torture as well as providing redress for victims.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Established the Directorate of Legal and Human Rights to ensure compliance of Human Rights. Implimentation of The Prison Act,Cap 90 (Revised Edition 2015), The Borstal Institutions Act, Cap 92 (Revised Edition 2012) Laws of Kenya prohibit torture and penal institutions.	Inadequate capacity that include infrastructure, personnel and funding	Resource mobilization from development partners and adequate allocation by Government
22.	**THE CONSTITUTIVE ACT OF THE AFRICAN UNION-REPETITION** **Adopted in: 25th** May, 1963 Signed on 2nd March 2001 Ratified 4th July 2001 came into force on 10th July 2001 **Entered Into force on**: 26th May, 2001 **Kenya became a state party to the Treaty on:** 16th December, 1963. **Obligation to Government:** To help achieve greater unity and solidarity between the African countries and Africans.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya, through the Kenya School of Government, has continued to promote greater unity and solidarity between African Countries by providing training in the areas of governance, leadership for individuals and officers from the member states especially Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESSULO).		
	The AU-IBAR is hosted in Kenya and the State Department of Livestock (Directorate of Veterinary Services) pays the rent for its offices. The Directorate also participated in the following projects coordinated by AU-IBAR and IGAD: Surveillance of Trade Sensitive Diseases (STSD) project [2013-2016]; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012-2016]; and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016].	Inadequate funding to KESSULO thereby limiting the number of courses and participants to be trained. Inadequate funding to pay the rent on time and participate in all activities	Enhanced budget to KESSULO to support the capacity building programme. Ring fencing of budgetary requirements for AU-IBAR activities

23. **AFRICA REGIONAL ACTION PLAN FOR INVESTING IN YOUTH**

Adopted in: 2011.
Entered into force on: 2011.
Kenya became a State party to the Charter on: 1963.
Obligation: Developing of Labour Market System and Data Base for unemployed youth: Modernization of agriculture and making it attractive for youth: Development of sports, entertainment and creative industries as employment opportunities for youth: Promote environmental management as an employment avenue: Develop support structures for youth enterprise initiatives: Promote public and private partnerships in youth enterprise development: Establishment of youth empowerment funds.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Labour Market System and Data Base for unemployed youth is being implemented in the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3) under the Ministry responsible for youth affairs.	Financial and technological constraints	We encourage partnership and resource mobilization.
Modern agricultural programs have been put in place to attract youth.	Technological and infrastructure constraints.	Strengthening of technological transfer and infrastructure development to attract youth in the sector.
Programmes have been put in place to develop sports, entertainment and creative industry to create employment opportunities for the youth.	Financial and infrastructure constraints	Mobilization of adequate finances and non-financial resources towards establishment of key infrastructure such as talent and sports academies to promote the industry.
Environmental management as an employment avenue is proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021).	Technological constraints.	Strengthen technological transfer in emerging environmental management models.
The establishment of the youth enterprise economy and architecture is under implementation by the National Youth Service Youth Empowerment Program – Youth SACCOs Project. Over Kshs. 1.5 billion has been saved and is being accessed by the youth cohorts in various counties.	Inadequate entrepreneurship skills.	Enhancement of capacities of youth and youth serving organisations to be able to establish, manage and sustain the youth enterprise economy.
Partnerships have been established with the local and development partners.	Sustainability of partnerships.	Enhancement of incentives strategies to the public-private partnership initiatives.

INTERNATIONAL TRADE AND INVESTMENT			
1.	**TREATY ESTABLISHING THE WORLD TRADE ORGANISATION (THE MARRAKECH AGREEMENT)** **Adopted in**: April 1994. **Entered into force on:** 1st January, 1995. **Obligation to Government:** To create an integrated multilateral trading system.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya established the Permanent Inter-Ministerial Committee (PIMC) in May 1995 to advise the Government on all matters pertaining to the WTO.	Unfavourable trade environment at the international level.	Enhance multilateralism and strategic partnerships on WTO issues affecting Kenya and developing countries.
	Government has formulated a Buy Kenya Build Kenya Policy.	High cost of local products.	Provide subsidies in production.
2.	**PROTOCOL AMENDING THE MARRAKECH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANISATION** **Adopted on:** 27th November, 2014. **Signature:** 3rd December, 2015. **Accession:** 10th December, 2015. **Obligation to Government:** Implementation of the Trade Facilitation Agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Established a National Trade Facilitation Committee. Established the Kenya Electronic Single-Window System. Established the Kenya Trade Portal. Establishment of the One-Stop Border Post.	Inadequate awareness on the existence of the portal. Mistrust among Member States.	Enhance awareness creation. Continuance consultations and negotiations among Member States.
3.	**DOHA – DEVELOPMENT AGENDA ROUND AND THE BALI PACKAGE (2001-2013)** **Launched in 2001.** **Obligation to Government:** Obliged to meet stiff export standards, when exporting both Agricultural and Industrial products to developed countries. .		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticating most of the WTO agreements such as; implementing the WTO Agreement on customs valuation.		
	Establishment of the Trade Remedies Act, 2017.		
	The enactment of the Industrial Property Act, Cap 509.		
	Setting up enquiry points at the Kenya Bureau of Standards (KEBS).		

4.	**EAST AFRICA COMMUNITY (EAC) –EUROPEAN UNION (EU) ECONOMIC PARTNERSHIP AGREEMENTS (EPAS)** **Date ofAdoption:** 14th October, 2014. **Date of Signing:** 1st September, 2016. **Date of Ratification:** 20th September, 2016. **Obligation to Government:** To coordinate implementation and necessary revisions of the EAC-EU EPA		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya, along with other East African Community (EAC) Partner States concluded Economic Partnership Agreement (EPA) negotiations with the European Union (EU) on 16th October, 2014. This ended a 12 years protracted negotiation of the trade agreement, whose negotiation was launched at all ACP level in 2002.	Difficulties in achieving consensus hinder implementation of the EAC-EU EPA.	The EU and EAC Partner States should expedite the signing and ratification of the EPA.
5.	**WORLD TRADE ORGANISATION TECHNICAL BARRIERS TO TRADE (WTO/TBT) AGREEMENT – NATIONAL ENQUIRY POINT.** **Adopted in**: May 2013 **Obligation to Government:** To use international standards in trade of goods, and avoid unnecessary barriers to trade.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT" to increase efficiency on stakeholder notifications about standards and regulations.	The standards are developed on inquiry causing delay	Early development of standards
	Kenya, through its KEBSTBT 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.	Technical regulations and standards may vary from country to country, posing a challenge for producers and exporters.	Strengthening implementation of the TBT Agreement.
	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.	This system is accessible to limited number of users and no sensitization on existence of the system done	More sensitization to be done
6.	**WTO Trade Related Investment Measures (TRIMS)** **Adopted in:**1994 **Entered into force on: 1995.** **Obligation to Government:** Facilitate investment across international frontiers to increase the economic growth of all trading partners while ensuring free competition.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The establishment of "enquiry points" offices that provide information about the country's technical regulations, test procedures, and adherence to various international standards.	Discriminatory, or inappropriate standards related measures can reduce competition, stifle innovation, and create unnecessary obstacles to trade.	Kenya to consider initiating calls for reform measures
7.	**THE WTO DISPUTE SETTLEMENT SYSTEM** **Obligation to Government:** Comply with the all the WTO multi-lateral Agreements.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has proposed reforms and development of the WTO dispute settlement in WTO meetings.	There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy.	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.
	Enactment of the Trade Remedies Act.	It has operated against the interests of the developing countries as it is costly to initiate the dispute settlement process for exercise of their rights unlike the developed countries.	Kenya to start initiatives in the General Council for improvements in the dispute settlement process.
8.	**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENTS DISPUTES CONVENTION (ICSID)** **Ratification Date**: 3rd January, 1967 **International Obligation:** The Convention obligates the State Parties to provide structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has taken measures to make ICSID Convention effective in the country.	Sourcing of international lawyers with expertise in the area is expensive.	Capacity building for representation by local lawyers.
	Kenya has participated bu appointing a focal point office of the Attorney General.		
	Kenya has enacted the mining act 2016.		
	Review of mining contracts		

9.	**CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANISATIONS (UNIDO)** **Adopted in**: 8th April,1979 **Entered into force on:** 21st June, 1985. **Date of Ratification:** 13th November, 1981. **Obligation to Government:** Promote industrialization, poverty reduction, inclusive globalization and environment sustainability.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Membership subscription up to date. Kenya participates regularly and is currently the Chair of Conference of African Ministers of Industrialization (CAMI) and member of the Program and Budget Committee of UNIDO.	Opportunities offered by UNIDO not fully utilized.	Fully utilize available opportunities from UNIDO.
10.	**WTO/ SPS/ OIE INCLUDING SUB REGIONAL OFFICE** **Date of ratification**: 1994 **Obligation to Government:** Disease reporting, certification of animals and animal products for export.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya complies with the international standards developed by Office of Epizooties (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food safety.	Inadequate resources to effectively collect and analyze the latest scientific information on prevention and control of animal diseases.	Provide funds to enhance efforts aimed at prevention and control of animal diseases.
	Kenya has developed the fish safety and quality assurance regulations 2007 under the Fisheries Management & Development Act Cap 36 of 2016, Terrestrial and Aquatic Codes, Animal Diseases Act Cap 364, Fertilizers and Animal Foodstuffs Act Cap 345 to domesticate the requirements.		Ensuring the sanitary safety of world trade in terrestrial and aquatic animals and animal products.
11.	**THE OFFICE INTERNATIONAL DES EPIZOOTIES (OIE)** **Created in** 1924. Kenya is party to the Agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Ministry of Devolution and Planning put in place an inter-ministerial Committee which meets twice in a year to review progress.	Inadequate resources.	
12.	**INTER-AFRICAN BUREAU FOR ANIMAL RESOURCES (AU-IBAR)** **Established in** 1951 as the Inter-African Bureau of Epizootic Diseases (IBED). **Obligation to Government:** to support and coordinate the improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas.		

	Kenya hosts the AU-IBAR. The State Department of Livestock (Directorate of Veterinary Services participates in projects coordinated by AU-IBAR and IGAD: e.g. Surveillance of Trade Sensitive Diseases (STSD) project [2013-2016].; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012-2016]; and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016]	Inadequate funding to participate in all activities.	Resource mobilization
13.	**AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME.** **Adopted on:** 30th November, 2011. **Signed on:** 30th November, 2011. **Kenya ratified on:** February, 2015. **Obligation to Government:** to cooperate in monetary and financial matters and ensure that our systems cater for taxation matters to avoid instances of double taxation and the prevention of fiscal evasion with respect to taxes on income.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has ratified the Agreement.	Some Partner States are yet to ratify the agreement due to fear of loss of revenue.	The Partner States that are yet to ratify the agreement to be urged to ratify the same so that it may be effective and be implemented.
14.	**COTONOU ACP-EU PARTNERSHIP AGREEMENT** **Adopted in**: June, 2000. **Entered into force in:** 2003. **Kenya is party to the Agreement.** **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Agreement has been revised thrice in 2005, 2010 and 2016.	The uncertainty about the future of the partnership.	Kenya should adequatey prepare for the post 2020 negotiations to ensure the country's interests are properly articulated.
	Kenya attracts EU support in different sectors among them infrastructure, agriculture and in emergencies.	Delays in contracting and disbursement of EU funds.	Improve on utilization and reporting of EU funds and Committing all the resources under the National Indicative Programme (NIP).

15.	**TOKYO INTERNATIONAL CONFERENCE ON AFRICAN DEVELOPMENT (TICAD)** **Kenya is party to TICAD.** **Obligation to Government:** Implement the Yokohama Declaration 2013 through the Yokohama Action Plan 2013-2017 according to the agreed **:** No financial obligation to Government except costs incurred while attending TICAD meetings. Implement the Nairobi Declaration and its Implementation Plan.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participated in the first TICAD VI ministerial follow up meeting in August 2017 to review TICAD implementation progress. Implementation of the Nairobi Declaration and the Action Plan is ongoing as well as monitoring and reporting on progress.	Delay in commencement of projects and programmes.	Fast track processes to expedite commencement projects and programmes. Preparation of credible projects proposals that will attract funding from the pledged basket of funds from TICAD.
			Each Ministry should align their proposals with the TICAD ₩ Framework. Proposals should be limited to only few key priority areas to increase chances of uptake by the Japanese Government.
16.	**UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS (SDGS)** **Signed on:** 26th September, 2015		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Capacity building of MDA staff and contact officers on SDGs. Mapping of all relevant stakeholders. Alignment of SDGs provisional performance indicators. Mainstreaming of SDGs activities in performance contracts.	Budgetary constraints.	Review of budget.

17.	**PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY COMMON MARKET** **Adopted on**: 20th November, 2009 **Signed on:** 20th November, 2009 **Entered into force on:** 1st July, 2010 **Obligation to Government:** Promote Free Movement of Goods, Free Movement of Persons, Free Movement of Labour / Workers, Right of Establishment, Right of Residence, Free Movement of Services and Free Movement of Capital to accelerate economic growth and development.		
	MEASURES UNDERTAKEN SO FAR PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Intra-EAC Trade has grown significantly. All the Partner States are accorded zero customs tariff on goods originating and traded in EAC. The Single Customs Territory (SCT) has been rolled out. Operationalization of the Integrated Customs Management System (ICMS) is ongoing; The Regional Electronic Cargo Tracking System (RECTS) is in place; EAC has harmonized a total 1,428 Standard out of which Kenya has adopted 1,062 as at June 2017.	Persistent Non Tarrif Barriers. Implementation challenges due to multiple stake holders involved. Persistent NTBs – new NTBs continue emerging as the existing ones are eliminated. The harmonization of standards at regional level and adoption of the same at the Partner States level is slow.	Eliminating Non Tarrif Barriers. Co-ordinate the stake holders to ensure harmony. There is need to fast track the elimination of NTBs. There is need to fast track the harmonization at the regional level and adoption of the same by Partner States
	EAC E- Passport is in use.	Lack of awareness by citizens.	Kenyan citizens to be sensitized on the new EAC E-passport.
	Standardization of travel documents and work permit requirements for East Africans. Citizens can now use National Identification Documents (IDs) to travel to and from Kenya Uganda and Rwanda. Operationalization of Single Tourist visa by Kenya, Uganda and Rwanda.	Some Partner States are yet to comply with the EAC Summit decision to standardize the travel document and work permit requirements.	Partner States yet to comply with the decision to standardize requirements for work permits and travel documents to be urged to do so.

	Harmonization of the EAC form for entry/work/residence permit. Fees for work permits for EAC Citizens zero rated by Kenya, Uganda and Rwanda.		
	Liberalization of services in EAC is ongoing to enhance free movement of services. Kenya has increased her liberalized sub sectors from 52 to 86; Mutual Recognition Agreements (MRAs) for Pharmacists, Accountants, Architects, Engineers and Veterinary professionals have been negotiated, signed and operationalized. The Mutual Recognition Agreements for Land Surveyors and Advocates have been finalized and are awaiting signature.	MRAs not anchored in the Protocol. Legal text on amendment of the Protocol is yet to be agreed on.	Amend Protocol to include provisions on MRAs. Fast track the amendment of the protocol to delink the schedule on free movement of services and schedule on free movement of workers
	Kenya has completed construction of OSBPs in Namanga, Isebania, Taveta, Lunga Lunga, Busia and Malaba border points. Namanga border now fully operational as an OSBP with ICT interconnection.	Delayed ICT interconnection in some One Stop Border Posts has made it difficult for border agencies to start operating as OSBPS. Inadequate staff.	Fast track ICT interconnection at the OSBPs. Deploy more staff to operate on both sides of the border for 24hrs.
	Kenya participated in the development of the following EAC regional documents; Livestock Policy; Avian Influenza Preparedness Plan; One Stop Border Posts (OSBPs) Regulations and Procedure Manual; Aflatoxin Prevention and Control Strategy; Food Security Action Plan; Food Balance Sheet; Harmonization of registration of Immunological Veterinary Products and Mutual Recognition of approvals of veterinary vaccines. The EAC VET-GOV Component also supported development of Kenya's laboratory policy. USAID/EAC SPS capacity building has been conducted.	Inadequate funding. Huge capacity gaps exist despite the training.	Increase budgetary allocation for EAC activities.

	Construction of various regional Infrastructure projects to connect East Africa. Voi-Taveta-Arusha road has been completed and is in use; Namanga –Arusha road is complete on the Kenyan side . The section of Isiolo-Marsabit-Moyale is complete while construction of the Kitale-Lodwar-Lokichogio section is ongoing.	Inadequate financial resources to support the implementation of major EAC regional projects.	Joint promotion of regional infrastructure projects to attract and leverage international funding.
18.	**PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION** **Adopted in:** 2nd March, 2004. **Signed on:** 2nd March, 2004. **Ratification date:** April, 2004. **Obligation to Government:** To establish a framework where there is a free trade (or zero duty imposed) on goods and services amongst the EAC partner states and apply a Common External Tariff (CET), on imports from outside.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of Single Customs Territory is on-going.	Increased costs in implementing the Single Customs Territory. Multiple memberships to other regional blocs which results in an overlap of responsibilities in the implementation of the Customs Union, particularly the EAC Customs Management Act, 2006. ICT interconnectivity is a challenge on implementation of Single Customs Territory (SCT)	Increased funding.
	The EAC Elimination of Non-Tariff Barriers Act, 2017 is now operational after assent by all Partner States. One hundred and six (106) NTBs have been reportedly resolved cumulatively since 2009.	Re-emergence and shifting of NTBs.	Enhance cooperation among Partner States and strengthen the operations of the NTBs Monitoring Committee. Implementation of the Elimination of NTBs Act, 2017.

	Regional and National Monitoring Committees established to monitor and resolve NTBs.		
	Insallation and activation of ICT connectivity systems at the One Stop Border Posts to fully operationalize the OSBPs. The Namanga OSBP is operational with ICT connectivity whereas other OSBPs ICT connectivity is ongoing.	High costs implications in developing ICT infrastructure at OSBPs. Delays in drafting of regulations to implement the ICT interconnectivity at the OSBPs.	Additional funding for installation of ICT connectivity at OSBPs. Fast track installation of ICT connectivity systems at the One Stop Border Posts to fully operationalize the OSBPs. Fast track drafting of the regulations.
	Namanga One Stop Border Post fully operational. Coordination Committee for the OSBPs established to monitor the management and operations.	High costs implications in operationalization of the OSBPs. Coordination problems in the management of the OSBPs.	Additional funding for operationalization of Taveta, Lunga Lunga, Busia, Isebania and Malaba OSBPs. Enhance collaboration and coordination.
19.	**PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY MONETARY UNION (EACMU)** **Adopted in**: 30th November, 2013 **Entered into force on:** 30th November, 2013 **Kenya Ratified on:** 28th November, 2014 **Obligation to Government:** Harmonize monetary and fiscal policies; harmonize financial, payment and settlement systems; harmonize financial accounting and reporting practices; harmonize policies and standards on statistical information; and, establish an East African Central Bank.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the EAC Macro Economic Convergence Criteria and Fiscal Matters:	Delay in the implementation of The Monetary Union due to failure by Partner States to reach a consensus on certain monetary and fiscal	Strive for commitment and goodwill from all the Partner States in order to effectively implement the Protocol.

	The Technical definitions of the Convergence criteria were finalized and approved and are utilized as a reference in the ongoing harmonization of statistics in EAC; Fiscal Transparency Evaluations have been undertaken in Kenya, Tanzania and Uganda. Rwanda FTE planned for 2017/2018 while that of Burundi is yet to be planned. Kenya, Tanzania and Uganda prepared and presented their Fiscal Risk Statements (FRSs) to the SCFEA. Kenya and Uganda also include FRS in budget documentation.	matters. Fiscal Transparency Evaluations yet to be undertaken for Rwanda, Burundi and South Sudan which makes comparison difficult.	
	Kenya and Uganda have anchored regional fiscal surveillance in their Public Finance Management laws though at different levels. PFM Act Kenya has fiscal rules on debt and deficit, while Uganda's Fiscal Responsibility Charter has fiscal rules consistent with EAMU convergence criteria. Harmonization of Government Finance Statistics, Monetary and Financial statistics and National Accounts is ongoing. All partner states have established Technical Working Group (TWGs) spearheading harmonization process in accordance with an Action Plan developed by the TWGs. Preliminary general government data sets in Kenya and Tanzania have been developed. Kenya published the data set in the Economic Survey 2017; Draft EAC Government finance and debt statistics guidelines have been prepared. Four draft chapters of the EAC Guidelines for compilation of Government Finance and Public Debt statistics have been developed.	Slow process of harmonization of statistics.	Fast track the harmonization of statistics to enable comparability of statistics
	Establishment of institutions to support Monetary Union Bills to establish East African Statistics Bureau and East African Monetary institute submitted to East African Legislative Assembly for enactment.The	Slow process of establishing institutions.	Fast track the development of institutions to support monetary union.

	East African Surveillance, Compliance and Enforcement Commission Bill currently subjected to scrutiny by Legal Experts.		
	Development and Operationalization of an Efficient, Stable and Integrated Financial System: Cross-listing in EAC Securities Exchanges ongoing; Harmonization of the EAC Capital Markets infrastructure to ensure integration through integration of trading systems whereby all EAC Stock Exchanges are to be linked through a smart order routing system and through integration of payment and settlement system. A draft Code of Conduct and Guidelines for Designated Market Makers for Government Securities (DMMGS) has been prepared and Regional Technical Working Group (RTWG) for Implementing the EAC Code of Conduct and Guidelines for DMMGS has been established.	Complex process of integrating financial sector.	Fast track the integration of financial system. Promote participation of all the stakeholders.
	Harmonisation of National Laws to conform to the Provisions of the East African Community Monetary Union Protocol: Regional Technical working Group (RTWG) has been established to undertake the harmonization of laws.	Parallel initiatives at EAC level.	Harmonize the activities of RTWG and similar initiatives at sector level.

STANDARDIZATION			
1.	**THE METRE CONVENTION** **Date of adoption:** 20th May, 1875. **Date of Ratification:** 1st January, 2010. **Obligation to Government:** To establish the degree of equivalence of national measurement standards thereby providing Governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Membership subscription is up to date.	Inadequate resources (personnel, equipment, funds, facilities etc) to fully participate in *Bureau International des Poids et measures* (BIPM) activities.	Mobilization of resources.
	KEBS continues to fully participate in the BIPM activities.	Weak legal framework, coordination and monitoring of the (BIPM) activities.	Review legal framework and improve coordination and monitoring.
2.	**MEMBERSHIP TO CODEX ALIMENTARIUS COMMISSION** **Established in:** 1963 **Entered into force in:** October, 1963 **Kenya became a member State to the Commission in:** 1969 **Obligation to Government:** To adhere to the international food standards and participate in international codex food standards development and capacity development programmes.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Regular participation in CAC meetings and capacity building of stakeholders in the sector to adhere to food safety standards.	Limited funding for participation in international codex meetings.	Coordinate budgetary allocation to enable the multiple actors participate in the scientific based codex standards development.
	The National Codex Committee is in place for coordination and adoption of international food safety standards.	Weak legal and institutional framework.	Improve coordination of the agencies concerned with food safety standards.

	Kenya has adopted the relevant codex standards in whole and in part as needed.	Inadequate funding to participate in all activities.	Provision of adequate budgetary requirements for Codex activities.
		Inadequate training of staff and sensitization of stakeholders on Codex procedures and standards.	Capacity building in Codex and SPS procedures and sensitization of stakeholders.
3.	**AFRICAN ACCREDITATION CO-OPERATION (AFRAC)** **Founded in**: 2009 **Kenya became a member State of AFRAC in:** 2009 **Obligation to Government:** Ensure compliance with assessment standards, market requirements and applicable regulatory requirements to ensure global competitiveness in trade		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has fostered greater cooperation and institutional linkages with other members.	Inadequate funds to effectively facilitate trade and contribute to the protection of health, safety and the environment.	Enhance funding.
4.	**THE INTERNATIONAL ACCREDITATION FORUM (IAF)** **Founded in**: 8th October, 1932 **Kenya became a member State to the Forum on:** 24th July, 2013. **Obligation to Government:** Observe the accreditation process in respect of the technical competence personnel and the attendant infrastructure.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya Accreditation Service (KENAS) is pursuing full membership to IAF.	Inadequate legal framework. Limited resources and information to meritoriously accredit businesses and assure its customers that the	Fast track Accreditation Bill. Enhance budgetary allocation and capacity building.

		accredited certificates may be relied upon to become globally competitive in trade.	
5.	**MEMBERSHIP TO THE INTERNATIONAL LABORATORY ACCREDITATION CO-OPERATION (ILAC)** **Founded in**: 1977 **Obligation to Government:** Cooperate in improving global accreditation activities among the Accreditation bodies community relating to all fields i.e. construction, transport, health, mining, agriculture, aviation etc.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has fostered greater cooperation and institutional linkages with other members.	Lack of a Mutual Recognition Arrangement (MRA) to hasten the process of peer evaluation.	Enhance Kenya's participation in International Laboratory Accreditation C0-Operation (ILAC) activities.
6.	**INTERNATIONAL MEASUREMENT CONFEDERATION (IMEKO)** **Founded in**: 1958 **Obligation to Government:** Promotion of International interchange of scientific and technical information in the field of measurement and instrumentation on the enhancement of international cooperation among scientist and engineers from the research industry.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya through Kenya Bureau of Standards (KEBS) attends General Congress and related technical committee meetings annually.	Limited resources.	Resource mobilization.
7.	**MEMBERSHIP TO INTERNATIONAL ORGANISATION FOR STANDARDIZATION (ISO)** **Established in**: 23rd February, 1947 **Kenya's Status:** 1969 as Correspondent Member and 1976 as Body Member. **Obligation to Government:** Adherence to International standards that facilitate International Trade.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya participates in the various technical committees of the General Assembly of ISO and ensures that the international standards take into consideration the national interests of the country.	Inadequate funding for participation.	Kenya to continue its membership of ISO and increase her participation in ISO activities.
		To meritoriously certify businesses and assure its customers that the accredited certificates may be relied upon to be globally competitive.	
	Kenya's standards adopt international standards.	Inadequate capacity and technical expertise.	Capacity building and resource mobilization.
		Entry of counterfeit products into the Kenyan market.	Strengthen border and customs control, and coordination with relevant stakeholders.
		Non appreciation of the role of standards.	Create awareness.
8.	**MEMBERSHIP TO INTERNATIONAL ELECRO-TECHNICAL COMMISSIOM (IEC)** **Membership date**: 26th June, 1906. **Entered into force on:** 26th June, 1906. **Obligation to Government:** Ensure that international standards incorporate the national interest of Kenya as performance of electro technical equipment is significantly affected by the climatic conditions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Secretariat (KEBS) implements the decision National Committee (NC) of the IEC.	Most of the IEC standards address altitudes up to 1000 metres which is below most of the parts of Kenya.	
	The National Committee has its Secretariat at KEBS and Kenya participates in four (4) IEC Committees as a Permanent-Member with full voting rights.	Inadequate funding for participation.	Upgrade expertise in the sector and influence the inclusion of altitudes

			above 1000 metres in the standards to cater for our climatic conditions.
	Kenya participates in International Committee meetings, capacity development programmes and Promote SME's through marketing their wares to visitors and delegates.	Inadequate resources.	Enhance budgetary allocation in the sector for KEBS to influence decisions of IEC.
9.	**MEMBERSHIP TO INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES (BUREAU INTERNATIONAL DES POIDS ET MESURES, BIPM)** **Formation**: 20th May, 1875 **Kenya became a member State in** 2010. **Obligation to Government:** Observe the international metric system in weights and measures, keep abreast with new developments in the system.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	KEBS participates in the BIPM activities and management committee meetings. Kenya endeavours to guarantee compliance with the weights and measurements.	Limited finances, inadequate manpower to enforce calibration of weights and measures among concerned players in the sector.	Increase budgetary allocation, capacity building of enforcement personnel to enforce the legal framework effectively.
10.	**MEMBERSHIP TO AFRICAN ELECTROTECHNICAL STANDARDIZATION COMMISSION (AFSEC)** **Founded in:** 17th February, 2008 **International Obligation:** Assess emerging challenges and opportunities that can be addressed through standardization and partner with stakeholders to facilitate trade on the African continent by removing the different technical obstacles.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya influences adoption of the IEC standards through AFSEC TCs.	Limited resources and skills to participate in all prioritized technical committees.	Build more local expertise in this sector and enhance budgetary allocation.
	The Secretariat (KEBS) implements the functions of the National Committee (NC).	Inadequate resources	More budgetary allocation.

11.	**MEMBERSHIP TO THE AFRICAN ORGANISATION FOR STANDARDIZATION (ARSO)** **Founded in**: 1970 **Obligation to Government:** Commits to address factors affecting interoperability in the African markets.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya hosts the Head office of ARSO and fully participates in the activities and programmes.	Limited resources and inadequate skilled manpower to enforce ARSO decisions	Capacity building and more financial resources allocation to activities under this initiative.
12.	**ASSOCIATE MEMBERSHIP TO ASIA PACIFIC METROLOGY PROGRAMME (APMP)** **Formed in**: 1977 **Affiliate Membership**: 2010 **Obligation to Government:** Cooperate with National Member Metrology Institutes (NMIs) and Regional Metrology Organization (RMO) through sharing of expertise and exchange of technical services among member laboratories to improve metrological capability.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participates in the General Assembly (GA) and other related meetings annually.	Inadequate funding.	Enhance funding to facilitate continuous participation in the APMP.
13.	**CONFERENCE OF AFRICA UNION MINISTERS OF INDUSTRY (CAMI)** **Inaugurated in** 1971 **Kenya is party.** **Obligation to Government:** To cooperate with other member States to promote accelerated and sustainable industrial development.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Chairmanship of CAMI up to 2015.	Low funding and lack of skills and technology to promote accelerated Industrial Development.	Adoption of new technology, affordable financial services, capacity building and enhanced budgetary allocation.
	Participation in biannual meetings and CAMI bureau meetings organized by CAMI.	Stiff budget	Enhance funding

14.	**INTRA-AFRICA METROLOGY SYSTEM (AFRIMETS)** **Formed in**: March, 2006 **Obligation to Government:** Contribute to harmonization of Metrology activities in Africa.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participates in the General Assembly and related meetings annually.	Inadequate financial resources, skills and expertise.	Enhance capacity building and financial resources.
15.	**SOUTH AFRICAN DEVELOPMENT COMMUNITY CO-OPERATION IN MEASUREMENT TRACEABILITY (SADCMET)** **Obligation to Government:** To participate as an associate member, in the Assembly and Technical Committee meetings to enhance measurement standards in Africa.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya coordinates metrology activities to provide regional calibration and testing services with readily available traceability to the SI units of measurements.	Lack of skilled manpower and specialized equipment.	Enhance capacity building and investment in specialized equipment.
	Kenya participates in the General Assembly and related meetings annually.	Inadequate financial resources.	Resource mobilization.
16.	**EAST AFRICAN ACCREDITATION BOARD (EAAB)** **Established in**: 2007 **Kenya became a member in**: 2007 **Obligation to Government:** Facilitates cooperation and coordinates accreditation activities in order to avoid duplication of functions of the national accreditation bodies and focal points.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya actively participates in the EAAB through Kenya National Accreditation Service (KENAS).	Inadequate budgetary allocation.	Resource mobilization.
	Kenya recognizes accredited conformity assessment results of products accompanied by inspection reports, test reports, or certificates based on EAC harmonized standards. .	Inadequate provision of resources to fund the activities of the NAB's and NAFP's. Low awareness and understanding of stakeholders.	Resource mobilization. There is need to sensitize the partner states on the importance of EAAB and the benefits accrued.
17.	**EAC PROTOCOL ON STANDARDIZATION, QUALITY ASSURANCE, METROLOGY AND TESTING** **Concluded in:** 2010 **Obligation to Government:** To formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the community.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Harmonization and adoption of the 1,062 out of a total of 1,428 EAC standards of goods to facilitate free movement of goods within EAC.	Slow harmonization of pending standards and adoption of the same.	Fast track harmonization of pending standards and adoption of the same.
	Kenya is participating in the review of the EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006 to separate aspects of metrology from the Act and have the same addressed in a separate Act. This has resulted in the development of a Draft Metrology Bill, 2017 and EAC Standards, Quality Assurance and Conformity Assessment Bill.	Delays in completing review of the EAC SQMT Act, 2006 and approval of Metrology Bill, 2017 by organs of the Community.	Fast track review of the EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006 and approval of the two Bills.
18.	**AFRICAN ACCREDITATION CO-OPERATION (AFRAC)** **Formed in**: 2007 **Established in**: 2010 **Kenya became a stake holder member State in:** 26th September, 2014. **Obligation to Government:** Facilitate trade, and contribute to the protection of health safety and environment in Africa and thereby improve Africa's competitiveness.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya recognizes the results and certificates issued to conformity assessment bodies.	Inadequate capacity. Difficulty in harmonization of local accreditation practices with the regional and international requirements.	Build capacity. Establishment of an information sharing, exchange and co-ordination system.

CO-OPERATIVES

1. WORLD COUNCIL FOR CREDIT UNIONS (WOCCU)

Formed on: 1st January, 1971.
Kenya became a member on: 1980.

Obligation to Government: Registration and regulation of co-operative societies and implementation of WOCCU resolutions.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
A draft national co-operative policy has been developed.	Inadequate funding to facilitate stake holder engagement.	Resource mobilization and fast track finalization of the policy.
Registration and regulations of co-operatives including Diaspora SACCOs.	Weak legal framework.	Review existing law.
Established an oversight authority for SACCOs known as Sacco Societies Regulatory Authority (SASRA).	Inadequate funding for the regulator.	Resource mobilization.

2. INTERNATIONAL COOPERATIVE ALLIANCE (ICA)

Established on: 19th August 1895
Kenya is a member State.

Obligation to Government: Provide data concerning Cooperative Societies in the Country and form networks within the co-operative movement in Kenya.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya hosts the Africa regional Office in Nairobi.	Inadequate funding to sensitize stake holders on the E-database.	Resource mobilization.
Kenya developed and maintains an E- database.		
Kenya is providing technical assistance in the region.	Shortage of human resource to meet demand for technical assistance.	Strengthen human resource development.
Kenya has established a Co-operative University which is instrumental in training technical officers on Co-operative development within the region.	Inadequate funding.	Resource mobilization.

3.	**AFRICAN CONFEDERATION OF COOPERATIVE SAVINGS AND CREDIT ASSOCIATION (ACCOSCA)** **Formed in**: 1968 **Kenya became a member State of ACCOSCA in**: 17th September, 1968. **Obligation to Government:** Provide data concerning Cooperative Societies in the Country and form networks within Africa.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya hosts the African Confederation of Cooperative Savings and Credit (ACCOSCA). Kenya is providing technical assistance in the region. Kenya has established a Co-operative University which is instrumental in training technical officers on Co-operative development within the region.	Shortage of human resource to meet demand for technical assistance. Inadequate funding.	Strengthen human resource development. Resource mobilization.

INTELLECTUAL PROPERTY			
1.	**CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANISATION (WIPO)** **Adopted in**: 14th July, 1967. **Entered into force on:** 14th July,1967. **Kenya became a State party to the Convention on:** 5th October, 1971. **Obligation to Government:** To formulate policy, legal and institutional frameworks necessary for the promotion, protection and utilization of all aspects of IP		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participates in WIPO activities through Kenya Industrial Property Institute (KIPI), Kenya Copyright Board (KCB), and Kenya Plant Health Services (KEPHIS).	Inadequate funding hinders full participation.	Resource mobilization to enhance participation.
	Kenya has developed training programmes on industrial property rights.	Inadequate technical capacity and funding.	Capacity building and resource mobilization.
	Registration and regulation of intellectual property.	Limited public awareness on Intellectual Property	Enhance sensitization and awareness creation
2.	**PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY** **Adopted in**: 20th March 1883 **Entered into force on:** 1883, 1900, 1911, 1925, 1934, 1958, 14th July, 1967, amended 1979 **Kenya became a State party to the Convention on:** 14th June, 1965 to Paris Convention and 26th October to Stockholm Act **Obligation to Government:** Amending/ enacting intellectual property laws to comply with the Agreement on patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is actively involved in protecting Industrial Property Rights through KIPI.	Limited awareness by the members of public on the role and importance of intellectual property as a tool for industrial and commercial development.	Need for more publicity and support on outreach programs by the Government.

3.	**MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS MADRID** **Adopted in**: 1891 **Entered into force on:** 14th April, 1891. (amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28th September, 1979) **Kenya became a State party to the Agreement on:** 26th June, 1998. **Obligation to Government:** To ensure that her nationals secure protection for their marks applicable to goods and services by filing the said marks at the International Bureau of Intellectual Property.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is actively involved in protecting Industrial Property Rights through KIPI through implementation of the Trade Marks Act.	Lengthy process of enactment/amendment of laws delays implementation of the Agreement. Inadequate resources to support the programmes and activities.	Fast-track enactment of the law More funding for Kenya's full representation in meetings.
	Kenya made a declaration on 28th February, 2014, to receive an individual fee when Kenya is designated, either in an international application or in a designation subsequent to an international registration, or in respect of the renewal of an international registration designating Kenya, instead of a share in revenue produced by the supplementary and complementary fees.		
4.	**PATENT CO-OPERATION TREATY - (WIPO: 1970, WASHINGTON, UNITED STATES OF AMERICA)** **Adopted in**: 1970 **Entered into force in:** 1970 **Kenya became a State party to the Treaty on:** 8th June, 1994. **Obligation to Government:** Protection and registration of patents, enacting intellectual property laws to comply with the Treaty **and** participation in the annual meeting of the assembly of member States as well various other PCT meetings		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Industrial Property Act, 2001 by KIPI.	Inadequate legal frameworks and lengthy process of enactment/amendment of laws delays implementation of the Agreement.	Fast-track amendment of laws.

		Inadequate resources to support the programmes and activities.	Increased funding for Kenya to be represented in all PCT meetings.
5.	**SINGAPORE TREATY ON THE LAW OF TRADEMARKS** **Adopted in**: 27th March, 2006 **Entered into force on:** 16th March, 2009 **Kenya signed the Treaty on:** 28th March, 2006. **Obligation to Government:** To ensure protection and registration of trademarks.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya complies with protecting Industrial Property Rights through KIPI.		Enhance awareness amongst members of the public.
6.	**BERNE CONVENTION** **Adopted on:** 9th September, 1886 **Entered into force on:** 5th December, 1887 **Kenya became a State party to the Convention on:** 11th June 1993. **Obligation to Government:** Recognize the copyright of works of authors from other signatory countries in the same way it recognizes the copyright of its own nationals.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation through the Copyright Act Cap 130.	Limited understanding on copyright and related rights.	Enhance sensitization and awareness creation on IP.
7.	**WTO/TRIPS AGREEMENT (TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS)** **Adopted on**: 15th April, 1994 **Entered into force on:** 1st January, 1995 **Kenya became a State party to the Agreement on:** 1st January, 1995. **Obligation to Government:** Reduce distortions and impediments to international trade and reciprocate protection of IP rights.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Partial implementation of the provisions relating to the Copyright Act, Trademarks Act and the Industrial Property Act	Lengthy process of enactment delays implementation e.g. Geographical Indications Bill is still pending	Fast-track the enactment of the Geographical Indications Bill.
	Enactment of the protection of Traditional Knowledge and Cultural Expressions Act, 2016	Limited awareness	Enhance sensitization and awareness creation.
8.	**PROTOCOL AMENDING THE TRIPS AGREEMENT** **Adopted on:** 6th December, 2005 **Signature:** 7th July, 2015. **Accession:** 21st July, 2015 **Entry into force:** 23rd February, 2017 **Obligation to Government:** Improve health care through easy access to affordable versions of patented medicines needed to address public health problems (such as HIV/AIDS, malaria and other epidemics).		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Increased access to affordable versions of patented medicines.	Counterfeit medicine.	Strict monitoring/enhanced surveillance
9.	**LUSAKA AGREEMENT (1976) AND HARARE PROTOCOL (1982) ON THE CREATION OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANISATION (ARIPO)** **Obligation to Government:** Registration of patents and industrial designs with ARIPO.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Industrial Property Act through KIPI and KECOBO.	Lengthy process of enactment delays implementation e.g. Geographical Indications Bill is still pending.	Fast-track enactment and amendment of legislation. There is need to provide sufficient funds for effective implementation.

		Budgetary constraints limiting Kenya's capacity to implement the Act.	Need for more publicity and support on outreach programs by the Government to support reporting.
10.	**AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (WTO: 1995, GENEVA, SWITZERLAND)** Kenya became party in 1995. **Obligations arising to Government:** Amending/enacting intellectual property laws to comply with the Agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya domesticated the TRIPS agreement in 2001 when Industrial Property Act, 2001, the Copyright Act, 2001 were enacted and the Trademarks Act was amended to comply with the agreement.	The Geographical Indications Act, is yet to be enacted to facilitate implementation.	Enactment of the Geographical Indications Act
	On-going through implementation of various intellectual property laws such as The Protection of Traditional Knowledge and Cultural Expressions Act, 2016.		
11.	**NAIROBI TREATY ON THE PROTECTION OF THE OLYMPIC SYMBOL (1981)** **Date Kenya became Party:** 1981 **Obligations to the Government:** To protect the Olympic symbol, comprising of five interlaced rings against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee, To refuse or to invalidate the registration as a mark and to prohibit by appropriate measures the use, as a mark or other sign, for commercial purposes, of any sign consisting of or containing the Olympic symbol, as defined in the Charter of the International Olympic Committee, except with the authorization of the International Olympic Committee.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domestication of the treaty is on-going.	Monitoring the use of the Olympic symbol without the authorization of the International Olympic Committee	Ensure the use of the Olympic symbol is done with authorisation..

	EDUCATION, SCIENCE AND TECHNOLOGY		
1.	**DAKAR FRAMEWORK FOR ACTION: EDUCATION FOR ALL (EFA) AGREEMENT** **Signatory Date**: 26th to 28th April, 2000 **Obligation to Government**: to develop national plans to achieve Education for All (EFA) goals		
	MEASURES UNDERTAKEN SO FAR **PROGRESS ACHIEVED SO FAR**	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementing free primary and day secondary education. Established the Free Primary Education Fund (FPEF) in 2003 and the Free Day Secondary Education (FSDE) Programme in 2008	Shortage of teachers. Inadequate funding.	Recruit more teachers. Resource mobilization.
	Review of the 8-4-4 Education Curriculum Reform of the Kenya National Examination Council.	Prolonged Consultation on implementation of the policies.	Fast track consultation implementation of the policies. Institutionalise consultations for expediency
	Introduced E-learning in public schools.	Inadequate infrastructure.	Provide ICT infrastructure.
	Improvement of infrastructure in public schools.		Fast track regulations.
	Restructured the school calendar to increase the quality of education.		
	Waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education		
	Establishment of the Commission of University Education Audit Universities for transparency and good governance. Audit unit within the Ministry of Education undertakes audit of schools.	Inadequate funding.	Strengthen the directorate of audit of schools for quality assurance.
	Increased allocation to the HELB to cater for needy students	Inadequate funding.	Resource mobilization
	Implementing various Acts of Parliament relating to education, science and technology; Basic Education Act No. 14 of 2013, Science Technology and Innovations Act No. 28 of 2013, Universities Act No. 42 of 2012, Technical and Vocational Education and Training Act of 2013 amongst others.	Inadequate funding. Litigation and delay in drafting regulations.	Resource mobilization. Negotiating out of court settlement. Fast track regulations.

2.	**PROTOCOL ON THE ESTABLISHMENT OF THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA** **Adopted on**: September 2002 **Signed on**: September 2002 **Obligation to government:** To mainstream Kenya's university programmes into the Inter-University Council for East Africa (IUCEA) framework.		
	MEASURES UNDERTAKEN SO FAR **PROGRESS ACHIEVED SO FAR**	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Developed the Strategic plan 2016/17- 2021/22 Participating of Kenyan University staff and students in University exchange programs and debates on EAC matters.	 Lack of awareness amongst some Universities on the exchange program opportunities for students and staff	Fast track implementation. Sensitize the Universities on the available opportunities for their staff and students in the exchange programs to increase participation.
	Developed quality assurance instruments which are under implementation. The Quality Assurance Handbook was developed in IT, Computer Science, Education, and Business Studies, Agriculture, Medicine and Engineering among others.	Rapid reforms in education are occasioned by technological development. High costs in implementing IUCEA programmes.	Improve linkages among the academia, public and private sector. Resource mobilization.
	Participated and hosted the annual Quality Assurance conferences on topical issues and the Academia Public Private Partnerships Forum (APPPF) in 2017. Capacity building for universities with over 100 Quality Assurance officers trained. Improving quality of education in EAC in Partnerships with key stakeholders with Germany Development Agency (DAAD).	Implementation of conference resolutions. Inadequate funds. Inadequate funds.	Fast track implementation. Resource mobilization. Resource mobilization.
	Declaration of East Africa as a Common Higher Education Area on 20th May, 2017	Slow progress in the harmonization of the education sector in the EAC region due to language barrier. Maintaining of standards.	Fast track harmonization.

	Universities within the East Africa region being ranked in the top 20 Universities in Africa offering quality higher education; The University of Nairobi, Makerere University amongst others.		Effective monitoring of standards by mandated bodies.
3.	**PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN KISWAHILI COMMISSION** **Concluded in:** 18th April, 2007 **Kenya Ratified in:** 2010 **Obligation to Government:** to establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters relating to Kiswahili research, teaching, learning and development through policy formulation, knowledge generation, and curriculum review, standardization of terminology and promotion of Kiswahili as a lingua franca of the Partner States.		
	MEASURES UNDERTAKEN SO FAR **PROGRESS ACHIEVED SO FAR**	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Developed and adopted the East African Kiswahili Commission Strategic Plan 2016/7 – 2020/21; Implementation of the strategic plan ongoing. Hosted the First EAKC International Conference in September 2017.	Inadequate funding. Some Partner States are yet to establish National Kiswahili Councils to facilitate recognition of Kiswahili as an official language;	Resource mobilization. Agreed to hold Kiswahili Council meetings annually for knowledge sharing.
	Developed multilateral collaboration framework for furthering the EAKC agenda; Established National Kiswahili Council.	Low stakeholder participation Low level awareness on the activities of the National Kiswahili council.	Enhance stakeholder participation. Create awareness. Lobby other Partner States to expedite establishment of National Kiswahili Council.

	Implemented the Staff-Student Exchange and Mentorship programme in and beyond the EAC.	Low awareness.	Sensitize the public on available opportunities.
4.	**STATUTES OF INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY (ICGEB)** **Entered into force:** 3rd February, 1994 **Kenya acceded to the Statute**: 30th July, 2010 **Obligation to Government**; to participate in decision making, developing policies and principles governing scientific and educational environmental standard and to conduct innovative research in life sciences.		
	MEASURES UNDERTAKEN SO FAR PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Plant Transformation Laboratory, Department of Biochemistry and Biotechnology, Kenyatta University was affiliated to ICGEB in 2013	Minimal resource provision for sensitization at the country level	Encourage local research
	Established linkages with researchers from other member States		Encourage further collaboration between Kenyan Scientists and those from other Member States
	Training of PhD. students through funds by ICGEB.	Limited public awareness on ICGEB.	The focal office to sensitize the public on the existence of ICGEB and opportunities Encourage the Kenya Scientists and Students to apply for Training grants available at the ICGEB.
5.	**PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION** **Adopted in:** 18th April 2007 **Entered into force on:** 1st July 2014 **International Obligation:** 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.		
	MEASURES UNDERTAKEN SO FAR PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Developed and adopted the EASTECO Strategic Plan 2017/18 – 2021/22 in Kigali, Rwanda on 13th 2017		
	Organized for Regional Workshops to build capacity in technology transfer and support innovation and economic development.	Asymmetrical development of Science and Innovation in Partner States impacts negatively on the	Strengthen Partner States interventions and financing in Science, Technology and Innovation; and

		seamless implementation of relevant programmes and projects across the region.	
	Kenya participated in the development of the EASTECO Strategic Plan.		
	Held the East African Regional workshop on Knowledge and Technology Transfer to support innovation and economic development, on the 19th June 2017 in Entebbe, Uganda.		
	Operationalized the Governing Board for the Commission in Entebbe – Uganda, from 20 to 21st June 2017. Kenya has representation in the Governing Board.	Lack of adequate funds to support science and innovation projects which require large funds.	Strengthen the capacity of the Governing Board to implement the Protocol objectives.
6.	**AFRICA REGIONAL COOPERATIVE AGREEMENT FOR RESEARCH DEVELOPMENT AND TRAINING RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY (AFRAS)** **Kenya became a member in:** 1991. **Acceded to the agreement:** 2011 **Obligation to Government:** to develop capacity, establish and facilitate, through regional cooperation, the use of infrastructure to exploit nuclear science and technology applications safely and cost effectively in order to meet the challenges of sustained communal socio-economic development on the African continent.		
	MEASURES UNDERTAKEN SO FAR **PROGRESS ACHIEVED SO FAR**	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya hosts two international monitoring stations at Kilimambogo for seismic and at Karura for infrasound.		
	NACOSTI as the Focal Point office of Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO) has signed an Memorandum of Understanding with the University of Nairobi to host the national Data Centre for CTBTO in the Geology Department	Financial constraints and inadequate technical capacity	Provide technical assistance to capacity build the institutions
	Kenya uses radioisotopes in monitoring and quantifying shellfish poisons within AFRA framework.		

	Kenya has two institutions recognised under AFRA as Regional Designated Centres; Centre for Biotechnology and Research Development (Malaria) and Kenya Medical Research institute (KEMRI)		
7.	**THE AFRICAN RESOURCE AND ENVIRONMENT MANAGEMENT SATELLITE CONSTELLATION INITIATIVE** **Adopted on:** 7th December 2009 **International obligation:** To develop a constellation of satellites to provide real time, unrestricted and affordable access to satellite data to support effective environmental and resource management in Africa.		
	MEASURES UNDERTAKEN SO FAR PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government inherited offshore launch facilities in San Marco Launch Platform from the Italian Space program	Kenya does not have its own satellite. Financial constraints	Expedite review of the agreement with the Italian Government with a view of streamlining it.

HEALTH

1. THE CONSTITUTION OF THE WORLD HEALTH ORGANISATION

Adopted on: 22nd July 1946
Entered into force on: 7 April 1948
Kenya became a State Party to the Constitution on: All countries which are Members of the United Nations may become members of WHO by accepting its Constitution.

Obligation to Government: to strengthen health services, establish and maintain administrative and technical services in health matters, implement international standards for food, biological and pharmaceutical products, promote cooperation amongst scientific and professional groups and proposing international Conventions and agreements on health matters.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya accredited a Permanent Mission to the UN Geneva for active and effective engagement; Health counselor in the Mission in Geneva	Lack of effective linkage between the regional African office and the WHO Headquarters	Strengthen the linkage between the regional African office and the WHO Headquarters
Kenya hosted and participated in numerous High Level Meetings		
Country Cooperation Strategy 2014-2019 being implemented by MOH and WHO Country Office	Financial constraints Frequent transfer of focal persons leading to interruption of programme implementation	Increase funding allocation to the health sector and maintain stability in job allocation for greater efficiency
Kenya Medical Research Institute serves as a WHO Collaborating Centre for Arboviruses and/or Haemorrhagic Fever Reference and Research.	Financial constraints	Increase budgetary allocation to Health Research

2. WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

Adopted in: 21st May, 2003
Entered into force on: 27th February, 2005
Kenya became a State party to the Convention on: 25th June, 2004.
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.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya enacted the Tobacco Control Act, 2007 to control the production, manufacture, sale, labeling, advertising, promotion and sponsorship of tobacco products, to create the Tobacco Control Board and to regulate smoking in specified areas and for related purposes.	Inadequate alternative livelihoods training offered to tobacco growing communities Inadequate funding to the Tobacco Control Board and the Ministry of Health to support TC activities. Resistance and interference from Tobacco Industry.	Increase budgetary allocation to Tobacco control programmes. Increase awareness creation activities in the public and in tobacco growing communities.
	Tobacco Control Regulations gazette in December 2014. However, the Regulations are yet to enter force.	Interference from the Tobacco Industry leading to delay in implementation of the Tobacco Regulations due to litigation.	All Government agencies to commit to implementing the Convention in its entirety.
3.	**PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS (ITP)** **Adopted in:** November, 2012 **Opened for signature on**: 10th January, 2013 **Kenya signed protocol on:** 29th May, 2013. **Obligation to Government:** To combat illegal trade in tobacco products through control of the supply chain and international cooperation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has ratified the WHO Framework Convention on Tobacco Control and later domesticated it through the enactment of the Tobacco Control Act 2007.	Kenya is yet to ratify the Protocol since signing in 2013.	Expedite ratification of the Protocol.
	Kenya was a member of the Inter-Governmental Negotiating Body and led the African Region in negotiating for the development and adoption of the Protocol to Eliminate Illicit Trade in Tobacco Products.		
	The Government through the Kenya Revenue Authority has implemented most of the provisions of the Protocol to eliminate Illicit Trade including the track and trace system which has made the country a regional center of excellence in prevention of illicit trade.		
4.	**CHEMICAL WEAPONS CONVENTION** **Adopted in:** 30th November 1992 **Entered into force on**: 29th April 1997 **Kenya signed protocol on:** April 1997. **Obligation to Government:** To prohibit the use and production of chemical weapons, as well as the destruction of all current chemical weapons.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government Chemist Department in the Ministry of Health was designated the National Focal Point on matters of the CWC. The National Focal Point liaises with the OPCW and other States Parties and is responsible for coordinating the domestic implementation of the Convention.	Kenya is yet to domesticate the Convention as the Chemicals control Bill has not been enacted by the Kenyan Parliament.	Resubmit the Chemicals Control Bill to Parliament for enactment.

5. **CONVENTIONS ON ILLICIT AND PSYCHOTROPIC DRUGS**

Convention on Psychotropic 21
Adopted on: 21st February, 1971
Entered into force on: 16th August, 1976
Kenya became a State party to the Convention on: 18th October, 2000.

Obligation to Government: Regulate the illicit use of Narcotics and psychotropic agents.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya has established six medically assisted therapy clinics, three in the Coastal region, two in Nairobi and one in Kisumu	Financial and capacity constraints	Diversify resource mobilization
NACADA coordinates multi-sectoral efforts in preventing, controlling and mitigating alcohol and drug abuse.	Low awareness	Enhance awareness creation
The pharmacy and poisons board regulates the practice of pharmacy and manufacture in trade and drugs and poisons.	Influx of counterfeit drugs	Enhance enforcement of existing laws
The Anti-Narcortics Unit Enforces Provisions Narcortic Drugs And Psychotropic Substances (Control) Act 1994.	Weak enforcement of the existing laws	Enhance enforcement of existing laws
National substance use management technical coordinating committee coordinates and harmonizes multi-sectoral activities on substance use.		Strengthen the capacity of National substance use management technical coordinating committee.

6. **THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)**

Entered into force on: 9th February 1973.
Kenya ratified the Convention on: 19th October 1992.

Obligation to Government: To combat drug abuse by coordinated international action.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Enforcement of the existing policy and legal framework. Mainstreaming alcohol, drug and substance abuse measures in the workplace.	Weak enforcement. Inadequate funding.	Strengthen enforcement of existing law. Diversify resource mobilization.

7. **UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES.**

Adopted on: 20th December 1988
Entered into force on: 11th November 1990.
Kenya ratified the Convention on: 19th October 1992.

Obligation to Government: To provide comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals; and to cooperate in extradition process.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementation of the Narcotic Drugs and Psychotropic Substances (control) Act, 1994.	The Act was placed under the National Police Service yet the Illicit control is carried out by the Pharmacy and Poisons board.	Enhance coordination and synergy between the implementing agencies.
Mainstreaming Alcohol and Drug abuse preventive measures in the public sector through performance contracting.		Promote or enhance preventive measures to Alcohol and Drug abuse.
Government has put measures to support persons with substance abuse disorders at workplace.	Inadequate funds to carry out the programme.	Resource mobilization.

8. **PROTOCOL ON THE ESTABLISHMENT OF THE EAC HEALTH RESEARCH COMMISSION**

Signed on: 13th September, 2008

Obligation to Government: To coordinate, conduct, and promote health research in the region, and source, gather and disseminate findings from research for policy formulation and practice.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Contributed to the relocation and operationalization of EACHRC Headquarters from Arusha to Bujumbura, Burundi. Kenya nominated KEMRI as the national focal point institution for coordination and implementation of the Protocol.	Weak coordination between regional and national priorities Financial constraints. Inadequate funding for activities of the Commission.	Enhance coordination. Partner States to be urged to support the Commission financially by allocating more resources. Device appropriate approaches for resource mobilization. Strengthen regional and national linkages
Developed Legal and operational frameworks to address the emerging issues in the EAC region. Institutionalized the Digital Regional EAC Health Initiative to integrate technology in all health initiatives to improve health outcomes across the region.		
Developed the Strategic Plan 2016-2021 with a focus on improvement of health care in the region. Kenya participated in the development of the Strategic Plan.		
Developed the East African Health Research East African Health Science Journals Mobilisation of renowned scholars and scientists to publish articles in the East African Health Research (EAHR) and East African Health Science	Low awareness.	Partner States to encourage scholars and Scientist to publish articles in the Journals.

	Journals to disseminate research findings on health for improved health care in the region and provide a resource material for university students and other research institutions.		
	Developed the East Africa Web portal for Health information The Portal will serve as a one stop shop for generation, capture, synthesise, assessment, sharing, dissemination and utilisation of health-related information in the region. It also provides information on opportunities for employment, collaboration; disease surveillance.	Weak strategic coordination between regional and national priorities. Lack of adequate funds for activities of the Commission.	Requires goodwill of the Partner States and enhanced coordination and cooperation. Partner States to support the Commission by allocating more resources.
	Kenya participated in the 6th East African Health & Scientific Conference & International Health Exhibition and Trade fair held from the 29th - 31st March, 2017 in Bujumbura, Burundi.		

TRANSPORT

AIR TRANSPORT

1. **CONVENTION ON INTERNATIONAL CIVIL AVIATION (1944 CHICAGO CONVENTION)**

Adopted on: 7th December, 1944
Entered into force on: 4th April, 1947
Kenya became a State party to the Convention on: 1st May, 1964.

Obligation to Government: To formulate policies and regulations to ensure safe and orderly development of international civil aviation.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementing the Civil Aviation Act, 2013 (amended 2016) through the Kenya Civil Aviation Authority and reviewing the Civil Aviation Regulations.	Slow review process. High turnover of qualified and technical staff.	Fast track the review process. Enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue.
Kenya is a member of International Civil Aviation Organisation Council (ICAO) until 2019.		
Kenya was granted Category 1 Safety Standard rate after complying with ICAO International Aviation Safety Assessment (IASA) standards.		Maintain compliance to the set standards.

2. **CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION)**

Adopted on : 28th May, 1999
Entered into force on: 4th November, 2003
Kenya became a State party to the Convention in 7th January, 2002

Obligation to Government: To adhere to uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya Civil Aviation Authority established a Consumer Protection Unit and developed a draft Consumer Protection regulations 2017.	Limited resources to create public awareness on consumer rights. Lack of public knowledge on consumer rights.	Resource mobilization to support activities of the Consumer Protection Unit.

	Kenya participates in the Airline Operators Committee.	Inadequate financial resources to cater for compensation relating to aircraft accidents and subsequent litigation.	Set up a Compensation Fund.
	Kenya has established a National Civil Aviation administrative review tribunal.	Inadequate resources.	Resource mobilization.
3.	**CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION (1991 MONTREAL)** **Adopted on**: 1st March, 1991 **Entered into force on:** 21st June, 1998 **Kenya became a State party to the Convention on:** 21st October, 2002 (Entered into Force 21st December. 2002) **Obligation to Government:** To prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of Prevention of Terrorism Act No. 30 of 2010, Explosives Act of 2009 (revised 2012) and established of an anti-terrorism unit at all airports.	Terrorism is a challenge to most States, Kenya included.	Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives.
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 CAPE TOWN)** **Adopted in**: 16th November, 2001 **Entered into force on:** 1st March, 2006 **Kenya became a State party to the Convention on:** 13th October, 2006 (Entry into force 1st March, 2007) **Obligation to Government:** To acquire and use mobile equipment of high value or particular economic significance and to facilitate the financing of the acquisition and use of such equipment in an efficient manner.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementing the International Interests in Aircraft Equipment Act, 2013.	High cost of leasing aircrafts.	Stakeholders' sensitization on the benefits of the Convention and Protocol to improve compliance.
	Development of regulations on leasing of aircrafts.		

5. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION (1971 MONTREAL CONVENTION)

Adopted in: 23rd September, 1971.
Entered into force on: 26th January, 1973.
Kenya became a State party to the Convention on: 11th January, 1977.

Obligation to Government: To prohibit and punish behavior which threatens the safety of civil aviation.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementing the Civil Aviation Act, 2013 (amended 2016) which recognises acts of unlawful interference as a crime.	Terrorism.	Enhance coordination of security agencies and strengthen surveillance.
Established a High Court at the JKIA.		
Implementation of the Penal Code Cap. 63 and the Prevention of Terrorism Act No. 30 of 2012	Prolonged litigation.	Fast track litigation process.
The Aviation Security Committee (AVSEC) advices the National Security Council on civil aviation security matters.	Limited resources to carry out its activities.	Allocate more resources.
Kenya has Anti-Terrorism Units at all major airports.	Limited capacity.	Enhance capacity.

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)

Adopted on: 24th February,1988
Entered into force on: 6th August, 1989
Kenya became a State party to the Convention on: 5th October, 1995.

Obligation to Government: Is to demonstrate its commitment towards safety of passengers at airports and recognise 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementing the Civil Aviation Act, 2013 (amended 2016) which recognizes acts of unlawful interference as a crime.	Terrorism.	Enhance coordination of security agencies and strengthen surveillance.
Established a High Court at the JKIA	Prolonged litigation.	Fast track litigation process.

	Implementation of the Penal Code Cap. 63 and the Prevention of Terrorism Act No. 30 of 2012	Limited resources to carry out its activities.	Allocate more resources
	The Aviation Security Committee (AVSEC) advices the National Security Council on civil aviation security matters. Kenya has Anti-Terrorism Units at all major airports.	Limited capacity.	Enhance capacity.
7.	**CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1952 ROME CONVENTION)** **Adopted in**: 7th October, 1952 **Entered into force on:** 4th February, 1958 **Kenya became a State party to the Convention on:** 5th July, 1999 **Obligation to Government:** To ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Compensation measures are handled under the Airline Operators Committee.	Inadequate compensation of aircraft accidents leading to litigation.	Ratify the General Risk Convention of 2009.
8.	**PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA)** **Adopted on** :18th April 2007 **Entered into Force on:**18th April 2007 **Obligation to Government:** To meet the International Civil Aviation Organization (ICAO) requirements, developing consensus among Partner States in coordinating activities, sharing technical expertise and facilities and achieving effective oversight of civil aviation safety and security.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is set to host the EAC Centre of Aviation Medicine at KCAA (Kenya Civil Aviation Authority). Negotiations on the Hosting agreement terms ongoing.	Delayed conclusion of the hosting Agreement.	There is an urgent need to conclude the hosting Agreement of the Civil Aviation Medicine Center between the Kenya Government and CASSOA.
	Harmonization of the civil aviation regulations in the EAC region completed in several areas. Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations	Slow pace in implementation of the harmonized regulations by partner states.	Lobby the other partner states to implement the regulations.

	Kenya is participating in negotiations towards liberalisation of air transport within EAC.	Various technical aspects need to be considered which slows down the process of liberalizing air transport within EAC.	Lobby Partner States to conclude negotiations.
	Developed comprehensive technical guidance materials to guide implementation of the harmonized regulations. Resolved safety concerns and enforcement based on harmonized regional aviation regulations and procedures.	Slow pace in implementation of the harmonized regulations by Partner States. Shortage of funds	Fast track implementation process by the other Partner States. Additional funding to support implementation process.
9.	**SEARCH AND RESCUE AGREEMENT CO-OPERATION IN AIR ACCIDENT INVESTIGATIONS.** **Adopted on:** 13th September 2003. **Signed on:** 13th September,2003. **Obligation to Government:** To cooperate in the activities of Interstate search and rescue services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLANGES**	**RECOMMENDATIONS**
	Kenya adopted the updated roadmap for the operationalization of the EAC Search and Rescue Agreement Establishment of a Technical Committee for Search And Rescue in the EAC region.	Slow implementation process.	Lobby Partner States to fast track implementation process of the Agreement.
10.	**Convention on the International Recognition of Rights in Aircraft (GENEVA, 1948)** **Adopted on:** 19th June 1948 **Kenya became a State party to the Convention on:** 15th January, 1997 **Obligation to Government:** To recognize rights of property in aircraft, right to acquire aircraft by purchase coupled with possession of the aircraft, rights to possession of aircraft under lease of 6 months or more and mortgages, hypotheques and similar rights in aircraft which are contractually created as security for payment of indebtness.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya is implementing the Licensing of Air Services Regulations (2016) Kenya submits annual reports to the International Civil Aviation Organization (ICAO)		Create an enabling environment to encourage more airlines to operate internationally.
11.	**PROTOCOL TO AMEND THE ROME CONVENTION OF 1952-ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (MONTREAL, 1978)** **Adopted in:** 23rd September ,1978 **Ratified on;** 25th July 2002 **Kenya became a State party to the Convention on:**: 23rd October, 2002. **Obligation to Government:** To ensure adequate compensation to those who suffer damage caused by an aircraft on the ground.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Civil Aviation Act, 2013	Delays in compensation.	Enhance safety and consumer protection. Ratify the General Risks Convention 2009.
12.	**CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (1929 WARSAW)** **Adopted in:** 12th October, 1929 **Kenya became a State party to the Convention on:** 12th December, 1963. **Obligation to Government:** To ensure compensation of persons, luggage or goods carried by aircrafts internationally.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya Civil Aviation Authority established a Consumer Protection Unit and developed draft consumer protection regulations.	Limited resources to raise public awareness on consumer rights. Lack of public knowledge on consumer rights.	More funds be allocated to support activities of the Consumer Protection Unit.

13.	**PROTOCOL TO AMEND THE WARSAW CONVENTION OF 1929 (1955 HAGUE)** **Adopted in:** 28th September, 1955 **Kenya became a State party to the Convention on:** 4th October, 1999. **Obligation to Government:** To improve compensation of international carriage of persons, luggage and goods.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya Civil Aviation Authority established a Consumer Protection Unit and developed draft consumer protection regulations.	Limited resources to raise public awareness on consumer rights. Lack of public knowledge on consumer rights.	More funds be allocated to support activities of the Consumer Protection Unit.
14.	**CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (1963 TOKYO)** **Adopted on:** 14th September,1963 **Kenya became a State party to the Convention on:** 20th September, 1970. **Obligation to Government:** To prosecute as penal offences any acts jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012 is ongoing.	Threat of terrorism.	To strengthen surveillance.
	Kenya has established the High Court at JKIA.	Investigation and jurisdiction challenges.	Ratify the Montreal Convention 2014.
15.	**CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT- HAGUE** **Adopted in:** 16th December, 1970 **Entered into force:** 14th October, 1971 **Kenya became a State party to the Convention on:** 11th January, 1977. **Obligation to Government:** To deter, arrest and prosecute offenders who engage in unlawful acts of seizure or exercise of control of aircraft in flight.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation of the Civil Aviation Act, 2013(amended 2016).	Threat of terrorism.	Proactive measures need to be developed to prevent acts of terrorism.
	Implementation of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012.		
	Establishment of a High Court at JKIA.	Investigation and jurisdiction challenges.	Strengthen surveillance and Ratify the Montreal Convention 2014.
16.	**CONVENTION ON THE SUPPRESSION OF UNLAWFUL ACTS RELATING TO INTERNATIONAL CIVIL AVIATION AND THE PROTOCOL SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT- BEIJING, 10TH SEPTEMBER, 2010.** **Adopted on:** 10th September, 2010 **Entered into force:** 10th September, 2010 **Kenya became a State party to the Convention on:** 10th September 2010 and Ratified on 18th August 2015. **Obligation to Government:** To promote aviation security by addressing unlawful acts against civil aviation that may jeopardize the safety and security of persons and property, seriously affect the operations of air services, airports and air navigation facilities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012.	Terrorism.	To strengthen surveillance.
	The office of the Director Public Prosecution is prosecuting persons jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation.	Investigation and jurisdiction challenges.	Ratify the Montreal Convention 2014.
	Establishment of the Anti-Terrorism Unit at all airports.	Limited resources and inadequate skills.	Build capacity of the unit.

17. PROTOCOL TO AMEND THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (MONTREAL PROTOCOL 2014)

Adopted in: 4th April, 2014
Entered into force: 4th April, 2014
Kenya became a State party to the Convention on: 4th April, 2014.

Obligation to Government: To take measures as may be necessary to initiate appropriate criminal, administrative or any other forms of legal proceedings against any person who commits an offence on board an aircraft.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya has initiated the process of ratification of the Protocol.	Slow process of ratification.	Fast track the ratification process.

	TRANSPORT		
	MARITIME TRANSPORT		
1.	**AFRICAN MARITIME TRANSPORT CHARTER, 2010 (Revised 2014)** **Adoption**: 26th July, 2010 **Kenya ratified on**: 28th March, 2014 **Obligation of Government:** to cooperate in the implementation of maritime conventions and regulations particularly in the areas of safety, security, protection of marine environment and maritime labour.		
	IMPLEMENTATION STATUS	**CHALLENGES**	**RECOMMENDATIONS**
	Participated in the Maritime Administration forum.	Low local participation in shipping and ship ownership.	Support ship-ownership ventures through incentives etc.
	Kenya is reviewing of the merchant law to repeal the 1967 merchant shipping act.	Corruption at the ports of entry and exit.	Create awareness on the potential of marine resources and shipping.
2.	**MARITIME LABOUR CONVENTION, 2006 (MLC)** **Entry into force** : 2015 **Kenya ratified it** : 31st July, 2014 **Entry into Force:** 20th, August 2013 **Obligation to Government:** to ensure universal protection on the rights of Seafarers.		
	IMPLEMENTATION STATUS	**CHALLENGES**	**RECOMMENDATIONS**
	Review the Merchant Shipping Act, 2009 (Revised 2012).	Competing interests amongst the stakeholders. Lack of policy to facilitate foreign placement of Kenyan seafarers. Lack of seafarers training (on board) facilities.	Enhance stake holder participation. Enhance coordination in the sub sector. Develop policy to guide foreign employment of Kenyan seafarers. Fast track implementation of the convention.

	Developed the Merchant Shipping Regulations on Training and Certification 2016 and the Seafarers Medical Examination and Certification Regulations 2016.	Delay in finalization of the Regulations due to a court injunction. Lack of maritime training colleges. Lack of local capacity to train.	Propose alternative dispute resolution to fast track the court process. Develop/procure training ship/facilities. Source for technical support or assistance to build capacity.
3.	**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended (SOLAS 1974)** **Adopted on:** 1st November, 1974 **Entered into force on:** 25th May, 1980 **Kenya ratified the convention on:** 21st October, 1999 **Obligation to Government**: To ensure that ships under the Kenyan flag comply with the requirements under the convention.		
	IMPLEMENTATION STATUS	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Merchant Shipping Act, 2009 (MSA) and regulations: International Ship Port Security (ISPS) Code regulations implemented; Kenya Ports Authority (KPA) and Kenya Maritime Authority implementing ISM Code; Trained Port State Control personnel organized various stakeholders' workshops and seminars on implementation of the Convention. Presently implementing Long Range Identification Tracking (LRIT) system in relation to security and safety. Maritime Search and Rescue requirements in place through the establishment of MRCC which operates GMDSS facilities and is an information sharing centre with regard to piracy. Initiated ratification of SOLAS. Port State Control inspections and survey measures put in place. Automatic Identification System (AIS) being implemented.	Piracy and terrorism. Uncoordinated efforts amongst stakeholders.	Enhance surveillance. Enhance collaboration amongst stakeholders. Strengthen the regulatory framework.

4.	**INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)** **Adopted on:** 2nd November, 1973, 1978, 1997 **Entered into force on:** 2nd October, 1983, 19th May, 2005 **Obligation to Government**: To ensure prevention of Pollution of Marine environment by ships from operational or accidental causes.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Development of Draft Shipping Operations (Marine Pollution) bill, 2014 is ongoing together with regulations. Draft regulations have been developed to implement the convention through the MSA and Marine pollution bill	Shortage of Technical capacity in development of the Bill and Regulations. Inadequate resources.	Seek technical expertise from the IMO to assist in finalization of the Bill and regulations. Resource mobilization.
5.	**INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED (STCW 1978)** **Adopted on:** 7th July, 1978 **Entered into force on:** 28th April, 1984 **Obligation to Government**: To provide detailed information to the IMO concerning measures taken to ensure compliance with the convention.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Appropriate curricular for training and monitoring has been developed. MSA and STCW regulations that have been gazetted and are operational. Institutions for training have 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.	Lack of adequate awareness on maritime transport. Inadequate resources. Inadequate trainers in technical areas, Lack of on board training ships.	Enhance awareness on maritime transport. Kenya to participate and create awareness on maritime transport. Negotiate with other maritime nations for jobs and sea time training of seafarers.

			Developing training partnerships with international training institutes.
6.	**INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (Amended in 1998, 2003)** **Signed:** 5th April, 1966 **Entered into force on:** 21st July, 1968 **Obligation to Government:** To establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enacted Merchants Shipping Act, 2009 (Revised 2012) and the Kenya Maritime Authority Act. Draft regulations have been developed. Port State Control undertaken. Inspections and survey measures in place.	Shortage of technical capacity to implement.	More training of Port State Control Officers. Capacity building for technical officers.
7.	**INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 (TONNAGE 1969)** **Adopted on:** 23rd June, 1969 **Entered into force on:** 18th July, 1982 **Accession:** 1993 **Obligation to Government:** To implement the Universal Tonnage measurement system.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enacted Merchants Shipping Act, 2009 (Revised 2012) and the Kenya Maritime Authority Act. Draft regulations have been developed. Port State Control undertaken. Inspections and surveys measures in place.	Shortage of Human capacity to implement.	Capacity building for technical officers. More training of Port State Control Officers.

8.	**CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972 (COLREGS)** **Adopted on:** 20th October, 1972 **Entered into force on:** 15th July, 1977 **Accession:** 1992 **Obligation to Government:** To give guidance in determining safe speed, the risk of collision and the conduct of vessels operating in or near traffic separation schemes.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Ensuring mandatory traffic separation schemes for ship navigation to avoid collisions Domesticated Merchants Shipping Act, 2009 (Revised 2012) and the Kenya Maritime Authority Act. Draft distress and collision regulations developed. Navigational Watch Tower operational with regard to traffic control and safety. Automatic Identification System /Long Range Identification (LRIT) implemented (KPA).	Shortage of technical capacity,	Capacity building in casualty investigations and port State control. Capacity building for technical officers.
9.	**INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972 as amended** **Adopted on:** 2nd December, 1972 **Entered into force on:** 6th September, 1977 **Accession:** 2000 **Obligation to Government:** To facilitate the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Conformed to container transport safety standards. Trained (KPA) port staff on container handling. Procured the modern container handling equipment. Sensitized stakeholders /users on container safety.	Lack of regulations for disposal of containers.	Regulate disposal.

10.	**INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR)** **Adopted on:** 27th April, 1979 **Entered into force on:** 22nd June, 1985 **Accession:** 1993 **Obligation to Government:** To develop 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 neighbouring SAR organizations.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated Merchants Shipping Act, 2009 (Revised 2012). Signed the Regional Agreement on SAR. Established Maritime Rescue Coordinating Centre (MRCC). Operationalized the SAR National Plan. Drafted Regional Plan awaiting adoption by the three Member States. Operational Manuals in place. Harmonized Maritime and Aeronautical plans. Implementing in consultation with IMO, the Djibouti Code of Conduct with a view to make the MRCC an information sharing centre for piracy. The maritime SAR office operational in Kisumu- Lake Victoria. Radio Stations in Coast and Kisumu in place. Continuous and regional trainings/sensitizations undertaken.	Inadequate capacity and equipment to set up SAR sub centres and handle SAR incidents effectively.	Technical support and capacity building (human & Equipment). Resource mobilization for establishment and equipping of SAR sub centres.

11.	**CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)** **Adopted on:** 9th April, 1965 **Entered into force on:** 5th March, 1967 **Accession:** 1973 **Obligation to Government:** 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.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS). KENTRADE implementing single window with participation of other stakeholders.	Recurring Non- tariff barriers.	Stakeholder engagement and removal of NTBs.
12.	**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, (LONDON CONVENTION), 1972** **Adopted on:** 13th November, 1972 (1986) **Entered into force on:** 30th August, 1975 (2006) **Accession:** 1976 **Obligation to Government:** To protect the marine environment from human activities by prohibiting the dumping of certain hazardous materials.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated Merchants Shipping Act, 2009 (Revised 2012). Sensitization of stakeholders to support implementation.	Inadequate capacity for surveillance. Inadequate resources.	Enhance capacity for surveillance. Enhance resource mobilization. Enhance stakeholder engagement in implementation.
13	**PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992)** **Adopted on:** 27th November, 1992 **Entered into force on:** 30th May, 1996 **Obligation to Government:** To ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.		

	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domesticated through Merchants Shipping Act, 2009 (Revised 2012).	Lack of capacity and inadequate resources.	Enhance resource mobilization. Build capacity.
14.	**CONVENTION ON THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION, AS AMENDED (IMSO C 1976)/INMARSAT C76 / INMARSAT OA 76** **Adopted on:** 3rd September, 1976 **Entered into force on:** 4th July, 1979 **Obligation to Government:** To implement guidelines from the Organization to the International Mobile Satellite Organization.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Currently implementing Long Range Identification Technology (LRIT) system. Global Maritime Distress and Safety System (GMDSS) in use.	Inadequate resources to facilitate full participation.	Resource mobilization.
15.	**PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971 (FUND PROT 1992)** **Adopted on:** 27th November, 1992 **Entered into force on:** 30th May, 1996 **Obligation to Government:** To comply with compensation amounts in line with CLC Protocol in 1992.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya submits annual oil reports to the Fund Secretariat.	Crucial committee meetings not attended due to inadequate resources. Failure by Oil importing companies in Kenya to submit reports.	Enhance resource mobilization. Enhance coordination and collaboration among stakeholders.

16.	**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.** **Adopted on:** 10th March, 1988 **Entered into force on:** 1st March, 1992 **Obligation to Government:** To ensure that appropriate action is taken against persons committing unlawful acts against ships.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Strengthened its maritime security to curb seizure of ships by force through the establishment of Maritime Rescue Coordinating Centre.	Proliferation of illegal arms makes it easier for hijackers to obtain arms.	Reinforce the country's maritime security.
17.	**INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)** **Adopted on:** 28th April, 1989 **Entered into force on:** 14th July, 1996 **Accession:** 21st July, 1999 **Obligation to Government:** To enforce the set out standard and reward procedures for salvage operators.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementing through Merchants Shipping Act, 2009 (Revised 2012). Review of East African Harbour regulations 1970.	Lengthy consultative processes.	Lobby partner states.
18.	**INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)** **Adopted on:** 30th November, 1990 **Entered into force on:** 13th May, 1995 **Ratification:** 21st July, 1999 **Obligation to Government:** To provide assistance to other countries in the event of a pollution emergency.		

	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementing through Merchants Shipping Act, 2009 (Revised 2012). Developed draft Shipping Operations (Marine pollution) Bill, 2014 and regulations. Implementing the Oil Spill Response Contingency Plan (with sensitivity mapping and dispersants policy). Stock pile of equipment and facilities undertaken in cooperation with oil industry(OSMAG) Oil Spill Response centre and team in place. Public awareness to stakeholders carried out.	High cost of implementation and required infrastructure. Slow finalization of the Marine pollution Bill and Inadequate technical expertise. gazettement of regulations. Inadequate resources.	Partnership with the international community. Fast track enactment of the bill. Undertake capacity building. Enhance resource mobilization.
19.	**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004.** **Adopted on:** 13th February, 2004 **Entered into force on:** 8th September, 2017 **Accession:** 14th January, 2018 **Obligation to Government:** To enforce the set out standard for management and control of ships ballast water and sediments.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementing through the Merchants Shipping Act, 2009 (Revised 2012). Regulations to be developed.	Slow implementation of the Act due to lack of capacity and resources.	Awareness creation and adequate resources to enhance operationalization.

<table>
<tr><th></th><th colspan="3">LAW OF THE SEA AND FISHERIES</th></tr>
<tr><td>1.</td><td colspan="3">UN CONVENTION ON THE LAW OF THE SEA (UNCLOS)

Adopted on: 10th December, 1982
Ratified on: 2nd March, 1989
Entered into force on: 16th November, 1994
Kenya became a member to the Convention on: 29th July, 1994

Obligations to Government: To delineate its maritime zones, sustain its marine environment, fisheries, monitoring and surveillance of territorial waters and generally regulate its ocean affairs in accordance with the Convention.</td></tr>
<tr><td></td><td>MEASURES TAKEN AND PROGRESS ACHIEVED</td><td>CHALLENGES</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Domesticated and implementing parts of the instrument through review of the following legal instruments:

Fisheries Management and Development Act, 2016.

Maritime Zones Act, Cap 371; and

Executive Order No.1 of 2016 expanded mandate to include Blue Economy.

Established the Blue Economy implementation Committee.</td><td>Weak capacity to enforce and fight against Illegal unreported and unregulated fishing in Kenya's EEZ.

Weak surveillance capacity of maritime zones.

Inadequate legal and institutional coordination framework.</td><td>Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.

Operationalize the monitoring, control and surveillance unit as established by the Act.

Review of existing legal framework to enhance coordination.</td></tr>
<tr><td>2.</td><td colspan="3">UNITED NATIONS FISH STOCK AGREEMENT, (UNFSA) FOR STRADDLING AND HIGHLY MIGRATORY FISH, 1995

Adopted on: 4th August, 1995
Entered into force on: 11th December 2001
Ratified on: 13th July, 2004

Obligations to government: To enhance cooperation in the management of fisheries resources that span wide areas and are of economic and environmental concern to more than one Nation.</td></tr>
</table>

	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domesticated and implementing through the Fisheries Management and Development Act, 2016.	Low capacity for offshore enforcement.	Operationalization of the Monitoring Control and Surveillance Unit.
	Purchase of offshore patrol vessels.		
3.	**INTERNATIONAL CONVENTION FOR REGULATION OF WHALING, 1946** **Adopted on:** 2nd December, 1946 **Entered into force on:** 10th November, 1948 **Ratified on:** 2nd December, 1981 **Obligation to Government:** To promote orderly development of the whaling industry.		
	IMPLEMENTATION STATUS	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated and implementing through the Fisheries Management and Development Act, 2016 and, the Wildlife Conservation and Management Act, No.47 of 2013.	Limited capacity to enforce and fight against Illegal whaling.	Operationalize the Monitoring Control and Surveillance Unit.
	Monitoring the whale stocks and banning trade in endangered shark species.		
	Implementation is through the State department and Kenya Wildlife Service.		
4.	**AGREEMENT FOR THE INDIAN OCEAN TUNA COMMISSION** **Adopted on**: 25th November, 1993 **Entered into force on:** 27th March, 1996 **Ratified on:** 29th September, 2004 **Kenya became a State party to the Commission on:** 29th September, 2004 **Obligation to Government:** To regulate and manage the highly migratory and straddling tuna and tuna-like fish species in the Indian Ocean and adjacent seas.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated and implementing through the Fisheries Management and Development Act, 2016 which declares governance of the living marine resources in the Exclusive Economic Zone (EEZ). Maritime Zones Act, Cap 371.	Piracy. Inadequate capacity.	Enhance surveillance. Enhance capacity building. Enhance cooperation among member states through lobbying.
	Regional Port Inspection Scheme.		

5.	**SOUTH WEST INDIAN FISHERIES COMMISSION CONVENTION (SWIOFC)** **Established in:** 2004 **Kenya became a State party to the Commission in:** 2007 **Obligation to Government:** To address common problems of fisheries management and development faced by Members States.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is a contracting party and a member of the management and scientific committees.	Inadequate resources to fully participate in the management and scientific meetings.	Enhance and ensure resource allocation in Regional Fisheries Management Organization.
6.	**INTERGOVERNMENTAL OCEANORAPHIC COMMISSION / UNESCO (UNESCO-IOC)** **Established in:** 1960 **Kenya became a member to the Commission in:** 1973 **Obligation to Government:** To develop her marine resources and early warning on climate change and oceanographic information.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Participates in oceanographic scientific research and forum through the Kenya Marine and Fisheries research institute (KMFRI).	Lack of a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.	Develop a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean. Improve the institutional capacity with respect to marine resources and climate variability to foster sustainable development of the marine environment.
	Participates in international programmes and meetings twice a year.		

7.	**WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION (WIOMSA)** **Established in:** 1993 **Kenya became a State party to the Commission in:** **Obligation to Government:** To share research-based knowledge relating to management and governance issues affecting marine and coastal ecosystems in the region.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Fisheries management decisions are implemented through the KMFRI and Western Indian Ocean Commission. Formulation of knowledge based policies and programmes for the benefit of the fishing communities in the coastal areas.	Limited resources for effective communication and exchange of information of all aspects of marine sciences throughout the region of Western Indian Ocean.	Increase resources mobilization for supporting marine science development.
		Terrorism and Piracy along the Coastline.	Promote conservation and sustainable development of coastal and marine environment in the Western Indian Ocean Region.
8.	**AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING** **Adopted in:** 22nd November, 2009 **Entered into force in:** 5th June, 2016 **Signed in:** 19th November, 2010 **Ratified in:** 23rd August, 2017 **Obligation to Government:** To prevent and eliminate illegal unreported and unregulated fisheries.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated and implementing through the Fisheries Management and Development Act, 2016.	Weak implementation framework.	Fast track development of Marine And Inland Fisheries Regulations.
		Inadequate institutional capacity.	Capacity building.

		Lack of a fish port and related infrastructure.	Resource mobilization for construction.
9.	**THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESAFS)** **Kenya became a State party to the Commission in:** 2008		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the strategy through agricultural/fisheries policies.	Inadequate resources.	Resource mobilization.
10.	**CONVENTION FOR THE ESTABLISHMENT OF THE LAKE VICTORIA FISHERIES ORGANIZATION** **Adopted in**: 30th November, 1994 **Signed on:** 30th June, 1994 **Ratified on:** 24th May, 1996 **Obligation to Government:** To implement the harmonization agreed actions for sustainability of Lake Victoria.		
	MEASURES TAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Harmonize fisheries policies.	Slow harmonization of policies.	Lobby partner states to fast track harmonization.
	Implementation through Lake Victoria Fisheries Research Project I and II (LVFO) and Lake Victorias Environment Management Projects I and I and A Fisheries Management Project (IFMP).	Weak implementation framework.	Sensitize and create awareness on the projects.
			Empowerment of the community.
			Registration of Cooperatives.

TRANSPORT			
ROAD TRANSPORT			
1.	**GENEVA CONVENTION ON ROAD TRAFFIC ACCIDENT** **Entered into force on:** 19th September, 1949 **Kenya became a State party on :** 21st May, 1977 **Obligation to Government:** To develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the National Transport and Safety Act No. 33 of 2012.		
	Formation of the Transport Licensing Appeals Board (TLAB).		
	Reviewed the Traffic Act Cap. 403 and developed its regulations.	Lack of capacity to implement the Act.	Build capacity.
	Developed a Standard Curriculum for driver training and testing.		
	National Transport Licensing Appeals Board has developed draft regulations 2017.		
2.	**THE NORTHERN CORRIDOR TRANSIT AND TRANSPORT AGREEMENT, 2007.** **Signed on**: Revised on 7th October 2007 (Signed 1985) **Entered into force on:** 6th December 2012. **Obligation to Government:** To ratify and implement the agreement to ensure freedom of transit through member States, safeguard right to access to and from the sea for landlocked countries and to develop and integrate the regional transport facilities and services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Established the Northern Corridor Transit and Transport Co-ordination Authority.	Ongoing conflict within some of the Member States has undermined progress under the Agreement. Over reliance on donor funding.	There is need for enhanced levies and contributions from Partner States to support development programs targeting the Corridor.

		Prolonged consultations hinder implementation.	
	Simplification of Port Clearance procedures.		
	Reduction of transit charges and elimination of some non-tariff barriers. Mobilization of funding for the rehabilitation of major highways along the Corridor.		
3.	**LAMU PORT AND LAMU-SOUTHERN SUDAN-ETHIOPIA TRANSPORT (LAPSSET) CORRIDOR** **Mooted in:** 1975 **Obligation to Government:** To foster transport linkage between Kenya, South Sudan and Ethiopia and promotion of socio-economic development along the corridor.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Isiolo – Marsabit - Moyale road has been completed.	Project requires massive funding.	Fast track negotiations with a view to completing the acquisition.
	Formation of LAPSSET Development Authority(LCDA).		
	Designs for the Lamu-Garissa-Isiolo-Nginyang-Lokichar-Lokichogio LAPSSET Highway are on-going.		
	Construction of three berths at Lamu port is ongoing.	Unrealistic expectations from the local community in Lamu.	
	Isiolo airport was completed and commissioned.		
	Commenced land acquisition and compensation.	Land compensation is an intricate problem.	
4.	**REGIONAL CUSTOMS TRANSIT GUARANTEE (RCTG) AGREEMENT** **Obligation to Government:** To facilitate efficient movement of goods in transit in the COMESA region under a system of secure seals and motor vehicles standardized declaration documents and a reliable guarantee mechanism that will protect the interests of all stakeholders.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya introduced a Customs Trade Regime for Goods on transit and COMESA Carrier License for vehicles on transit.	Different legal framework on Custom Rules and trade tariffs between the Member states.	Promote the implementation of the RCTG Agreement.
	Developed Regional Customs Transit Document (RCTD) and the Regional Customs Transit Guarantee (RCTG) which are functional in COMESA.		
	Privatized the RCTG system.		
	Implementation of the Motor Third Party Insurance Scheme.		
5.	**1993 COMESA PROTOCOL FOR THE ESTABLISHMENT OF A THIRD PARTY MOTOR VEHICLE INSURANCE SCHEME ROAD TRANSPORT MARKET LIBERALISATION** **Adopted in :**1993 **Obligation to Government:** to recognise the validity of the Yellow Card in its territory and to enact laws and regulations for the establishment of the Card Scheme and particularly for the designation of its National Bureau.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Yellow Card Scheme is functional and provides coverage in all COMESA member States and pays medical costs for truck drivers in the event of an accident. Harmonisation of third party vehicle insurance.		Harmonize and publicize immigration laws, policies and regulations affecting commercial and passenger vehicle drivers.
6.	**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** **Adopted in**: 29th November, 2001 **Entered into force on:** 29th November, 2001 **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.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	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.	Inadequate funds.	Resource mobilization.
	Completed and commissioned phase 1 of the Standard Gauge Railway (SGR).	High cost of land compensation.	
	Commencement of the 2nd phase of the SGR (Nairobi – Naivasha).	Vandalism of the existing infrastructure facilities.	Enforcement of the existing law.

TRANSPORT			
RAIL TRANSPORT			
1.	**PROTOCOL FOR THE DEVELOPMENT AND OPERATION OF THE STANDARD GAUGE RAILWAY** **Signed in**: May 2014 **Obligation to Government:** to expedite economic growth and development of the Parties by reducing the cost of doing business and increase the region's competitiveness		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government of Kenya created a Railway Development Fund.	The project requires huge funding	Resource mobilization.
	Completion of Mombasa-Nairobi Phase 1 (485km).	Slow process of land acquisition. Inadequate human resource to manage the SGR system.	Ensure stakeholders participation in the decision making process. Build capacity.
	Commencement of construction work for Phase 2- Nairobi-Naivasha.	Slow process of land acquisition for the project.	Ensure stakeholders participation in the decision making process.

TRANSPORT			
MARITIME CONVENTIONS			
1	**CONVENTION ON THE INTERNATIONAL MARITIME ORGANISATION (IMO CONVENTION) AS AMENDED** **Adopted on**: 1948 **Entered into force on**: 22nd August, 1973. **Obligation to Government**: Is to develop and maintain a comprehensive regulatory framework for shipping and including safety, environmental and legal concerns to ensure		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is a member of the IMO Governing Council	Lack of capacity for surveyors	To gain more on technical support, Kenya should seek for senior positions at the IMO.
		Lack of tonnage	Should develop tonnage to tap potential
2	**AFRICAN MARITIME CHARTER, 2009.** **Adoption:** October 2009. **Kenya ratified it**: 28th March 2014. **Obligation to Government**: The charter calls for modernization and harmonisation 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enactement of the Merchant Shipping Act No. 4 of 2009.	Low participation in shipping and ship ownership.	Government to support ship-ownership ventures through incentives etc.
			Open a ship registry
			Create awareness on the potential of marine resources and shipping.

3	**MARITIME LABOUR CONVENTION, 2006 (MLC 2006)** **Adopted on** February 2006 **Entered into force on:** 20th August 2013 **Kenya ratified it on** : 31st July 2014. **Obligation to the Country**: Is to establish the minimum working and living standards for all seafarers working on ships flying the flags of ratifying countries and to ensure a level playing field for countries and ship owners.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enacted the Merchant Shipping Act No. 4 of 2009	Inadequate enforcement and insecurity for seafarers	Ensure effective inspections and upgrade security.
		Lack of policy to facilitate foreign placement of Kenyan seafarers	Develop policy to guide foreign employment of Kenyan seafarers.
	Developed regulations for use; Seafarer Medical Examination and Certification Regulations 2016, Training and Certification Regulation 2016 and Merchant and Shipping (Port State Control) 2011	Lack of on board training facilities for seafarers.	Develop/procure training ship/facilities.
		Inadequate infrastructure in maritime training colleges.	Source for technical support or assistance to build capacity.
4	**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED (SOLAS 1974)** **Adopted on** : 1st November 1974 **Entered into force**: 25th May 1980 **Kenya ratified on** :21st October 1999. **Obligation to the Government** 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Several regulations under development to implement the Merchant Shipping Act (MSA).	Piracy and terrorism	Participation in Maritime Safety Committees for more technical cooperation
	International Ship Port Security (ISPS) Code regulations implemented.		

	Memberships to the Indian Ocean Memorandum of Understanding (IOMU) on Port State Control.		
	Kenya Ports Authority (KPA) and Kenya Maritime Authority implementing ISM Code.		
	Trained Port State Control personnel,organized various stakeholders' workshops and seminars on implementation of the Convention.		
	Presently implementing Long Range Identification Tracking (LRIT) system in relation to security and safety.		
	Maritime Search and Rescue functional through GMDSS facilities to combat piracy.		
	Automatic Identification System (AIS) being implemented.		
5	**INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)** **Adopted on** 2nd November 1973 **Entered into force on**: 2nd October 1983 **Kenya ratified in:** 1993. **Obligation to Government**: To preserve the marine environment in an attempt to completely eliminate pollution by oil and other harmful substances and to minimize accidental spillage of such substances.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Measures for handling packed dangerous goods; port reception facilities for sewage and oil waste in place; Port State Control measures; and Continuous stakeholders' workshops on implementation of the Convention amongst other activities. Draft regulations have been developed to implement the Convention through the MSA and Shipping Operations (Marine Pollution) Bill, 2014.	Shortage of Human/Technical capacity in development of Bill and Regulations and stiff budget.	Seek technical expertise from the IMO to assist in development of legal framework and implementation.
6	**INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED (STCW 1978)** **Adopted on** 7th July 1978 **Entered into force on:** 28th April 1984 **Kenya ratified it on :**1993 **Obligation**: To establish basic requirements on training, certification and watch-keeping for seafarers on an international level.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	In line with the MSA and STCW regulations new curricula has been developed for training and monitoring in identified and accredited institutions.	Inadequate trainers in technical areas and lack of training ships.	Partner with maritime nations for jobs and sea time training of seafarers.
	Concept paper for training ship is under development, and MOUs with other maritime nations have been developed for consideration to train Kenyan seafarers		Create awareness on maritime transport.
7	**INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966)** **Adopted on** 5th April 1966 **Entered into force on** 21st July 1968 **Kenya ratified the Convention** 1975 **Obligation**: To ensure all assigned load lines are marked amidships on each side of the ships engaged in international voyages and that terms of ship's surveys, issuance, duration, validity and acceptance of International Load Line Certificates are provided and adhered to.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enactment of the MSA, KMA Act, Draft regulations, enforcement of port State Control, and Inspections and survey.	Shortage of Human capacity to implement.	More training of Port State Control Officers.
8	**INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 (TONNAGE 1969)** **Adopted in** 1969 **Entered into force on:** 18th July 1982 **Kenya acceded to the Convention** in 1993 **Obligation**: To provide for gross and net tonnages, both of which are calculated independently.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Enactment of the MSA, KMA Act, Draft regulations, enforcement of port State Control, and Inspections and survey.	Inadequate capacity and slow process in gazettement of regulations	Train more Port State Control officers and expedite the gazzettement of the draft regulations.

9	**CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972 (COLREGS)** **Adopted** on 20th October 1972 **Entered into force on:** 15th July 1977 **Kenya acceded to the Convention** in 1992 **Obligation:** To develop policies and legislation to prevent collisions between vessels at sea.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Navigational Watch Tower operational to ensure mandatory traffic separation for ships to avoid collisions.	Inadequate capacity and slow process in gazettement of regulations	Capacity building in casualty investigations and port State control
	Legal mechanismin place (MSA;KPA Act (pilotage); and Draft distress and collision regulations).		
	Automatic Identification System /Long Range Identification (LRIT) implemented (KPA).		
10	**INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972 AS AMENDED** **Adopted** on 2nd December 1972 **Entered into force on**: 6th September 1977 **Kenya acceded to the Convention** in 2000 **Obligation**: To ensure a high level of safety of human life by formalizing common international safety requirements for the structural design and ongoing inspection and maintenance of cargo containers.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Port staff are trained on container handling; Procurement of modern container and handling equipment; and Sensitization of stakeholders /users on container safety.	Unregulated dumping of containers	Regulate dumping

<table>
<tr><td>11</td><td colspan="3">INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR)

Adopted on 27th April 1979
Entered into force on: 25th May 1980
Kenya acceded to the Convention in 1993.

Obligation to Government: To ensure that arrangements are made for the provision of adequate search and rescue services in its coastal waters and enter into agreements with neighbouring States within the region.</td></tr>
<tr><td></td><td>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</td><td>CHALLENGES</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Regional Agreement on SAR signed in 2002 by the Governments of Kenya, Seychelles and Tanzania; Draft Regional Plan awaiting adoption by the three Member States.</td><td rowspan="2">Inadequate capacity and equipment to set up SAR sub centres and handle SAR incidents effectively.</td><td>Technical support and capacity building (human & Equipment).</td></tr>
<tr><td></td><td></td><td>Budgetary allocation for establishment and equipping of SAR sub centres</td></tr>
<tr><td></td><td>SAR National Plan and Operational Manuals in place.</td><td rowspan="5"></td><td rowspan="5"></td></tr>
<tr><td></td><td>The Djibouti Code of Conduct implemented in consultation with the IMO with a view to make the MRCC an information sharing centre for piracy.</td></tr>
<tr><td></td><td>The maritime SAR office operational in Kisumu- Lake Victoria and Radio Stations in Coast and Kisumu in place.</td></tr>
<tr><td></td><td>Continuous and regional trainings/sensitizations undertaken.</td></tr>
<tr><td></td><td>Harmonized Maritime and Aeronautical plans.</td></tr>
<tr><td>12</td><td colspan="3">CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)

Adoption: 9 April 1965
Entry into force: 5 March 1967.

Obligation: To achieve efficiency in port transit of ships, cargo and passengers.</td></tr>
</table>

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	KPA is implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS)	Non- tariff barriers not completely eliminated	Stakeholder engagement and removal of NTBs
	KENTRADE implementing single window with participation of other stakeholders.		
13	**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, (LONDON CONVENTION), 1972** **Adoption:** 13 November 1972 **Entry into force:** 30 August 1975 **Kenya acceded to the Convention** in 1976. **Obligation to Government:** effectively control all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of waste and other matter.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation through the MSA	Inadequate capacity for surveillance.	Stakeholder involvement in implementation of the Convention and collaboration with other regional agreements supplementing the Convention.
	Various Stakeholders workshops held on implementation.		
14	**PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992)** **Adoption:** 27th November 1992 **Entry into force:** 30th May 1996 **Obligation to Government:** To control pollution damage in the Exclusive Economic Zone (EEZ) or equivalent area of a State Party, environmental damage compensation and spills from sea going vessels.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation through the MSA	Convention has not been fully implemented due to lack of capacity and budgetary constraints	Enhance Budgetary allocation and build capacity on Port State control
15	**CONVENTION ON THE INTERNATIONAL MOBILE SATELLITE ORGANISATION, AS AMENDED (IMSO C 1976)/INMARSAT C76 / INMARSAT OA 76** **Adoption:** 3rd, September 1976 **Entry into force:** 16th July 1979 **Obligation to Government:** To provide maritime distress and safety services via satellite		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Long Range Identification Technology (LRIT) system and Global Maritime Distress and Safety System (GMDSS) in use.	Inadequate capacity	Enhance capacity
16	**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)** **Adoption:** 27 November 1992 **Entry into force:** 30 May 1996 Kenya acceded to the Convention in 2002 **Obligation to Government:** To ensure compensation for oil pollution claims by Kenya.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya submits annual oil reports to the Fund Secretariat	Crucial committee meetings skipped due to funding issues	Domesticate Convention
		Laxity by Oil importing companies in Kenya to submit reports	

17	**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.** **Adoption:** 10th March 1988 **Entry into force:** 1st March 1992. Kenya acceded to the Convention in 2002. **Obligation to Government**: to ensure that appropriate action is taken against persons who commit unlawful acts aboard/against ships.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has strengthened its maritime security to curb seizure of ships by force.	Proliferation of illegal trade of arms makes it easier for Hijackers to obtain arms.	Reinforce the Country's maritime security.
18	**INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)** **Adoption:** 28th April 1989 **Entry into force:** 14th July 1996 Kenya acceded to the Convention in 1993. **Obligation to Government:** To set the standards and reward procedures for salvage operations by salvers, taking into account the skills and efforts of the salvers in preventing and minimizing damage to the environment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation through the MSA.		
	East African Harbour regulations under revision.	Slow gazettement of regulations.	Expedite gazettement of regulations.
19	**INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)** **Adoption:** 30th November 1990 **Entry into force:** 13th May 1995 **Kenya acceded to the Convention in** 1999. **Obligation to Government:** To establish measures to deal with pollution incidents either nationally or in cooperation with other countries.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES	RECOMMENDATIONS
	Implementation through the MSA	Expensive Equipment required for implementation .	Build capacity (human & capital)
	Oil Spill Response Contingency Plan with a Response centre and team in place (with sensitivity mapping and dispersants policy)		
	Development of Shipping Operations (Marine pollution) Bill, 2014 and Draft regulations	Slow finalization of the marine pollution bill and gazettement of regulations.	Fast track enactment of the Bill and gazzettement of the draft regulations.
	Stock pile of equipment and facilities undertaken in cooperation with oil industry (OSMAG)		
	Stakeholders workshops and seminars organized for public awareness.		

20	**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004.** **Adoption:** 13th February 2004 **Entry into force:** 8th September 2017 Kenya acceded to the Convention. Obligation to Government is 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation through the MSA; Regulations to be developed	Inadequate capacity	Build capacity

ENVIRONMENT, FORESTRY AND AGRICULTURE

1. **KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE**

Adopted on: 11th December, 1997.
Entered into force on: 25th May, 2005.
Ratified on: 25th February, 2005.

Obligation to Government: To stabilize greenhouse gas emissions to the atmosphere

MEASURES UNDERTAKEN AND ROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementation of the Climate Change Act 2016.	Inadequate funding to fully implement the Act.	Enhance funding for full implementation of the Act.
Gazetted the Climate Change Governing Council.		
Developed the National Climate Change Policy, Sessional Paper NO.5 of 2016.		
Constitutional recognition of social economic rights, sustainable development, and public participation in environmental decision making.	Public ignorant of the effects of climate change	Sensitize the Public on the effects of climate change
Promotion of agro-forestry practises.	Low adoption of agro-forestry practises	Upscale Sensitization of farmers on agro-forestry practises
Developed the national forest strategy 2016 - 2023	Reduction in forest cover	Enforce the forest management and conservation Act
Gazetted the National Climate Change Action Plan task force (NCCAP)	Inadequate funding to operationalize the task force	Increase funding

2. **THE PARIS CLIMATE CHANGE AGREEMENT**

Adopted on: 12th December 2015
Signed on: 22nd April 2016
Ratified on: 28th December 2016
Entered into force: 27th January 2017

Obligation to Government: To contribute to global response to climate change through the National Determined Contributions (NDCs) which entails having adaptation and mitigation actions on climate change.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation of the climate change act,2016 and the climate change policy	Inadequate funding Low public awareness	Adequate funding Mainstream the Nationally Determined Contributions, (NDCs) into sector planning; and implementing the NDCs. Enhance public awareness.
	Implementation of the Nationally Determined Contribution (NDCs) and National Adaptation Plan as per the National Climate Change Action Plan Cascading Climate Action to the Counties	Inadequate funding Lack of capacity at national and county level Weak technological support and transfer	Continuous engagement with county Governments to ensure mainstreaming of climate change. Increased resource mobilisation including access to global climate change financing. Capacity building at national and county levels on climate change. Enhanced climate technology development and transfer.
3.	**UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA (UNCCD)** **Adopted in:** 17th June1994 **Signed by Kenya**: 24th October 1994 **Ratified:** 24th June 1997 **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Participated in COP and other UNCCD international engagements	Low funding for the UNCCD	Increased funding to enable enhanced participation in UNCCD dialogues

	participated in the UNCCD twelfth session of the Conference of Parties (COP12) hosted the fifteenth session of the Committee for the Review of the Implementation of Convention (CRIC15)		
	Public awareness campaigns on DLDD issues	Low funding	Enhance public awareness
	Mainstreaming of desertification and land degradation Implementation of Sustainable Land Management (SLM) practices and National Action Plan (NAP)	Increased land degradation Budgetary constraints Low public awareness	To upscale SLM practices Implement the National Action Plan (NAP) Increase funding
4.	**CONVENTION ON BIOLOGICAL DIVERSITY (CBD)** **Acceded to:** 26th July 1994 **Signed on:** 11th June 1992 **Entered into force on:** 29th December 1993 **Obligation to Government:** To conserve biological diversity, promote sustainable use of its components and encourage equitable sharing of the benefits arising out of the utilization of genetic resources.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Preparation and implementation of a National Biodiversity and Action Plan; Preparation of Kenya Biodiversity Atlas	Inadequate budget	Enhance funding
	Adopted Policies and legislation on the management of biodiversity.	Inadequate budget for implementation Low public awareness on biodiversity	Increased funding Enhance public awareness
	Increased establishment of community conservation	Difficulty in balancing conservation with the increasing demand for resources.	Continued stakeholder involvement
	Promotion of bio-enterprises such as ecotourism.	Slow growth of the sector Low public awareness	Increased funding Enhance public awareness

	Regulations on Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization put in place	Low public awareness Increased cases of Bio piracy	Enhance surveillance Implement the regulation
5.	**CONVENTIONS ON SUSTAINABLE DEVELOPMENT**		
	Obligation to Government: Mainstreaming climate change and issues of biodiversity in the planning process.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Process ongoing.	Financial constraints to implement programmes on sustainable development.	Develop enough skills on climate change and biodiversity.
	Climate change and biodiversity already included the 2nd Medium-Term Plan	Lack of human capacity	Provide adequate financial resources
6.	**VIENNA CONVENTION AND ITS MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER** **Adopted on:** 16.09.1987 **Entered into force on:** 09.11.1989 **London Amendment (1990) and Copenhagen Amendment of 1992** **Montreal Amendment (1997) and Beijing Amendment of 1999** **Kenya signed the Vienna Convention in 1992** **Obligation to Government:** Sharing of information to protect the ozone layer by taking precautionary measures to control global emissions of substances that deplete the ozone layer.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Supported sectors where Ozone Depleting Substances (ODS) are used. Phased out 80% of ODS.	Unavailability of ozone friendly alternatives High cost of alternatives	Promote affordable ozone friendly alternatives.
	Trained one hundred (100) Refrigeration and Air Conditioning (RAC) technicians	Inadequate funding to train the huge number of technicians.	Integrate ozone issues into curricula of the training institutions

			Enhance training of Refrigeration and Air Conditioning (RAC) technicians Increase of funding
	Trained 32 customs and NEMA officers on control measures and trade in Ozone Depleting Substances (ODS) in order to combat illegal trade in ODS	Lack of ozone issues in customs training curriculum Inadequate funding for training	Include ozone issues in the customs training curriculum Increase funding
	Adopted Kigali amendment on the hydrofluorocarbons (HFCs) management under the Montreal Protocol	Unavailability of appropriate alternatives to all operations High cost of available alternatives	Promote affordable ozone friendly alternatives.
7.	**MINAMATA CONVENTION ON MERCURY** **Adopted in:** January 2013 **Signed on**; 10th October 2013 **Obligation to Government:** To protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Ratification process of the Convention is on going	Slow process of ratification Low awareness Lack of capacity at both national and county levels	Build capacity Create awareness
	Developed a Kenya National Action Plan to address mercury emissions and releases.	Inadequate funding Lack of capacity at both national and county levels	Enhance funding Build capacity

	Engaged stakeholders on appropriate alternatives to mercury in all operations	High cost of available alternatives Inadequate funding for adoption of new technologies	Promote affordable ozone friendly alternatives.
8.	**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** **Adopted in** : 1st February 2012 . **Ratified on**: 7th April 2014. **Entered into force on**: 12th October 2014. **Obligation to Government**: Sustainable exploitation of genetic resources and safeguard them from misappropriation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Designated; The Ministry of Environment and Natural Resources as focal point organization NEMA as clearing house for access and benefits sharing. Kenya Wildlife Service, Kenya Forest Service, KEPHIS, Department of Immigration and Kenya Industrial Property Institute as check point	Low awareness Institutional overlaps and lack of capacity and representation of all Implementing Institutions.	Enhance awareness Organize the institutional framework to clearly provide for coordinated implementation of the Convention. Enhance capacity of the Committee and participation of all Implementing Institutions in the Committee.
	Developed regulations on the conservation on Biodiversity and resources, access to genetic resources and benefits sharing.	Lack of national guidelines and procedures on access to genetic resources.	Develop national guidelines and procedures for access and equitable benefit sharing.
9.	**STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPS)** **Adopted in**: 22nd May 2001 **Ratified in :** 24th September 2004 **Signed on :**23rd May 2001. **Entered into force on**: 17th May 2005. **Obligation to Government**: To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants.		

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Government has banned some of the Persistent Organic Pollutants (POPs) Chemicals	Non-compliance Insufficient infrastructure or lack of infrastructure for industrial chemical management in some countries.	Enhanced enforcement Need for more capacity to monitor what is coming in the country
Developed Kenya National Implementation Plan (NIP) on POPs. Kenyan manufacturers are using the Convention standards and are emitting less persistent organic pollutants.	Budgetary constraints Low public awareness	Increase funding Enforcement of laws Create public awareness Implement NIP
Prohibited open burning of waste	Budgetary constraints Low public awareness Non-compliance Insufficient infrastructure for industrial chemical management in the country.	Improve waste management. Incineration of waste Enhance enforcement Enhance capacity to monitor what is coming in the country
Promoted safe waste handling technologies Designated the International Centre for Insect Physiology and Ecology as Stockholm Convention for Transfer of environmentally friendly technologies. Selected University of Nairobi Chemistry Department as a coordination Centre for Global POPs Monitoring	Inadequate funding Low capacity	To upscale friendly environmental technologies Enhance funding and capacity
Developed draft Legislation and Regulation on proper waste management including e-waste	Lengthy legislative process Inadequate funding	Fast track legislative process Enhance funding

10. UNITED NATIONS ENVIRONMENT ASSEMBLY (UNEA)

Adopted by United Nations General Assembly resolution A/RES/67/251
Highest Political Forum on Environmental issues

Obligation to Government: Support UNEA to discharge its mandate efficiently and effectively

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Successfully hosted the Third UNEA in December 2017. Government collaborates with other countries to ensure UNEA discharges its mandate relating to the 2030 SDGs	Inadequate budgetary allocation	Enhance budgetary provision for hosting future UNEA meetings

11. CARTAGENA PROTOCOL ON BIOSAFETY

Adopted in: 29th January 2000
Entered into force on: 11th September 2003
Kenya is a State party to the Protocol
Ratification in: 2013

Obligation to Government: To establish competent authorities to act as focal points for the protocol and serve as the bio-safety clearing house.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Implemented Bio-safety Act, 2009 and developed regulations for implementation of the same.	Low implementation of the Bio-safety Act, 2009 Incoherence among the implementing agencies.	Enhance implementation of the Act. Enhance synergy amongst the implementing agencies.
Established the National Bio-Safety Authority (NBA)	Inadequate human, physical, financial and technological recourses.	Enhance capacity for risk analysis of GMOs and their products.

12.	**CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)** **Adopted on** 3rd March 1973 **Ratification in**: 13th December 1978 **Entry into force:** 13th March 1979. **Obligation to Government**: To ensure Kenya's endangered species are protected from dangers of international trade, protect their survival and regulate international trade in endangered species.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Designated; KWS as the focal point to coordinate CITES and Scientific Authority on animals National Museums of Kenya as a scientific authority for plants	Inadequate human and financial recourses	Enhance budgetary allocation and human resource capacity
	Developed regulations to operationalize the Wildlife Management and Conservation Act, 2013.	Lengthy process of enacting regulations.	Fast track enactment of the regulations.
13.	**CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (BONN CONVENTION)** **Concluded on**: 26th March, 1979 **Entered into force on** 1st November, 1983 **Ratified on:** 26th February, 1999. **Obligation to Government:** To provide for the protection and conservation of migratory species, their habitats and migratory routes.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Government designated KWS as the focal point to coordinate CMS and implement Kenya's obligations.	Inadequate human and financial recourses.	Enhance budgetary allocation and human resource capacity.

14.	**THE 1997 UN WATERCOURSES CONVENTION** **Adopted in**: 21st May, 1997 **Entry into force**: 17th August, 2014. **Obligation to Government**: To co-operate internationally with regard to use and protection of shared water resources.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	A Draft Cabinet Memo for ratification of the Convention has been developed and is waiting for approval. (to be confirmed from Rose Water)	Protracted negotiations among member states. Nationalistic approach to dispute resolution.	Enhancement of diplomacy in handling trans boundary water disputes
	Provided an inter-Governmental platform for development and advancement of trans-boundary cooperation.		
	Policy on trans-boundary water and international waters has been approved.	Nationalistic approach in the Utilization of trans-boundary waters and lakes.	Promote joint projects and information exchange. Enhancing the role of diplomacy.
15.	**THE 1992 HELSINKI CONVENTION (THE WATER CONVENTION)** **Adopted:** 17th March, 1992 **Entry into force:** 6th October, 1996. **Obligation to Government:** To protect and sustainably use trans-boundary watercourses and international lakes.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
16.	**CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (RAMSAR)** **Adopted in:** 02 February, 1971 **Ratified by Kenya on:** **Entered into force in:** 5th October, 1990. **Obligation to Government:** To designate wetlands and stem the progressive encroachment on and loss of wetlands.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Created public awareness through World Wetlands Day celebrations and other fora.	Budgetary constraints	Increase funding of wetland management activities
	Designated Wetlands of International importance and development and implementation of management measures including management plans.		Enhance awareness on wetland values among public, leaders and policy makers.
	Capacity building to key stakeholders.		
	Participated in meeting of parties of RAMSAR Convention and inter-Sessional meetings.	Duplication on wetlands management	Harmonize management of wetlands
	Developed and implemented National Wetlands Policy, laws and regulations on wetlands management.		
17.	**THE AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES** **Adopted in**: 15th September, 1968. **Entered into force on:** 16th June, 1969. A revised edition of the Convention was adopted on 11 July, 2003. **Obligation to Government:** To participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Participated in the negotiations of the Nile River Basin Cooperative Framework Agreement.	Inadequate funding.	Resource mobilization.
	Ratification of the CFA is ongoing.	Slow ratification process.	Fast track ratification.
18.	**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:** Contribute in money, supplies or services to the expenses of the equipment and operations of the Organisation.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya has put in place the necessary infrastructure for the operation of the Agreement at the Wilson airport's Plant Protection Unit which works directly with the Locust Control Organisation (LCO).	Financial constraints.	Allocate more funding to LCO
	Trained a team of officers to control migratory pest.		
19.	**EAST AFRICAN COMMUNITY PROTOCOL ON ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT** **Adopted in:** 3rd April, 2006 **Ratification Date:** 2011 **Obligation to Government**: Adopt a common vision in addressing the challenges of achieving sustainable development.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Participating in the re-negotiations of the Protocol.	Non-ratification by other partner states.	Lobby partner states to ratify.
20.	**THE 2010 NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT (CFA)** **Adopted in: May** 2010 **Obligation to Government:** Ratify the cooperative framework agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has been an active participant and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands.	Some countries are reluctant to sign.	Continuous engagement.
	The CFA has been approved by Cabinet and the ratification process commenced.		
21.	**EAST AFRICAN COMMUNITY PROTOCOL FOR THE SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN** **Adopted in:** 2003 **Signed in:** 29th November, 2003. **Ratified:** November, 2004. **Obligation to Government:** To facilitate cooperation among Partner states and stakeholders on the sustainable utilization of the Lake and ecosystem		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Institutional arrangements are in place some emanating from the EAC Treaty, including the establishment of the Lake Victoria Commission Secretariat in Kisumu Kenya.	Financial Constraint.	More Funding.
	The National Focal Point is in place at the Ministry of Environment and Forestry.	Insufficient Public awareness along the basin.	Need for capacity building.
	Ministry for Water and Sanitation co-ordinates implementation of various programmes including management of water hyacinth, improved sanitation across the Basin, Rehabilitation of catchments and community development projects among others.	Inadequate funding.	Resource mobilization.
22.	**UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)** **Adopted on:** 9th May,1992 **Entered into force on:** 30th August, 1994 **Ratification on:** 30th August, 1994 **Obligation to Government:** To regulate levels of greenhouse gas concentration in the atmosphere, so as to avoid the occurrence of climate change on a level that would impede sustainable economic development, or compromise initiatives in food production.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Development of National strategy on climate change.	Expensive technologies Low capacity for implementation Inadequate funding	Enhance capacity Mainstream Climate Change in all sectors. Increased funding Reduce Green House gases
	Development and finalisation of national climate change action plan Developed a Green economy strategy and action plan The Second National Communication was completed and submitted in	Expensive technologies Low capacity for implementation	Enhance capacity building Mainstream Climate Change actions in all sectors

	2016. Climate Change Resource Centre constructed and is operational Development of Awareness strategy and action plan	Inadequate funding Low Resilience building at county level.	Increase funding Reduce Green House gases
			Mobilise resources from climate change international funding mechanism
	Kenya participated in COP 23 in Bonn Germany in November 2017	Low funding to participate in international and regional forums for consistent National Negotiating team on Climate Change.	Mobilise resources from Climate Change International funding mechanism
	Finalised National Adaptation plan	Expensive technologies Low capacity for implementation Inadequate funding	Enhance capacity building Upscale adaptation measures Increase funding Mobilise resources from climate change international funding mechanism
	Gazetted the Climate Change Council in 2017.	Low public awareness Inadequate funding	Create public awareness. Enhance funding.
23.	**BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL** **Adopted in:** 23rd March 1989 **Entered into force on:** 1st June 2000 **Ratified in:** September 2004 **Domesticated the Convention through the** Environmental management and coordination Act (EMCA) **Obligation to Government:** To ensure environmentally sound management and transboundary movement of hazardous waste.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Participated in all its conference of the Parties Meetings and its Technical Working Groups.	Low funding.	Enhance surveillance to deter damping of hazardous chemicals in the country.

		Low public awareness.	Safe Disposal of any hazardous chemicals stockpiles in the country.
	Continuous monitoring of hazardous waste at key entry points In 2017 Kenya exported 300 tons of hazardous waste for environmentally sound disposal.	Low capacity Low public awareness Low funding	Build capacity, funding and create public awareness. Enhance monitoring Enforcement of compliance standards
	Kenya has formulated waste guidelines, waste regulations, e-waste regulations.	Low capacity for enforcement	Enhance capacity
	Using the Convention guidelines, Nairobi, Mombasa, Kisumu and Nakuru are planning sanitary landfills.	Inadequate funding and low public awareness	More public awareness
24.	**CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICA REGION (NAIROBI CONVENTION)** **Adopted in**: 21.06.1985 **Entered into force on:** 11.09.1990 **Obligation to Government:** To protect and manage the marine environment and coastal areas of the Eastern Africa.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The enactment of the wetlands atlas in 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 Creating public awareness through World Oceans Day and other fora Participating in meeting of parties and inter-Sessional meetings Participation in regional projects and programs of the Convention including Western Indian Ocean Strategic Action Program (WIOSAP)	Limited funding to coastal zone management activities. Low public awareness on values of coastal and marine ecosystems Encroachment into and degradation of coastal and marine habitats and overexploitation of their resources Duplications on coastal zone management, and Security concerns.	Increase funding of coastal ecosystems management activities. Enhance enforcement activities by national Government institutions and county Governments Finalize approval of Integrated Coastal Zone Management Policy Enhance awareness on coastal zone ecosystem values among public, leaders and policy makers.

25. **ROTTERDAM CONVENTION**

Adopted in: 10.9.1998
Kenya ratified in September 2004
Entered into force on: 03.02.2005

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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya has formulated its chemicals PIC List. Using the PIC Procedure Decision guidance. Domestic National action for the controlled chemicals for Kenya is up-to-date.	Low analytical capacity for the complex chemicals. Low public awareness Inadequate funding Low capacity	Enhance capacity. Create public awareness. If covered, reach a decision to "consent", "consent subject to conditions", or "no consent" for future imports
Kenya has developed domestic legislation to restrict Prior Informed Consent (PIC) chemicals Kenya has cooperated with UNEP and WHO to organize training in Kenya and overseas to train Kenyans on decision making Guidance Documents Monitoring compliance in the counties	Lack of information on the negative impacts of chemicals Lack of accurate imports/export data	Enforcement of legislation Review the existing laws and administrative measures for import decisions and efficient implementation. Capacity building Formulate Legal and policy for each of the listed chemicals
Informing other parties when domestic legal action is taken on chemicals that is in the (PIC) list	Low capacity Inadequate funding	Need to cooperative with other parties Enhance monitoring of listed chemicals

26.	**INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)** 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 MARPOL Convention was adopted in 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 amendments through the years. Kenya ratified annexes 1 to V in 1993 and MARPOL protocol 1997 annex VI in 2007.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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.	Shortage of Human/Technical capacity in development of Bill and Regulations and stiff budget.	Seek technical expertise from the IMO to assist in implementation.
	Draft regulations have been developed to implement the convention through the MSA and Marine pollution bill.		
27.	**THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)** **Adopted in**: 16th October, 1945 **Entered into force on:** 16th October, 1945 **Obligation to Government:** 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**:** Increase the resilience of livelihoods from disasters. To use resources in a sustainable way.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation of the Crop Act 2013 and the Agriculture and Food Authority Act No. 13 of 2013.	Slow implementation.	Strengthen Agencies for enhanced service delivery
	Implementation of Kenya Agricultural Sector Development Strategy.	Inadequate financing for implementation.	Implementation of the strategy.
	Kenya has also come up the Comprehensive Africa Agricultural Development Programme (CAADP) Compact on Agricultural development in the country which is in line with the rest of the continent.	Inadequate resources.	Enhance budgetary allocation.
	CAADP has also been incorporated the current Strategic Plan 2017/2018 for implementation.	Inadequate funding especially for research	Enhance research related funding
	Implementation of the Launched Agricultural development Strategy 2010-2020.		
28.	**AGREEMENT ESTABLISHING THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)** **Adopted in**: 1977 **Entered into force in:** 1979 **Kenya became a State party to the Agreement in** 1979 **Obligation to Government:** GOK will ensure that poor rural people have better access to, and the skills and organisation 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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	Limited resources to ensure that poor rural people have better access to, and the skills and organisation they need to take advantage of Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices.	Support the implementation of pro rural poor programs funded by IFAD for improved livelihoods.
	Agriculture reform legislation has been undertaken.		

29. **INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA)**

Adopted on: 9th November, 2001

Entered into force on: 29th June, 2004
Kenya became a State party to the Treaty on: 27th May, 2003.

Obligation to Government: To guarantee food security through the conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture (ITPGRFA)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya Complies with this Convention	Minimal mobilization of funding to undertake the mandate	Enhance funding in line with the mandate

30. **WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

Adopted on: 15th April, 1994
Entered into force on: 1st January, 1995
Kenya became a State party to the Agreement on: 1st January 1995.

Obligation to Government: To adopt measures to assure protection of human, animal or plant life and health, to promote safe trade in animals and plant products.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementation of the related legislation on animals and plants.	Inadequate funding.	Resource mobilization.
Implementation of the Veterinary Policy 2017.	Transboundary animal and plant diseases.	
Establishment of the National SPS Committee.	The National SPS Committee is not adequately funded.	

31. **PHYTOSANITARY CONVENTION FOR AFRICA**

Adopted on: 13th September 1967
Date of adherence: 1974
Convention revised in 1997

Obligation to Government: To take measures of quarantine, certification and inspection necessary in respect of any living organisms, plant, animal, plant material, seeds, soil, compost or packing material (including containers) or other article considered to constitute a threat to agriculture in any part of Africa.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Established and operationalized Kenya Plant Health Inspectorate Services (KEPHIS) to deal with phytosanitary issues	Multiplicity of agencies for protection of plant, genetic resources and biodiversity is a challenge	Resource mobilization.
	Implementation of the related legislation on animals and plants.	Inadequate funding.	
	Implementation of the Veterinary Policy 2017.	Transboundary animal and plant diseases.	
	Establishment of the National SPS Committee.	The National SPS Committee is not adequately funded.	
32.	**INTERNATIONAL AGREEMENT OF THE WORLD ORGANISATION FOR ANIMAL HEALTH (OIE)** **Adopted in:** 25th January, 1924 **Obligation to Government:** To participate in the formulation and adopt OIE international standards and guidelines for animal health, veterinary services, production, welfare and trade certification to facilitate international trade in animals and animal derived commodities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya complies with OIE standards, guidelines and recommendations.	Inadequate funding.	Resource mobilization.
	Kenya hosts the sub-regional office of OIE.		
	Developed and disseminated guidelines on Veterinary services for the national and county government.	Inadequate Coordination between national and counties on standardization and reporting to OIEs.	Strengthen linkages between the national and county government
	Kenya participates in the annual World Delegates Assembly as well as other meetings of the organization.	Inadequate resources.	Resource mobilization.
	Kenya hosts the Sub-Regional representation for Eastern Africa and the Horn of Africa in Nairobi.		
	Kenya participates in international disease control/eradication strategies and standard setting activities of the organization.		
	Kenya has carried out performance Evaluation of Veterinary Services (PVS) as well as the PVS Gap Analysis.		
	Kenya has embarked on the Veterinary Legislation Support Program Pathway.		

33.	**TREATY ESTABLISHING THE COMMON FUND FOR COMMODITIES** **Adopted on**: 27th June, 1980 **Entered into force on:** 19th June, 1989 **Kenya became a State party to the Agreement on:** 6th April, 1982. **Obligation to Government:** To contribute and seek funding for social and economic developments in commodities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is implementing a program on the cotton value chain.	Inadequate resources.	Enhance partnership and resource mobilization.
34.	**INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)** **Adopted in**: 1924 **Kenya is a member** **Obligation to Government:** To produce high quality seeds and also ensure that imported seeds meet the required standards.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya issues ISTA standard seed testing certificates. One seed testing lab has been accredited by ISTA while a second lab has initiated the process of accreditation.	Participation in meetings limited by minimal resource mobilization facilities for testing. Inadequate resources.	Need to obtain the necessary equipment to enable accreditation of second lab. Resource mobilization.
35.	**INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)** **Date of accession:** 3rd March, 2014 **Obligation to Government:** Protection of new varieties of plants by an intellectual property right.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	ds and Plant Varieties Act, Cap 326 (revised 2012) conforms to implement a UPOV like system of plant variety protection.	Lack of progress in improving the performance of traditional plant varieties.	Investment in research to improve plant varieties.
		Inadequate infrastructure (greenhouses/laboratories/equipment) for undertaking technical activities.	
	ous Participation in meetings for making legal, administrative and technical decisions of UPOV, Sharing information/Data with other UPOV members, Host UPOV meetings.	Inadequate resources.	Resource mobilization.
36.	**INTERNATIONAL GRAINS AGREEMENT** **Adopted on:** 7th December, 1994 **Entered into force on:** 1st July, 1995 **Kenya became a State party to the Agreement in** 1994 **Obligation to Government:** Participate in information sharing analysis and consultations in the grain market.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has enhanced information-sharing, analysis and consultations on grain market.		
	Review of the Cereals Policy, 2013.	Slow review process.	Fast track review process. Sensitization and awareness creation. Resource mobilization. Fast track development of Kenya commodities exchange.

	Kenya has developed and adopted a commodity value chain system.	Low awareness.	Improve policies on how Kenyan farmers will have easier and better access to the world market
	Development of Kenya commodities exchange.	Difficulty of accessing the world market.	Use of ICT in provision and sharing of data.
		Diffusion of marketing data.	
37.	**INTERNATIONAL SUGAR AGREEMENT (ISA)** **Entry into force**: 1993 **Adopted in:** 1992 by United Nations Conference on Trade and Development **Kenya is party to the Agreement** **Obligation to Government:** To promote the trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for inter-Governmental discussions on sugar.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is carrying out reform measures to improve the sugar sector.	Slow reform process. Low diversification of sugar products	Fast track reform process. Participation in decision making under the ISA
	Implementation of the Privatization Policy and Act No. 2 of 2005 (Revised 2017).	Slow privatization process.	Alignment of the sugar sector to the Constitution, privatization policy and Act.
38.	**INTERNATIONAL COFFEE AGREEMENT (ICA)** **Adopted in:** 1962 **Reviewed and approved by members on:** 28th September, 2007. **Entry into force:** 2nd February, 2011. **Obligation to Government:** To Recognize that Certificates of Origin and conduct trade policy with a view to long term price stability.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya provides accurate information relating to the coffee sector.		Fast track the review process.
	Review of the Coffee Policy and Act.	Slow review process. Fluctuation of coffee prices in the world market.	Establish ways to maintain a stable price.
39.	**CONVENTION ON THE ESTABLISHMENT OF THE AFRICAN CENTRE FOR FERTILIZER DEVELOPMENT** **Adopted in:** 1st July 1985 **Kenya is a State party to the Convention** **Obligation to Government:** To facilitate the collection, exchange and dissemination of information.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Country has been providing subsidized fertilizer to increase fertilizer use by farmers.	Low coverage of the fertilizer subsidy.	Expansion of the subsidized fertilizer programme to reach more farmers.
	A fertilizer blending Plant has been completed and is operational.	Low capacity of the plant.	More investment into the fertilizer industry.
40.	**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) SEED SCHEMES, FRUITS AND VEGETABLES SCHEMES AND FORESTRY SEED SCHEMES** **Adopted in**: 1958 **Entered into force in:** 1961 **Kenya is a party to the schemes** **Obligation to Government:** To apply OECD seed schemes standards in inspection and labelling of seeds.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implemented OECD seed schemes, fruits and vegetables schemes and forestry seed schemes.	Inadequate resources has limited participation in meetings.	Allocation of more resources to support programmes.

LAW OF THE SEA AND FISHERIES

1. UN CONVENTION ON THE LAW OF THE SEA (UNCLOS)

Adopted in: 10th December, 1982
Entered into force on: 16th November, 1994
Kenya became a State party to the Convention on: 2nd March, 1989

Obligations to Government: To delineate its maritime zones, sustain its marine Kyoto fisheries, monitoring and surveillance of territorial waters and generally regulate its ocean affairs in accordance with the Convention.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domesticated parts of the instrument through review several legal instruments:	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ, and	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) It creates also creates several Institutions: Kenya Fisheries Service Kenya Fisheries Marketing Authority The Fisheries Advisory Council	Weak surveillance capacity of maritime zones.	Establishment and operationalisation of the Institutions as proposed in the Fisheries Management and Development Act, 2016
Maritime Zones Act, Cap 371 (declares the 200 nautical miles).		
Participation in the International Conference on the Law of the Sea		
The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority		
The Government has enacted the Maritime Zones Act, Cap. 371 and Fisheries Management and Development Act, 2016	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ.	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.

2.	**UNITED NATIONS FISH STOCK AGREEMENT, (UNFSA) FOR STRADDLING AND HIGHLY MIGRATORY FISH, 1995** **Adopted in**: 10th December, 1982 **Entered into force on:** 11th December, 2001		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through legal notice on foreign fishing		Low capacity for offshore enforcement
3.	**UN 1993 FAO COMPLIANCE AGREEMENT** **Adopted in**: 24 November 1993 **Entered into force on:** 11th December, 2001. **Obligation to Government:** The Government is required to promote compliance with international conservation and management measures by fishing vessels on the high seas so that they do not engage in any activity that undermines the effectiveness of international conservation and management measures.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Fisheries Management and Development Act, 2016 provides for the conservation, management and development of fisheries and other aquatic resources. It also creates also creates several Institutions: Kenya Fisheries Service Kenya Fisheries Marketing Authority The Fisheries Advisory Council	Limited legal framework that provide a comprehensive legislative framework for the development, governance and investments of the oceans and fisheries resources.	Implementation of the Fisheries Management and Development Act, 2016. To provide for the conservation, management and development of fisheries and other aquatic resources Establish a Fisheries regulatory authority.
	The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority		
4.	**FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (CCRF)** **Adopted in**: 1st November, 1995 **Entered into force on:** 11th December, 2001		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated in the Fisheries Advisory Council The Fisheries Management and Development Act, 2016, declares governance	Implementing the Ecosystem approach to fisheries management	Enactment and implementation of the Fisheries Management and Development

	of the living marine resources in the Exclusive Economic Zone (EEZ). It creates also creates other Institutions such as: The Kenya Fisheries Service The Kenya Fisheries Marketing Authority		Act, 2016 to provide for the conservation, management and development of fisheries and other aquatic resources. Establishment of a Fisheries regulatory authority.
5.	**INTERNATIONAL CONVENTION FOR REGULATION OF WHALING, 1946** **Obligation to Government:** promote orderly development of the whaling industry		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya domesticated the Convention through the Fisheries Act, CAP 378. Currently the Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ)	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ.	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
	Monitoring the whale stocks and banning trade in endangered shark species.	Weak surveillance capacity of maritime zones.	Improve the monitoring and enforcement capacity on the fight against illegal whaling.
	Implementation is through the State Department for Fisheries and Kenya Wildlife Service.	Limited capacity to enforce and fight against Illegal whaling.	
6.	**THE WORLD CONSERVATION UNION (IUCN)** **Founded in**: 1948 **Obligation to Government:** Implementation of several international conventions on nature conservation and biodiversity.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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.	Limited resource to effectively monitor environmental degradation	Increase the funds allocated for environment conservation and management.
	Kenya avails information and provides project counterparts for prioritized activities between IUCN-EARO and Kenya Marine and Fisheries Research Institute.		

7.	**INDIAN OCEAN TUNA COMMISSION (IOTC) AGREEMENT** **Adopted on:** 25th November, 1993 **Entered into force in:** 27th March, 1996 **Kenya became a State party to the Commission on:** 29th September 2004. **Obligation:** ensure the conservation and optimum utilization of tuna and tuna like species in the Indian ocean.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated parts of the instrument through review several legal instruments:	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ,	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
	Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ).	Weak surveillance capacity of maritime zones.	Pursue internship and training opportunities at the UN.
	Maritime Zones Act, Cap 371 (declares the 200 nautical miles).		
	The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority.		
8.	**SOUTH WEST INDIAN FISHERIES COMMISSION CONVENTION (SWIOFC)** **Adopted in**: 2008 **Entered into force in:** 2012 **Kenya became a State party to the Commission in:** 2007 **Obligation:** promote the sustainable utilization of the living marine resoruces of the south west indian ocean region, by the proper management and development.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Member as a Contracting Party Member of the management and scientific committees	Funding issues thereby missing out on some meetings	Fully participate in Regional Fisheries Management Organisation
			Provide funding for the Development of Tuna Development Strategy.

	Regional Port Inspection Scheme.	Lack of enough staff to supervise trans-shipments.	
9.	**INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION / UNESCO'S (UNESCO-IOC)** **Established in:** 1960 **Obligation to Government**: Coordinate promgrammes in research, services aned capacity building, in order tolearn more about the nature and resrouces of the ocean and coastal areas.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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.	Lack of a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.	Develop a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.
	Kenya participates in the international programmes twice a year, and receives preferential capacity building for its Marine Scientists		Improve the institutional capacity with respect to marine resources and climate variability to foster sustainable development of the marine environment.
10.	**WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION (WIOMSA)** **Established in:** 1993 **Obligation to Government**: advance regional co-operation in all aspects of coastal and marine sciences including socio-economic and management science.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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.	Limited resources for effective communication and exchange of information of all aspects of marine sciences throughout the region of Western Indian Ocean.	Healthy coastal and marine environment

		Terrorism and Piracy along the Coastline	Sustainable management of natural resources
			Partnerships and collaboration between managers, scientists, Governments, development partners and civil society leading to healthy and prosperous coastal communities.
11.	**PORT STATE MEASURES, AGREEMENTS TO DETER AND ELIMINATE ILLEGAL UNREPORTED AND UNREGULATED FISHING (IUU)** **Adopted in**: 22nd November, 2009 **Signature**: 19th November 2010 **Ratification**: 1st August 2017 **Entered into force on:**5th June, 2016. **Kenya became a State party to the Convention on:** 29th April, 2010		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated in the Fisheries Management and Development Act, 2016.	Weak legal and institutional framework	Build capacity for MCS Under Smart fish
	Kenya is in the process of establishing Inter- Agencies Monitoring Control and surveillance Unit	Poor enforcement	
12.	**THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESAFS)** Kenya became a signatory in 2008		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	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.	Limited resources to effectively implement the COMESA Fisheries Strategy.	Incorporate COMESAFS fisheries programmes into the national food security plans because of its potential of contributing to food security.

13.	**LAKE VICTORIA FISHERIES ORGANISATION (LVFO) CONVENTION** **Adopted in**: 1994		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya, a member, pays subscription fees annually	Inadequate funding	Harmonize management of Lake Victoria Fisheries Resources
			Built capacity for joint scientific research programmes such as Lake Victoria Research Programme,
			Implement the Fisheries Management Plan (IFMP) European Union Project costing 20.9 M Euros

ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

1. INTERNATIONAL TELECOMMUNICATIONS UNION (ITU)

Formation: 1947

Obligation to Government: To ensure that it provides ICT services as per the regulatory requirements of ITU.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Implementing the Kenya Communications (Amendment) Act, 2009		The Government should partner with the private sector partners to ensure that ICT access and services are affordable, equitable and universal. empower people around the country through technology education and training. Build human and institutional capacity, provide data and statistics, and promote digital inclusion.
Developed and enacted E-Government policy that has transformed delivery of services to citizens e.g. HUDUMA centres, e-citizen.		
Developed critical Infrastructure Bill, 2017.		
Implementing National ICT Policy 2016.		
The Government has continuously implemented the National ICT infrastructure.		
Fibre Backbone Infrastructure (NOFBI) has facilitated broadband connectivity to all 47 counties.	Capacity to implement to adopt and to use.	
Roll out of Digital TV Broadcast Infrastructure and Migration.	Limited resources to ensure ease in access to television, and Internet countrywide. High cost of implementation.	

	Creation of Konza technopolis that positions Kenya as an ICT hub.	Competing interests.	
	Enhanced management of National Examinations through investment in ICT technology.		
	Implementation of Kenya National ICT Master Plan 2017.		
2.	**AFRICAN TELECOMMUNICATIONS UNION** **Formation:** 1977 **Obligation to Government:** To promote the rapid development of info-communications in order to achieve universal access, and full inter-country connectivity. It obligates the Government to formulate effective policies and strategies aimed at improving access to information infrastructure and services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communications.	Inadequate resources to fast-track the development of information and communication technologies infrastructure and services.	Mobilize resources through public private partnerships.
3.	**UNIVERSAL POSTAL UNION** **Formation:** 1874 **Kenya became a member on:** 27th October, 1964 **Obligation to Government:** To ensure the development of postal systems and services in accordance with recognised international standards, practices and public demand.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implemented the national addressing system aimed at transforming postal and courier and E-Commerce services.	Decline in postal services.	Modernize the Postal Network. Promote innovative products and services. Diversify product innovations including door to door delivery.
	Posta Kenya has entered into E-commerce partnerships with private sector to boost revenue.	Decrease in use of Postal services as a result of new and emerging technologies.	Investment in emerging technologies in order to remain competitive. Venture into the mobile money ecosystem, and utilize the potential of Government payments as a gateway to financial inclusion.

4.	**PAN AFRICAN POSTAL UNION (PAPU)** **Formation:** 17th January, 1980 **Obligation to Government:** To coordinate promotion and development of standards in the field of postal systems and services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Implemented the national addressing system aimed at transforming postal and courier and E-Commerce services.	Decline in postal services.	Modernize the Postal Network. Promote innovative products and services. Diversify product innovations including door to door delivery.
	Posta Kenya has entered into e-commerce partnerships with private sector to boost revenue.	Decrease in use of Postal services as a result of new and emerging technologies.	Investment in emerging technologies in order to remain competitive. Venture into the mobile money ecosystem, and utilize the potential of Government payments as a gateway to financial inclusion.
5.	**INTER-GOVERNMENTAL AGREEMENT ESTABLISHING THE AFRICAN ADVANCED LEVEL TELE-COMMUNICATIONS INSTITUTE (AFRALTI)** **Formation:** 1993 **Obligation to Government:** To provide human resources capacity building through high level quality training.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya hosts the headquarters of AFRALTI.		
		Lack of follow up mechanism	Setting up follow up mechanism

6.	**EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION, COMMUNICATIONS AND TECHNOLOGY** **Adopted on:** 30th June, 2013 **Signed on:** 30th June, 2013 **Obligation to Government:** to ratify the Protocol which will promote ICT services in the Common Market Protocol, harmonise ICT policies and establish and manage technology networks across the bloc.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Protocol has been submitted to the National Assembly.	Delays in ratification of the Protocol.	Fast track the ratification of the Protocol.

<table>
<tr><th colspan="4">CONVENTIONS DEALING WITH ETHICS AND INTEGRITY</th></tr>
<tr><td>1.</td><td colspan="3">UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

Adopted on: 31st October, 2003
Signed on: 9th December, 2003
Ratified on: 9th December, 2013
Entered into force on: 14th December, 2005

Obligation to Government: To take legislative, policy and administrative measures towards the fight against corruption, especially in relation to: Criminalisation and Law Enforcement: Prevention of Corruption: International Co-operation: Asset Recovery, and Technical Assistance.</td></tr>
<tr><td></td><td>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</td><td>CHALLENGES</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Domesticated the Convention through 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.</td><td>Weak synergy in implementation.</td><td>Enhance synergy amongst relevant implementing agencies.

Strengthen the capacity of EACC to investigate and take enforcement measures against corruption, through provision of adequate human and the Commission financial resources.</td></tr>
<tr><td></td><td>Establishment of institutions to fight corruption such as the Ethics and Anti-Corruption Commission and the Office of the Director of Public Prosecutions and Asset Recovery Agency.</td><td></td><td></td></tr>
<tr><td>2.</td><td colspan="3">AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION

Adopted on: 1st July, 2003
Signed on: 17th December, 2003
Ratified on: 3rd February, 2007
Entered into force in: 5th August, 2006

Obligation to Government: To criminalize various acts of corruption; facilitate the provision of mutual legal assistance and cooperation between law enforcement agencies involved in the fight against corruption.</td></tr>
</table>

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Domesticated and is implementing the Convention through 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. Kenya filed its first report under the Convention in June, 2012.	Weak synergy in implementation. Delayed feedback from the AUC.	Enhance synergy amongst relevant implementing agencies. Lobby cooperation among partner states.

LABOUR CONVENTIONS			
FUNDAMENTAL CONVENTIONS			
1.	**FORCED LABOUR CONVENTION 29 OF 1930**		
	Adoption: 28th June, 1930 **Entry into Force:** 1st May, 1932 **Ratification:** 13th January, 1964 **Obligation to Government:** To adopt measures to eliminate forced labour which refers to all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Convention has been entrenched in the labour laws: Employment Act, 2007, Labour Institutions Act, 2007, Counter Trafficking in Persons Act, 2010	Weak Institutional capacity.	Strengthen Institutional capacity to ensure protection from forced labour.
		Inadequate legal framework.	The penalties should be reviewed.
		The practice of forced labour and trafficking in persons is clandestine and rarely reported.	Sensitization and awareness creation, and strengthen the capacity of enforcement agencies.
		High unemployment levels.	Promote Innovation and Entrepreneurship
2.	**RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING ILO CONVENTION 98 OF 1949**		
	Adoption: 1st July, 1949 **Entry into force:** 19th July, 1951 **Kenya ratified:** 13th January 1964 **Obligation to Government:** Governments should ensure workers enjoy the freedom of Association and protection of the right to organize.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Constitution and the labour laws have domesticated ILO Convention 98 on the right to collectively bargain.	Inadequate understanding of Collective Bargaining.	Strengthen social dialogue and engagement of professional in collective bargaining.

			Development of projects and programmes for capacity building of parties for effective collective bargaining.
		Limited involvement of key professionals in the negotiation processes.	Sensitization and awareness creation on collective bargaining processes.
	Establishment of the Salaries and Remuneration Commission (SRC).	Inadequate capacity of SRC.	Capacity building of the SRC on collective bargaining.
		Uncoordinated approach towards Collective Bargaining process.	Enhanced coordination by the Ministry of Labour on collective bargaining.
	The establishment of the Employment and Labour Relations Court and the Economic Planning Unit to support collective bargaining.	Too many disputes in court on collective bargaining.	The government should conclude development of the policy on income and wages policy. Operationalization of Alternative Dispute Resolution in resolving labour disputes.
3.	**EQUAL REMUNERATION CONVENTION, 100 OF 1951** **Adoption:** 29th June, 1951 **Entry into force:** 23rd May, 1953 **Kenya ratified:** 7th May, 2001 **Obligation to Government:** The Convention requires that workers' remuneration must be established without discrimination based on sex.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Alignment of National labour laws to the Convention.	Lack of technical capacity to implement. Cultural biases and subjective evaluation of jobs in determination of remuneration.	Capacity building. Create awareness.
	Formulation of a National Wages and Remuneration Policy.	Harmonisation of wages and remunerations.	Resource mobilization and capacity building.
	Review of Kenya National Occupational Classification Standards (KNOC).	Out-dated occupational standards.	Fast track occupational standards.

4. MINIMUM AGE CONVENTION, 138 OF 1973

Adoption: 6th June, 1973
Entry into Force : 19th June, 1976
Kenya ratified: 09th April, 1979
Obligation to Government: Abolish child labour.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
The Convention has been domesticated through the Constitution, Basic Education Act, 2013, Labour Laws and Children Act, 2001.	Interpretation and application of the laws.	Conduct stakeholder engagement.
The National Policy on the elimination of Child Labour was approved by Parliament on 6th October, 2016.	Low awareness on the Policy.	Create public awareness. Resource mobilization for implementation. Harmonise national legislations in line with the National Policy.

5. WORST FORMS OF CHILD LABOUR CONVENTION 1999

Adoption: 17th June, 1999
Entered into force:19th November, 2000
Kenya ratified: 7th May, 2001
Obligation to Government: Elimination of the worst forms of child labour as a matter of urgency.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
The Convention has been domesticated through the Constitution and labour laws.	High levels of poverty.	Enhancement of poverty eradication programmes.
Government has developed and is implementing various programmes to help eradicate worst forms of child labour.	Unsustainability of programmes.	Resource mobilization.
The National Policy on the Elimination of Child Labour was approved by Parliament on 6th October, 2016.	Inadequate awareness of the worst forms of child labour.	Enhancing public awareness.
	Inadequate capacity of implementing stake holders.	Fast track implementation of the National Policy on the elimination of Child Labour. Strengthen the labour inspectorate and department of children services.

GOVERNANCE CONVENTIONS			
1.	**LABOUR INSPECTION (INDUSTRY) CONVENTION 81 OF 1947** **Adoption:** 11th June, 1947 **Entry into force:** 7th April, 1950 **Kenya ratified:** 13th January, 1964 **Obligation to Government:** Labour inspection in industrial workplaces to ensure compliance with minimum labour standards.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Convention is domesticated through the Constitution and the labour laws.	Inadequate institutional capacity. Inadequate legal framework.	Enhance institutional capacity. Review labour laws.
	Establishment of a Labour inspectorate.	Inadequate institutional capacity.	Enhance institutional capacity.
	Initiated restructuring of the labour inspectorate.	Weak institutionalized coordination mechanism.	Enhance coordination mechanism for effective service delivery.
	Recruitment of additional officers into the inspectorates.	The number of inspectorate staff is still quite low due to the long freeze on employment, natural attrition and retirement	Additional recruitment and capacity building of inspectorate staff.
2.	**LABOUR INSPECTION (AGRICULTURE) CONVENTION 129 OF 1969** **Adoption:** 25th June, 1969 **Entry into Force:** 19th January, 1972 **Kenya ratified:** 9th April, 1979 **Obligation to Government:** to protect workers engaged in various sub sectors of Agriculture including cultivation, animal husbandry, livestock production and care, forestry and horticulture.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through the Employment Act the Labour Institutions Act and The Regulation of Wages (Agricultural Industry Wages Council Establishment) Order.	Shortage of inspectorate personnel and material resource.	Additional recruitment and capacity building of inspectorate staff for agricultural sector.

3.	**TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 144 of 1976** **Adoption:** 21st June, 1976 **Entry into force:** 16th May, 1978 **Kenya ratified:** 6th June, 1990 **Obligation to Government:** 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through the Constitution and the Labour Laws.	Weak legal framework.	Enhance the legal framework.
	Establishment of the National Labour Board, Wages Councils, and other tripartite bodies dealing with labour policy issues.	Multiplicity of tripartite bodies.	Institutional harmonization.
	Promoted and facilitated social dialogue and tripartite relations.	Limited understanding and awareness.	Strengthen social dialogue and tripartite relations through awareness raising and technical assistance programmes.

TECHNICAL CONVENTIONS			
1.	**UNEMPLOYMENT CONVENTION, 2 OF 1919** **Adoption**: 28th November, 1919 **Entry into Force:** 14th July, 1921 **Ratification:** 13th January, 1964. **Obligation to Government:** Establish a system of free public employment agencies under the control of a National authority; communicate to the ILO all available statistical information, concerning unemployment, including reports on measures taken or contemplated to combat unemployment; Promote effective monitoring of unemployment and proper planning to combat unemployment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Establishment of affirmative funds to promote innovation and entrepreneurship.	Low uptake on the Affirmative Funds.	Create awareness. Review lending conditions.
	Establishment of the National Employment Authority.	Low public awareness.	Create awareness and build capacity of the authority.
2.	**RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION NO. 11 OF 1921** **Adoption**: 12th November, 1921 **Entry into Force:** 11th May, 1923 **Ratification:** 13th January, 1964 **Obligation to Government:** Ensure the right of association for workers engaged in agriculture just as industrial workers.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through the Constitution and the Labour Laws.	Low awareness.	Enhance awareness.
	Registered Trade Unions to represent workers in the Agricultural Sector.	Weak representation.	Capacity building of trade unions and members.
	Established Wages Council for the Agricultural sector.	Inadequate institutional capacity.	Enhance institutional capacity.

3.	**WEEKLY REST (INDUSTRY) CONVENTION, 1921** **Adoption:** 17th November, 1921 **Entry into Force:** 19th June, 1923 **Ratification:** 13th January, 1964. **Obligation to Government:** Ensure that all workers in both private and public sector enjoy at least one rest day in every period of seven days.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through the Constitution and the Labour Laws.	Enforcement is difficult.	Strengthen enforcement. Create of awareness, and strengthening of the capacity of trade unions.
4.	**PACKAGES TRANSPORTED BY VESSELS CONVENTION, 1929 No. 27.** **Adoption:** 11th November, 1921 **Ratification:** 9th February, 1971 **Obligation to Government:** Medical examination of all children engaged in maritime activities; The Convention ensures protection of children engaged in maritime activities and inspects the vessels to ensure compliance.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya ports authority reviewed its training programmes at Bandari college to provide capacity building for equipment.	Inadequate funds.	Resource mobilization.
5.	**PROTECTION AGAINST ACCIDENTS DOCKERS CONVENTION REVISED, 1932 No. 32** **Adoption:** 11th November, 1921 **Ratification:** 9th February, 1971 **Obligation to Government:** Medical examination of all children engaged in maritime activities; The Convention ensures protection of children engaged in maritime activities and inspects the vessels to ensure compliance.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	KPA has put in place comprehensive and effective Occupation Safet And Health Policy.	Compliance and enforcement.	Create awareness.

6.	**LABOUR INSPECTION CONVENTION OF 1947 No. 81** **Adoption:** 11th November, 1921 **Ratification:** 9th February, 1971 **Obligation to Government:** Medical examination of all children engaged in maritime activities; The Convention ensures protection of children engaged in maritime activities and inspects the vessels to ensure compliance.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Recruited 40 entry level staff.	Low budgetery allocation.	Resource mobilization and priotization.
	Traning in parternship with the Kenya school of government.		
7.	**LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTIONS, 1949 No. 94** **Adoption:** 11th November, 1921 **Ratification:** 9th February, 1971 **Obligation to Government:** Medical examination of all children engaged in maritime activities; The Convention ensures protection of children engaged in maritime activities and inspects the vessels to ensure compliance.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**MEASURES UNDERTAKEN AND PROGRESS ACHIEVED**	**RECOMMENDATIONS**
8.	**WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION No. 19 of 1925** **Adoption:** 10th June, 1925 **Entry into Force:** 1st April, 1927 **Ratification:** 13th January, 1964. **Obligation to Government**: Ensuring adequate compensation of workers injured or killed in the course of employment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Convention has been domesticated through the Work Injury Benefits Act, 2007 (WIBA)	The High Court declared part of the Act unconstitutional	Fast-track amendment to align the Convention to the Constitution in order to meet its objectives.
	Establishment of an Institutional framework for implementation of the Work Injury Benefits Act, 2007 (WIBA)	Inadequate capacity	Enhance capacity building

9. Minimum Wage-Fixing Machinery Convention, No. 26 of 1928

Adoption: 16th June,1 928
Entry into Force: 14th June , 1930
Ratification: 13th January, 1964

Obligation to Government: 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domestication through the Labour Institutions Act, 2007 establishes various Wages Councils to set minimum wages for all sectors.	Non-compliance of the Act. Poor work and remuneration culture.	Ensure enforcement of the Act. Enhance capacity of the Inspectorate Sensitization of all the employers and workers.
A Wages and Remuneration policy is being developed.	Slow pace of development or conclusion of the policy.	Fast-track the development or conclusion of the policy
Restructuring of the National Productivity and Competitiveness Centre	Limited public awareness and material resources.	Fast-track the restructuring process of the National Productivity and Competitiveness Centre Create awareness Resource mobilization

10. CONVENTION ON MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, No. 27 of 1929

Adoption: 21st June, 1929
Entry into force: 9th March, 1932
Ratification: February, 1971

Obligation to Government: 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.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Acquisition of a state of the art container handling equipment.	Non-compliance.	Ensuring compliance through inspections.
	Initiated programme to build capacity of operators to promote and ensure compliance with standards.	Inability to enforce compliance with standards.	Enhance enforcement. Adoption of a multi-sectoral approach in enforcing compliance.
	Reviewed training programmes at both Bandari College and Enterprises/manufacturers support	High Limited public awareness	Develop a targeted public awareness programme to effectively reach out to stakeholders
11.	**CONVENTION ON PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932** **Adoption:** 27th April, 1932 **Entry into Force:** 30th November, 1934 **Ratification:** 13th January, 1964. **Obligation to Government**: Ensure safety and protection of dock workers against accidents.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS.**
	Domesticated the Convention through the Occupational Safety and Health Act, 2007	High cost of compliance with safety measures Inadequate capacity of the inspectorate to enforce compliance	Enforcement of safety measures Enhance capacity building Enhance public –private partnership to adequately meet the costs of implementation
	Kenya Ports Authority has put in place a comprehensive and effective Occupational Safety and Health Policy.	High financial cost in implementing the policy	Enhance public –private partnership to adequately meet the costs of implementation

	Development of Workplaces Safety and Health Committee Rules, Legal Notice No.31 of 2004		
	A curriculum has been developed for the purpose of ensuring uniformity, consistence and standardization of the scope and content of the occupational health and safety training for the workplaces Safety and Health Committee members.		Compliance must be ensured through effective inspections.
	Developed an all-round induction, continuous training and protective equipment provision programme.	High financial cost in implementing the programmes.	Enhance public –private partnership to adequately meet the costs of implementation
	Set up Departmental Safety Committees		
12.	**CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, No. 63 of 1938** **Adoption:** 20th June, 1938 **Entry into Force:** 22nd June, 1940 **Ratification:** 13th January, 1964 **Obligation to Government:** Undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. Publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Government Collects and publishes data to ensure effective monitoring for compliance with labour standards.	Inability to obtain reliable data and publishing the same as required under the Convention due to capacity issues.	Build the capacity of the relevant Government agency to enable it discharge its function effectively. Develop partnership with the Kenya National Bureau of Statistics for Data production.
	Launched the Kenya Labour Market information system to include information systems.	Lack of an up-to-date centralized and integrated labour market system. Low awareness among stakeholders.	Adapt the best international practices in data collection and management. Enhance public awareness.

13. EMPLOYMENT SERVICE CONVENTION, No. 88 of 1948

Adoption: 9th July, 1948
Entry into Force: 10th August, 1950
Ratification: 13th January, 1964

Obligation to Government: Ensure the maintenance of a free public employment service that embraces the best possible Organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Introduction of the new law, the National Employment Authority Act, No. 3 of 2016.	The Employment Authority is yet to be operationalized. Delay in setting up of the authority operational structures	Improve data collection, management, and publication of the data to ensure compliance with labour standards. Fast-track operationalization of the Employment Authority
Launched the Kenya Labour Market Information System. (KLMIS)	Low public awareness and stakeholder support	Enhance awareness and encourage use of the system.

14. NIGHT WORK (WOMEN) CONVENTION (REVISED), No. 89 of 1948

Adoption: 9th July, 1948
Entry into Force: 27th February, 1951
Ratification: 30th November, 1965

Obligation to Government: Regulation of conditions for night work for women.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
The Government is considering procedures of denunciation of the Convention	Delay in initiating the denunciation process	Fast-track the denunciation process

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Domesticated through the Public Finance Management Act, 2012, the Public Procurement laws, Public Private Partnership Act, and labour laws.	Weak enforcement mechanisms.	Enhance enforcement mechanisms.
			Sensitization and enforcement of labour laws.
	Established the Public Procurement Regulatory Authority.	Limited stakeholder support	Enhance stakeholders' engagement
15.	**MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION No. 99 of 1951 (DONE)** **Adoption:** 28th June, 1951 **Entry into Force:** 23rd August, 1953 **Ratification:** 9th February, 1971 **Obligation to Government**: Undertake to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Establishment of the Agricultural Wages Council established under Section 43 of the Labour Institutions, Act 2007	Many in the informal sector are not paid the minimum wages stipulated by the regulation.	Enhance Border control
	Development of an Integrated National Wages Policy.		Enhance Enforcement of the Minimum Wage.
	The government in conjuction with the ILO conducted a study and is developing a national wages policy	Slow work progress	Speedy conclusion of the policy
	Salaries has conducted a job evaluation exercise for the public sector	Results of the Job Evaluation are controversial	A review of the Job Evaluation
	The government has developed the Kenya National Occupations Classification (KNOCS) 2000.	Phased approach to implementation of KNOCS	A review of KNOCS to update

16.	**EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, No. 118 of 1962** **Adoption:** 28th June, 1962 **Entry into Force:** 25th April, 1964 **Ratification:** 9th February, 1971. **Obligation to Government**: Provide social security covering its own nationals within its own territory in medical care benefits covering sickness; maternity; invalidity; old-age; survivors; employment injury; unemployment; and family.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Government provides social security through the NSSF, NHIF, Retirement Benefits Authority Act No. 305 of 1997, and Work Injury Benefits Act 13 of 2007.	Insufficient funds to cater for all social security needs.	Allocation of more funds.
	Provision of cash transfer programs for older persons, persons with severe disabilities, and orphans and vulnerable children.	Lack of a reliable data for the potential beneficiaries	Develop an adequate and reliable database for the potential beneficiaries.
17.	**MINIMUM WAGE FIXING CONVENTION, No. 131 of 1970** **Adoption:** 22nd June 1970 **Entry into Force: 2**9th April 1972 **Ratification:** 9th April 1979. **Obligation to Government**: Establish a system of minimum wage which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Establishment of wages councils for purposes of fixing wages in various sectors to ensure reasonable terms and conditions of employment for workers in the relevant sectors. The Public Service Commission Act, 2017 has made provisions for minimum wage in the Public Service. Gazettement of minimum wages for the General and Agricultural Orders. Public Service Commission Act Draft Regulations, 2017 have been developed and are waiting for adoption by parliament	Workers in the informal sector are not covered by the wage fixing machinery.	Enhance enforcement measures to ensure workers who are not covered by set wage fixing machinery are covered

18. HOLIDAYS WITH PAY CONVENTION (REVISED), No. 132 of 1970

Adoption: 24th June, 1970
Entry into Force: 30th June, 1973
Ratification: 9th April, 1979
Obligation to Government: Ensuring provision of holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domesticated through the Employment Act, 2007, Public Service Commission Act, 2017 which has provision on entitlement to an annual paid leave.	Poor implementation of provisions on annual paid leave in the Public Sector.	Strengthen enforcement Need for sensitization of the Public Sector.
Implementation of the Human Resource Policies and Procedure Manual for Public Service May 2016.	Low awareness within the Public Service on the provisions of the Manual.	Sensitization and awareness of the workers

19. WORKERS' REPRESENTATIVES CONVENTION, No. 135 of 1971

Adoption: 23rd June, 1971
Entry into Force: 30th June, 1973
Ratification: 9th April, 1979
Obligation to Government: Put in place mechanisms where Workers benefit from representation by their representatives and enjoy effective protection against any act prejudicial to them, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domestication of the provisions of the Convention through the Constitution and Labour Relations Act, 2007.	Limited understanding amongst workers and employers.	Enhance sensitization and awareness creation.

20. PAID EDUCATIONAL LEAVE CONVENTION, No. 140 1974

Adopted in: 24th June, 1974
Entered into force on: 23rd September, 1976
Kenya became a State party to the Convention on: 9th April, 1979
Obligation to Government: Formulate and apply a policy designed to promote paid educational leave

MEASURES UNDERTAKEN AND PROGRESS MADE	CHALLENGES	RECOMMENDATIONS
The Labour Institutions Act, 2007 recognises the need for educational leave.	There are no guidelines on paid educational leave.	Develop guidelines on paid educational leave.
The Public Service Human Resource Policies and Procedures Manual allow an officer to continue to draw his/her substantive salary in the duration of his/her Studies.		

21. RURAL WORKERS' ORGANISATIONS' CONVENTION, No. 141 of 1975

Adoption: 23rd June, 1975
Entry into Force: 24th November, 1977
Ratification: 9th April, 1979
Obligation to Government: It is intended to ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domestication of the Convention has been done through the Constitution and Labour Relations Act.	Low level of awareness.	Enhance sensitization and awareness creation.

22. HUMAN RESOURCES DEVELOPMENT CONVENTION, No. 142 of 1975

Adoption: 23rd June, 1975
Entry into Force: 18th July, 1977
Ratification: 9th April, 1979
Obligation to Government: Ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems in line with the Convention.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Establishment of the National Industrial Training Authority established under the Industrial Training (Amendment) Act, 2011 through the Technical Vocational Education and Training Act (TVET) 2013 responsible for industrial and technical training.	Lack of appreciation of the skills training offered by the TVET institutions.	Enhance sensitization and awareness creation.
	Implementation of the Public Service Commission Human Resource Development Policy, 2015. Government has also developed a Sessional Paper, No. 14 of 2012, Act No. 29 of 2013 and National Industrial Training and Attachment Policy July 2015.	Insufficient human and financial resources for the improvement and expansion of training institutions Delay in adoption.	Provision of more resources to enhance capacity building and institutions. Fast-track adoption and development of a comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training closely linked with employment, in particular through public employment services.
	The Government recruited 10, 411 service men and women into the National Youth Service recruits, and further increased the number of service men and women transiting to technical vocational training from 4200 in 2013 to 8889 in 2016.	Low absorption of the trained service men and women in the labour market.	Develop an absorption mechanism for the skilled service men and women.
	Government has institutionalized vocational training through upgrading, equipping and establishing new TVET institutions in the constituencies to equip the youth with the necessary skills to meet the current labour market demands.	Insufficient human and financial resources for the improvement and expansion of training institutions	Provision of more resources to enhance capacity building and institutions. Establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it. Adapt and harmonize its vocational training systems to meet the needs for vocational training throughout life of

			both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility. Develop Policies and programmes of vocational guidance and vocational training formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies.
23.	**NURSING PERSONNEL CONVENTION, No. 149 of 1977** **Adopted in:** 21st June, 1977 **Entry into force:** 11th July, 1979 **Ratification date :** 6th June, 1990 **Obligation to Government:** Ensuring adoption and application by Governments, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Establishment of a Nursing Service Unit and a Nursing Council of Kenya that has set standards relating to the education and practice of nurses.	Understaffing of functional health facilities. Limited training and development opportunities.	Review the bilateral labour Agreements to cover other occupation and professions. Provision of adequate funding to enhance training and development
	Implementation of the Revised Scheme of Service for Nursing Personnel.	Insufficient funds to implement the revised scheme of service for Nursing Personnel. Non-conducive working conditions for Nursing Personnel.	Provision of adequate funding to implement the revised scheme of service. Improve working conditions and existing infrastructure.

SOCIAL PROTECTION

1. OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Adopted on: 25th May, 2000
Entry into Force: 18th January 2002
International Obligation: To prohibit the sale of children, child prostitution and child pornography.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domesticated in the Constitution, The Children's Act, 2001 and other legislations.	Inadequate enforcement of the relevant laws.	Enhance enforcement of the relevant laws.
Signing of the code of conduct for the hoteliers	Child abuse cases have moved to private residences.	Enhance enforcement of the relevant laws through community involvement.
Implementation of the National Plan of Action against Sexual Exploitation of Children in Kenya 2013 -2017.	Low levels of implementation.	Review the document

2. THE HAGUE CONVENTION ON THE PROTECTION OF CHILDREN AND COOPERATION IN RESPECT OF INTER-COUNTRY ADOPTION

Drafted in: 29th May, 1993
Entered into force on: 1st May, 1995
Kenya ratified the Convention on: 1st June, 2007
Obligation to the Government: To ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Convention was domesticated in the Children's Act, 2001	Low awareness on the procedure of adoption. Freeing children for adoption done by private entities which risks subtle abuse of children through shoddy investigation.	Enhanced public awareness on adoption procedures. Freeing children for adoption should be done by the National Adoption Committee.
Implementation of the Children (Adoption) Regulations, 2005.	Stigma and cultural beliefs associated with adoption of children.	Sensitization to reduce stigma.
The Government formed the Adoption Committee in 2006; the 4th Adoption Committee was Gazetted in February, 2016.	The adoption process is perceived to be expensive.	Public awareness to be enhanced about the adoption procedures.

			Subsidize the fee charged for adoption of children.
	Implementation of the Alternative Family Care Guidelines of Children in Kenya, 2014.	Dissemination of the guidelines has not been done countrywide.	Fast-track dissemination.
	Celebrated the annual World Adoption Month, in November, in Vihiga County, 2017	Celebrations not done countywide. Low publicity.	Enhance Stakeholder engagement including county Governments..
3.	**MADRID INTERNATIONAL PLAN OF ACTION ON AGEING** **Adopted:** Second World Assembly on Ageing in April, 2002 **Obligation to the Government:** UN Members are required to ensure supportive environments for older persons and development: advancing health and well-being into old age, and ensuring enabling and supportive environments.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The National Policy on older persons and ageing providing an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity.	More resources required to support programmes for old persons.	Increase budgetary allocation to enable for countywide celebrations. Allocation of more funds for sensitization.
	The older members of society bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society.	Low public awareness on issues of older persons and ageing including elder abuse.	
	The social protection policy which aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development.		
	The National family promotion and protection policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons.		
	The Ministry through the social assistance programme is providing support to vulnerable households through older persons, orphans and vulnerable children and persons with severe disabilities cash transfer programmes.		
	Development of guidelines on establishment of institutions of older persons is in progress.		

	VIENNA INTERNATIONAL PLAN OF ACTION ON AGEING (1982) **Adopted:** 1982 **Obligation to the Government:** To ensure realization of UN principles stipulating the rights of older persons to independence, participation, care, self fulfilment and diginity.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Social protection through NHIF and NSSF.	Financial constraints.	Allocate more funds. Fast track development of the Bill.
	Cash transfer programme for older person.		
	National Social Protection Bill is being developed.		

	AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD **Adopted on:** 1990 **Entry into force:** 29th November, 1999 **Kenya became a State Party on:** 25th July, 2000 **Obligation to the Government:** To guarantee children's rights without discrimination.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Childrens rights are entrenched in the Constitution, the Children's Act 2001, Labour Laws and other laws.	Financial constraints and lack of awareness of existing policies on children's rights.	Mobilize resources and create awareness.
	Policies have been developed such as the; National Children's Policy, National Policy on Human Rights, Sexual Offences Act, 2006, the Countertrafficking Act, 2010 and the Marriage Act, 2015.		
	Kenyan courts have applied international human rights principles touching on the rights and welfare of the child in their decisions.		
	INTERNATIONAL DAY OF OLDER PERSONS **Obligation to Government:** facilitate older persons to participate in society and enjor their rights, freedoms and live in dignity.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Older Members of Society Bill is being developed.		Fast track development of the Bill.
	Social protection policy is in place.		
	Guidelines on the establishment of institutions of older persons are being developed.		

4.	**INTERNATIONAL VOLUNTEER DAY** **Adopted on:** 17th December, 1985 **Obligation to Government:** to promote volunteerism.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Developed a National Volunteerism Policy and legal framework.	Uncoordinated volunteer efforts.	Finalization of the Policies and Bills to provide legal framework Establish a database to ensure that all volunteer involving organisations and individuals are identified and coordinated.
	Observed the International Volunteer Day on 5th December 2017.		

5.	**THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)** **Signed on:** 20th November, 1989 **Entered into force on:** 2nd September, 1990 **Kenya ratified the treaty on:** 30th July, 1990 **Obligation to Government:** to ensure children enjoy the rights guaranteed by the Convention without discrimination. Parents to exercise their parental responsibility and to take appropriate measures toe ensure the child is protected against all forms of discrimination or punishment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Domesticated through The Constitution of Kenya and the Childrens Act, 2001.	Dealing with numerous cases of child abuse. Harmful cultural practices and beliefs with regards to the place of a child in the society. Extreme poverty. Inadequate resources to support children programs and children in conflict with the law.	Public awareness on child rights and protection and what constitutes a child abuse offence. Relevant authorities to be more vigilant and children cases to be dealt with appropriately. Strengthen institutions dealing with children issues. Review legislations and policies in line with international instruments.

			Improve on data collection, management and analysis for effective planning of children programs. Capacity building of officers handling children issues.
	Enactment of the Employment Act which prohibits child labour.	Lack of reliable data on children in Child labour	Improve on data collection, management and analysis to help in controlling child labour.
	The government has put 353,000 households under cash transfer program for orphans and vulnerable children.	Inadequate resources to cover all the needy cases.	Strengthen and upscale social protection programs to cushion vulnerable children and their families.
	Payment of fees for 27,408 needy Secondary School students under the Presidential Bursary fund, National Government CDF, counties and the private sector.		Mobilize more resources.
	Celebration of the World Orphans Day in May 2017 in various Counties.		
	Kenya Children Assemblies have been established and operational in all the Counties and Sub counties. The National meeting was held in April, 2017 at the National Industrial Training Authority (NITA), Athi River in April, 2017.	Not all children have access to this structure.	Upscale the Kenya Assembly structure to the locational and ward level.
	Celebration of the International Day of the Girl child in November, 2017 in various counties such as Kiambu. Kenya is borrowing measures on education from the ACRWC.	Lacks countrywide coverage.	Allocation of more funds.
	Development of a Female Genital Mutilation Draft Policy, 2017		Fast track adoption of Female Genital Mutilation Policy, 2017.
	Introduced Anti Female Genital Mutilation Programmes in basic education curriculum.	Harmful cultural practice and beliefs.	
	Implemented the Anti Female Genital Mutilation Act, 2012.		
	Introduction of Alternatives To Rite Of Passage (ARP) in the basic education as opposed to Female Genital Mutilation (FGM)		

6. **THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD (ACRWC)**

Adopted in: 1990
Entered into force on: 29th November, 1999
Kenya became a state party to the charter on: 25th July, 2000
Obligation to Government: To promote and protect the rights and welfare of children.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Domestication of the Charter through the Constitution, the National Children Policies, National Policy on Human Rights, the Orphans and Vulnerable Children Policy of 2012, the Children Act 2001, The Basic Education Act 2013, Sexual Offences Act 2006, the Counter Trafficking Act, 2010, The Marriage Act, 2015, the Prohibition Against Domestic Violence Act, 2015, The Refugee Act, among others	Slow implementation of child rights policies and laws	Enhance enforcement of the existing policies and laws. Review the existing laws to align with the Constitution.
Celebration of the Day of the African Child on 18th June, 2017 in Bungoma County.	Inadequate resources to allow for the celebrations county wide	Mobilization and allocation of resources
Implementation of the National Plan of Action (NPA) for Children in Kenya 2015 -2022	Dissemination of the NPA has not been done countrywide.	Country-wide dissemination of the NPA to be up-scaled.
The establishment and continuous expansion of Cash Transfers to Orphans and Vulnerable Children and children with severe disability.	Many deserving children are not accessing the funds. High incidences of poverty.	Upscale the number of households and allocate more funds. Promote community support structures.
Establishment and resourcing of children offices across the Country. 39 new children officers were employed in October 2017 to add to the workforce.		
Operationalization of Area Advisory Councils in all the 47 Counties and 195 Sub Counties.	Weak community structures that do not offer adequate support to children in difficult situations (OVC)	Create awareness on child rights and welfare across the county
Establishment of the toll free 24 hour child Help line 116 and the creation of awareness on its existence	Ignorance on the existence of the toll free child helpline	Awareness on the existence of the toll free number
Establishment of Children Rescue Centers and Gender Violence Recovery Centers across the Country.	The centers are few and officers not adequately equipped to handle the reported children issues	Capacity building of officers handling children issues

	The establishment of child help desks in police stations and Child Protection Units (CPU's) in some as well as the establishment of more Children's Courts.	Lacks country wide coverage	Allocate funds and establish more centers
	Free access to health/medical services by children under the age of 5 years in Government facilities. Deworming and immunization programmes in schools.	Negative cultural and religious beliefs.	Enhance public awareness and law enforcement.
	Free and Compulsory Basic Education and increased capitation of grants. Implementation of the National Education Management Information (NEMIS) system.	Misappropriation of resources.	Enforcement of financial policies and guildelines.
	Introduced Day wing classes and free textbooks.		
7.	**OPTIONAL PROTOCOL ON THE INVOLMENT OF CHILDREN IN ARMED CONFLICT** **Adopted in**: 30th November, 1999 **Entered into force on:** 12th July, 2002 **Kenya ratified the protocol on:** 28th January, 2002 **Obligation to Government:** Government is under obligation to ensure children are not recruited to serve in government or other forms of military engagement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Protocol is being implemented through the various Provisions such as the Constitution Article 53	Poverty and unemployment leading to risk of children being recruited into outlawed groups linked with terrorism.	Strengthen existing mechanisms for protecting children
	Enactment of the Children Act, 2001which seeks to protect children from recruitment into armed conflict.	Lack of awareness on the provisions on the rights of the child	Create a lot of awareness on the rights of the child and dangers of such groups
8.	**UNITED NATIONS CONVENTION AGAINST TRANSITIONAL ORGANIZED CRIME** **Adopted in**: 30th November, 1999 **Entered into force on:** 7th July, 2000 **Kenya ratified the protocol on:** 28th January, 2002 **International Obligation:** The Convention requires the government to take measures prevent suppress and punish trafficking in Person.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Implementation of the Counter trafficking in Persons Act ,2010	Ineffective mechanisms for combating trafficking in persons and assisting victims. Poverty and unemployment.	The Government to strengthen the enactment of Counter Trafficking Act, 2010. Policies to be for put in place to address poverty and unemployment
	Counter Trafficking in Person's Advisory Committee was launched on 8th July, 2014 and is operational.	Ignorance of the public about trafficking in persons	Continue to increase oversight of and accountability for overseas recruitment agencies.
	National Assistance Fund for Victims of Trafficking in Persons in place. Induction took place and members have met twice.	The inadequate funds to facilitate the victims of trafficking.	Provide adequate resources to the police, labour and social services staff to ensure implementation of the prosecution and protection mandates within the Counter-Trafficking in Persons Act, 2010.
	Development and launch of the National Plan of Action (NPA) for Combating Human Trafficking 2013-2017. The process of developing NPA 2018- 20122 has commenced.		Implement a formal process for law enforcement officials to refer trafficking victims for assistance.
	Capacity building- training activities for the Prosecutors, Immigration offices, Children Officers, Labour Officers and the Police.	Inadequate financial resources	Provision of additional training at all levels of government, particularly first line responders, on identifying and handling trafficking crimes.
	Raising public awareness and holding of the International Day Against Human Trafficking	The public is not well conversant with human trafficking issues.	Sensitization and public awareness forums to be carried out.
	Revocation of all accredited certificates issued to private employment recruitment agencies to better regulate overseas labour recruitment.	Most recruiting agencies still operate incognito	Reducing fraudulent employment opportunities by monitoring and assessing employment agencies and their processes and practices to detect misconduct or potential gaps that could be used by traffickers.
	Conviction of traffickers	The traffickers mode of operations keeps on changing	Convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking.
	Efforts are being made have the migrants register themselves with the Kenyan Embassies and Missions abroad	Appropriate data system is still not yet in place	Develop a unified system to collect and analyze trafficking cases data by all stakeholders.

<table>
<tr><td>9.</td><td colspan="3">OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Kenya ratified the protocol on: Kenya signed it on 8th September, 2000 but has not ratified it.
International Obligation: The Convention requires states to prohibit the sale of children, child prostitution and child pornography.</td></tr>
<tr><td></td><td>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</td><td>CHALLENGES</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Provisions of the Convention have been domesticated in the constitution and other national legislations</td><td>Rising cases of children involved in prostitution.

Lack of awareness on the dangers of child prostitution.</td><td>Strengthen mechanism to combat child prostitution</td></tr>
<tr><td></td><td>Signing of the code of conduct for the hoteliers</td><td>The crime scene has shifted to private residences.</td><td>Law enforcement to be enhanced.</td></tr>
<tr><td></td><td>Implementation of the National Plan of Action against Sexual Exploitation of Children in Kenya 2013 -2017.</td><td>Dissemination of the document, poorly done.</td><td>Revision and dissemination of the document.</td></tr>
<tr><td>10.</td><td colspan="3">THE HAGUE CONVENTION ON THE PROTECTION OF CHILDREN AND COOPERATION IN RESPECT OF INTER-COUNTRY ADOPTION OF MAY, 1993

Adopted in: 30th November, 1999
Entered into force on: 28th April, 1995
Kenya acceded to the Convention on 1st June, 2007
International Obligation: State parties to ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.</td></tr>
</table>

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Convention is domesticated in the Children's Act 2001	Ignorance about the law and procedure of adoption in Kenya. Freeing children for adoption done by private entities which risks subtle abuse of children through shoddy investigation.	Public awareness to be enhanced about the adoption procedures Freeing of children for adoption to be done by a government body (National Adoption Committee)
	Implementation of the Children (Adoption) Regulations 2005.	Stigma associated with adoption.	Sensitization to reduce the stigma associated with adoption/adopted children.
	The Government formed the Adoption Committee in 2006, the 4th Adoption Committee was Gazetted in March, 2016 and is operational.	The adoption process is perceived to be expensive and for infertile couples)	Subsidize the fee charged for adoption of children in Kenya, so as to be in line with free maternity services in Kenya.
	Implementation of the Alternative Family Care of Children in Kenya, 2014.	Resources lacking to facilitate countrywide coverage	Allocation of more funds for sensitization on Alternative Family Care Guidelines.
	Celebration of the World Adoption Month, 2017 in Vihiga County.		Allocation of adequate funds for Country wide celebrations.

LAND, HOUSING AND URBAN DEVELOPMENT			
1.	**THE UNITED NATIONS AGENCY FOR HUMAN SETTLEMENT AND URBAN DEVELOPMENT (UN HABITAT)** **Established in:** 1978 **Obligation to Government:** To promote affordable housing.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya hosts the UN-Habitat headquarters at the United Nations Office in Nairobi.	Concerted efforts to relocate the headquarters from Nairobi.	Upscale diplomatic lobbying.
	Development of housing programmes for social housing (200,000) public housing (300,000) and civil servant housing.	Inadequate resources.	Resource mobilization through Public Private Partnership.
	The Government is implementing the National Slum Upgrading and Prevention Policy (2017). National Housing Policy (2012), the National Land Policy (2005), National Urban Development Policy (2016).	This policy is viewed as legalizing squatters on institutional and public land. Delay in project implementation -slow decision making process.	Adoption of multi-sectorial approach to implementation of the policy.
	Establishment of Housing Inspectorate Unit.	Negative perception by private developers because of demolition of buildings	Multi agency approach to demolitions to houses that have not met the required building standards in the building code.
	Reconstitution of Kenya Building Research Centre.	Lack of housing research policy.	Partner with institutions of higher learning to enhance research on housing.
	Establishment of National Habitat Committee to implement the new urban agenda.	Inadequate urban planning.	Enhance public institutional participation in urban planning.
	Enhance implementation of Sectional Property Act, 1987	Delay in geo referencing of housing units. Strong attachment to standalone housing.	Creation of awareness Create awareness on sectional property ownership.

	Review of existing Acts and legislation of new laws.	Objection from major stakeholders. Lack of comprehensive National Housing Act.	Enhance stakeholders engagement in reviewing of existing Acts. Fast track enactment of the Housing Bill.
	Participated in international urban fora such as World Urban Forum in Malaysia.	Slow implementation of conference resolutions.	Formation of a multi sectorial committee to oversee implementation of conference resolutions together with the new urban agenda.
	Redevelopment of Shauri Moyo comprising of 822 housing units, social hall, youth centre, boundary wall, external works and landscaping.	Delay in finalizing litigation leading to increased costs of construction.	Alternative Dispute Resolution Mechanism (ADR).
	Implementation of Kenya Informal Settlements Improvement Project (KISIP) and Nairobi Metropolitan Service Improvement Programme (NaMSIP) is undertaking tenure regularization and installation of social and physical infrastructure in informal settlements in fifteen (15).	Inadequate resources for completing of projects KIPSIP II and NaMSIP II.	Negotiate for KISIP II and NaMSIP II for more funding.
	Appropriate Building Materials and Technologies (ABMT) holistic eco-technological designs, training and capacity building in ABMT, a regional training centre has been constructed in Mavoko.	Limited awareness on ABMTs.	Enhance sensitization.
	National Land Titling Centre and Modernization of land registries.	Inadequate resources. Unregistered land.	Enhance resource mobilization. Improve on registration process.
2.	**SHELTER AFRIQUE** **Formation**: Formed in 1985 **Kenya Membership:** Founding member **International Obligation:** To access funds for housing development.		

	MEASURES UNDERTAKEN AND PROGRESS	CHALLENGES	RECOMMENDATIONS
	Kenya hosts the headquarters in Nairobi.	Delayed payment of annual subscriptions by Member states.	Lobby member states of annual subscriptions payment.
	Loans for housing development acquired.	Competing interests between Franco/Anglo standing that affects priorities.	
		Poor governance in management.	Enhance collaboration, negotiations and synergies Promote good governance.
		.	Recommend directorship increase in commensurate with Kenya's majority shareholding from the Ministry of Foreign Affairs and International Trade and Attorney General Office

	DELIMITATION AND DEMARCATION OF BOUNDARIES		
1.	**DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)** **Adopted in:** 25 March, 2010 **Entered into force on:** 25 March, 2011 **Obligation to Government:** To delineate Kenya's maritime boundaries.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Exclusive Economic Zone(EEZ) has been declared.	We are not Full members of IHO and so we cannot make hydrographic charts on our own.	Reorganisation of Shelter Afrique to be done to mitigate against the existing challenges.
	Extended Continental Shelf (ECS)in progress.		Fast track upgrading of our membership in International Hydrographic Organisation from associate members to full members.
2.	**ADDIS ABABA DECLARATION ON GEOSPATIAL INFORMATION MANAGEMENT** **Pronounced on:** 22nd April, 2016 **Obligation to Government:** development of AFREF, a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya is in the process of establishing KENREF, a national geodetic reference frame.	Resource constraints.	Resource mobilization.

YOUTH AND GENDER

1. **UN-YOUTH PROGRAMME OF ACTION FOR YOUTH**

Adopted in: 1995

Obligation to Government: to improve the situation of young people around the world.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Advocacy on youth issues.	Inadequate finances/ funding	There is need for members states to create a fund to finance various training for various levels of staff to ensure equity in terms of capacity building among the state parties.
Two International Youth Days celebrated 2015 in Machakos County and 2016 in Nakuru County.	Inadequate finances/ funding	Allocation of more funds.
Over 4000 youth were directly involved in the activity.		

2. **AFRICA REGIONAL ACTION PLAN FOR INVESTING IN YOUTH**

Adopted in: 2011
Entered into force on: 2011
Kenya became a State party to the Charter on: 1963

International Obligation: Developing of Labour Market System and Data Base for unemployed youth: Modernization of agriculture and making it attractive for youth: Development of sports, entertainment and creative industries as employment opportunities for youth: Promote environmental management as an employment avenue: Develop support structures for youth enterprise initiatives: Promote public and private partnerships in youth enterprise development: Establishment of youth empowerment funds.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Labour Market System and Data Base for unemployed youth has been proposed for implementation in the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3). To be implemented jointly by the Ministry for responsible for youth affairs and the Ministry of Labour	Financial constraints	
	Modernization of agriculture and making it attractive for youth has been proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021) jointly with the Ministry responsible for youth affairs and Ministry of Agriculture.	Technological and infrastructure constraints.	
	The Ministry of Sport, Culture and the Arts was created in 2013 to spearhead the development of sports, entertainment and creative industries as employment opportunities for youth.	Financial and infrastructure constraints.	Resource mobilization from development partners and increase allocation from Government funding for both financial and technical support.
	Environmental management as an employment avenue is proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021).	Technological constraints.	Strengthening of technological transfer and infrastructure development to attract youth in the sector.
	The establishment of the youth enterprise economy and architecture is under implementation under the National Youth Service Youth Empowerment Program – Youth SACCOs Project. Over Kshs. 1 billion has been saved and is being accessed by the youth cohorts in various counties.	Capacity constraints.	Mobilization of adequate finances and non-financial resources towards establishment of key infrastructure such as talent and sports academies to promote the industry.
	Partnerships have been established with the Kenya Private Sector Alliance (KEPSA) and various other Local and International Development Partners, Non-Governmental Organisations and Community Based Organisations e.g. African Development Bank (AfDB), World Bank, National Housing Finance.	Sustainability of partnerships.	Strengthen technological transfer in emerging environmental management models. Enhancement of incentives strategies to the public-private partnership initiatives.
	Various funds have been established targeting to empower youth. These include:	Infrastructure constraints.	Enhancement of capacities of youth and youth serving organisations to be

	• Youth Enterprise Development Fund, established in 2006. • Women Enterprise Development Fund, established in 2007. • Uwezo Fund, established in 2013.		able to establish, manage and sustain the youth enterprise economy.
3.	**POLICY COMMITMENTS ON INVESTING IN YOUTH EMPLOYMENT** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** To develop and review the National Youth Policy		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	The Kenya National Youth Policy was developed in 2006 and its review to align its operational aspects to the Constitution 2010 is currently underway.	Financial Constraints	Strengthen structures for integrated management of youth empowerment funds for greater impact generation.
4.	**STRATEGIES FOR YOUTH EMPLOYMENT** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** To develop national strategies to address the needs of youth employment.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	A draft National Youth Empowerment Strategy (2016-2021) has been proposed. It's yet to be finalized and implemented.	Financial Constraints	More financial resources required to facilitate review and implementation.
5.	**COMMONWEALTH ACTION PLAN ON YOUTH ENTERPRISE DEVELOPMENT (CAPYE)** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** Carry out baseline survey to collect relevant data: Convening of National Consultative Forum on CAPYE: Crafting of National action Plan for youth Enterprise Development (Replaced by developing of a log frame): Development of an advocacy strategy and creating an enabling environment (Separated as a) Advocacy strategy b) Resources mobilization and c) Legal Requirements) Set up institutional mechanism and mobilize financial resources for the pilot project (suggested 'learning through evaluation).		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	All the above obligations are yet to be implemented.	Financial Constraints.	More financial resources required to facilitate finalization and implementation.
6.	**RECOGNITION OF YOUNG PEOPLE IN THE POST-2015 DEVELOPMENT AGENDA** **Adopted in**: 2015 **Entered into force in:** 2015 **International Obligation:** Promote youth inclusion in the SDGs of five additional youth-specific targets.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	All the above obligations are yet to be implemented.	Financial Constraints	To mobilize financial resources to facilitate implementation.

SPORTS, CULTURE AND THE ARTS

1. **INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT**

Adopted in: 19th October, 2005.
Entered into force on: 1st February, 2007.
Kenya became a State party to the Convention on: 28th August, 2009.

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 organisations that are not in compliance with the Code**:** Encourage producers and distributors of nutritional supplements to establish 'best practice' in the labelling, marketing and distribution of products which might contain prohibited substances Support the Support the doping education to athletes and the wider sporting community.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Though there is no law to deal with doping issues the country complies through & WADA code. International federations conduct regular testing of athletes. Statutory annual subscriptions paid in good time.	Financial constraints to conduct education on anti-doping issues.	To mobilize financial resources to facilitate implementation. Develop the Anti-doping Agency of Kenya. Fast track enactment of relevant law.

2. **UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

Adopted in: 17th October, 2003
Entered into force on: 20th April, 2006
Kenya became a State party to the Convention on: 24th October, 2007

Obligation to Government: To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008. 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. Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions.	Financial constraints.	
		Late notifications.	
		Lack of community awareness on the Conventions' opportunities due to inadequate sensitization.	
		Lack of a mechanism for monitoring and evaluation of funded programmes e.g UNESCO has been funding several local organisations directly without the knowledge of the Ministry making M&E and impact assessment difficult.	
		Under-developed institutional and cultural infrastructure.	
		Conflict between County and National Government resource allocation and in delivery of services.	

3.	**STATUTES ON THE INTERNATIONAL CENTRE FOR THE STUDY OF THE PRESERVATION AND RESTORATION OF CULTURAL PROPERTY** **Accession:** 3rd May, 1998 **Obligation to Government:** Promote the conservation of all types of cultural heritage		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Harmonization of policies related to cultural heritage.	Lack of expertise and experience in heritage managmenet.	Fully exploit potential to promote cultural heritage.
	Development of cultural heritage tourism.		
	Kenyan Culture and National Heritage Policy is in place.		
	Acquisition of artifacts.	Destruction of historic artifacts and sites.	
	Establishment of cultural diplomacy pillar and respective directorate in the Ministry of Foreign Affairs and International Trade.		
4.	**UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS** **Adopted in**: 20th October, 2005 **Entered into force on:** 18th March, 2007 **Kenya became a State party to the Convention on:** 24th October, 2007. **Obligation to Government:** To 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Ratified the Convention in 2007.	Low investment, resource mobilization, and lack of community awareness and sensitization on Convention	More allocation of resources and timely notifications. The Government to ensure adequate allocation of funds for the project. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage.

			Recognise the importance of culture sector to the growth of the economy.
	Held the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON),	Lack of Co-operation among the sector players leading to competing interests and negative Fragmented culture legislation measures.	
	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),	UNESCO funds are inadequate for African budget.	The Government to ensure adequate allocation of funds for the project.
	Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012	Poor monitoring and evaluation of funded programmes e.g UNESCO funded local organisations.	Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage
	Kenya has a national policy on culture	Lack of statistical data on cultural/creative industries	Recognise the importance of culture sector to the growth of the economy
	Kenya is developing a legal framework on culture	Lack of coordinated implementation plan on culture between National and County Government negatively affected reporting	Carry out a National mapping of the cultural/creative industries. Address issue of fragmentation of culture functions across Government agencies by enacting the culture bill
	Kenya is developing a legal framework on culture		Coordinated a national implementation framework for promotion and protection of the diversity of cultural expressions Adequate allocation of funds for cultural projects and programmes.
	Kenya has been submitting its reports to UNESCO		Engage civil society and other stakeholders in promotion and protection of the diversity of cultural expressions
	Kenya has conducted capacity building and dissemination workshops for Counties Governments, culture Stakeholders and community leaders on the Convention. Point of contact designated The department of Culture has been Working with civil society in preparing a framework for implementation of the Convention.		Government and stakeholders should develop a national monitoring and evaluation framework for the Convention

	.Kenya has negotiated and implemented bilateral regional and internal agreements to promote diversity of Cultural Expressions.		
5.	**GAMING REGULATORS AFRICA FORUM (GRAF)** **Established on**: 21st February, 2003 **Kenya is a State party to the Organisation** **Obligation to Government:** To promote adherence of gaming regulatory laws applicable to each member state and protect Africa and Sub – Sahara from degenerating gaming technologies and dumping, to mitigate the challenges faced by African gaming regulators and capacity building.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Review of Betting, Lotteries and Gaming Act Cap 131 is ongoing.	Delay in the review process.	Fast track the review process. Allocation of adequate funds.
	Formulated a draft policy on Betting, Lotteries and Gaming.	Inadequate funds.	
	Introduced a 35% levy on Betting revenue.	The levy has been challenged in court.	Await court's decision.

	OUTERSPACE		
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)** **The Treaty was ratified in** 27th January 1967 **The Treaty entered into force on:** 10th October 1967		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has developed a National Space Policy. Kenya launched 1 KUNS (1st University NanoSatellite precursor flight), as the first small satellite developed by an african country collecting data in January 2018. Establishment of the Kenya Space Agency in 2017.		
	The Government is undertaking earth and space sciences programmes under the science and technology Innovation Act, 2013.		

PLANNING AND STATISTICS

1. **AFRICAN CHARTER ON STATISTICS**

Adopted in: 4th February, 2009.
Kenya is party to the Charter.
Obligation to Government: Commitment to the development of statistics in Africa.
Institute appropriate measures, especially legislative, regulatory and administrative, to ensure that laws, regulations, objectives and principles governing statistics at regional level are in conformity with the Charter.
(Kenya yet to ratify the African Charter on Statistics)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Kenya signed the Charter on 25/01/2010 and is in the process of ratifying it.	Constrained production of statistics at national, regional, and continental levels due to inadequate human and financial resources In adequate capacity of producers of statistics at national, regional, and continental levels is significantly limited by inadequate human and financial resources.	A regulatory framework should be established to coordinate statistical activities and harmonize data among Member Countries.

2. **STRATEGY FOR THE HARMONISATION OF STATISTICS IN AFRICA (SHASA)**

Launched in December 2010

Kenya is party to the Strategy.
Obligation to Government: Develop a National Strategy for Development of Statistics (NSDS)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
Preparation of a National Strategy for Development of Statistics (NSDS) is ongoing.	Gap in supply of statistical information impacts negatively on the monitoring of the African development and integration process. Inadequate resources (both financial and human).	Devise mechanism for the implementation of the Charter Resource mobilization

	TOURISM		
1.	**UNITED NATIONS WORLD TOURISM ORGANIZATION (UNWTO)** **Date of Adoption: 1st November, 1974** **Entry into Force:** **Date of Ratification:** **Obligation to Government:** To partner with the United Nations World Tourism Organization (UNWTO) to articulate and mainstream tourism policy issues, on sustainable tourism development.		
	MEASURES UNDERTAKEN AND ACHIEVED PROGRESS	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participated at the UNWTO 2017 launch of the International Year of Sustainable Tourism for development.	Slow implementation of the resolutions.	Fast track implementation of resolutions
	Kenya was elected into the UNWTO Committee on High Level Task Force on Tourism and Security, within the UNWTO Executive Council.		
	Kenya was elected the Chair of UNWTO Commission for Africa (CAF) for a 2-year term period during the 22nd Session of the UNWTO General Assembly in Chengdu, China, from 11th to 16th September, 2017.		
2.	**THE ASSOCIATION OF HOTEL TRAINING SCHOOLS IN AFRICA (AHTSA)** **Joined: 1975** **Obligation to Government:** To Promote Kenya's attractions to the American Market. Kenya became a Founder Member in 1976.		
	MEASURES UNDERTAKEN AND ACHIEVED PROGRESS	**CHALLENGES**	**RECOMMENDATIONS**
	The Kenya Utalii College (KUC) is the secretariat of AHTSA.	Inadequate funding	Resource mobilization
	The KUC has collaborated with various universities in Africa.	Low commitment	
	Upgrading of the KUC infrastructure.	Inadequate infrastructure	Fast track upgrading
3.	**THE AFRICAN TRAVEL ASSOCIATION** **Joined:** **Obligation to Government:** To Promote Kenya's attractions to the American Market. Kenya became a Founder Member in 1976.		
	MEASURES UNDERTAKEN AND ACHIEVED PROGRESS	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya participated at the 41st Africa Travel Association (ATA) Congress from 14th to 17th September, 2017.		

ANNEX I – STATE VISITS 2017-2018

INBOUND STATE VISITS

VISIT BY	DATES OF VISIT	REASON FOR VISIT
THE SLOVAK REPUBLIC	12th to 16th February, 2017	State Visit by H.E. Andrej Kiska, President of the Slovak Republic
EGYPT	18th February, 2017	State Visit to Kenya by H.E. Abdel Fattah Al Sisi, President of the Arab Republic of Egypt
SOMALIA	22nd to 24th March, 2017	State Visit to Kenya by H.E. Mohamed Abdullahi Mohamed, President of the Federal Republic of Somalia
IGAD HEADS OF STATE	24th to 25th March, 2017	IGAD Special Summit on Durable Solutions for Somalia Refugees
HEADS OF STATE & OTHER DIGNITARIES	28th November, 2017	Inauguration of H.E. the President (President of Uganda, Rwanda, Gabon, Somalia, Namibia, Zambia, Botswana, Djibouti, Prime Minister of Ethiopia, Guinea and other dignitaries)
TRINIDAD AND TOBAGO & GUYANA	4th to 6th December, 2017	Third Session of the United Nations Environment Assembly (President of Trinidad and Tobago and the President of Guyana attended).

OUTBOUND STATE VISITS

VISIT TO	DATES OF VISIT	REASON FOR VISIT
INDIA Gujarat and New Delhi	10th to 13th January, 2017	8th Vibrant Gujarat Global Summit and State Visit
ETHIOPIA Addis Ababa	28th to 31st January, 2017	28th Ordinary Summit of AU African Heads of State and Government
SOMALIA Mogadishu	22nd February, 2017	Inauguration ceremony of H.E. Mohamed Abdullahi Mohamed, President of the Federal Republic of Somalia, in Mogadishu, Somalia
UNITED KINGDOM London	11th to 12th May, 2017	London Conference on Somalia
CHINA Beijing	14th to 15th May, 2017	Belt and Road Forum for International Cooperation (Belt and Road Forum, BRF)
ITALY Taormina	26th to 27th May, 2017	G7 Summit (African Outreach countries)
RWANDA Kigali	18th August, 2017	Official Visit – Inauguration of H.E. the President of the Republic of Rwanda
RWANDA Kigali	11th January, 2018	Official Visit – Inauguration of H.E. the President of the Republic of Rwanda
SOUTH AFRICA Cape Town & East London	11th to 14th January, 2018	Official visit to attend the 106th anniversary of the Africa National Congress (ANC)
ETHIOPIA Addis Ababa	26th to 29th January, 2018	Official Visit – 30th Ordinary Session of the Assembly of Heads of State and Government of the African Union (AU)

ANNEX II - KENYA'S CANDIDATURES FROM 2017 TO 2018

YEAR/TERM OF ELECTIVE POST/ POSITION	INDIVIDUAL CANDIDATE	ORGANIZATION	POSITION	STATUS
2017/2018	Amb. Bishar Hussein	Universal Postal Union (UPU)	Director-General	Successful
	Hon. S. Amos Wako	International Law Commission (ILC)	Member	Successful
	Mr. Edward Njoroge	International Standardization Organization (ISO)	President	Unsuccessful
	Amb. (Dr.) Amina C. Mohamed	African Union Commission (AUC)	Chairperson	Unsuccessful
	Amb. (Eng) Mahboud Maalim	Infrastructure & Energy - AUC	Commissioner	Unsuccessful
	Amb. Philip Richard Okanda Owade	United Nations Staff Pension Fund	Member	Successful
	Mr. Juvinile Shiundu	International Maritime Organization(IMO)	Secretary-General	Unsuccessful
	Prof. Patricia Mbote	World Trade Organization	Member of the Appellate Body	Unsuccessful
	Mr. David Kanja Muchoki	Oversight Services	UN Under Secretary	Unsuccessful
	Prof. Makumi Mwagiru	African Union Commission on International Law	Commissioner	Unsuccessful
	Prof.Githu Muigai	International Tribunal for the Law of the Sea	Judge	Unsuccessful
	Mrs. Margaret Shava	The Committee on Budget and Finance of the International Criminal Court (ICC)	Member	Successful

ANNEX III- KENYA'S SUBSCRIPTIONS TO INTERNATIONAL ORGANIZATIONS 2017-2018

	INTERNATIONAL/REGIONAL ORGANIZATION	REQUIRED ANNUAL SUBSCRIPTION (2017-2018)		PAID ANNUAL SUBSCRIPTION (2017-2018)	OUT-STANDING SUB-SCRIPTION AS AT 1ST JANUARY, 2018
OFFICE OF THE ATTORNEY GENERAL					
1.	Asian African Consultative Organization		USD 8,812.00	Payment due for 2017	USD 8,812.00
2.	The International Criminal Court (ICC)	EUR 42,712.00		Payment due for 2018	EUR 42,712.00
3.	Permanent Court of Arbitration (PCA)		USD 3,212	Payment due for 2016-2017	USD 6,424.00
4.	International Sea Bed Authority		USD 1,012.00	Payment for 2017 due	USD 1,012.00
5.	World Intellectual Property Organization (WIPO)	1,720.00 SWISS FRANCS		Payment for 2017 due – 1,720 Swiss Francs Outstanding payment for 2015 and 2016 – 3,440	5, 160 SWISS FRANCS
6.	International Tribunal for Law of the Sea	EUR 2,535.00		Payment due for 2017 2158 Euros. Payment due for 2018 –2535 Euros.	EUR 4,693.00
7.	International Tribunal for Yugoslavia	EUR 6,959.00		Payment for 2017 due- 6,959 Euros. Outstanding payments for 2015 and 2016 – 13,918 Euros.	EUR 20,877.00
8.	International Residual Mechanism for Criminal Tribunal (IRMCT)		USD 4,050.00	Payment due 2017 – USD 4,050 Outstanding payment for 2015 and 2016- USD 8,100	USD 12,150.00

LABOUR				
9.	The International Labour Organization (ILO)	68,484 SWISS FRANCS	54, 466.30 SWIS FRANCS	101, 071.70 SWISS FRANCS
10.	The International Organization for Migration	9,834.00 SWISS FRANCS	17,087 SWISS FRANCS	9,834.00 SWISS FRANCS
11.	The African Regional Labour Centre	USD 23,943.00	USD 2,006.97	USD 21,936
AGRICULTURE				
12.	Inter-Africa Coffee Organization Funds-New	USD 256,715	USD 256,715	CLEARED
13.	International Fund for Agricultural Development	USD 67,010	USD 67,010	CLEARED
14.	Common Fund for Commodities	USD 100,531	USD 100,531	CLEARED
15.	World Food Organization	USD 2,962	USD 2,962	CLEARED
16.	Desert Locust Control Organization for Eastern Africa (DLCO-EA)	USD 326,691	USD 319,861	USD 1,217,960
17.	International Red Locust Control Organization	USD 118,856	USD 98,745	USD 436,972
18.	World Organization for Animal Health (OIE), Paris	EUR 20,553.00	NIL	EUR 29,470.74
19.	OIE Sub regional office, Nairobi	USD 23,692.00	NIL	USD 36,588.12
MARITIME TRANSPORT				
20.	Intergovernmental Standing Committee on Seas (ISCOS)	USD 367,648.00	USD 275,736.00	USD 91,312.00
21.	International Maritime Organization (IMO)	5,399.00.00 STERLING POUNDS	3,909.64 STERLING POUNDS	1,689.36 STERLING POUNDS
22.	Indian Ocean Memorandum of Understanding (IOMOU)	USD 7,970.00.00	NIL	USD7,950.00
FISHERIES				
23.	Indian Ocean Tuna Commission (IOTC)	USD 18,000.00	USD 44, 418.90	USD 8,956.10
24.	International Whaling Commission (IWC)	EUR16,960.00	EUR 11,960.00	CLEARED
EAC INSTITUTIONS				
25.	East African Community Secretariat	USD 8,371,087	USD 4,004,719.00	USD 4,366,368
26.	East African Legislative Assembly (EALA)			
27.	East African Court of Justice (EACJ)			
28.	Lake Victoria Basin Commission (LVBC)			
29.	East African Science and Technology Commission (EASTECO)			

30.	East African Health Research Commission (EAHRC)			
31.	East African Competition Authority (EACA)			
32.	Civil Aviation Safety & Security Oversight Agency (CASSOA)			
33.	Inter University Council of East Africa (IUCEA)	USD 808,072.00	USD 393,030.00	USD 415, 042.00
34.	Lake Victoria Fisheries Organization (LVFO)	USD 516,418.00	NIL	USD 516,418.00
ENVIRONMENT				
35.	RAMSAR Convention on Wetlands (RAMSAR)	USD 2,054.49	NIL	USD 14,373.14
36.	Convention on Conservation of Migratory Species of Animals (CMS)	USD 699.58	NIL	USD 6,726.75
37.	African Eurasian Water Birds Agreement (AEWA)	USD 2,242.25	NIL	USD 9,002.96
38.	IOSEA Marine Turtles	USD 749.25	NIL	USD 2,247.77
39.	Lusaka Agreement Directed at Combating Illegal Trade in Wild Fauna and Flora (LATF)	USD 159,842.05	NIL	USD 44,955.57
40.	International Union of Conservation of Nature (IUCN)	USD 15,911.00	NIL	USD 79,008.55
41.	Wetland International	USD 2,208.61	NIL	USD 8,564.27
42.	International Whaling Commission	USD 10,759.48	USD 10,759.48	USD 0.00
43.	Western Indian Ocean Marine Science Association (WIOMSA)	USD 499.50	NIL	USD 1,498.51
44.	International Network for Bamboo and Ratan (INBAR)	USD 8,134.25	NIL	USD 8,134.25
45.	Central America Coniferous Resource Association (CAMCORE)	USD 16,522.70	NIL	USD 16,522.70
46.	International Union of Forests Research Organizations (IUFRO)	USD 1,406.71	NIL	USD 1,406.71
47.	United Nations Environmental Programme (UNEP)	USD 30,000	USD 30,000	CLEARED
48.	United Nations Environment Assembly (UNEA)	USD 100,000	USD 100,000	CLEARED
49.	Nairobi Convention	USD 45,302	USD 45,167	USD 135
50.	United Nations Framework Convention on Climate Change (UNFCCC)	EUR 3,316	EUR 3,316	CLEARED
51.	United Nations Convention to Combat Desertification (UNCCD)	EUR 971	EUR 971	CLEARED
52.	Convention on Biological Diversity (CBD)	USD 2,782	USD 2,782	CLEARED
53.	African Ministerial Conference on Environment (AMCEN)	USD 10,000	USD 10,000	CLEARED
54.	The Rotterdam Convention	USD 434	USD 434	CLEARED
55.	The Basel Convention	USD 787	USD 787	CLEARED

56.	The Stockholm Convention	USD 877	USD 877	CLEARED
57.	Regional Seas Trust Fund	USD 45,302	USD 45,302	CLEARED
58.	Conservation And Management Of Marine Turtles And Their Habitats Of Indian Ocean And South East Asia	USD 750	USD 750	CLEARED
59.	World Meteorological Organization	USD 525,000	USD 525,000	CLEARED
60.	Kyoto Protocol	EUR 1,787	EUR 1,787	CLEARED
61.	Nagoya Protocol	USD 1,259	USD 1,259	CLEARED
62.	Inter-Governmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES)	VOLUNTARY	VOLUNTARY	VOLUNTARY
MINING				
63.	African Minerals of Geoscience Centre	USD 54,730.99	NIL	USD 54,730.99
64.	International Union of Geological Science	USD 496.05	USD 496.05	CLEARED
65.	Commission for Geological Map of The World	USD 992.10	USD 992.10	CLEARED
66.	Regional Centre for Mapping of Resources	USD 132,280.35	USD 66,140.17	USD 66,140.17
CORRECTIONAL SERVICES				
67.	United Nations Institute for prevention of Crime and the Treatment of Offenders (UNAFRI)	USD 25,000	NIL	USD 172,000.00
68.	African Correctional Services Association (ACSA)	USD 5,000	NIL	USD 25,000
69.	The Gaming Regulators Africa Forum (GRAF)	USD 1,200	NIL	USD 1,200
TRANSPORT				
70.	International Civil Aviation Organization (ICAO)	CAD 35,737.00	USD 19,925.00	NIL
SPORTS ARTS AND CULTURE				
71.	World Anti-Doping Agency	USD 3,498.00	USD 3,498.00	CLEARED
72.	Institute for National Anti-Doping Organizations (INADO)	USD 555.00	USD 555.00	CLEARED
TOURISM				
73.	United Nations World Tourism Organization	EUR 33,000	EUR 10,000	EUR 230,000
74.	Africa Travel Association	USD 10,000	USD 10,000	CLEARED
PLANNING AND STATISTICS				
75.	Africa Capacity Building Foundation (ACBF)	USD 9,871.66	USD 4,935.83	USD 4,935.83
76.	African Caribbean and Pacific (ACP) Group of States Secretariat	USD 261,599.21	USD 130,799.60	USD 130,799.60

77.	African Institute for Economic Development and Planning	USD 22,704.83	USD 11,352.41	USD 11,352.41
78.	G77 Development Bank	USD 3,455.08	USD 1,727.54	USD 1,727.54
79.	NEPAD Africa Secretariat. (South Africa)	USD. 107,403.75	USD. 53,701.87	USD. 53,701.87
80.	NEPAD African Peer Review Mechanism Secretariat (NEPAD APRM Secretariat)	USD. 636,722.60	USD. 318,361.30	USD. 318,361.30
CO-OPERATIVES				
81.	International Cooperative Alliance (ICA)	USD 20,000	USD 69,053.85 (Includes payment for previous years)	USD 30,946.15
LANDS				
82.	UN-Habitat	USD 69,108	NIL	387,996
83.	Shelter Afrique	USD 39,490	USD 39,490	CLEARED
HEALTH				
84.	World Health Organization (WHO)	USD 86,120	NIL	USD 88,193
85.	East, Central and Southern Africa Health Community (ECSA – HC)	USD 179,445	NIL	USD 71,659
86.	World Health Organization Framework Convention on Tobacco Control (WHO-FTCT)	USD 1,632	USD 1,632	NIL
87.	The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction	USD 10, 000	USD 10, 000	NIL
MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE				
88.	The United Nations (UN) Mission	USD.780,769.00	NIL	USD.780,769.00
89.	The African Union (AU)	USD. 63,097.06	NIL	USD. 63,097.06
90.	Inter-Governmental Authority on Development (IGAD)	USD 2,035,878.72	USD504,843	USD12,004.36
91.	Group of Fifteen (G15)	USD 4,872.98	USD 1,772.41	USD 1,772.41
92.	International Conference on the Great Lakes Region (ICGLR)	USD 843,603.93	USD 754,804.42	USD 88,799.51
93.	Commonwealth Foundation	USD 231,597.13	USD 200,207.54	USD 31,389.49
94.	Commonwealth Secretariat	USD 370,850.56	USD 202,626.61	USD 168,223.95