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THE NATIONAL ASSEMBLY

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DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON: -

STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2026) BY LEADER OF THE MAJORITY PARTY, THE HON.KIMANI ICHUNG'WAH, EGH, MP

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CHAIRPERSON'S FOREWORD

The Strategic Goods Control Bill 2026 (National Assembly No. 15 of 2026), sponsored by Hon. Kimani Ichung'wah, EGH. MP, the Leader of Majority Party, was read a first time on 9th April, 2026 and thereafter committed to the Departmental Committee on Administration and Internal Security for consideration pursuant to Standing Order 127(1).

The principal object of the Bill is to provide for the control of trade in strategic goods and related services and to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery.

Pursuant to Article 118(1)(b) of the Constitution and Standing Orders 127(3), the Committee placed advertisements in the Daily Nation and the Standard Newspapers on Tuesday, 14th April, 2026 inviting members of the public and interested stakeholders to submit memoranda on the Bill.

The Committee received submissions from the Ministry of Interior and National Administration, Office of the Attorney General, Embassy of the United States of America, Kenya Airports Authority, Kenya Airways, KEPBORA, Kenya Law Reform Commission, State Department for Trade, State Department for Mining, Kenya Nuclear Regulatory Authority, Pharmacy and Poisons Board and the Kenya Association of Manufacturers, among other stakeholders.

The Committee considered the memoranda and submissions received and took them into account in its consideration of the Bill. The submissions are annexed to this report.

The Committee, having considered the Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026), clause by clause, and taken into account the views and recommendations submitted by stakeholders and members of the public pursuant to Standing Order 127(3A), the Committee made observations and recommendations, which are set out in Part IV and Part V of this report.

ACKNOWLEDGEMENT

The Committee sincerely appreciates the Office of the Speaker and the Office of Clerk of the National Assembly for the technical and logistical support accorded to it in the discharge of its mandate and in the preparation of this Report.

I also wish to commend the Members of the Committee for their commitment, dedication and valuable contribution to the consideration of the Bill and the preparation of this Report.

On behalf of the Departmental Committee on Administration and Internal Security, and pursuant to Standing Order 114(7), it is my honour and privilege to present to the House the Report of the Departmental Committee on Administration and Internal Security on its consideration of the Strategic Goods Control Bill, 2026 (National Assembly No. 15 of 2026).

HON. GABRIEL KOSHAL TONGOYO, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

CHAPTER ONE

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Administration and Internal Security is constituted pursuant to the National Assembly Standing Order 216(1) which mandates Departmental Committees to-

   a. *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*

   b. *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*

      (ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;

   c. *study and review all legislation referred to it;*

   d. *study, assess and analyze the relative success of the Ministries and departments by the results obtained as compared with their stated objectives;*

   e. *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*

   f. *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*

      (fa) examine treaties, agreements and conventions;

   g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*

   h. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*

   i. *examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects of the Committee

2. In executing its mandate, the Committee is mandated to consider the following subjects:

   a. Home affairs, internal security – including police services and coast guard services;
   b. Public administration; and
   c. Immigration and citizenship.

1.3 Committee Membership

3. The Committee comprises of the following Members: -

Hon. Gabriel Tongoyo, CBS, MP
Chairperson
Narok West Constituency

Hon. Col. (Rtd.) Dido Rasso, CBS, MP
Vice Chairperson
Saku Constituency

Hon. Kaluma George, CBS, MP
Homa Bay Town Constituency

Hon. (Prof.) Protus Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Buyu, CBS, MP
Kisumu West Constituency

Hon. Fred C. Kapondi, CBS, MP
Mount Elgon Constituency

Hon. Mburu Kahangara, MP
Lari Constituency

Hon. Liza Chelule, CBS, MP.
Nakuru County

Hon. (Dr.) Peter Masara, MP
Suna West Constituency

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Carolne Nge'lechei, MP
Elgeiyo-Marakwet County

1.4 Committee Secretariat

4. The Committee Secretariat consists of the following:

Mr. Gideon Kipkoech
Clerk Assistant II-Head of Secretariat

Ms. Salim Athuman
Clerk Assistant III

Ms. Clarah Kimeli
Principal Legal Counsel I

Ms. Peninah Simiren
Legal Counsel I

Mr. Benson Kimanzi
Serjeant-at-Arms

Mr. Nimrod Ochieng
Audio Officer

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer II

Mr. Peter Baraza
Legal Counsel I

Ms. Hillary Mageka
Media Relations Officer

Ms. Esther Mbatha
Public Communications Officer

CHAPTET TWO

2.0 THE STATEGIC GOODS CONTROL BILL, 2026

5. The Strategic Goods Control Bill, 2026 has been brought due to increasing complexity of international trade, technological advancement, transnational crime, terrorism, cyber threats, proliferation risks and dual-use technologies which has created significant governance challenges in the regulation and oversight of strategic goods.

2.1 Principal Object of the Bill

6. The bill seeks to provide for the control of trade in strategic goods and related services and to prevent proliferation of nuclear, chemical or biological weapons and their means of delivery.

2.2 Clause by Clause analysis

7. **Clause 1** provides for the short title and commencement. On commencement, the Bill provides that the Act shall come into operation on such date as the Cabinet Secretary may by notice in the *Gazette* appoint.
8. **Clause 2** provides for the definition of terms used in the Bill. It defines the terms broker, brokering, Cabinet Secretary, certificate, chairperson, committee, Director, dual-use good, end-user, end user control, export, financing, general licence, global license, import, in-country transfer, individual licence, inspector, means of delivery, military end-use, military goods and nationally controlled goods. It also defines National Control List, national security organ, re-export, register, related service, service provider, Secretariat, software, strategic goods, strategic trade, technical services, technical service provider, transmission, transit, transhipment, transportation, transporter, visiting forces and weapons of mass destruction.
9. **Clause 3** of the Bill provides for application of the Act. It provides that the Act shall apply to any person operating within Kenya who engages in strategic trade, any person who handles a strategic good or a citizen of Kenya who engages in strategic trade outside Kenya. It further provides that the Act does not apply to the importation, storage, use, exportation, transit and transhipment of strategic goods and related services by a national security organ or its agencies or similar organisation referred to in Article 239(4) of the Constitution or the transit, transhipment and temporary exportation and importation of

conventional arms by visiting forces. This is provided that such conventional arms shall be approved for clearance by the Ministry responsible for defence.

10. **Clause 4** of the Bill provides for the National Control List as set out in the Schedule. It requires that the list specify the strategic goods that are subject to the provisions of the Act and that it be in conformity with the international and regional commitments of Kenya. It empowers the Cabinet Secretary to amend the National Control List on recommendation by the Strategic Goods Control Committee by a notice in the *Gazette*.
11. **Clause 5** of the Bill established the Strategic Goods Control Committee. The Committee consists of fourteen members. These are-
    a. the Principal Secretary responsible for matters relating to internal security, who shall be the chairperson;
    b. the Principal Secretary responsible for matters relating to Defence or his representative; the Principal Secretary responsible for matters relating to finance or his representative;
    c. the Principal Secretary responsible for matters relating to Information, Communication and Technology or his representative;
    d. the Principal Secretary responsible for matters relating to health or his representative;
    e. the Principal Secretary responsible for matters relating to trade or his representative;
    f. the Solicitor-General or his representative;
    g. the Chief of the Kenya Defence Forces or his representative;
    h. the Director-General of the National Intelligence Service or his representative;
    i. the Inspector-General of the National Police Service or his representative;
    j. the Commissioner-General of the Kenya Revenue Authority or his representative;
    k. one person nominated by the Kenya Private Sector Alliance;
    l. one person nominated by the Kenya National Chamber of Commerce; and
    m. the Director, who shall be an *ex officio* member and Secretary to the Committee.
12. The Bill requires that the person nominated by the Kenya Private Sector Alliance and the person nominated by the Kenya National Chamber of Commerce be persons possessing skills and competencies that may be required for the achievement and functions of the Committee.
13. The Bill requires the chairperson of the Committee to preside at every meeting of the Committee at which he or she is present, but in the absence of the chairperson the members present may elect a chairperson from among their number to preside and sets

the quorum for a meeting of the Committee at two-thirds of the members. Except as provided in the Act, the Committee shall regulate its own procedure and may co-opt any other person to attend its meetings and participate in its deliberations, but that person shall not vote.

14. **Clause 6** of the Bill provides for the functions of the Committee. These are to provide oversight of strategic trade, develop standards and procedures for the effective implementation of the Act, review the National Control List, approve, monitor and evaluate the budget proposals provided by the Secretariat, establish and maintain the coordination, cooperation, assistance and sharing of information within Government agencies, academia, private institutions, any other person and other countries for the effective implementation of the Act. The Committee is also mandated to report to the Cabinet Secretary on matters relating to strategic trade, issue, suspend or revoke a licence or a certificate for purposes of the Act, establish and operate end-use controls and compliance checks and perform such other functions necessary for the effective implementation of the Act.

15. **Clause 7** of the Bill establishes the Secretariat of the Committee, which sahll consist of such public officers as by be seconded to the Secretariat and to be hosted by the Ministry responsible for matters relating to internal security. The Bill requires the secretariat to establish and maintain a comprehensive database on strategic goods and related services; implement the provisions of the Act in collaboration with other agencies; conduct administrative investigations under the Act and coordinate, collaborate and share relevant information with other Government agencies in the implementation of the Act. It also requires the Secretariat to prepare and submit budget proposals for consideration by the Committee; monitor strategic trade and end-user controls; inspect end-use activities and end-user controls for strategic goods; submit quarterly reports on matters relating to strategic trade; and perform such other functions that are necessary for the effective implementation of the Act.

16. **Clause 8** of the Bill provides that the secretariat is to be headed by a Director who shall be a public officer appointed by the Cabinet Secretary on the recommendation of the Committee. The Bill designates the Director as the head of the secretariat and is responsible for the day-to-day management of the secretariat; keeping all records of the Committee, communicating the decisions of the Committee; and performing such other

functions as may be determined by the Cabinet Secretary. The Director shall be appointed on such terms and conditions as may be determined by the Cabinet Secretary.

17. **Clause 9** of the Bill provides for registration of persons who may engage in trade of strategic goods and requires that a person who intends to engage or engages in strategic trade to register with the Committee. The application for registration is to be made in the prescribed form and to be accompanied by payment of the prescribed fee. It empowers the Committee to approve or refuse the application. Where the Committee approves an application, the committee is required to issue a certificate of registration to the applicant and enter the details of the applicant in the Register.
18. The Bill further empowers the Committee to refuse to approve an application if the applicant falsely represents or conceals any material fact or submits misleading information, including submitting a forged document; the applicant is found liable for violating an international embargo or sanction that binds Kenya; the applicant is the subject of ongoing civil or criminal proceedings related to national security; or there are prevailing national security concerns against the applicant. A registration under this clause shall remain valid unless cancelled or suspended by the Committee.
19. **Clause 10** of the Bill provides for the cancellation, suspension or revocation of registration. It empowers the Committee to suspend the registration of a person engaged in strategic trade where it has reasonable grounds to believe that there is contravention of the provisions of the Act by that person. The Committee is required to restore a suspended registration if the contravention of the provisions of the Act is not established. The Bill further empowers the Committee to cancel the registration of a person engaged in strategic trade if the registered person so requests in writing; contravenes the provisions of the Act or any other law relating to national security; violates an international sanction or embargo that binds Kenya; dies; is adjudged bankrupt; is a body corporate that has been dissolved or wound up or fails to engage in strategic trade for a period of three years.
20. The Committee is also empowered to cancel registration if new facts emerge which if they would have been known at the time of registration would have resulted in a denial of the application for registration at the time when the application was made. The Committee may also cancel registration where an entry with regards to the registration has been incorrectly or fraudulently made; there is a change of shareholders, directors or signatories of the body corporate without written notification to the Committee; or any other national

security concerns arise. The Bill further requires the Committee to remove from the Register the name of a person whose registration has been cancelled. A person whose name has been removed from the Register shall cease, from the date of such removal, to engage in strategic trade, and any licence or certificate issued to that person under the Act shall be revoked.

21. **Clause 11** of the Bill requires the Director to maintain a register of persons engaged in strategic trade. The register shall contain in respect of each application for registration under clause 9(2), a copy of the application; the certificate or licence issued under the Act; and any other information the Committee may consider necessary.

22. **Clause 12** of the Bill requires the Committee to impose end-use controls on a strategic good specified in the National Control List and empowers the Committee to impose end-use controls on a strategic good that is not specified in the National Control List. Where the Committee imposes an end use control on a strategic good, the end user of the strategic good shall sign an end user certificate. The end user certificate signed shall specify the end user, the quantity, value and purpose of the strategic good. The Committee is required to certify the end-user certificate.

23. The Bill further requires a person who intends to change the end user to, within forty-eight hours, notify the Committee in writing of any change concerning the end-user or another party to an export, import, transit, use, storage, transhipment of strategic goods or provision of related services. The Committee shall, upon receipt of the notification under subsection (6), approve a change of end-user in accordance with the class of licence held by the applicant within ninety days from the date of receipt of the notification. A person who engages in strategic trade is obligated to comply with the end-user undertakings.

24. **Clause 13** of the Bill provides for shipment of goods specified in the National Control List. It empowers the Committee to prohibit the export, reexport, transit, transfer, transmission and transhipment of a good not specified in the National Control List or the provision of a related service if the goods or services in question are or may be intended, in their entirety or in part, for use in connection with weapons of mass destruction, their means of delivery or for military applications to a destination which is subject to a United Nations Security Council sanction or embargo, prohibited or restricted end-uses and end-users. It further empowers the Committee to stop the shipment of strategic goods specified in the National Control List or the provision of related services at any stage to verify that

the shipment of the strategic goods or the provision of the related services has been approved under the Act. Where a shipment is already in transit, the Committee is empowered to direct that the shipment be returned or unloaded at any port of call.

25. **Clause 14** of the Bill provides for licencing. It prohibits a person from engaging in strategic trade of any strategic good specified in the National Control List or providing a related service unless the person is the holder of a licence issued under the Act. It requires a person who intends to engage in strategic trade to apply for a licence in the prescribed form, upon payment of the prescribed fee and empowers the Cabinet Secretary, on the recommendation of the Committee, to exempt an applicant from the requirements of this clause. The Bill prohibits a person, other than a national security organ, from engaging in strategic trade for military applications.

26. **Clause 15** of the Bill provides for conditions for the issuance of a license and empowers the Committee to issue a licence to an applicant subject to such conditions as set out under the Act. It requires that before the Committee issues a licence, it considers the national security of Kenya; international obligations and commitments under any international treaty or agreement including United Nations Security Council Resolutions; and the African Union Peace and Security Council Resolutions. It also requires the Committee to consider the preservation of regional peace, security and stability; the internal tensions or armed conflict in the destination country; human rights and international humanitarian law; terrorism or organized criminal activities; the security interests of a country which is an ally to Kenya; the risk of diversion to an unauthorised end-user or end-use; and any other relevant national security consideration.

27. It also provides for circumstances under which the Committee shall refuse to issue a license. These are if the applicant does not fulfil the conditions and requirements of the Act; the applicant submitted false documents, made misleading representations or concealed material facts in the application; the applicant has contravened any written law relating to national security; the applicant has violated an international embargo or sanction that binds Kenya or the applicant is subject to ongoing criminal or civil proceedings related to national security. Other circumstances are where the goods for which the licence is being sought are the subject of a police investigation or court proceedings, the proposed strategic trade is in breach of a United Nations Security Council sanction or embargo; the proposed strategic trade will impede the fulfilment of international commitments or

obligations of Kenya; there is credible information that the proposed strategic trade may endanger national or international security, regional stability, or contribute to terrorist acts; there is credible information that the proposed strategic trade may result in the diversion of the strategic good or service to an unauthorized end-use or end-user; or there are any other national security concerns.

28. **Clause 16** provides for the validity period of a licence. It provides that an individual licence shall be valid for a period of three years from the date of issue; a global licence shall be valid for a period of five years from the date of issue; and a general licence shall be valid fora period of five years from the date of issue or until it is revoked. The Bill further empowers the Cabinet Secretary by notice in the Gazette to notify the public of the issuance of a general licence under the Act.

29. **Clause 17** of the Bill provides for notification of loss or destroyed licence. It requires the holder of a licence to notify the Committee of loss or destruction of a licence within seven days of the occurrence.

30. **Clause 18** of the Bill provides for fair hearing and requires that where applicable, the Committee complies with Article 47 of the Constitution and the Fair Administrative Action Act in determining whether to revoke or suspend a license.

31. **Clause 19** of the Bill provides for suspension of a licence. It empowers the Committee to suspend a licence where it suspects that the strategic trade is being conducted in contravention of existing conditions of a licence. It requires that the Committee inform the holder of the licence of the failure to comply with the conditions of the licence and specify the corrective action to be taken by the holder of the licence in writing. Where the holder of the licence does not take the corrective action specified by the Committee, the Bill empowers the Committee to suspend the licence until the holder of the licence complies with the corrective action recommended by the Committee.

32. The Bill further empowers the Committee to suspend a licence for a shipment of a strategic good specified in the National Control List or the provision of related services to any country experiencing a deterioration in security. It requires the Committee to notify the holder of a licence of the suspension of the licence and the period of the suspension inwriting. Where at the end of the period specified the grounds for suspension are still valid, the period of suspension may be extended, and the holder of the licence shall be notified of such extension in writing. The suspension of the licence may be lifted where the

Committee considers it appropriate to do so. It further provides that the period for the performance of any action under this clause is to be determined on a case-by-case basis and subject to relevant regulations.

33. **Clause 20** of the Bill provides for revocation of a licence. It empowers the Committee to revoke a licence if the holder of the licence requests in writing; new facts emerge which, had they been known or existed at the time of the application, would have resulted in the Committee refusing to issue the licence; a material change in the information specified in the licence occurs; the holder of the licence fails to comply with the obligations, terms or conditions of the licence or the holder of the licence contravenes the Act or any other law relating to national security. The Committee may also revoke a licence where the holder of the licence fails to furnish the Committee with additional information relating to the activities conducted under the licence; the holder of the licence dies; the registered person is a body corporate that is dissolved or wound up; there is a change of shareholders, directors or signatories of the body corporate; the Committee becomes aware of any other reasons related to national security; or the Committee, for any other reason, deems it fit to revoke the licence. The Committee is required to revoke the licence of a person whose registration has been cancelled.
34. **Clause 21** of the Bill provides for the publication of revocation of a general licence and requires the Committee to notify the public of the revocation of a general licence by notice in the Gazette.
35. **Clause 22** of the Bill provides for notification to government agencies and requires the Committee to notify the relevant Government agencies or state departments immediately it revokes or suspends a licence issued under the Act.
36. **Clause 23** of the Bill provides for administrative appeals. It permits a person aggrieved by a decision of the Committee to appeal to the Cabinet Secretary within thirty days of being notified of the decision. The Appeal is to be heard and determined within sixty days after it is lodged. Where at the end of the period of sixty days, the grounds for appeal are still valid, the Committee is empowered to extend the period of suspension or revocation of the licence and notify the holder of the licence of such extension, in writing. The right to appeal to the Cabinet Secretary shall be in addition to any other remedy available in law to the aggrieved person.

37. **Claus 24** of the Bill provides for compliance requirements. It requires a person who engages in strategic trade to comply with the conditions upon which the licence was issued; inform the Committee immediately of any change that occurs in an export, import, transit or transhipment of a strategic good or the provision of a related service and to inform the Committee of the finalisation of the activity for which the licence was issued and submit the relevant documents to the Committee. It further requires a person who engages in strategic trade to notify the Committee of the grounds for suspecting that strategic goods are or may be used, partly or entirely, for any of the uses related to weapons of mass destruction, their means of delivery for military end-use in an embargoed destination by restricted persons or for suspecting that the related service which he intends to provide would facilitate that use. It also requires a person who engages in strategic trade to confirm the delivery and receipt of the strategic goods; indicate clearly in relevant commercial documents including any sales contract, order confirmation, invoice or dispatch note relating to domestic transfers of goods in the National Control List produced in Kenya, that those strategic goods are subject to controls, if exported from Kenya; notify the Committee within twenty-four hours of any loss or theft of strategic goods or goods in the National Control list in their possession; put in place internal compliance measures for effective compliance with the provisions of the Act; and comply with other obligations, terms and conditions of a licence or certificate issued under this Act.

38. **Clause 25** of the Bill provides for verification of compliance. It requires the Secretariat, in consultation and cooperation with other regulatory authorities and enforcement agencies to be responsible for verifying compliance by all persons engaged in strategic trade. The verification of compliance shall be conducted before, during and after the issuance of a licence. During verification of compliance, the Committee is empowered, in collaboration with other regulatory authorities to request necessary information from the applicant or holder of a licence for purposes of compliance control; inspect the documents of an applicant or holder of a licence and the business premises, including offices, production facilities, warehouses, and distribution centres, related to strategic goods and nationally controlled goods as well as the goods themselves. The Committee is also empowered to audit the internal compliance measures of the holder of a licence; request information from any other institution or organisation necessary for the purposes of this clause; request for assistance from competent authorities of other countries in order to collect additional

information necessary for the purposes of this clause; monitor compliance of the holder of the licence with the obligations, terms, and conditions of the licence; monitor the end-users of the strategic good; and undertake enforcement activities within the Committee's or the regulatory authority's respective mandate.

39. **Clause 26** provides for the Inspector and empowers the Cabinet Secretary on the recommendation of the Committee, by notice in the gazette to appoint a suitably qualified person to be a strategic goods inspector. It empowers the Inspector to investigate an administrative violation committed under the Act; undertake the enforcement of the Act in cooperation with other agencies and perform such other functions as may be assigned by the Director. The Bill prohibits a person appointed as an inspector while being so appointed from engaging in strategic trade and requires the Cabinet Secretary to issue an inspector appointed with a certificate of appointment. The Bill requires an inspector, upon entering any place or premises for purposes of performing their duties to produce the certificate of appointment issued to the person in charge of the premises.

40. **Clause 27** of the Bill provides for access to places or premises. It grants an inspector, with a warrant, full and free access to any building, place, property, documents, network or data storage device for the purposes of administering the Act. Where an inspector enters any place or premises for purposes of the Act, the Bill empowers the Inspector to require any person therein to produce any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, or items which such person is required to keep under the provisions of the Act.

41. It empowers the Inspector to examine any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, facility apparatus, equipment, device or item and make copies of, or take extracts from, any such books, accounts, documents or records and to seize or detain any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, facility, apparatus, equipment, device or item which contains or is reasonably suspected to contain information relating to any offence suspected to have been committed under the Act.

42. It further empowers the Inspector to require any person therein to answer questions relating to any book, data, document or other record or item; any entry in any book, data, document or other record; or any other item that the inspector may deem necessary. The

inspector is also empowered to require, at the expense of any person therein, to open and examine any container, envelope, package or other items and materials in any such place or premises; or take a sample of any item, good or thing for analysis and testing.

43. If by reason of its nature, size or amount it is not practicable to remove any item, books, accounts or other documents, including computerized data or other record, whether in print or electronic format, seized or detained under this clause, the Bill requires the inspector, by any means, to seal such item, book, accounts or other documents, including computerized data, or other record in the place or premises or container in which it is found. Where the inspector is unable to obtain free access to any place or premises or to any container in that place or premises, the inspector is empowered to, at any time, enter such place or premises and open such container in such manner, if necessary, by force, as the inspector may deem necessary. Where, on the entry upon any place or premises under the provisions of the Act, any strategic goods are found in relation to which an offence has been committed, such strategic goods shall be liable for forfeiture.

44. **Clause 28** of the Bill provides for power to search conveyances. It empowers an inspector with a warrant to board any conveyance; require the master of a vessel, pilot of an aircraft or person in control of any other conveyance to give such information relating to the conveyance, cargo, stores, crew, passengers or voyage as the inspector may consider necessary. The Inspector is also empowered to search all parts of such conveyance for strategic goods; examine all items on board and all items being loaded or unloaded; demand all documents of items which ought to be on board; or require all or any such document to be submitted to him for inspection.

45. The Bill makes it an offence where a master of a vessel, pilot of an aircraft or person in control of any conveyance refuses to allow an authorised officer to board or search such conveyance or refuses to give such information or to produce such documents on demand. The Bill prescribes the penalty for the offence on conviction as a fine not exceeding one million shillings or imprisonment for a term not exceeding three years, or both. If any place, box or chest on board in such conveyance is locked and the key withheld, the Bill empowers the inspector to break open any such place, box or chest at the expense of the owner.

46. **Clause 29** of the Bill provides for entry and search of premises without warrant and empowers an inspector to, without a warrant, exercise any power referred to in sections

27 (access to places or premises) and 28 (power to search conveyances) where a delay in obtaining the warrant would defeat the object of the warrant.

47. **Clause 30** of the Bill provides for the list of items seized or detained. Where any strategic good and any container, package, conveyance or other article in which the strategic good is stored, kept or found, record, book, account, document or electronic data are seized, it requires the inspector seizing the items to prepare a list of the items seized and to thereafter deliver a copy signed by the inspector to the owner or person in charge of the place, premises or conveyance which has been searched, or to such owner's or person's agent or servant, at that place, premises or conveyance.

48. **Clause 31** of the Bill provides for disposal of seized strategic goods. It empowers the Committee to at any time it considers appropriate, obtain a court order for the disposal of the strategic goods together with any container, package, conveyance or other article in which the strategic goods are stored, kept or found, record, book, account, document or electronic data seized. This is subject to the following procedures being complied with; an inventory specifying the description, markings and other particulars which clearly identify the items seized prepared by an inspector, photographs of the items seized taken in the presence of the inspector, and the said inspector has certified that the photographs are true; and copies of any record, book, account, document or electronic data seized are duly certified by an inspector. It further provides that the disposal of goods shall be carried out at the expense of the owner of the goods and requires the Cabinet Secretary, by notice in the Gazette, to appoint a technical ad-hoc committee to handle the disposal of the strategic goods under this clause. In appointing the ad hoc Committee, the Bill requires the Cabinet Secretary, to take into consideration the category of the strategic good to be destroyed and the technical expertise of the members dealing with the strategic good.

49. **Clause 32** of the Bill provides for forfeiture of strategic goods when there is no prosecution. It requires that where there is no prosecution or conviction in respect of any strategic goods or electronic data seized in the exercise of any power conferred under the Act, the strategic goods or electronic data be held for a period of ninety days from the date of seizure and at the end of that period be deemed forfeited, unless a written claim thereto is received within such period.

50. Any person claiming ownership of any strategic goods, container, package, conveyance, article, records, books, accounts, documents, or computerized data seized under the Act

and that the strategic goods, container, package, conveyance, article, records, books, accounts, documents, or electronic data are not liable to forfeiture may personally or by his agent authorised in writing, give written notice to the inspector who made the seizure of his claim. On receipt of the written notice, the Bill requires the inspector to refer the matter to the Director. It further requires the Committee to conduct an inquiry on such claims and the person making the claim shall be entitled to appear and to be heard in person or to be represented by an advocate. For purposes of proceedings at any inquiry held under the Act, the Bill grants the Committee power to administer oaths; summon persons to attend and give evidence; and order the production of documents. Any summons and orders issued under the hand of the Director shall be deemed to be issued by the Committee. The Bill requires the Director to record or cause to be recorded a summary of any oral evidence given at any inquiry held by the Committee and the Committee to regulate its own procedure at an inquiry held under the Act.

51. Where there is proof that an offence has been committed under the Act and that the strategic goods, container, package, conveyance, article, records, books, accounts, documents, or computerized data that were the subject matter of or were used in the commission of the offence, the Bill requires the Committee to order that the strategic goods, container, package, conveyance, article, records, books, accounts, documents or computerized data be forfeited. Alternatively, the Committee may, in the absence of such proof, order the release of such strategic goods, container, package, conveyance, article, records, books, accounts, documents or computerized data to the person entitled to them.

52. **Clause 33** of the Bill provides for costs of holding strategic goods. It provides that where any strategic good or any container, package or conveyance or other article in which the strategic goods are stored, kept or found, record, book, account, document or electronic data seized under the Act, is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Act, the cost of holding such strategic goods, container, package, conveyance, article, record, book, account, document or electronic data in custody shall, in the event of any person being convicted of an offence, be a civil debt due to the Government by such person and shall be recoverable accordingly.

53. **Clause 34** of the Bill precludes a person from entitlement to the costs of proceedings or to any damages or other relief, in any proceedings before any court in respect of any strategic goods, or any container, package, conveyance or other article in which the

strategic goods are stored, kept or found, record, book, account, document or electronic data is seized in the exercise of any power conferred under the Act, unless such seizure was made without reasonable cause.

54. **Clause 35** of the bill provides for obstruction of an inspector. It prohibits a person from obstructing, impeding or interfering with an Inspector in the performance of their functions under the Act and prohibits the impersonation of an Inspector. Both actions are offences with a penalty on conviction of a fine not exceeding five million shillings or imprisonment for a term not exceeding five years, or both.

55. **Clause 36** of the Bill outlines offences. Offences under the Bill are making false or misleading representations or concealing any material fact in any submission to the Committee; failing to act in accordance with any order or instructions issued by the Committee; failing to report to or notify the Committee as required by the Act; failing to comply with the record keeping requirements under the Act; causing, aiding or abetting a contravention of the Act or any order or conditions of a licence issued under the Act; attempting to contravene a provision of the Act or any order or licence issued under the Act; conspiring or acting in concert with one or more persons to contravene the provisions of the Act; obstructing or hindering the Committee, its representatives, any government agency or any inspector in the execution of its powers conferred under the Act: or forging or altering any registration, licence, end-use certificate, or any other document issued under the provisions of the Act. The Bill sets the penalty for the offences listed above as a fine not exceeding fifty million shillings or imprisonment for a term not exceeding ten years, or to both, upon conviction.

56. Other offences under the Bill are engaging in strategic trade or providing related services without being registered and licenced under the Act; failing to furnish any information as required under the Act; using any confidential information for any purpose not authorised under the Act; using strategic goods in a manner inconsistent with registration certificate and licence issued under the Act; or obstructing or failing to assist the Committee or an inspector in the performance of their duties under the Act. The Bill sets the penalty on conviction as a fine not exceeding twenty million shillings or imprisonment for a term not exceeding ten years, or both.

57. The Bill also make it an offence for a person to knowingly facilitate or finance the handling of strategic goods, if this endangers public safety and security with a penalty of a fine not

exceeding five million shillings or imprisonment for a term not exceeding three years, or both on conviction.

58. It is also an offence for a person who is in possession of conventional weapons prescribed in the National Control List or components thereof without a licence or certificate issued under this Act. The penalty a penalty is a fine not exceeding five million shillings or imprisonment for a term not exceeding three years, or both on conviction.

59. It also and offence pursuant to section 11 of the Prevention of Terrorism Act for a person to knowingly offer to provide or provide strategic goods to be used for terrorism purposes with the penalty stipulated under that Act.

60. **Clause 37** of the Bill permits the Committee to refer any matter that falls within its jurisdiction to the relevant law enforcement agencies or the Director of Public Prosecutions.

61. **Clause 38** of the Bill sets the general penalty for offences under the Act for which no penalty is provided as a fine not exceeding five million shillings, or imprisonment for a term not exceeding five years, or both, on conviction.

62. **Clause 39** provides for confidentiality. It precludes the disclosure of any confidential information obtained under the Act to any other party except in the furtherance of justice and law enforcement or national security, as may be determined by the Committee, or unless the party providing such information has consented to its disclosure. It requires the Committee to keep confidential, trade and production secrets. It further requires that the information obtained and maintained under the Act be handled, retained and disposed of in accordance with the provisions of the Access to Information Act, the Data Protection Act and any other related legislation.

63. **Clause 40** provides for voluntary disclosure. It provides that a person who contravenes any provisions of the Act and voluntarily discloses to the Committee such contravention shall have the benefit of such disclosure when the Committee determines the administrative sanction, if any, applicable to that person.

64. **Clause 41** provides for protection from personal liability. It provides that no action or thing done by a member of the Committee or by an inspector, employee or agent of a government authority shall, if the action or thing is done in good faith for executing the functions, powers or duties under the Act render the member, officer, employee or agent or any person acting on their direction personally liable to any action, claim or demand

whatsoever. Further, where the Committee suspends or revokes a licence or registration issued under the Act, the Committee shall not be liable for any damages that may be caused by such acts.

65. **Clause 43** of the Bill provides for limitation of actions. No civil action or proceedings based on or arising out of this Act or in general shall lie or be instituted unless it is commenced within three years next after the act, neglect or default complained or in the case of continuing injury or damage within twelve months next after the cessation thereof.

66. **Clause 43** of the Bill provides for regulations. It requires the Cabinet Secretary, in consultation with the Committee, to make regulations for the better carrying out of the objects and purposes of the Act. Without prejudice to the generality the Cabinet Secretary shall make regulations prescribing the safety, storage, transportation, disposal and security of strategic goods; any fees payable under this Act; procedures for voluntary disclosure; any forms to be used for the purposes the Act; the manner of record keeping by persons registered under the Act; and any other matter necessary for the implementation of this Act.

67. **Clause 44** provides for consequential amendments to the Firearms Act Cap. 114. It provides for amendment of section (2) of the Act to include the definition of the term "armoured vehicle" as a vehicle which is armour-plated for protection against bullets or any other munition and includes components for armour plating. It further provides for the amendment of section 3(5)(b) of the Firearms Act to include among the functions of the Firearms Licensing Board the issuance, cancellation, termination or variation of any licence, *certificate of approval* or permit issued under the Firearms Act. The Bill also proposes to amend section 3 of the Firearms Act to provide that notwithstanding the provisions of subsection (5)(b), where a licence, certificate of approval or permit relates to a strategic good listed in the National Control List under the Strategic Goods Control Act, the Board shall issue the licence, certificate of approval or permit under subsection (5)(b) with the approval of the Strategic Goods Control Committee.

68. **Clause 45** provides for consequential amendment of the Explosives Act Cap. 115 by inserting a new section 9A to require that the provisions of the Explosives Act relating permits, licenses and regulatory compliance be subject to further regulatory control under the Strategic Goods Control Act.

69. **Clause 46** of the Bill provides for consequential amendment to section 4 of the Nuclear Regulatory Act Cap. 243 to require that any person dealing with nuclear or radioactive material, activities or facilities to further comply with the provisions of the Strategic Goods Control Act.

70. **Clause 47** of the Bill provides for the consequential amendment of Pharmacy and Poisons Borad Act Cap.244 by inserting a new section 3C to require that where a medicinal substance licensed under section 3B(2)(e) of the Act relates to a medicinal substance listed on the National Control List under the Strategic Goods Control Act, the Pharmacy and Poisons Board shall only issue the licence with the approval of the Strategic Goods Control Committee.

71. **Clause 48** of the Bill provides for consequential amendment to section 20(1)(e) of the Mining Act (Cap. 306) to ensure that the Director of Mines, through the Principal Secretary is responsible to the Cabinet Secretary for ensuring compliance with the requirements of the Mining Act and the Strategic Goods Control Act;

72. **Clause 49** of the Bill provides for consequential amendment to section 2B of the Fertilizers and Animal Foodstuffs Act Cap. 345 to include among the functions of the Fertilizer and Animal Foodstuffs Board, the regulation of exportation and transhipment of the fertilizers and animal foodstuffs. The Bill also seeks to include among the functions of the Board, the licensing of exporters and importers, on the recommendation of the Director of Agriculture and the Director of Veterinary Services. The Bill seeks to include among the functions of the Board, the implementation of administrative strategies and measures to ensure that persons do not use fertilizers in a manner prejudicial to national security. The Bill also seeks to prescribe that fertilizers and animal foodstuffs that are listed in the National Control List shall be regulated in accordance with the provisions of the Strategic Goods Control Act.

73. **Clause 50** of the Bill provides for consequential amendment to section 2C of the of the Fertilizers and Animal Foodstuffs Act Cap. 345 to include among the membership of the Fertilizer and Animal Foodstuffs Board, one person representing the National Intelligence Service.

74. **Clause 51** of the Bill provides for consequential amendment to 2E of the of the Fertilizers and Animal Foodstuffs Act Cap. 345 to grant the Fertilizer and Animal Foodstuffs Board

the power to prescribe the concentration of the ingredients in a fertilizer in consultation with the Kenya Bureau of Standards.

75. **Clause 52** of the Bill provides for consequential amendment to section 9 of the of the Fertilizers and Animal Foodstuffs Act Cap. 345 to permit an Inspector to enter and inspect premises or records pertaining to exportation of fertilizer or animal foodstuff and to seize and remove any fertilizer or animal foodstuff and any books, records or documents found in or upon premises pertaining to exportation of fertilizer or animal foodstuff.
76. **Clause 53** of the Bill provides for consequential amendment to section 6 of the Pest Control Products Act to require that despite the provisions of subsection (1), a pest control product that is listed in the National Control List under the Strategic Goods Control Act shall not be registered by the Board except with the approval of the Strategic Goods Control Committee.
77. **Clause 54** of the Bill is a savings clause to provide that any registration, licence, certificate or written authority to engage in strategic trade issued under any written law immediately before the commencement of the Act be deemed to have been issued under the Act, provided that the person who is registered or is the holder of a licence, certificate or written authority shall apply to the Committee for registration within a period of twelve months after the commencement of the Act.
78. **The Schedule** to the Bill provides for the National Control List which specifies the strategic goods that are subject to the provisions of the Bill. The categories covered include nuclear materials, chemicals, biological agents and toxins, materials processing equipment, electronics, computers, telecommunications and information security, sensors and lasers, navigation and avionics, marine systems, aerospace and propulsion, and other controlled strategic goods, software and technologies.

2.3 Current Legal Framework

79. Currently, Kenya does not have a unified strategic trade control Act covering the full range of goods listed in the proposed National Control List under the Bill. Instead, regulation is fragmented across sector-specific laws. The current legal framework includes-
    (a) The Nuclear Regulatory Act, Cap 243 which provides for the regulation of safe, secure and peaceful utilization of atomic energy and nuclear technology, the production and use of radiation sources and the management of radioactive

waste. The Act is administered by the Kenya Nuclear Regulatory Authority, and requires any person engaging in the production, use, import and export of radiation sources for industrial, research and medical purposes; the transportation of radioactive material; the siting, construction, commissioning, operation, and decommissioning of facilities; radioactive waste management activities and site remediation to seek authorization from the Authority;

(b) The Firearms Act, Cap. 114, which regulates the licensing and controlling the manufacture, importation, exportation, transportation, sale, repair, storage, possession and use of firearms, ammunition, airguns and destructive devices. The Act establishes the Firearms Licensing Board, which is responsible for certifying the suitability of applicants and periodically assessing the proficiency of firearm holders, issuing and managing licences and permits under the Act, registering civilian firearm holders, dealers and manufacturers, supervising and regulating shooting ranges, maintaining a centralized record management system;

(c) The Explosives Act (Cap. 115), which provides for the manufacture, storage, sale, transport, importation, exportation and use of explosives. It requires dealers in explosives to obtain permits from the chief inspector of explosives and persons seeking to import, export, transport, or establish explosives factories or magazines to obtain the relevant approvals from Director of Mines.

(d) Mining Act Cap 306 which provides for prospecting, mining, processing, refining, treatment, transport and any dealings in minerals

(e) Other chemical substances, toxins and hazardous materials are regulated through a combination of Acts of Parliament. These include—

i. The Pharmacy and Poisons Act (Cap. 244) which regulates controlled chemicals and poisons. The Act establishes the pharmacy and poisons Board, which is responsible for regulating the manufacture, importation, exportation, distribution, sale and use of pharmaceutical products and poisons, including licensing and inspection of pharmaceutical premises and practitioners, registration of medicines, enforcement of compliance with the Act, and oversight of controlled substances to protect public health and safety;

ii. The Pest Control Products Act (Cap. 346), which regulates the importation, exportation, manufacture, distribution and use of products used for the control

of pests and of the organic function of plants and animals. The Act establishes the Pest Control Board, whose functions include to consider applications for registration of pest control products and to make recommendations thereon to the Cabinet Secretary;

iii. The Fertilizers and Animal Foodstuffs Act (Cap. 345), which regulates the importation, manufacture and sale of agricultural fertilizers and animal foodstuffs and substances of animal origin intended for the manufacture of such fertilizers and foodstuffs. The Act establishes the Fertilizer and Animal Foodstuffs Board of Kenya, whose functions include to regulate the fertilizers and animal foodstuffs industry in Kenya including the production, manufacture, packaging, importation and marketing of fertilizers and animal foodstuffs and to regulate the importation of raw materials for the manufacture of animal foodstuffs. The Board is also responsible for licensing manufacturers, distributors and retailers of fertilizers and animal foodstuffs on the recommendation of the Director of Agriculture and the Director of Veterinary Services;

iv. The Biosafety Act (Cap. 320) which establishes a regulatory framework for the safe development, transfer, handling and use of genetically modified organisms and related biological materials. The Act is administered by the National Biosafety Authority, which is responsible for approving the importation, exportation, transit, use, environmental release and placing on the market of regulated biological materials.

(f) Internationally, Kenya is a signatory to the following treaties—

i. Treaty on the Non-Proliferation of nuclear weapons (NPT), which seeks to prevent the spread of nuclear weapons, promote the peaceful use of nuclear energy, and require safeguards over nuclear materials and technology. Kenya became a signatory in 1970.

ii. Biological Weapons Convention which prohibits the development, production, acquisition, stockpiling and retention of biological agents and toxins for hostile purposes or use as weapons. Kenya acceded to the convention in 1976.

iii. Chemical Weapons Convention which prohibits the development, production, acquisition, stockpiling, transfer and use of chemical weapons and establishes

controls over toxic chemicals and their precursors. Kenya ratified the convention in 1997.

iv. African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), which establishes Africa as a nuclear-weapon-free zone and prohibits the development, manufacture, acquisition, testing, possession or control of nuclear explosive devices within the region. Kenya became a signatory in 2001.

2.4. Issues Flagged by Committee in Clause-by-Clause Consideration

80. In considering the Bill and conducting public participation, the Committee highlighted the following issues—

(a) Whether commencement of the Act should be left to the discretion of the Cabinet Secretary;

(b) Whether there will be any Parliamentary oversight over the inclusion or exclusion of an item on the control list given Clause 4(2) of the Bill, which empowers the Cabinet Secretary, on the recommendation of the Committee, to amend the National Control List by notice in the Gazette.

(c) Whether there is adequate representation of the private sector in the Strategic Goods Control Committee, noting that only two out of thirteen substantive members of the Committee are drawn from the private sector;

(d) Whether the terms and conditions of appointment of the Director under Clause 8(3) should be determined by the Cabinet Secretary or by the Committee;

(e) Whether the requirement of Clause 9 of the Bill for a person who intends to engage or engages in strategic trade to register with the Committee creates overlapping mandates with the existing regulatory bodies, which also require registration and licensing; and

(f) Views on the goods listed under the National Control List.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION

3.1 THE LEGAL PROVISION ON PUBLIC PARTICIPATION

81. Article 118 (1) (b) of the Constitution of Kenya provides as follows—

"Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees."

82. Standing Order 127(3) provides that—

"The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

(a) inviting submission of memoranda;

(b) holding public hearings;

(c) consulting relevant stakeholders in a sector; and

(d) consulting experts on technical subjects.

Standing Order127 (3A) further provides that—

"The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House."

83. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, on public participation, the Committee through local daily newspapers Tuesday 14th April 2026 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as **Annexure 3.**

84. Further, vide a letter dated **Wednesday, 27th April 2026**, the Committee invited relevant stakeholders, to make submissions on the Bill from Tuesday, 19th May 2026, to Wednesday 21st May 2026 at Glee Hotel, Kiambu County. Stakeholder submissions are annexed as **Annexure 4**

3.2 STAKE HOLDER'S SUBMISSIONS ON THE BILL

85. **The Office of the Attorney General** supported the enactment of the Bill and stated that the Bill aims to domesticate UN Security Council Resolution 1540 and will play a key role in the domestication of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and

partially domesticate the Biological and Toxic Weapons Convention (BTWC), Chemical Weapons Conventions (CWC) and other international treaties and conventions that Kenya has ratified or is a signatory.

86. They further stated that the policy contained in the Bill falls within the mandate of the Ministry of Interior and the National Administration and as such the Bill does not raise substantial Constitutional or statutory Issues.

87. **The American Embassy supported** the enactment of the Bill and stated that Strategic trade control is among the practices that build a country's reputation as a trusted destination for cutting-edge technological innovations. And in the right hands, dual-use strategic goods can then enable advanced computing, communication, aviation, medicine, agriculture, and other economic activities high on the value chain.

88. **Kenya Airports Authority** noted that the Bill should expressly recognize airports and air cargo facilities as critical national infrastructure in the movement, storage, transit and transshipment of strategic goods. They proposed that the Bill should provide a framework for coordinated operations among aviation security agencies, customs, intelligence and border control authorities. Further, KAA recommended that the Bill should clearly define the operational responsibilities of—

    a) airport operators,
    b) customs authorities,
    c) aviation security agencies,
    d) freight handlers,
    e) airlines,
    f) cargo operators,
    g) security screening entities.

89. Further they noted that the Bill should expressly recognize existing obligations under the International Civil Aviation Organization security framework, including air cargo security standards, regulated agent and known consignor programmes, screening and security controls. They recommended that the legislation should avoid duplication of aviation security requirements already implemented under civil aviation laws and regulations.

90. Additionally, KAA recommended establishment of secure digital information-sharing platforms among; airport operators, Kenya Revenue Authority, security agencies, freight operators, licensing authorities, civil aviation regulators and Kenya Ports Authority.

91. They also noted that Kenyan airports handle substantial transit and transhipment cargo within the region. They sought a clear distinction of; imports, exports, transit cargo, transhipment cargo, and temporary storage cargo. They proposed clear procedures are necessary to avoid operational uncertainty and trade disruptions.

92. They further proposed that the Bill should include safeguards for protection of: airline operational data, cargo manifests, commercial shipment information, security-sensitive airport information. They recommended that disclosure of sensitive aviation and commercial information should only occur under lawful and controlled procedures.

93. **Airways** proposed that the Bill should have a transition period of at least 18–24 months post-commencement for full compliance.

94. **KEPROBA** noted that Kenya is currently positioning itself as a hub for manufacturing, pharmaceuticals, digital innovation, and technology-enabled services. Therefore, care should be taken to ensure that implementation does not inadvertently discourage: export-oriented manufacturing, technology-intensive investments, and industrial upgrading and value addition initiatives. They also noted that there was a need for effective implementation of strategic trade controls which require strong coordination among regulatory, security, customs, and trade-related agencies.

95. **Members of the Public in Nyeri and Laikipia** sought clarification on whether the Bill would increase the cost of essential commodities such as gas and fertiliser and whether the Bill only targets imported goods. In Laikipia, a member of the public opposed the Bill for the reason that it is likely to increase the cost of doing business particularly for youth and small-scale entrepreneurs. Another member of the public also expressed concern on the Bill being presented in accessible formats to enable meaningful participation for persons with disability.

Committee Observation from submissions by above stakeholders

(a) The Bill primarily regulates strategic goods for security, safety and non-proliferation purposes and is not intended to impose taxes or directly affect commodity pricing. Any indirect compliance costs would depend on the nature of the regulated goods and activities.

(b) Compliance obligations may impose some administrative requirements on regulated entities.

(c) the Bill is intended to safeguard national security, public safety and Kenya international obligations concerning strategic goods.

(d) The Bill already has a transition clause of one year for any person licensed to carry out trade in strategic goods under any written law prior to enactment of this Act for a period of twelve months.

Title of the Bill

96. **KRA** proposed that the title of the Bill should read as Strategic Trade Control Bill to provide for control of trade in strategic goods and related services. This will align with World Customs Organization Strategic Trade Control Enforcement that includes regulatory framework commerce or control system

Committee Observation

The Committee observed that the Bill does not deal with trade but control of trade in strategic goods

Clause 1

97. **The Kenya Law Reform Commission** proposed to retain the short title and commencement within the Bill but called on the committee to consider providing for phased commencement through staggered implementation. They submitted that the Bill establishes highly technical compliance systems requiring institutional preparedness, capacity building and regulations before operationalization.

Committee Observation

The Committee notes that the law being enacted is a regulatory law therefore there is no need of a staggered implementation, issues of licenses issued prior to the enactment of the law will be taken care of by the transitional provision.

Clause 2

98. **The Regulatory Institute** proposed to consider whether to clarify expressly that "strategic good" can encompass chemicals and bio-materials. That the definition of "strategic good" should be understood to include 3D-printing datasets. They submitted that such datasets do not readily fall within the ordinary meaning of "software", yet they can enable the physical

production of strategic goods with minimal additional resources. Addressing this point, whether within the definition or elsewhere in the Bill, would help to avoid a potential regulatory gap.

99. **The Regulatory Institute** submitted that "technical service provider" is currently defined by reference to weapons of mass destruction only, whereas "technical service" is defined more broadly to cover all strategic goods. They proposed that the committee may consider aligning the two definitions by broadening the scope of "technical service provider" to better reflect the intended regulatory design and avoid unintended gaps in coverage.

100. **The Kenya Law Reform Commission** proposed to clarify the term "related services" in the definition of "strategic trade" as the current definition is excessively broad and may unintentionally capture universities, researchers, software developers and legitimate commercial actors which is contrary to legal certainty and proportionality principles.

101. **The State Department for Trade** noted that the Bill in the definition of "nationally controlled goods" mentions technology and intangible transfers, it does not sufficiently define: cloud-based transfers; AI-assisted technical transmission; encrypted technical data sharing; remote software updates; research collaboration platforms; or university and scientific exchanges.

Clause 3(1)(b)

102. **The Regulatory Institute** proposed an amendment to clause 3(b) by inserting the word "within Kenya" to make the territorial scope of this provision explicit.

Committee Observation

The Schedule to the Bill has definitions targeted to each specific category which are sufficient and contextual

Clause 3(1) (c)

103. **The Regulatory Institute** proposed an amendment to clause 3(c) by inserting the word "or handles a strategic good" as the terms "engaging in strategic trade" and "handling strategic goods" appear to overlap only partially, the suggested addition might help to avoid unintended gaps in coverage.

104. **The Kenya Law Reform Commission** proposed a clarification on extraterritorial jurisdiction and applicability to Kenyan citizens engaging in strategic trade abroad as the Bill

applies to Kenyans engaged in strategic trade outside Kenya but lacks enforcement and jurisdictional clarity.

105. **The State Department for Trade** noted that the Bill also applied to Kenyan citizens engaging in strategic trade outside Kenya. They noted that this provision may create enforcement and jurisdictional challenges. They proposed a need to clarify enforcement mechanisms for acts occurring outside Kenya and alignment with international law principles.

Committee Observation

In the extra-territorial context, the Committee observes that the laws under extradition where extra-territorial issues are invoked.

Clause 3(2)

106. **Kenya Airways** proposed amendment of clause 3(2) to add a new subsection exempting ICAO-certified civil aircraft, parts, software, and services for commercial/passenger use (subject to end-use certification).

107. Further, they sought clarification in Schedule interpretations that civil-certified items under EASA/FAA standards are generally excluded unless diverted to military use.

Committee Observation

There is a need for civil aircraft, parts, software, and services for commercial/passenger use to be subject to end-use certification. These safety and security items and if exclusively exempted may pause risks to the airspace. The intention of the Bill is safety and security.

Clause 4

108. **The Kenya Law Reform Commission** proposed to subject amendments to the National Control List to Parliamentary scrutiny and stakeholder consultation through the process set out in the Statutory Instruments Act. They submitted that amendment by Gazette Notice alone creates risks of executive overreach and regulatory uncertainty.

109. **The State Department for Trade** noted that the Bill provides for a control list but does not create mechanisms to assist exporters in determining whether their goods fall under the list. They proposed establishment of an official product classification advisory service within the implementing authority. This will enable exporters to avoid compliance

uncertainty and inadvertent violations especially where products may have dual-use applications.

Committee Observation

Regulations shall create the procedure for determination by the traders; the Schedule is also clear on what amounts to strategic goods. Further the Schedule has broken down what may amount to strategic goods. All agencies concerned shall explain to persons under their jurisdiction what amounts to strategic goods as per the Schedule once the law is enacted.

Clause 5

110. **The state department for mining** proposed to include the state department for mining as part of the composition of the committee as this will enhance the oversight mechanism, which is critical in aligning the Bill with existing regulatory mandates. That failure to include the state department despite its direct mandate in the oversight framework raises concerns about adequate representation in the oversight framework.

111. **The Kenya Nuclear Regulatory Authority** proposed inclusion of Director General Kenya Nuclear Regulatory Authority as member of the Committee as this will complement the committee oversight role on matters nuclear and radiation.

112. **The Kenya Law Reform Commission** proposed to include representation from scientific or research institutions in the committee as the Bill regulates highly technical sectors requiring technological and scientific expertise.

113. **The Pharmacy and Poisons Board** proposed that the Chief Executive Officer of PBB (or a senior nominee) shall be a full voting member of the Committee, not merely an ex officio secretary. This reflects that PBB already has statutory responsibility for narcotic and psychotropic substance control under the Single Convention (1961), the 1971 Convention and the 1988 UN Convention.

114. **The Kenya Law Reform Commission** proposed to introduce Article 232 compliance requirement as the current composition of the commission does not expressly integrate constitutional inclusivity principles.

115. **The State Department for Trade** noted that taking into consideration that the strategic trade entail policies or controls designed to influence international trade for national security, economic and foreign policy goals, it is imperative to consider the inclusion of the Principal Secretary responsible for matters relating to foreign affairs or his representative to be a full member of the Committee.

116. Further, they proposed one person be nominated by KAM to be a member of the Committee for more inclusivity and owing to the important role played by KAM in production of goods which are the subject of Strategic Goods.

117. **Kenya Airports Authority and Kenya Airways** noted that given the critical role of airports in international cargo and passenger facilitation, they recommended aviation sector representatives to be included in the composition of the Strategic Goods Control Committee.

118. Members of the Public in Nyeri and Laikipia counties proposed the inclusion of a representative of the Business community in the Strategic Goods Control Committee, specifically brokers involved in strategic goods as members of the Strategic Goods Control Committee, noting that brokers act as intermediaries between industry players.

Committee Observation

The Committee agreed that there is a need to include other stakeholders relevant to strategic goods in the Committee

Clause 6

119. **The Kenya Law Reform Commission** proposed the separation of licensing, oversight and enforcement review functions as the current framework within the Bill carries the risk of perceived bias and administrative unfairness when all these powers are concentrated in one organ.

120. **The Kenya Pharmacy and Poisons Board** proposed that the Committee should serve as an inter-agency advisory and co-ordination body, not a prior approval authority. They proposed that in relation to health goods, its functions shall be: a) to receive notification of all licenses issued by PBB for strategic health goods (b) to maintain a central database

for national security tracking and (c) to advice the Cabinet Secretary on matters of strategic trade that transcend health regulations (e.g. large-scale diversion to illicit markets or foreign policy concerns).

121. **The Kenya Pharmacy and Poisons Board** proposed that PBB should remain the sole competent authority to grant, suspend or revoke licenses for the manufacture, importation, exportation, distribution and use of any medicinal substance, narcotic drug, psychotropic substance, precursor chemical, vaccine or biological agent that appears on the National Control List as this is already its mandate under Cap. 244.

Committee Observation

The Bill as presented may create institutional conflicts in the context of functions, there is need to distinct inter-agency advisory, co-ordination and registration and licensing.

There is a need for clarity on licensing and registration to avoid duplicity.

Clause 7

122. **The Kenya Law Reform Commission** proposed provision of statutory guarantees on staffing, expertise and inter-agency coordination by including the agencies from which the staff should be seconded. This is because effective implementation of the Bill requires technical, cyber, customs and intelligence expertise.

Committee Observation

Statutory staffing will balance those key institutions and the composition of the Board so as all the crucial players are on board the Secretariat and the Board. There is a need to amend the provision to cater for Secretariat staffing.

Clause 8

123. **The Kenya Law Reform Commission** proposed clarification on the qualifications and experience required for holding the position of the Director as the Bill grants substantial administrative powers to persons holding the position without adequate accountability safeguards.

Committee Observation

There is need to provide for qualifications of the Director and to elevate it as Director General

Clause 9

124. **The Regulatory Institute** proposed merging Section 9 with the licensing provision in Section 14 to enhance coherence and reduce potential ambiguity.
125. **The Kenya Law Reform Commission** proposed the provision of timelines for registration decisions and written reasons for refusal so as to promote fair administrative action under Article 47 of the Constitution and the Fair Administrative Action Act and to reduce arbitrariness.
126. **The State Department for Trade** proposed that the Bill's provisions on registration and licensing should be revamped by including online registration. This will go a long way in simplifying the registration process and reducing interface with humans, hence minimizing rent seeking in the process. Further, online registration and uniform licensing guidelines would immensely improve ease of doing business and reduce compliance burdens.
127. Further, they noted that the Bill gives the Committee and Director extensive discretion to grant, suspend, or revoke licenses, but it does not comprehensively define: objective risk-assessment criteria; thresholds for refusal; sector-specific licensing standards; or differentiated treatment for low-risk versus high-risk goods.

Committee Observation

The Bill does not take away sector specific licensing, the existing institutions will continue to licence as per their statutory mandate.

Clause 9(5)

128. **The Kenya Law Reform Commission** proposed qualification of vague grounds such as "national security concerns" in clause 9(5) (d) as undefined security terminology may lead to abuse or discriminatory enforcement.

Committee Observation

Clause 9(5)(d) is to provide for instances where the goods are not listed but may pause security risk.

Clause 10

129. **The Kenya Law Reform Commission** proposed the introduction of graduated sanctions (cancellation, suspension or revocation of registration) except for grave breaches to promote proportionality and regulatory fairness.

Committee Observation

The sector specific laws provide for graduated sanctions (cancellation, suspension or revocation of registration.

Clause 11

130. **The Kenya Law Reform Commission** proposed the clarification of which information is public and which remains confidential, so as to balance transparency obligations with national security and confidentiality concerns in line with the Access to Information Act and the Data Protection Act.

Committee Observation

Issues of Access to Information Act and the Data Protection Act shall be provided for under regulation.

Clause 12

131. **The Kenya Law Reform Commission** proposed provision of independent review procedures for end-use determinations in sub-clause (1) and (2) as end-use restrictions may substantially affect commercial rights and international trade obligations.
132. **The Kenya Pharmacy and Poisons Board** proposed that importers, exporters, manufacturers and distributors of strategic Health Products and Technologies should be required to obtain a "Strategic Goods End-Use Certificate" from PBB and to notify PBB of any proposed change of end-user or end-use within 48 hours. They propose that the notification should originate from PBB and not the trader.
133. **The State Department for Trade** noted that the end-use controls are internationally recognized mechanisms for preventing diversion of sensitive goods. However, they noted that implementation should be based on credible risk assessment; avoid undue delays in trade; provide clear guidance on documentation requirements and avoid excessive compliance burdens on legitimate businesses

Committee Observation

The end-use controls are internationally recognized mechanisms for preventing diversion of sensitive goods, the end use control may seem to be causing inefficiencies in trade however, if looked from a safety and security perspective, the end use control is the gist of control of trade in strategic goods.

Clause 13

134. **The Kenya Law Reform Commission** proposed clarification on treatment of goods in transit and emergency detention powers as the current provisions, especially sub-clause (3), may interfere with legitimate international commerce and rights of those in transit.

Committee Observation

The end-use controls are internationally recognized mechanisms for preventing diversion of sensitive goods, the end use control may seem to be causing inefficiencies in trade however, this shall also be implemented on goods on transit so as to prevent avoidance

Clause 14

1. **The state department for Mining** proposed further controls on permits and licenses relating to strategic goods. They proposed that the Bill should specify under the regulations the particular license or permits to be subject to review by the Strategic Goods Committee.
2. **The State Department for Trade** noted that the Bill does not specify timelines for the processing of license applications. They proposed the need to include a statutory requirement that license applications be processed within a defined timeframe.

Committee Observation

Sector specific institutions such as Ministry of Mining will continue carrying out its mandate

Clause 16(2)

3. **KRA** proposed deletion of the words "general license" and substitute with "all licenses" in order to read that the Cabinet Secretary shall by notice in the Gazette, notify the public of the issuance of license under this Act. This will accommodate the three licenses being issued namely; individual licenses, general licenses and global licenses.

Committee Observation

The Committee observed that this will create clarity in the kind of licenses to be issued.

Clause 20

4. **The Kenya Law Reform Commission** proposed a requirement for proportionality assessment before revocation as it has severe economic and constitutional implications which could cripple the activities of an entity.

Committee Observation

The provision should ensure fair administrative action in suspension of licences.

Clause 21

5. **The Kenya Law Reform Commission** proposed the provision of safeguards against reputational harm where appeals are pending. They submitted that immediate publication before exhaustion of the appeal process may unfairly prejudice holders of licences.
6. **KRA** deletion of the words "general license" and substitute with "all licenses" in order to read that the Cabinet Secretary shall by notice in the Gazette, notify the public of the revocation of license under the Act.

Committee Observation

The Committee agreed with the stakeholder noting that this will create clarity in the kind of licenses to be issued.

Clause 23

7. **The State Department for Trade** noted that appeals only to the Cabinet Secretary may not provide sufficient independence. They proposed establishment of an independent appeals tribunal or provision for direct appeal to the High Court.

Committee Observation

The Committee agreed with the stakeholder, however it noted that appeals are provided for in sector specific legal frameworks.

Clause 24

8. **Kenya Airways** proposed insertion of a new paragraph (j) paragraph (i) to read as follows:

"Notwithstanding the provisions of this section, the obligations imposed on a transporter under this Act shall not apply to a licensed air carrier in respect of incidental carriage of strategic goods in the course of normal passenger or cargo operations, except where:

(i) the carrier has actual knowledge that the goods are strategic goods; or (ii) the goods are declared as strategic goods by the shipper.

In such cases, the carrier shall only be required to notify the Committee within twenty-four hours and comply with any lawful directions issued."

This will limit transporter obligations under clause 24 for incidental carriage in passenger/cargo operations.

Committee Observation

The Committee noted that the transporter has an obligation to ensure compliance with the Act from a security perspective.

Clause 25

9. **The Kenya Law Reform Commission** proposed the establishment of audit safeguards and confidentiality protections for commercial data during the verification process so as to protect privacy, trade secrets and commercially sensitive information.

Committee Observation

The committee observed that the intention of the legislation is to control trade of strategic goods, verification and audit safeguards are done under sector specific legislative framework.

Clause 26

10. **The State Department for Mining** proposed harmonisation of the roles of inspectors of explosives appointed under the proposed National Strategic Goods Act to ensure both safety and security objectives are achieved efficiently.
11. **The Kenya Law Reform Commission** proposed to set out the qualifications required of inspectors and whether they shall be recruited in accordance with public service regulations as they exercise powers that may affect constitutional rights.

Committee Observation

The Committee observed that the roles of inspectors are administrative matters which the Committee will deal with under job descriptions and human resource manuals.

Further on the recruitment, the committee observes that recruitment of staff of an organization are administrative matters.

Clause 27

12. **The Kenya Law Reform Commission** proposed the introduction of digital evidence handling and cybersecurity safeguards as electronic data access creates substantial privacy and cyber-risk implications.

Committee Observation

The committee observed that the aspect of digital evidence handling are better placed in the regulation so as the same may be broadly set.

Clause 28

13. **The Kenya Law Reform Commission** proposed a requirement for procedural safeguards and inventory documentation standards to ensure accountability and evidentiary integrity.
14. **Kenya Airways** proposed that powers of search conveyance should be aligned with provisions of Civil Aviation Act, Cap. 394 to the extent that it will not jeopardize the operations of civil aviation.

Committee Observation

The committee observed that the aspect of documentation and search are better placed in the regulation so as the same may be broadly set.

Clause 29

15. **The Kenya Law Reform Commission** proposed narrow emergency exceptions and a requirement for post-search judicial review as the current wording is excessively broad and may permit abuse.

Committee Observation

The committee observed that any intended search under the bill is for security purposes and Clause 29 only applies in instances where a delay in obtaining a warrant may defeat the objective of the warrant.

Clause 30

16. **The Kenya Law Reform Commission** proposed a requirement for digital inventory systems and mandatory acknowledgement by affected parties to enhance transparency and reduce disputes.

Committee Observation

The committee observed that the aspect of digital inventory handling is better placed in the regulation so as the same may be broadly set.

Clause 31

17. **KRA** proposed that the Bill should include a suitable storage place for seized strategic goods waiting to be disposed of. This will ensure proper storage of such goods.

Committee Observation

The Committee agreed with the stakeholder noting that currently, KRA is left with the burden of storing such goods. However, the committee notes that the provision may be elaborated further under regulations.

Clause 33

18. **The Kenya Law Reform Commission** proposed to consider limiting recoverable costs to reasonable and necessary expenses to prevent punitive administrative cost recovery.

Committee Observation

The Committee observed that provision only applies in the event of conviction.

Clause 34

19. **The Kenya Law Reform Commission** proposed an amendment to permit compensation for unlawful seizure or seizure conducted in bad faith. They submitted that absolute immunity may violate constitutional remedies and accountability principles.

Committee Observation

The Committee observed that the Clause has a .... "Unless such seizure was made without a reasonable cause", this requires the person seeking relief to prove that the seizure was made without a reasonable cause.

Clause 36

20. **The Kenya Law Reform Commission** proposed to consider redrafting overly broad offences and distinguishing intentional conduct from conduct that emanates from negligence. This will enhance clarity and avoid disproportionate criminal liability.
21. **Kenya Airways** proposed capping penalties for good-faith minor breaches or tiered sanctions by inserting the following new section 36A:

"36A. (1) The Committee may, in respect of minor or administrative contraventions committed in good faith, impose administrative sanctions which may include—

(a) a written warning;

(b) a financial penalty not exceeding five million shillings;

(c) mandatory remedial training or enhanced compliance measures.

(2) In determining the appropriate sanction, the Committee shall consider—

(i) *whether the contravention was intentional or reckless;*

(ii) *the degree of harm caused;*

(iii) *whether the person acted in good faith and voluntarily disclosed the breach;*

(iv) *the person's compliance history; and*

(v) *Mandatory consultation with KCAA/Ministry of Transport in licensing/inspections affecting aviation."*

Committee Observation

The Committee observed that the proposed amendment is crucial in dealing with minor offences.

Clause 37

22. **The Kenya Law Reform Commission** proposed a clarification on lead-agency responsibility and information-sharing protocols as multi-agency enforcement requires coordination mechanisms.

Committee Observation

The Committee observed that the host Ministry becomes the lead agency administratively and this may change in situations such as government rearrangement of state departments thus putting it in the legislation may create rigidity.

Clause 40

23. **The Kenya Law Reform Commission** proposed the establishment of clear immunity and mitigation criteria to encourage regulatory cooperation and compliance culture.
24. **The State Department for Trade** noted that the provision on voluntary disclosure does not comprehensively establish detailed: safe-harbor protections, formal disclosure procedures, immunity thresholds, timelines for disclosure, or structured compliance incentives commonly found in more mature export-control regimes.

Committee Observation

The Committee observed that a contravention must attract a sanction even where the person does voluntary disclosure. The committee recommends deletion of the Clause. The Committee notes that the nature of strategic goods when analyzed from a security perspective may cause harm of

immeasurable magnate and offences that may emanate out it should not be protected through the very legislation that seeks to regulate.

Clause 43

25. **Kenya Airways** proposed that the regulations should include aviation-specific guidelines on storage, transport, and disposal and on dual-use classification for aviation items.

Committee Observation

The committee observed that there is need for the regulations to include aviation-specific guidelines on storage, transport, and disposal and on dual-use classification for aviation items.

Clause 46

26. **The Kenya Nuclear Regulatory Authority** proposed to insert a new clause to recognize the Authority licensing framework as provided for under the Nuclear Regulatory Authority Act, Cap 243.This will ensure that the two Act are complimentary, reinforcing regulatory coherence and avoiding conflicting mandates.

Committee Observation

The Committee noted that the Kenya Nuclear Regulatory Authority will continue to carry out it's function under the existing legal framework.

Clause 47

27. The Kenya Pharmacy and Poisons Board proposed that Section 3C of Cap. 244 (as proposed by clause 47 of the Bill) should be deleted in its entirety and replaced with a provision that simply requires PBB to notify the Committee of any license issued for items in the National Control List and to share relevant information where there is reasonable suspicion of diversion for military or weapons of mass destruction purposes.

Committee Observation

The committee observed that the Bill requires agencies such as the Kenya Pharmacy and Poisons Board to co-operate in all the items listed in the National Control List.

3.3 PUBLIC PARTICIPATION IN VARIOUS COUNTIES

3.3.1 Nyeri County

A. Clause 5 – Establishment of the Strategic Goods Control Committee

28. Submission

Clause 5 - A member of the public proposed including brokers involved in strategic goods as members of the Strategic Goods Control Committee, noting that brokers act as intermediaries between industry players. The proposal seeks to enhance stakeholder representation and provide the Committee with practical industry expertise. However, inclusion of specific industry actors should be balanced against the need to avoid conflicts of interest. The Committee may consider whether the interests of brokers can be adequately represented through existing private sector or industry representatives.

29. Clause 36 – Penalties A member of the public proposed increasing the penalty beyond Ksh. 50 million, arguing that persons engaged in strategic goods trade are generally financially capable and that higher penalties would provide a stronger deterrent. The proposal reflects concerns regarding the effectiveness of penalties. However, penalties should remain proportionate to the offence and consistent with constitutional principles and comparable regulatory legislation.

30. **General Submissions**

i. Effect on Prices of Basic Commodities. Members of the public sought clarification on whether the Bill would increase the cost of essential commodities such as gas and fertilizer. The Bill primarily regulates strategic goods for security, safety and non-proliferation purposes and is not intended to impose taxes or directly affect commodity pricing. Any indirect compliance costs would depend on the nature of the regulated goods and activities.

ii. Accessibility for Persons Living with Disabilities. The Bill should be interpreted and presented in accessible formats to enable meaningful participation by persons with disabilities. The concern is consistent with constitutional requirements on inclusivity and public participation.

iii. Recommendation was that future public participation processes should include accessible formats, including simplified versions, sign language interpretation and Braille where appropriate.

iv. Scope of the Bill. Members sought clarification on whether the Bill targets imported goods only. The Bill applies to strategic goods, technology, services and related activities as defined

in the legislation and may cover imports, exports, transit, trans-shipment and domestic dealings where applicable.

3.3.2 Laikipia County

31. Clause 5 – Composition of the Committee: A participant proposed inclusion of a representative of business community in the Committee. The proposal seeks to ensure that the views of regulated entities are considered during implementation and policy formulation. The Committee may consider whether existing provisions adequately provide for private sector representation or whether express inclusion is necessary.
32. Accessibility for persons with disabilities. A participant proposed that persons with disabilities be treated differently under the Bill and that copies of the Bill be made available in Braille. The proposal highlights the need for accessible legislative processes. However, differential treatment under the substantive provisions of the Bill should only be adopted where justified and consistent with the principle of equality and non-discrimination. Ensure future legislative documents and public participation materials are made available in accessible formats.
33. Cost of Doing Business. A member opposed the Bill on the grounds that it may increase the cost of doing business, particularly for youth and small-scale entrepreneurs. Compliance obligations may impose some administrative requirements on regulated entities. However, the Bill is intended to safeguard national security, public safety and Kenya's international obligations concerning strategic goods.
34. Majority of the views given by the members of the Public in Laikipia was on insecurity issues in the area.

Observation

On the issue of inclusion of the business community, the Bill under Clause 5(1)(l) and (m) already provides for a representative from the Chamber of Commerce and the private sector alliance

On the issue of accessibility of bills by PWD'S, the Committee will recommend the same to the Parliamentary Service;

On the aspect of the Bill increasing cost of doing business, the Committee is of the view that the Bill regulates dealing with strategic goods from a security perspective.

3.3.3 Kisumu County

The Committee conducted a public participation exercise in Kisumu County to receive views from members of the public on the Bill.

35. Participants generally expressed support for the Bill, noting that it is comprehensive and addresses important issues relating to the regulation and management of strategic goods. However, concerns were raised regarding the presence of undocumented foreigners and the need for adequate safeguards within the proposed framework as well as weak penalties for offenders.
36. There were members of the public that proposed that the scope and application of the Bill be expanded to cover other high-risk goods that may pose risks to public health, safety, security, or the environment.
37. Concerns were raised about the improper disposal of contaminated sugar, chemicals, diapers, and other hazardous materials into water bodies. Participants sought clarification on how KEMSA's disposal of medicines would affect surrounding communities and the environment. They also sought clarification on the reporting mechanisms available in cases of unlawful disposal of strategic goods.
38. On licensing, participants sought clarification on the measures provided in the Bill to ensure transparency and accountability in the issuance of licenses. It was proposed that licenses under clause 16(a) be issued for a period of one year, while global licenses and general licenses be issued for a period of three years. Questions were also raised on whether the penalties prescribed under the Bill would be implemented fairly and consistently.
39. While supporting the Bill, some stakeholders expressed reservations regarding clause 26, noting that the powers granted to inspectors were overly broad and could be susceptible to abuse, thereby frustrating legitimate business operations. They recommended the inclusion of safeguards to prevent misuse of inspection powers.
40. Participants further proposed the introduction of partner reporting mechanisms involving local administrators, including chiefs and assistant chiefs, under clause 24. They emphasized the need for effective implementation and follow-up of reports made under the Bill and urged that the interests of small-scale business owners be considered during enforcement.
41. With regard to public participation, participants recommended that future public participation exercises be conducted at the ward level to enhance inclusivity and ensure

that communities fully understand the issues addressed by the Bill and the solutions proposed.

42. On governance matters, participants sought clarification on the criteria for appointment of members of the Committee established under the Bill. It was noted that the composition of the Committee did not provide representation for special interest groups as contemplated under clause 5. Participants therefore recommended the inclusion of representatives of special interest groups in the Committee. They further proposed that the composition of the Committee include the Principal Secretary responsible for Higher Education and that the jurisdiction of the Secretariat be extended to county and sub-county levels. It was also recommended that end users be represented on the Committee to ensure that the interests of consumers and affected stakeholders are adequately considered.

3.3.4 Uasin-Gishu County

43. Participants generally supported the Bill, noting that it would enhance regulation of strategic goods and contribute to national security efforts, including measures aimed at preventing terrorism. They also acknowledged the potential benefits of the Bill to traders through the establishment of a clear regulatory framework.
44. However, participants expressed concern that politically connected individuals and other influential persons may evade accountability under the proposed framework.
45. The following concerns, comments and questions were raised during the public participation exercise:

a) Clarification was sought on the regulation and disposal of technological goods and equipment covered under the Bill.
b) Participants sought guidance on the reporting mechanisms for suspicious transactions and activities.
c) Concerns were raised regarding compensation mechanisms for victims affected by residues or exposure to biological agents.
d) Clarification was sought on the impact of the Bill on the devolved system of government and the role of county governments in implementation.
e) Participants expressed concern that licensing requirements may negatively affect small-scale traders and increase the cost of doing business.

f) Concerns were raised regarding the absence of measures to safeguard small and medium enterprises from excessive regulatory burdens.

g) Participants sought clarification on the frequency with which the National Control List would be reviewed and updated to address emerging technologies.

h) Questions were raised as to why the Bill proposes the establishment of a Committee rather than an independent regulatory authority.

i) Participants sought clarification on the measures the Government intends to put in place to ensure compliance with the proposed law.

j) It was proposed that the Bill should provide clear timelines for the processing and issuance of licenses.

k) Concerns were raised regarding the regulation of fertilizers.

l) Participants observed that corruption within licensing and enforcement processes could increase compliance costs and create barriers for legitimate traders.

m) Concerns were raised that the regulatory requirements proposed under the Bill may create unnecessary competition barriers and administrative bottlenecks for traders.

46. Overall, participants supported the objectives of the Bill but recommended safeguards to ensure effective implementation, transparency, accountability, and protection of legitimate business interests.

3.3.5 Mombasa County

During the forum members of the public were allowed to share their views, concerns, and proposals regarding the Bill. They submitted as follows;

47. A section of the public were concerned about the limited time allocated to review the Bill, noting that the period was insufficient for meaningful participation.

48. The residents of Mombasa County sought clarification on how the Bill would affect the sale, importation, exportation, regulation and tracking of mobile phones, noting that such devices may possess dual-use characteristics and could potentially fall within the scope of regulated strategic goods under the Bill.

49. A section of the members of the public expressed the view that existing laws already provide adequate regulation of strategic goods and questioned whether the proposed Bill would add any substantive value to the current legal framework.

50. Further submissions were that the proposed Bill may create an overlap of regulatory functions between the proposed Regulatory Authority and existing agencies such as the **Kenya Revenue Authority** (KRA) and the **Kenya Bureau of Standards** (KEBS), and sought clarification on how the respective mandates of these institutions would be delineated to avoid duplication of roles and regulatory inefficiencies.
51. Further to the above, some participants questioned the effectiveness of existing legal frameworks in curbing the illegal trade in strategic goods and sought clarification on the need for introducing new legislation.
52. The participants strongly urged that the Strategic Goods Bill and related legislation be translated into Swahili to enhance accessibility, public understanding, and meaningful participation in the legislative process.
53. The business people are of the view that there is a need to substantially enhance the penalties provided under the Bill to reflect the gravity of offences involving strategic goods and enhance deterrence. Further, they sought clarification on the existence and adequacy of mechanisms for compensation in respect of goods lawfully seized during enforcement proceedings.
54. A village elder who represented the women submitted that the contents of the Bill were overly complex and appeared to be geared towards individuals with higher levels of formal education. They therefore urged that the Bill be simplified and presented in a more accessible manner to facilitate meaningful participation by all members of the public, including those with limited formal education.
55. The people of Mombasa County also expressed strong view that the Bill was unnecessary in its current form and averred that it constituted a money Bill which would impose additional financial obligations upon taxpayers without corresponding or demonstrable public benefit.
56. A section of the members of the public sought clarification on the composition and scope of the control list and further requested assurances that the importation of goods with legitimate military and civilian applications would not be unduly interfered with or disrupted.
57. There is need for clarity on the measures put in place to prevent delays in the importation and exportation of goods and further sought clarification on the safeguards to be instituted to protect legitimate businesses from any adverse regulatory impact.

58. The participants questioned the role and extent of participation of the Ministry of Mining in the proposed Goods Control committee.

3.3.6 Kwale County

During the forum, members of the public were given an opportunity to share their views, concerns, and proposals regarding the Bill. They submitted as follows;

59. There was strong support for the Bill and acknowledgment that it is timely and necessary, recognizing that existing legal gaps have contributed to the misuse of dual-use goods. They also expressed support for legislation intended to address the identified regulatory deficiencies.
60. The penalties imposed on offenders ought to be enhanced so as to reflect the gravity of harm occasioned by the misuse of strategic goods.
61. The members of Kwale County submitted that there is need for clarity as to whether strategic goods, as defined in the Bill, would include police uniforms and toy guns, and further requested guidance on the manner in which such items would be regulated under the proposed legal framework.
62. There was emphasis on the irreversible nature of loss of life resulting from the misuse of strategic goods.
63. A section of members of the public sought clarification on the mechanisms to be employed in sensitizing citizens on dual-use goods, noting that public participation processes often reach only a limited number of participants, and therefore inquiring how the Government intends to ensure broad-based public awareness and effective dissemination of information on the subject matter.
64. There was a general concern that goods are no longer subjected to inspection at ports as was previously the case, and further concern is that this lapse in enforcement may be attributable to corruption within relevant government agencies. While supporting the Bill, they urged that effective inspection and enforcement mechanisms be reinstated and strengthened to ensure compliance.
65. Members of the public raised concerns that certain medical practitioners may be involved in the diversion of controlled drugs to unauthorized third parties, including individuals engaged in criminal activities, and inquired whether there are measures to be put in place to curb such practices and strengthen accountability within the pharmaceutical and medical supply chain.

CHAPTER FOUR: OBSERVATIONS

4.0 Committee General Observations

1. Regulation of strategic goods is currently dispersed among various sector-specific institutions established under different laws. These institutions independently license, register, supervise, inspect, monitor, and enforce compliance within their respective sectors. However, the absence of a centralized national co-ordination framework has resulted in—

    a) duplication of regulatory functions;
    b) limited information sharing;
    c) regulatory gaps;
    d) weak inter-agency coordination;
    e) inconsistent enforcement standards; and
    f) reduced capacity to detect and respond to emerging threats involving strategic goods.

2. The Strategic Goods Control Bill, 2026 seeks to address these challenges by establishing a Strategic Goods Control Committee to facilitate inter-agency coordination, information sharing, harmonization of regulatory measures, strategic monitoring and national oversight over strategic goods activities.

3. Strategic goods, including dual-use technologies, advanced communication systems, hazardous materials, military equipment, and sensitive software, may pose significant national security risks if inadequately monitored. Issues highlighted by stakeholder are-

    a) proliferation of dangerous technologies;
    b) terrorism financing and support;
    c) illicit trafficking;
    d) cyber threats;
    e) diversion of strategic materials; and
    f) unlawful cross-border transfers

4. Different regulatory authorities oversee strategic goods independently under separate statutes. This creates overlapping mandates; inconsistent regulatory standards; weak coordination;

and regulatory loopholes exploitable by criminal actors. The Bill establishes a national coordination framework without interfering with sector-specific mandates.

5. Technological evolution in Artificial Intelligence, cyber systems, biotechnology, drones, quantum technologies and digital trade has expanded the scope and complexity of strategic goods regulation. The Bill creates institutional mechanisms for coordinated monitoring of emerging risks.

6. Kenya has obligations under various international instruments relating to non-proliferation, anti-terrorism, strategic trade controls, customs cooperation and transnational crime prevention. The Bill strengthens Kenya's capacity to meet international obligations through coordinated national implementation.

7. A coordinated framework enhances efficiency, transparency; investor confidence, trade facilitation and administrative accountability. The overall intention of the Bill is to regulate end use and end users of strategic goods from a safety and security perspective and does not stifle trade in any way.

4.1 Specific Observations

The Committee made the following observations on the clauses that it seeks to amend–

1. **Clause 1**: The Committee observed that there is need to align with Article 116(2) of the Constitution. Unless a specific date for commencement is expressly stipulated in the law or justifiable reasons are provided for the provision to depart from the provisions of Article 116(2) of the constitution.

2. **Clause 2** on Interpretation: The Committee observed that that there is need to expound on the definition of an "inspector to include the words "strategic goods inspector" to provide clarity. The Committee further recommends insertion of new definitions as used in the Bill as follows–

    (a) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";

    (b) by inserting the following new definitions in their proper alphabetical sequence-

"brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country; "end-user" means a person who is the owner of a strategic good;

The new definitions are to provide clarity of terms used in the bill.

3. The committee observed that there is need to include the Objects and Purpose of the Bill so as it becomes a guiding factor on the intention of the legislation.

4. **On PART II Title** the Committee observed that there is need to insert the word **"COORDINATION"** immediately after the word "control". The committee being created under the bill and the functions assigned to it is coordination and thus should be clearly spelt in the Bill.

5. **On Clause 5:** On the Composition of the Committee: The Committee observed that there is need to review the composition of the Committee in view of the intended functions. The Committee also notes that security and safety of the nation is something so crucial and therefore there is need to have as many stake holders as possible represented in the Committee to enhance co-ordination and co-operation by agencies. The Committee to be created under the Act should be a coordinating committee that coordinates other agencies, the composition of the Committee should therefore be key players in coordinating safety and security within the scope of the legislation. The Committee observes that there is need to include the following in the composition of the Board-

   (a) the Principal Secretary responsible for matters relating to mining or his representative;

   (b) the Principal Secretary responsible for matters relating to agriculture or his representative."

   A further observation on this Clause is to change the "Director" to "Director General."

6. **On Clause 6**: The Committee noted that the key function of the Committee in the Bill is provided under Clause 6(1)(a) which is oversight of strategic trade and development of standards and procedures for effective implementation of the Act, the other functions are administrative.

Where the key function of the committee being created is oversight as stipulated in Clause 6(1)(a) then creation of a national co-ordination Committee would be suitable.

7. **On Clause 7** on the Secretariat, the Committee observed that there is need to align skills of staff seconded by Agencies to the Secretariat.

8. **Clause 8** on the Director: The Committee observed that there is need to provide for minimum qualifications and experience of the Director and to change the title of the "Director" to "Director General." Since the Committee is inter-agency in nature and will have staff seconded from various agencies, there is need to elevate the position to director general and also to provide for minimum statutory qualification.

9. On **Clause 9:** The Committee observed that there is need to provide clarity in the registration of strategic goods that fall in the jurisdiction of other regulating agencies to avoid clash of statutory roles. From the onset, it should be clear that the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated from a safety and security perspective. The committee further observes that Clause 9(3) is already catered for in subclause (4) and (5). Clause 9 is on the process of registration only, licensing process and payment of licensing fee is provided for in Clause 14. Further, the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated from a safety and security perspective, the new subclause (7) therefore is to provide clarity in licensing by the existing agencies and the Strategic Goods Control Committee.

10. **Clause 12:** The committee observed that there is need to include the word "end-user" to the Bill to strengthen strategic trade controls by ensuring that controls apply not only to the intended end use of a strategic goods but also to the strategic end user which could be an entity, a person or an organization.

11. On Clause 13, the committee observed that there is need to align the marginal note with the provision.

12. On Clause 14 the committee observed that there are people other than the national security organs who are authorized to engage in strategic goods through controlled mechanisms, there is therefore need to provide for such instances.

13. On Clause 26 there is need to make it mandatory for the inspectors to carry out the functions stated therein.

14. On Clause 28, there is need to make the provision mandatory.

On Clause 40 the Committee observed that there is need to delete the Clause. The Committee observes that a contravention must attract a sanction even where the person does voluntary disclosure. The committee recommends deletion of the Clause. The Committee notes that the nature of strategic goods when analyzed from a security perspective may cause harm of immeasurable magnate and offences that may emanate out it should not be protected through the very legislation that seeks to regulate.

15. On the Schedule to the Bill, the Committee observed that the Navigation and Avionics category was not supplied in the Boll, the committee however makes an amendment to insert the same through committee amendments.

CHAPTER FIVE: RECOMMENDATION

5.0 Committee Recommendations

The Committee recommends enactment of the Bill with amendments and makes the following recommendation–

1. **THAT** the Bill be amended in **Clause 1** by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the gazette appoint" appearing immediately after the expression "2026".
2. **Clause 2** on Interpretation: **THAT** Clause 2 of the Bill be amended–

   (c) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";

   (d) by inserting the following new definitions in their proper alphabetical sequence- "brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country; "end-user" means a person who is the owner of a strategic good;

3. **Proposed Clause 2A:** Include the **Objects and purpose** of the Act so as it becomes a guiding factor on the intention of the legislation and functions of anybody created in the Act which will be derived from the purpose.

   THAT the Bill be amended by inserting the following new clause immediately after clause 2-

   Objects and purpose.

   2A. The objects of the Act are to-

   (a) protect the national security interests of Kenya;

   (b) prevent the proliferation of weapons of mass destruction, their means of delivery and related materials;

   (c) regulate strategic trade in goods, technology and related services;

   (d) facilitate compliance with Kenya's international obligations relating to non-proliferation, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;

(e) promote inter-agency co-ordination, information sharing, risk management and regulatory harmonization;

(f) strengthen regulation of strategic goods and strategic trade activities; and

(g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers of strategic goods.

4. **PART II Title**

The title to Part II of the Bill be amended by inserting the word **"COORDINATION"** immediately after the word "control".

5. **On Clause 5:** the Committee recommends–

THAT Clause 5 of the Bill be amended in subclause (2) –

(a) by inserting the following new paragraphs immediately after paragraph (f)-

(i) "(fa) the Principal Secretary responsible for matters relating to mining or his representative;

(ii) (fb) the Principal Secretary responsible for matters relating to agriculture or his representative."

(b) by inserting the word "General" immediately after the word "Director" appearing in paragraph (n).

6. **On Clause 6**: The Committee recommends–

THAT Clause 6 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph-

"(a) regulate trade in strategic goods in collaboration with other government agencies;"

7. **Clause 7** on the Secretariat the Committee recommends–

THAT Clause 7 of the Bill be amended by inserting the following new subclause (1A) immediately after subclause (1)-

"(1A) Public officers assigned to the Secretariat shall possess qualifications, skills and expertise relevant to the functions of the Secretariat".

8. **Clause 8** on the Director: the Committee recommends–

THAT Clause 8 of the Bill be amended-

(a) in subclause 1 by inserting the word "General" immediately after the word "Director";

(b) by inserting the following new subclause (1A) –

"(1A) A person shall qualify for appointment under sub-section (1) if such a person–

(i) has at least a degree in either law, biological science, physical science, nuclear science, engineering, information communication, and technology, national security, social science or any other field relevant to the functions of the Secretariat;

(ii) has at least ten years professional experience in a field related to strategic trade controls, non-proliferating regime, custom enforcement, licensing compliance, monitoring, investigations, border security or related regulatory expertise; and

(iii) has served for at least five years in senior management.

(c) in subclause 2 by inserting the word "General" immediately after the word Director appearing in the opening statement;

(d) in subclause 3 by inserting the word "General" immediately after the word "Director";

(e) in the marginal note by inserting the word "General" immediately after the word "Director";

11. **Clause 9:** The Committee recommends–

THAT Clause 9 of the Bill be amended-

(a) in subclause 2 by deleting the words "and shall be accompanied by payment of the prescribed fee" appearing immediately after the word "form";

(b) by deleting subclause (3); and

(c) by inserting the following new subclause immediately after subclause (7)-

"(7) A person who trades in strategic goods regulated by any statutory body shall first obtain a licence or a certificate of registration from such bodies before registering with the Committee"

12. **Clause 12:** The committee recommends–

THAT Clause 12 of the Bill be amended–

(a) in clause 1 by inserting the words "end-user" immediately after the word "end-use";

(b) in the marginal note by inserting the word "end use" immediately after the word "end-use".

13. **Clause 13:** The Committee recommends–

THAT Clause 13 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note -

"Shipment of strategic goods"

15. Clause 14 of the Bill the Committee recommends–

THAT CLAUSE 14 be amended by deleting subclause (4) and substituting therefor the following new subclause (4).

"(4) A person shall not engage in strategic trade involving military end-use except-

(a) a national security organ acting in accordance with applicable law; or

(b) a person authorized under this Act.

16. Clause 26: The Committee recommends–

THAT Clause 26 of the Bill be amended in subclause (2)by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

17. Clause 28: The Committee recommends–

THAT Clause 28 of the Bill be amended in subclause (1) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

Justification: This is to make the provision mandatory.

18. Clause 40: The Committee recommends–

THAT Clause 40 of the Bill be deleted.

19. **Schedule:** The Committee recommends-

THAT the Schedule to the Bill is amended–

(a) by deleting the expressions "**PART A:** Military list" and **PART B:** List of Dual Use Goods" appearing immediately after the expression **"THE NATIONAL CONTROL LIST"**

(b) by deleting the expression **"CLASSIFICATION OF DUAL USE GOODS"** appearing immediately after **PART A** and substituting therefore the expression "**PART B: LIST OF DUAL USE GOODS"**

(c) by inserting the following new entry before **CATEGORY 8-MARINE-**

CATEGORY 7: NAVIGATION AND AVIONICS

7A Systems, Equipment and Components

7A001

Accelerometers as follows and specially designed components therefor:

1. Linear accelerometers having any of the following:

    a. Specified to function at linear acceleration levels less than or equal to 15 g and having any of the following:

        i. A "bias" "stability" of less (better) than 130 micro g with respect to a fixed calibration value over a period of one year; or

        ii. A "scale factor" "stability" of less (better) than 130 ppm with respect to a fixed calibration value over a period of one year;

    b. Specified to function at linear acceleration levels exceeding 15 g but less than or equal to 100 g and having all of the following:

        i. A "bias" "repeatability" of less (better) than 1,250 micro g over a period of one year; and

        ii. A "scale factor" "repeatability" of less (better) than 1,250 ppm over a period of one year; or

c. Designed for use in inertial navigation or guidance systems and specified to function at linear acceleration levels exceeding 100 g;

2. Angular or rotational accelerometers, specified to function at linear acceleration levels exceeding 100 g.

7A002

Gyros or angular rate sensors, having any of the following and specially designed components therefor:

1. Specified to function at linear acceleration levels less than or equal to 100 g and having any of the following:

    a. An angular rate range of less than 500 degrees per second and having any of the following:

        i. A "bias" "stability" of less (better) than 0.5 degree per hour, when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value; or

        ii. An "angle random walk" of less (better) than or equal to 0.0035 degree per square root hour; or

    b. An angular rate range greater than or equal to 500 degrees per second and having any of the following:

        i. A "bias" "stability" of less (better) than 4 degrees per hour, when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value; or

        ii. An "angle random walk" of less (better) than or equal to 0.1 degree per square root hour; or

2. Specified to function at linear acceleration levels exceeding 100 g.

7A003

'Inertial measurement equipment or systems', having any of the following:

1. Designed for "aircraft", land vehicles or vessels, providing position without the use of 'positional aiding references', and having any of the following "accuracies" subsequent to normal alignment

    a. 0.8 nautical miles per hour (nm/hr) "Circular Error Probable" ("CEP") rate or less

(better);

b. 0.5 % distanced travelled "CEP" or less (better); or

c. Total drift of 1 nautical mile "CEP" or less (better) in a 24 hr period;

2. Designed for "aircraft", land vehicles or vessels, with an embedded 'positional aiding reference' and providing position after loss of all 'positional aiding references' for a period of up to 4 minutes, having an "accuracy" of less (better) than 10 meters "CEP";

3. Designed for "aircraft", land vehicles or vessels, providing heading or True North determination and having any of the following:

   a. A maximum operating angular rate less (lower) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.07 deg sec(Lat) (equivalent to 6 arc minutes rms at 45 degrees latitude); or

   b. A maximum operating angular rate equal to or greater (higher) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.2 deg sec (Lat) (equivalent to 17 arc minutes rms at 45 degrees latitude); or

4. Providing acceleration measurements or angular rate measurements, in more than one dimension, and having any of the following:

   a. Performance specified in 7A001 or 7A002 along any axis, without the use of any aiding references; or

   b. Being "space-qualified" and providing angular rate measurements having an "angle random walk" along any axis of less (better) than or equal to 0,1 degrees per square root hour.

7A004

'Star trackers' and components therefor, as follows:

1. 'Star trackers' with a specified azimuth "accuracy" of equal to or less (better) than 20 seconds of arc throughout the specified lifetime of the equipment;

2. Components specially designed for equipment specified in 7A004.a. as follows:

   a. Optical heads or baffles;

   b. Data processing units.

7A005

"Satellite navigation system" receiving equipment having any of the following and specially designed components therefor

1. Employing a decryption algorithm specially designed or modified for government use to access the ranging code for position and time; or

2. Employing 'adaptive antenna systems'.

7A006

Airborne altimeters operating at frequencies other than 4.2 to 4.4 GHz inclusive and having any of the following:

1. 'Power management'; or

2. Using phase shift key modulation.

7A007

7A008

Underwater sonar navigation systems using doppler velocity or correlation velocity logs integrated with a heading source and having a positioning "accuracy" of equal to or less (better) than 3% of distance travelled "Circular Error Probable" ("CEP") and specially designed components therefor.

7A101

Linear accelerometers, other than those specified in 7A001, designed for use in inertial navigation systems or in guidance systems of all types, usable in 'missiles', having all of the following characteristics, and specially designed components therefor:

1. A "bias" "repeatability" of less (better) than 1,250 micro g; and

2. A "scale factor" "repeatability" of less (better) than 1,250 ppm.

7A102

All types of gyros, other than those specified in 7A002, usable in 'missiles', with a rated "drift rate" 'stability' of less than 0.5° (1 sigma or rms) per hour in a 1 g environment and specially designed components therefor.

7A103

Instrumentation, navigation equipment and systems, other than those specified in 7A003, as follows; and specially designed components therefor:

1. 'Inertial measurement equipment or systems', using accelerometers or gyros as follows:

a. Accelerometers specified in 7A001.a.3., 7A001.b. or 7A101 or gyros specified in 7A002 or 7A102; or

b. Accelerometers specified in 7A001.a.1. or 7A001.a.2., designed for use in inertial navigation systems or in guidance systems of all types, and usable in 'missiles';

2. Integrated flight instrument systems which include gyrostabilizers or automatic pilots, designed or modified for use in 'missiles';

3. 'Integrated navigation systems', designed or modified for 'missiles' and capable of providing a navigational accuracy of 200 m "CEP" or less;

4. Three axis magnetic heading sensors, designed or modified to be integrated with flight control and navigation systems, other than those specified in 6A006, having all of the following characteristics, and specially designed components therefor:

a. Internal tilt compensation in pitch (± 90 degrees) and roll (± 180 degrees) axes; and

b. Azimuthal accuracy better (less) than 0.5 degrees rms at latitude of ± 80 degrees, reference to local magnetic field.

7A104

Gyro-astro compasses and other devices, other than those specified in 7A004, which derive position or orientation by means of automatically tracking celestial bodies or satellites and specially designed components therefor.

7A105

Receiving equipment for „navigation satellite systems', other than those specified in 7A005, having any of the following characteristics, and specially designed components therefor:

1. Designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or unmanned aerial vehicles specified in 9A012 or 9A112.a.; or

2. Designed or modified for airborne applications and having any of the following:

a. Capable of providing navigation information at speeds in excess of 600 m/s;

b. Employing decryption, designed or modified for military or governmental services, to gain access to a 'navigation satellite system' secured signal/data; or

c. Being specially designed to employ anti-jam features (e.g. null steering antenna or electronically steerable antenna) to function in an environment of active or passive countermeasures.

7A106

Altimeters, other than those specified in 7A006, of radar or laser radar type, designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.

7A115

Passive sensors for determining bearing to specific electromagnetic source (direction finding equipment) or terrain characteristics designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.

7A116

Flight control systems and servo valves, as follows; designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or "missiles":

1. Pneumatic, hydraulic, mechanical, electro-optical, or electro-mechanical flight control systems (including fly-by-wire and fly-by-light systems);
2. Attitude control equipment;
3. Flight control servo valves designed or modified for the systems specified in 7A116.a. or 7A116.b., and designed or modified to operate in a vibration environment greater than 10 g rms between 20 Hz and 2 kHz.

7A117

"Guidance sets", usable in "missiles" capable of achieving system accuracy of 3.33% or less of the range (e.g., a 'Circle of Equal Probability' of 10 km or less at a range of 300 km).

7B Test, Inspection and Production Equipment

7B001

Test, calibration or alignment equipment, specially designed for equipment specified in 7A.

7B002

Equipment specially designed to characterize mirrors for ring "laser" gyros, as

follows:

1. Scatterometers having a measurement "accuracy" of 10 ppm or less (better);
2. Profilometers having a measurement "accuracy" of 0.5 nm (5 angstrom) or less (better).

7B003

Equipment specially designed for the "production" of equipment specified in 7A.

7B102

Reflectometers specially designed to characterize mirrors, for "laser" gyros, having a measurement accuracy of 50 ppm or less (better).

7B103

"Production facilities" and "production equipment" as follows:

1. "Production facilities" specially designed for equipment specified in 7A117;
2. "Production equipment", and other test, calibration and alignment equipment, other than that specified in 7B001 to 7B003, designed or modified to be used with equipment specified in 7A.

7C Materials

7D Software

7D0017D002

"Source code" for the operation or maintenance of any inertial navigation equipment, including inertial equipment not specified in 7A003 or 7A004, or Attitude and Heading Reference Systems ('AHRS').

7D003

Other "software" as follows:

"Software" specially designed or modified for the "development" or "production "of equipment specified in 7A or 7B.

1. "Software" specially designed or modified to improve the operational performance or reduce the navigational error of systems to the levels specified in 7A003, 7A004 or 7A008;

2. "Source code" for hybrid integrated systems which improves the operational performance or reduces the navigational error of systems to the level specified in 7A003 or 7A008 by continuously combining heading data with any of the following:

    a. Doppler radar or sonar velocity data;

    b. "Satellite navigation system" reference data; or

    c. Data from "Data-Based Referenced Navigation" ("DBRN") systems;

3. Computer-Aided-Design (CAD) "software" specially designed for the "development" of "active flight control systems", helicopter multi-axis fly-by-wire or fly-by-light controllers or helicopter "circulation controlled anti-torque or circulation-controlled direction control systems", whose "technology" is specified in 7E004.b.1., 7E004.b.3. to 7E004.b.5., 7E004.b.7., 7E004.b.8., 7E004.c.1. or 7E004.c.2.

7D004

"Source code" incorporating "development" "technology" specified in 7E004.a.2, 7E004.a.3., 7E004.a.5., 7E004.a.6. or 7E004.b., for any of the following:

1. Digital flight management systems for "total control of flight";
2. Integrated propulsion and flight control systems;
3. "Fly-by-wire systems" or "fly-by-light systems";
4. Fault-tolerant or self-reconfiguring "active flight control systems";
5. Air data systems based on surface static data; or
6. Three-dimensional displays.

7D005

"Software" specially designed to decrypt "satellite navigation system" ranging code designed for government use.

7D101

"Software" specially designed or modified for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115, 7A116.a., 7A116.b., 7B001, 7B002, 7B003, 7B102 or 7B103.

7D102

Integration "software" as follows:

1. Integration "software" for the equipment specified in 7A103.b.;
2. Integration "software" specially designed for the equipment specified in 7A003 or 7A103.a.
3. Integration "software" designed or modified for the equipment specified in 7A103.c.

7D103

"Software" specially designed for modelling or simulation of the "guidance sets" specified in 7A117 or for their design integration with the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.7D104 "Software" specially designed or modified for the operation or maintenance of "guidance sets" specified in 7A117.

7E Technology

7E001

"Technology" according to the General Technology Note for the "development" of equipment or "software", specified in 7A, 7B, 7D001, 7D002, 7D003, 7D005 and 7D101 to 7D103.

7E002

"Technology" according to the General Technology Note for the "production" of equipment specified in 7A or 7B.

7E003

"Technology" according to the General Technology Note for the repair, refurbishing or overhaul of equipment specified in 7A001 to 7A004.

7E004

Other "technology" as follows:

1. "Technology" for the "development" or "production" of any of the following:
    a) Air data systems based on surface static data only, i.e., which dispense with conventional air data probes;
    b) Three-dimensional displays for "aircraft";
    c) Electric actuators (i.e., electromechanical, electro-hydrostatic and integrated actuator package) specially designed for 'primary flight control';
    d) 'Flight control optical sensor array' specially designed for implementing "active flight control systems"; or
    e) "DBRN" systems designed to navigate underwater, using sonar or gravity

databases, that provide a positioning "accuracy" equal to or less (better) than 0,4 nautical miles;

2. "Development" "technology", as follows, for "active flight control systems" (including "fly-by- wire systems" or "fly-by-light systems"):

    a) Photonic-based "technology" for sensing "aircraft" or flight control component state, transferring flight control data, or commanding actuator movement, "required" for "fly- by-light systems" "active flight control systems";

    b) Real-time algorithms to analyze component sensor information to predict and preemptively mitigate impending degradation and failures of components within an "active flight control system";

    c) Real-time algorithms to identify component failures and reconfigure force and moment controls to mitigate "active flight control system" degradations and failures;

    d) Integration of digital flight control, navigation and propulsion control data, into a digital flight management system for "total control of flight";

        i. "Technology" for integration of digital flight control, navigation and propulsion control data, into a digital flight management system for 'flight path optimization';

        ii. "Technology" for "aircraft" flight instrument systems integrated solely for VOR, DME, ILS or MLS navigation or approaches;

    e) "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" having all of the following:

        i. 'Inner-loop' airframe stability controls requiring loop closure rates of 40 Hz or greater; and

        ii. Having any of the following:

            1. Corrects an aerodynamically unstable airframe, measured at any point in the design flight envelope, that would lose recoverable control if not corrected within 0,5 seconds;
            2. Couples controls in two or more axes while compensating for 'abnormal changes in aircraft state';

3. Performs the functions specified in 7E004.b.5.; or
4. Enables "aircraft" to have stable controlled flight, other than during take-off or landing, at greater than 18 degrees angle of attack, 15 degrees side slip, 15 degrees/second pitch or yaw rate, or 90 degrees/second roll rate;

f) "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" to achieve all of the following

i. No loss of control of the "aircraft" in the event of a consecutive sequence of any two individual faults within the "fly-by-wire system"; and

ii. Probability of loss of control of the "aircraft" being less (better) than 1 x 10-9 failures per flight hour;

3. "Technology" for the "development" of helicopter systems, as follows:

a) Multi-axis fly-by-wire or fly-by-light controllers, which combine the functions of at least two of the following into one controlling element:

i. Collective controls;

ii. Cyclic controls;

iii. Yaw controls;

b) "Circulation-controlled anti-torque or circulation-controlled direction control systems";

c) Rotor blades incorporating 'variable geometry airfoils', for use in systems using individual blade control.

7E101

"Technology" according to the General Technology Note for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115 to 7A117, 7B001, 7B002, 7B003, 7B102, 7B103, 7D101 to 7D103.

7E102

"Technology" for protection of avionics and electrical subsystems against ectromagnetic pulse (EMP) and electromagnetic interference (EMI) hazards, from external sources, as follows:

1. Design "technology" for shielding systems;

2. Design "technology" for the configuration of hardened electrical circuits and subsystems;

3. Design "technology" for the determination of hardening criteria of 7E102.a. and 7E102.b.

7E104

"Technology" for the integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.

Justification: To provide for classification of dual goods use category under Navigation and Avionics.

SIGN..... **DATE** 30/09/2026

HON. GABRIEL TONGOYO, CBS, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

SCHEDULE OF AMENDMENTS

1. **CLAUSE 1**

THAT the Bill be amended in Clause 1 by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the gazette appoint" appearing immediately after the expression "2026".

2. **CLAUSE 2**

THAT Clause 2 of the Bill be amended–

(a) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";

(b) by inserting the following new definitions in their proper alphabetical sequence–

"brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country;

"end-user" means a person who is the owner of a strategic good;

3. **PROPOSED NEW CLAUSE 2A**

THAT the Bill be amended by inserting the following new clause immediately after Clause 2–

Objects and purpose.

2A. The objects of the Act are to-

(a) protect the national security interests of Kenya;

(b) prevent the proliferation of weapons of mass destruction, their means of delivery and related materials;

(c) regulate strategic trade in goods, technology and related services;

(d) facilitate compliance with Kenya's international obligations relating to non-proliferion, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;

(e) promote inter-agency co-ordination, information sharing, risk management and regulatory harmonization;

(f) strengthen regulation of strategic goods and strategic trade activities; and

(g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers of strategic goods.

4. **PART II Title**

The title to Part II of the Bill be amended by inserting the word **"COORDINATION"** immediately after the word "control".

5. **CLAUSE 5**

THAT Clause 5 of the Bill be amended in subclause (2)–

(a) by inserting the following new paragraphs immediately after paragraph (f)–

"(fa) the Principal Secretary responsible for matters relating to mining or his representative;

(fb) the Principal Secretary responsible for matters relating to agriculture or his representative."

(b) by inserting the word "General" immediately after the word "Director" appearing in paragraph (n).

6. **CLAUSE 6**

THAT Clause 6 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph–

"(a) regulate trade in strategic goods in collaboration with other government agencies;"

7. **CLAUSE 7**

THAT Clause 7 of the Bill be amended by inserting the following new subclause (1A) immediately after subclause (1)–

"(1A) Public officers assigned to the Secretariat shall possess qualifications, skills and expertise relevant to the functions of the Secretariat".

8. **CLAUSE 8**

THAT Clause 8 of the Bill be amended–

(a) in subclause (1) by inserting the word "General" immediately after the word "Director";

(b) by inserting the following new subclause (1A)–

"(1A) A person shall qualify for appointment under sub-section (1) if such a person–

(i) has at least a degree in either law, biological science, physical science, nuclear science, engineering, information communication, and technology, national security, social science or any other field relevant to the functions of the Secretariat;

(ii) has at least ten years professional experience in a field related to strategic trade controls, non-proliferating regime, custom enforcement, licensing compliance, monitoring, investigations, border security or related regulatory expertise; and

(iii) has served for at least five years in senior management.

(c) in subclause 2 by inserting the word "General" immediately after the word Director appearing in the opening statement;

(d) in subclause 3 by inserting the word "General" immediately after the word "Director";

(e) in the marginal note by inserting the word "General" immediately after the word "Director";

9. **CLAUSE 9**

THAT Clause 9 of the Bill be amended by–

(a) in subclause 2 by deleting the words "and shall be accompanied by payment of the prescribed fee" appearing immediately after the word "form";

(b) deleting subclause (3); and

(c) inserting the following new subclause immediately after subclause (7)–

"(7) A person who trades in strategic goods regulated by any statutory body shall first obtain a licence or a certificate of registration from such bodies before registering with the Committee"

10. **CLAUSE 12**

THAT Clause 12 of the Bill be amended–

(a) in clause 1 by inserting the words "end-user" immediately after the word "end-use";

(b) in the marginal note by inserting the word "end use" immediately after the word "end-use".

11. **CLAUSE 13**

THAT Clause 13 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note–

"Shipment of strategic goods"

12. **CLAUSE 14**

THAT Clause 14 of the Bill is amended by deleting subclause (4) and substituting therefor the following new subclause (4)–

"(4) A person shall not engage in strategic trade involving military end-use except–

(i) a national security organ acting in accordance with applicable law; or

(ii) a person authorized under this Act.

13. **CLAUSE 26**

THAT Clause 26 of the Bill be amended in subclause (2) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

14. **CLAUSE 28**

THAT Clause 28 of the Bill be amended in subclause (1) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

15. **SCHEDULE**

THAT the Schedule to the Bill is amended–

(a) by deleting the expressions "**PART A:** Military list" and **PART B:** List of Dual Use Goods" appearing immediately after the expression **"THE NATIONAL CONTROL LIST"**

(b) by deleting the expression "**CLASSIFICATION OF DUAL USE GOODS"** appearing immediately after PART A and substituting therefore the expression **"PART B: LIST OF DUAL USE GOODS"**

(c) by inserting the following new entry before CATEGORY 8-MARINE–

CATEGORY 7: NAVIGATION AND AVIONICS

7A Systems, Equipment and Components

7A001

Accelerometers as follows and specially designed components therefor:

1. Linear accelerometers having any of the following:
    a. Specified to function at linear acceleration levels less than or equal to 15 g and having any of the following:
        i. A "bias" "stability" of less (better) than 130 micro g with respect to a fixed calibration value over a period of one year; or
        ii. A "scale factor" "stability" of less (better) than 130 ppm with respect to a fixed calibration value over a period of one year;
    b. Specified to function at linear acceleration levels exceeding 15 g but less than or equal to 100 g and having all of the following:
        i. A "bias" "repeatability" of less (better) than 1,250 micro g over a period of one year; and
        ii. A "scale factor" "repeatability" of less (better) than 1,250 ppm over a period of one year; or
    c. Designed for use in inertial navigation or guidance systems and specified to function at linear acceleration levels exceeding 100 g;
2. Angular or rotational accelerometers, specified to function at linear acceleration levels exceeding 100 g.

7A002

Gyros or angular rate sensors, having any of the following and specially designed components therefor:

1. Specified to function at linear acceleration levels less than or equal to 100 g and having any of the following:
    a. An angular rate range of less than 500 degrees per second and having any of the following:

i. A "bias" "stability" of less (better) than 0.5 degree per hour, when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value; or

ii. An "angle random walk" of less (better) than or equal to 0.0035 degree per square root hour; or

b. An angular rate range greater than or equal to 500 degrees per second and having any of the following:

i. A "bias" "stability" of less (better) than 4 degrees per hour, when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value; or

ii. An "angle random walk" of less (better) than or equal to 0.1 degree per square root hour; or

2. Specified to function at linear acceleration levels exceeding 100 g.

7A003

'Inertial measurement equipment or systems', having any of the following:

1. Designed for "aircraft", land vehicles or vessels, providing position without the use of 'positional aiding references', and having any of the following "accuracies" subsequent to normal alignment

a. 0.8 nautical miles per hour (nm/hr) "Circular Error Probable" ("CEP") rate or less (better);

b. 0.5 % distanced travelled "CEP" or less (better); or

c. Total drift of 1 nautical mile "CEP" or less (better) in a 24 hr period;

2. Designed for "aircraft", land vehicles or vessels, with an embedded 'positional aiding reference' and providing position after loss of all 'positional aiding references' for a period of up to 4 minutes, having an "accuracy" of less (better) than 10 meters "CEP";

3. Designed for "aircraft", land vehicles or vessels, providing heading or True North determination and having any of the following:

a. A maximum operating angular rate less (lower) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better)

than 0.07 deg sec(Lat) (equivalent to 6 arc minutes rms at 45 degrees latitude); or

b. A maximum operating angular rate equal to or greater (higher) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.2 deg sec(Lat) (equivalent to 17 arc minutes rms at 45 degrees latitude); or

4. Providing acceleration measurements or angular rate measurements, in more than one dimension, and having any of the following:

   a. Performance specified in 7A001 or 7A002 along any axis, without the use of any aiding references; or

   b. Being "space-qualified" and providing angular rate measurements having an "angle random walk" along any axis of less (better) than or equal to 0,1 degrees per square root hour

7A004

'Star trackers' and components therefor, as follows:

1. 'Star trackers' with a specified azimuth "accuracy" of equal to or less (better) than 20 seconds of arc throughout the specified lifetime of the equipment;
2. Components specially designed for equipment specified in 7A004.a. as follows:

   a. Optical heads or baffles;

   b. Data processing units

7A005

"Satellite navigation system" receiving equipment having any of the following and specially designed components therefor

1. Employing a decryption algorithm specially designed or modified for government use to access the ranging code for position and time; or
2. Employing 'adaptive antenna systems'.

7A006

Airborne altimeters operating at frequencies other than 4.2 to 4.4 GHz inclusive and having any of the following:

1. 'Power management'; or
2. Using phase shift key modulation.

7A007

7A008

Underwater sonar navigation systems using doppler velocity or correlation velocity logs integrated with a heading source and having a positioning "accuracy" of equal to or less (better) than 3% of distance travelled "Circular Error Probable" ("CEP") and specially designed components therefor.

7A101

Linear accelerometers, other than those specified in 7A001, designed for use in inertial navigation systems or in guidance systems of all types, usable in 'missiles', having all of the following characteristics, and specially designed components therefor:

1. A "bias" "repeatability" of less (better) than 1,250 micro g; and
2. A "scale factor" "repeatability" of less (better) than 1,250 ppm

7A102

All types of gyros, other than those specified in 7A002, usable in 'missiles', with a rated "drift rate" 'stability' of less than 0.5° (1 sigma or rms) per hour in a 1 g environment and specially designed components therefor.

7A103

Instrumentation, navigation equipment and systems, other than those specified in 7A003, as follows; and specially designed components therefor:

1. 'Inertial measurement equipment or systems', using accelerometers or gyros as follows:
    a. Accelerometers specified in 7A001.a.3., 7A001.b. or 7A101 or gyros specified in 7A002 or 7A102; or
    b. Accelerometers specified in 7A001.a.1. or 7A001.a.2., designed for use in inertial navigation systems or in guidance systems of all types, and usable in 'missiles';
2. Integrated flight instrument systems which include gyrostabilizers or automatic pilots, designed or modified for use in 'missiles';

3. 'Integrated navigation systems', designed or modified for 'missiles' and capable of providing a navigational accuracy of 200 m "CEP" or less;
4. Three axis magnetic heading sensors, designed or modified to be integrated with flight control and navigation systems, other than those specified in 6A006, having all of the following characteristics, and specially designed components therefor:

a. Internal tilt compensation in pitch (± 90 degrees) and roll (± 180 degrees) axes; and

b. Azimuthal accuracy better (less) than 0.5 degrees rms at latitude of ± 80 degrees, reference to local magnetic field.

7A104

Gyro-astro compasses and other devices, other than those specified in 7A004, which derive position or orientation by means of automatically tracking celestial bodies or satellites and specially designed components therefor.

7A105

Receiving equipment for navigation satellite systems', other than those specified in 7A005, having any of the following characteristics, and specially designed components therefor:

1. Designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or unmanned aerial vehicles specified in 9A012 or 9A112.a.; or
2. Designed or modified for airborne applications and having any of the following:
    a. Capable of providing navigation information at speeds in excess of 600 m/s;
    b. Employing decryption, designed or modified for military or governmental services, to gain access to a 'navigation satellite system' secured signal/data; or
    c. Being specially designed to employ anti-jam features (e.g. null steering antenna or electronically steerable antenna) to function in an environment of active or passive countermeasures.

7A106

Altimeters, other than those specified in 7A006, of radar or laser radar type, designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets

specified in 9A104.

7A115

Passive sensors for determining bearing to specific electromagnetic source (direction finding equipment) or terrain characteristics designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.

7A116

Flight control systems and servo valves, as follows; designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or "missiles":

1. Pneumatic, hydraulic, mechanical, electro-optical, or electro-mechanical flight control systems (including fly-by-wire and fly-by-light systems);
2. Attitude control equipment;
3. Flight control servo valves designed or modified for the systems specified in 7A116.a. or 7A116.b. and designed or modified to operate in a vibration environment greater than 10 g rms between 20 Hz and 2 kHz.

7A117

"Guidance sets", usable in "missiles" capable of achieving system accuracy of 3.33% or less of the range (e.g., a 'Circle of Equal Probability' of 10 km or less at a range of 300 km).

7B Test, Inspection and Production Equipment

7B001

Test, calibration or alignment equipment, specially designed for equipment specified in 7A.

7B002

Equipment specially designed to characterize mirrors for ring "laser" gyros, as follows:

1. Scatterometers having a measurement "accuracy" of 10 ppm or less (better);
2. Profilometers having a measurement "accuracy" of 0.5 nm (5 angstrom) or less (better).

7B003

Equipment specially designed for the "production" of equipment specified in 7A.

7B102

Reflectometers specially designed to characterize mirrors, for "laser" gyros, having a measurement accuracy of 50 ppm or less (better).

7B103

"Production facilities" and "production equipment" as follows:

1. "Production facilities" specially designed for equipment specified in 7A117;
2. "Production equipment", and other test, calibration and alignment equipment, other than that specified in 7B001 to 7B003, designed or modified to be used with equipment specified in 7A.

7C Materials

7D Software

7D001

"Software" specially designed or modified for the "development" or "production"of equipment specified in 7A or 7B.

7D002

"Source code" for the operation or maintenance of any inertial navigation equipment, including inertial equipment not specified in 7A003 or 7A004, or Attitude and Heading Reference Systems ('AHRS').

7D003

Other "software" as follows:

1. "Software" specially designed or modified to improve the operational performance or reduce the navigational error of systems to the levels specified in 7A003, 7A004 or 7A008;
2. "Source code" for hybrid integrated systems which improves the operational performance or reduces the navigational error of systems to the level specified in 7A003 or 7A008 by continuously combining heading data with any of the following:
    a. Doppler radar or sonar velocity data;
    b. "Satellite navigation system" reference data; or
    c. Data from "Data-Based Referenced Navigation" ("DBRN") systems;

3. Computer-Aided-Design (CAD) "software" specially designed for the "development" of "active flight control systems", helicopter multi-axis fly-by-wire or fly-by-light controllers or helicopter "circulation controlled anti-torque or circulation-controlled direction control systems", whose "technology" is specified in 7E004.b.1., 7E004.b.3. to 7E004.b.5., 7E004.b.7., 7E004.b.8., 7E004.c.1. or 7E004.c.2.

7D004

"Source code" incorporating "development" "technology" specified in 7E004.a.2, 7E004.a.3., 7E004.a.5., 7E004.a.6. or 7E004.b., for any of the following:

1. Digital flight management systems for "total control of flight";
2. Integrated propulsion and flight control systems;
3. "Fly-by-wire systems" or "fly-by-light systems";
4. Fault-tolerant or self-reconfiguring "active flight control systems";
5. Air data systems based on surface static data; or
6. Three dimensional displays.

7D005

"Software" specially designed to decrypt "satellite navigation system" ranging code designed for government use.

7D101

"Software" specially designed or modified for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115, 7A116.a., 7A116.b., 7B001, 7B002, 7B003, 7B102 or 7B103.

7D102

Integration "software" as follows:

1. Integration "software" for the equipment specified in 7A103.b.;
2. Integration "software" specially designed for the equipment specified in 7A003 or 7A103.a.
3. Integration "software" designed or modified for the equipment specified in 7A103.c.

7D103

"Software" specially designed for modelling or simulation of the "guidance sets" specified in 7A117 or for their design integration with the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.7D104 "Software"

specially designed or modified for the operation or maintenance of "guidance sets" specified in 7A117.

7E Technology

7E001

"Technology" according to the General Technology Note for the "development" of equipment or "software", specified in 7A, 7B, 7D001, 7D002, 7D003, 7D005 and 7D101 to 7D103.

7E002

"Technology" according to the General Technology Note for the "production" of equipment specified in 7A or 7B.

7E003

"Technology" according to the General Technology Note for the repair, refurbishing or overhaul of equipment specified in 7A001 to 7A004.

7E004

Other "technology" as follows:

1. "Technology" for the "development" or "production" of any of the following:
    a. Air data systems based on surface static data only, i.e., which dispense with conventional air data probes;
    b. Three-dimensional displays for "aircraft";
    c. Electric actuators (i.e., electromechanical, electro-hydrostatic and integrated actuator package) specially designed for 'primary flight control';
    d. 'Flight control optical sensor array' specially designed for implementing "active flight control systems"; or
    e. "DBRN" systems designed to navigate underwater, using sonar or gravity databases, that provide a positioning "accuracy" equal to or less (better) than 0,4 nautical miles;
2. "Development" "technology", as follows, for "active flight control systems" (including "fly-

by- wire systems" or "fly-by-light systems"):

a. Photonic-based "technology" for sensing "aircraft" or flight control component state, transferring flight control data, or commanding actuator movement, "required" for "fly- by-light systems" "active flight control systems";

b. Real-time algorithms to analyze component sensor information to predict and preemptively mitigate impending degradation and failures of components within an "active flight control system";

c. Real-time algorithms to identify component failures and reconfigure force and moment controls to mitigate "active flight control system" degradations and failures;

d. Integration of digital flight control, navigation and propulsion control data, into a digital flight management system for "total control of flight";

(i) "Technology" for integration of digital flight control, navigation and propulsion control data, into a digital flight management system for 'flight path optimization';

(ii) "Technology" for "aircraft" flight instrument systems integrated solely for VOR, DME, ILS or MLS navigation or approaches;

e. "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" having all of the following:

ii. 'Inner-loop' airframe stability controls requiring loop closure rates of 40 Hz or greater; and

iii. Having any of the following:

1. Corrects an aerodynamically unstable airframe, measured at any point in the design flight envelope, that would lose recoverable control if not corrected within 0,5 seconds;
2. Couples controls in two or more axes while compensating for 'abnormal changes in aircraft state';
3. Performs the functions specified in 7E004.b.5.; or
4. Enables "aircraft" to have stable controlled flight, other than during take-off or landing, at greater than 18 degrees angle of attack, 15 degrees side slip, 15 degrees/second pitch or yaw rate, or 90 degrees/second roll rate;

f."Technology" "required" for deriving the functional requirements for "fly-by- wire systems" to achieve all of the following

i. No loss of control of the "aircraft" in the event of a consecutive sequence of any two individual faults within the "fly-by-wire system"; and

ii. Probability of loss of control of the "aircraft" being less (better) than 1 x 10-9 failures per flight hour;

3. "Technology" for the "development" of helicopter systems, as follows:

a. Multi-axis fly-by-wire or fly-by-light controllers, which combine the functions of at least two of the following into one controlling element:

i. Collective controls;

ii. Cyclic controls;

iii. Yaw controls;

b. "Circulation-controlled anti-torque or circulation-controlled direction control systems";

c. Rotor blades incorporating 'variable geometry airfoils', for use in systems using individual blade control.

7E101

"Technology" according to the General Technology Note for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115 to 7A117, 7B001, 7B002, 7B003, 7B102, 7B103, 7D101 to 7D103.

7E102

"Technology" for protection of avionics and electrical subsystems against ectromagnetic pulse (EMP) and electromagnetic interference (EMI) hazards, from external sources, as follows:

1. Design "technology" for shielding systems;
2. Design "technology" for the configuration of hardened electrical circuits and subsystems;
3. Design "technology" for the determination of hardening criteria of 7E102.a. and 7E102.b.

7E104

"Technology" for the integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.

THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FIFTH SESSION (2026)
COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ADOPTION LIST OF THE

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY NO. 15 OF 2026) SPONSORED BY LEADER OF THE MAJORITY, THE HON. KIMANI ICHUNG'WAH, EGH, MP

We, the undersigned Members of the Departmental Committee on Administration and Internal Security do hereby append our signatures to adopt this Report

Date: 15th August 2026

No.	MEMBER	SIGNATURE
1.	**Hon. Gabriel Koshal Tongoyo, CBS, MP - Chairperson**	
2.	**Hon. Col (Rtd) Dido Rasso, CBS, MP - Vice Chairperson**	
3.	Hon. Kaluma George Peter, **CBS** , MP	
4.	Hon. Fred C. Kapondi ,**CBS,** MP	
5.	Hon. Joshua Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, **CBS**, MP	
7.	Hon. Liza Chepkorir Chelule, **CBS**, MP	
8.	Hon. Joseph Mburu Kahangara, MP	
9.	Hon.(Dr.) Peter Francis Masara , MP	
10.	Hon.(Prof.) Protus Ewesit Akujah, MP	
11.	Hon. Edward Oku Kaunya, MP	
12.	Hon. Rozaah Akinyi Buyu, **CBS,** MP	
13.	Hon. Amb. Francis Kipyegon Arap Sigei, **EBS**, MP	
14.	Hon. Caroline Jeptoo Ng'elechei, MP	
15.	Hon. Hussein Weytan Mohammed, MP	

MINUTES OF THE 99th SITTING OF THE DEPARTMENTAL COMMITEE ON ADMINISTRATION AND INTERNAL SECURITY HELD ON SATURDAY 15TH AUGUST, 2026 IN AMETHYST TWO CONFERENCE ROOM, GLEE HOTEL, KIAMBU COUNTY AT 10:00 A.M

PRESENT

1. **Hon. Gabriel Koshal Tongoyo, CBS, MP** - **Chairperson**
2. **Hon. Col (Rtd) Dido Rasso, CBS, MP** - **Vice Chairperson**
3. Hon. Fred C. Kapondi, CBS, MP
4. Hon. Liza Chelule, CBS, MP
5. Hon. Sarah Paulata Korere, CBS, MP
6. Hon. Aduma Owuor, MP
7. Hon. (Dr.) Peter Francis Masara, MP
8. Hon. Mburu Kahangara, MP
9. Hon. Amb. Francis Kipyegon Sigei, EBS, MP
10. Hon. Hussein Weytan Mohammed, MP

ABSENT WITH APOLOGY

1. Hon. Kaluma George Peter, CBS, MP
2. Hon. (Prof.)Protus Ewesit Akujah, MP
3. Hon. Oku Kaunya, MP
4. Hon. Rozaah Akinyi Buyu, CBS, MP
5. Hon. Caroline Jeptoo Ng'elechei, MP

IN-ATTENDACE

COMMITTEE SECRETARIAT

1. Mr. Gideon Kipkoech	-	Clerk Assistant II
2. Mr. Salim Athuman	-	Clerk Assistant III
3. Ms. Clara Kimeli	-	Principal Legal Counsel
4. Ms. Peninah Simiren	-	Legal Counsel
5. Ms. Delvin Onyancha	-	Researcher Officer
6. Mr. Hillary Mageka	-	Media Relation Officer
7. Ms. Esther Mbatha	-	Public Communication Officer
8. Mr. Nimrod Ochieng	-	Audio Officer
9. Mr. Benson Kimanzi	-	Serjeant at Arms
10.Ms. Moureen Kendi	-	Intern
11.Ms. Gladys Letoluo	-	Attachee

AGENDA

1. Prayers
2. Preliminaries and adoption of the agenda
3. Confirmation of Minutes of previous Sittings
4. **Meeting on the consideration and adoption of the report on the Strategic Goods Control Bill by the Leader of Majority, on Kimani Ichung'wah, EGH, MP.**
5. Any Other Business
6. Adjournment.

MIN./NO./DC-AIS/2026/416: PRELIMINARIES & ADOPTION OF AGENDA

The Vice Chairperson, Hon. Col (Rtd) Dido Rasso, CBS, MP called the meeting to order at 10:47 a.m. and Hon. Liza Chelule, CBS, MP said a prayer. The agenda of the meeting was adopted having being proposed by Hon. Liza Chelule, CBS, MP and seconded by Hon. Mburu Kahangara, MP.

MIN./NO./DC-AIS/2026/417: CONFIRMATION OF MINUTES OF PREVIOUS

The confirmation of the previous minutes was deferred to the next meeting

MIN./NO./DC-AIS/2026/418: CONSIDERATION AND ADOPTION OF THE REPORT ON THE STRATEGIC GOODS CONTROL BILL BY THE LEADER OF MAJORITY, HON, KIMANI ICHUNG'WAH, EGH, MP

The Committee considered and adopted the report having been proposed by the Hon. (Dr.) Peter Francis Masara, MP and Hon. Amb. Francis Kipyegon Sigei, EBS, MP seconded by the as highlighted below;

COMMITTEE GENERAL OBSERVATIONS

1. Regulation of strategic goods is currently dispersed among various sector-specific institutions established under different laws. These institutions independently license, register, supervise, inspect, monitor, and enforce compliance within their respective sectors. However, the absence of a centralized national co-ordination framework has resulted in—
    a) duplication of regulatory functions;
    b) limited information sharing;
    c) regulatory gaps;
    d) weak inter-agency coordination;
    e) inconsistent enforcement standards; and
    f) reduced capacity to detect and respond to emerging threats involving strategic goods.

2. The Strategic Goods Control Bill, 2026 seeks to address these challenges by establishing a Strategic Goods Control Committee to facilitate inter-agency coordination, information sharing, harmonization of regulatory measures, strategic monitoring and national oversight over strategic goods activities.

3. Strategic goods, including dual-use technologies, advanced communication systems, hazardous materials, military equipment, and sensitive software, may pose significant national security risks if inadequately monitored. Issues highlighted by stakeholder are-
    a) proliferation of dangerous technologies;
    b) terrorism financing and support;
    c) illicit trafficking;
    d) cyber threats;
    e) diversion of strategic materials; and
    f) unlawful cross-border transfers

4. Different regulatory authorities oversee strategic goods independently under separate statutes. This creates overlapping mandates; inconsistent regulatory standards; weak coordination; and regulatory loopholes exploitable by criminal actors. The Bill establishes a national coordination framework without interfering with sector-specific mandates.

5. Technological evolution in Artificial Intelligence, cyber systems, biotechnology, drones, quantum technologies and digital trade has expanded the scope and complexity of strategic goods regulation. The Bill creates institutional mechanisms for coordinated monitoring of emerging risks.

6. Kenya has obligations under various international instruments relating to non-proliferation, anti-terrorism, strategic trade controls, customs cooperation and transnational crime prevention. The Bill strengthens Kenya's capacity to meet international obligations through coordinated national implementation.

7. A coordinated framework enhances efficiency, transparency; investor confidence, trade facilitation and administrative accountability. The overall intention of the Bill is to regulate end use and end users of strategic goods from a safety and security perspective and does not stifle trade in any way.

SPECIFIC OBSERVATIONS

The Committee made the following observations on the clauses that it seeks to amend–

1. **Clause 1**: The Committee observed that there is need to align with Article 116(2) of the Constitution. Unless a specific date for commencement is expressly stipulated in the law or justifiable reasons are provided for the provision to depart from the provisions of Article 116(2) of the constitution.

2. **Clause 2** on Interpretation: The Committee observed that that there is need to expound on the definition of an "inspector to include the words "strategic goods inspector" to provide clarity. The Committee further recommends insertion of new definitions as used in the Bill as follows–

    (a) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";
    (b) by inserting the following new definitions in their proper alphabetical sequence- "brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country; "end-user" means a person who is the owner of a strategic good;

    The new definitions are to provide clarity of terms used in the bill.

3. The committee observed that there is need to include the Objects and Purpose of the Bill so as it becomes a guiding factor on the intention of the legislation.

4. **On PART II Title** the Committee observed that there is need to insert the word **"COORDINATION"** immediately after the word "control". The committee being created under the bill and the functions assigned to it is coordination and thus should be clearly spelt in the Bill.

5. **On Clause 5:** On the Composition of the Committee: The Committee observed that there is need to review the composition of the Committee in view of the intended functions. The Committee also notes that security and safety of the nation is something so crucial and therefore there is need to have as many stake holders as possible represented in the Committee to enhance co-ordination and co-operation by agencies. The Committee to be created under the Act should be a coordinating committee that coordinates other agencies, the composition of the Committee should therefore be key players in coordinating safety and security within the scope of the legislation. The Committee observes that there is need to include the following in the composition of the Board-

   (a) the Principal Secretary responsible for matters relating to mining or his representative;
   (b) the Principal Secretary responsible for matters relating to agriculture or his representative."

   A further observation on this Clause is to change the "Director" to "Director General."

6. **On Clause 6**: The Committee noted that the key function of the Committee in the Bill is provided under Clause 6(1)(a) which is oversight of strategic trade and development of standards and procedures for effective implementation of the Act, the other functions are administrative. Where the key function of the committee being created is oversight as stipulated in Clause 6(1)(a) then creation of a national co-ordination Committee would be suitable.

7. **On Clause 7** on the Secretariat, the Committee observed that there is need to align skills of staff seconded by Agencies to the Secretariat.

8. **Clause 8** on the Director: The Committee observed that there is need to provide for minimum qualifications and experience of the Director and to change the title of the "Director" to "Director General." Since the Committee is inter-agency in nature and will have staff seconded from various agencies, there is need to elevate the position to director general and also to provide for minimum statutory qualification.

9. On **Clause 9:** The Committee observed that there is need to provide clarity in the registration of strategic goods that fall in the jurisdiction of other regulating agencies to avoid clash of statutory roles. From the onset, it should be clear that the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated

from a safety and security perspective. The committee further observes that Clause 9(3) is already catered for in subclause (4) and (5). Clause 9 is on the process of registration only, licensing process and payment of licensing fee is provided for in Clause 14. Further, the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated from a safety and security perspective, the new subclause (7) therefore is to provide clarity in licensing by the existing agencies and the Strategic Goods Control Committee.

10. **Clause 12:** The committee observed that there is need to include the word "end-user" to the Bill to strengthen strategic trade controls by ensuring that controls apply not only to the intended end use of a strategic goods but also to the strategic end user which could be an entity, a person or an organization.

11. On Clause 13, the committee observed that there is need to align the marginal note with the provision.

12. On Clause 14 the committee observed that there are people other than the national security organs who are authorized to engage in strategic goods through controlled mechanisms, there is therefore need to provide for such instances.

13. On Clause 26 there is need to make it mandatory for the inspectors to carry out the functions stated therein.

14. On Clause 28, there is need to make the provision mandatory.

On Clause 40 the Committee observed that there is need to delete the Clause. The Committee observes that a contravention must attract a sanction even where the person does voluntary disclosure. The committee recommends deletion of the Clause. The Committee notes that the nature of strategic goods when analyzed from a security perspective may cause harm of immeasurable magnate and offences that may emanate out it should not be protected through the very legislation that seeks to regulate.

15. On the Schedule to the Bill, the Committee observed that the Navigation and Avionics category was not supplied in the Boll, the committee however makes an amendment to insert the same through committee amendments.

COMMITTEE RECOMMENDATIONS

The Committee recommends enactment of the Bill with amendments and makes the following recommendation–

1. **THAT** the Bill be amended in **Clause 1** by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the gazette appoint" appearing immediately after the expression "2026".
2. **Clause 2** on Interpretation: **THAT** Clause 2 of the Bill be amended–

(c) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";
(d) by inserting the following new definitions in their proper alphabetical sequence-
"brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country; "end-user" means a person who is the owner of a strategic good;

3. **Proposed Clause 2A:** Include the **Objects and purpose** of the Act so as it becomes a guiding factor on the intention of the legislation and functions of anybody created in the Act which will be derived from the purpose.

THAT the Bill be amended by inserting the following new clause immediately after clause 2-

Objects and purpose.

2A. The objects of the Act are to-

(a) protect the national security interests of Kenya;

(b) prevent the proliferation of weapons of mass destruction, their means of delivery and related materials;
(c) regulate strategic trade in goods, technology and related services;
(d) facilitate compliance with Kenya's international obligations relating to non-proliferation, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;
(e) promote inter-agency co-ordination, information sharing, risk management and regulatory harmonization;
(f) strengthen regulation of strategic goods and strategic trade activities; and
(g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers of strategic goods.

4. **PART II Title**

The title to Part II of the Bill be amended by inserting the word **"COORDINATION"** immediately after the word "control".

5. **On Clause 5:** the Committee recommends–
THAT Clause 5 of the Bill be amended in subclause (2) –

(a) by inserting the following new paragraphs immediately after paragraph (f)-

(i) "(fa) the Principal Secretary responsible for matters relating to mining or his representative;
(ii) (fb) the Principal Secretary responsible for matters relating to agriculture or his representative."

(b) by inserting the word "General" immediately after the word "Director" appearing in paragraph (n).

6. **On Clause 6**: The Committee recommends–
THAT Clause 6 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph-

"(a) regulate trade in strategic goods in collaboration with other government agencies;"

7. **Clause 7** on the Secretariat the Committee recommends–

THAT Clause 7 of the Bill be amended by inserting the following new subclause (1A) immediately after subclause (1)-

"(1A) Public officers assigned to the Secretariat shall possess qualifications, skills and expertise relevant to the functions of the Secretariat".

8. **Clause 8** on the Director: the Committee recommends–

THAT Clause 8 of the Bill be amended-

(a) in subclause 1 by inserting the word "General" immediately after the word "Director";

(b) by inserting the following new subclause (1A) –

"(1A) A person shall qualify for appointment under sub-section (1) if such a person–

(i) has at least a degree in either law, biological science, physical science, nuclear science, engineering, information communication, and technology, national security, social science or any other field relevant to the functions of the Secretariat;

(ii) has at least ten years professional experience in a field related to strategic trade controls, non-proliferating regime, custom enforcement, licensing compliance, monitoring, investigations, border security or related regulatory expertise; and

(iii) has served for at least five years in senior management.

(c) in subclause 2 by inserting the word "General" immediately after the word Director appearing in the opening statement;

(d) in subclause 3 by inserting the word "General" immediately after the word "Director";

(e) in the marginal note by inserting the word "General" immediately after the word "Director";

11. **Clause 9:** The Committee recommends–

THAT Clause 9 of the Bill be amended-

(a) in subclause 2 by deleting the words "and shall be accompanied by payment of the prescribed fee" appearing immediately after the word "form";

(b) by deleting subclause (3); and

(c) by inserting the following new subclause immediately after subclause (7)-
"(7) A person who trades in strategic goods regulated by any statutory body shall first obtain a licence or a certificate of registration from such bodies before registering with the Committee"

12. **Clause 12:** The committee recommends–

THAT Clause 12 of the Bill be amended–

(a) in clause 1 by inserting the words "end-user" immediately after the word "end-use";
(b) in the marginal note by inserting the word "end use" immediately after the word "end-use".

13. **Clause 13:** The Committee recommends–

THAT Clause 13 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note -

"Shipment of strategic goods"

15. Clause 14 of the Bill the Committee recommends–
THAT CLAUSE 14 be amended by deleting subclause (4) and substituting therefor the following new subclause (4).

"(4) A person shall not engage in strategic trade involving military end-use except-
(a) a national security organ acting in accordance with applicable law; or
(b) a person authorized under this Act.

16. Clause 26: The Committee recommends–

THAT Clause 26 of the Bill be amended in subclause (2)by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

17. Clause 28: The Committee recommends–

THAT Clause 28 of the Bill be amended in subclause (1) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".
Justification: This is to make the provision mandatory.

18. Clause 40: The Committee recommends–
THAT Clause 40 of the Bill be deleted.

19. **Schedule:** The Committee recommends-

THAT the Schedule to the Bill is amended–

(a) by deleting the expressions "**PART A:** Military list" and **PART B:** List of Dual Use Goods" appearing immediately after the expression **"THE NATIONAL CONTROL LIST"**
(b) by deleting the expression **"CLASSIFICATION OF DUAL USE GOODS"** appearing immediately after **PART A** and substituting therefore the expression **"PART B: LIST OF DUAL USE GOODS"**
(c) by inserting the following new entry before **CATEGORY 8-MARINE-**

SCHEDULE OF PROPOSED AMENDMENTS

1. **CLAUSE 1**
THAT the Bill be amended in Clause 1 by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the gazette appoint" appearing immediately after the expression "2026".

2. **CLAUSE 2**
THAT Clause 2 of the Bill be amended–

(a) in the definition of the word "inspector" by inserting the words "as a strategic goods inspector" immediately after the expression "section 26";
(b) by inserting the following new definitions in their proper alphabetical sequence–
"brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country;

"end-user" means a person who is the owner of a strategic good;

3. **PROPOSED NEW CLAUSE 2A**
THAT the Bill be amended by inserting the following new clause immediately after Clause 2–

Objects and purpose. **2A.** The objects of the Act are to-

(a) protect the national security interests of Kenya;
(b) prevent the proliferation of weapons of mass destruction, their means of delivery and related materials;

(c) regulate strategic trade in goods, technology and related services;
(d) facilitate compliance with Kenya's international obligations relating to non-proliferion, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;
(e) promote inter-agency co-ordination, information sharing, risk management and regulatory harmonization;
(f) strengthen regulation of strategic goods and strategic trade activities; and
(g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers of strategic goods.

4. **PART II Title**
The title to Part II of the Bill be amended by inserting the word **"COORDINATION"** immediately after the word "control".

5. **CLAUSE 5**
THAT Clause 5 of the Bill be amended in subclause (2)–

(a) by inserting the following new paragraphs immediately after paragraph (f)–

"(fa) the Principal Secretary responsible for matters relating to mining or his representative;

(fb) the Principal Secretary responsible for matters relating to agriculture or his representative."

(b) by inserting the word "General" immediately after the word "Director" appearing in paragraph (n).

6. **CLAUSE 6**
THAT Clause 6 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph–

"(a) regulate trade in strategic goods in collaboration with other government agencies;"

7. **CLAUSE 7**
THAT Clause 7 of the Bill be amended by inserting the following new subclause (1A) immediately after subclause (1)–

"(1A) Public officers assigned to the Secretariat shall possess qualifications, skills and expertise relevant to the functions of the Secretariat".

8. **CLAUSE 8**

THAT Clause 8 of the Bill be amended–

(a) in subclause (1) by inserting the word "General" immediately after the word "Director";

(b) by inserting the following new subclause (1A)–

"(1A) A person shall qualify for appointment under sub-section (1) if such a person–

(i) has at least a degree in either law, biological science, physical science, nuclear science, engineering, information communication, and technology, national security, social science or any other field relevant to the functions of the Secretariat;

(ii) has at least ten years professional experience in a field related to strategic trade controls, non-proliferating regime, custom enforcement, licensing compliance, monitoring, investigations, border security or related regulatory expertise; and

(iii) has served for at least five years in senior management.

(c) in subclause 2 by inserting the word "General" immediately after the word Director appearing in the opening statement;

(d) in subclause 3 by inserting the word "General" immediately after the word "Director";

(e) in the marginal note by inserting the word "General" immediately after the word "Director";

9. **CLAUSE 9**

THAT Clause 9 of the Bill be amended by–

(a) in subclause 2 by deleting the words "and shall be accompanied by payment of the prescribed fee" appearing immediately after the word "form";

(b) deleting subclause (3); and

(c) inserting the following new subclause immediately after subclause (7)–

"(7) A person who trades in strategic goods regulated by any statutory body shall first obtain a licence or a certificate of registration from such bodies before registering with the Committee"

10. **CLAUSE 12**

THAT Clause 12 of the Bill be amended–

(a) in clause 1 by inserting the words "end-user" immediately after the word "end-use";

(b) in the marginal note by inserting the word "end use" immediately after the word "end-use".

11. **CLAUSE 13**

THAT Clause 13 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note–

"Shipment of strategic goods"

12. **CLAUSE 14**

THAT Clause 14 of the Bill is amended by deleting subclause (4) and substituting therefor the following new subclause (4)–

"(4) A person shall not engage in strategic trade involving military end-use except–

(i) a national security organ acting in accordance with applicable law; or

(ii) a person authorized under this Act.

13. **CLAUSE 26**

THAT Clause 26 of the Bill be amended in subclause (2) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

14. **CLAUSE 28**

THAT Clause 28 of the Bill be amended in subclause (1) by deleting the word "may" appearing in the opening statement and substituting therefor the word "shall".

15. **SCHEDULE**

THAT the Schedule to the Bill is amended–

(a) by deleting the expressions "**PART A:** Military list" and **PART B:** List of Dual Use Goods" appearing immediately after the expression **"THE NATIONAL CONTROL LIST"**

(b) by deleting the expression "**CLASSIFICATION OF DUAL USE GOODS"** appearing immediately after PART A and substituting therefore the expression **"PART B: LIST OF DUAL USE GOODS"**

(c) by inserting the following new entry before CATEGORY 8-MARINE–

MIN./NO./DC-AIS/2026/419: ANY OTHER BUSINESS

There was no other business

MIN./NO./DC-AIS/2026/420: ADJOURNMENT

There being no other business, the meeting was adjourned at 1:24 p.m. The next meeting will be held on notice.

SIGNED _____ **DATE** 30/09/2026

HON. GABRIEL TONGOYO, CBS, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

Brutality **Pendo died after being hit on the head with a baton after police officers stormed their home in Kisumu**

Baby Pendo: 44 want charges against officers reinstated

Former DPP Noordin Haji had preferred charges under the International Crimes Act against 12 senior police officers



Suspects in the Baby Pendo murder case before Justice Margaret Muigai for plea-taking on January 29, 2025. WILFRED NYANGARESI | NATION

BY KAMORE MAINA

The parents of Samantha Pendo, a baby killed during the 2017 post-election violence, have led 42 others in demanding criminal charges against eight senior police officers.

In court papers, the 44 victims of police brutality want a May 2025 decision by Director of Public Prosecutions (DPP) Renson Ingonga to drop charges against the officers revoked.

The eight officers—Benjamin Koskei Koima, Benjamin Lorema, Josphat Sensira, Mohammed Ali Guyo, Mohammed Baa, Titus Yoma, Titus Mutune and Volker Edambo—had been charged under the doctrine of command responsibility.

Those still facing charges are Cyprian Robi Wankio, James Rono, Linah Kogey and John Chengo Masha.

The 44 have filed a High Court petition arguing that the DPP was only granted permission to withdraw charges against Mohammed Baa, a fugitive whose prosecution became unlikely after fleeing.

The petitioners hold that Mr Ingonga withdrew charges against other officers without authority or explanation to the courts, the Independent Policing Oversight Authority or the victims.

The move, they argue, could lead to the collapse of the first-of-its-kind case as the petitioners say that the eight were the senior-most officers in Kisumu at the time of the crimes, and were adversely mentioned during a public inquest.

Former DPP Noordin Haji had preferred charges under the International Crimes Act against 12 senior police officers, a move never tested before in local courts.

"If the DPP is allowed to proceed with the prosecution without including the eight senior police officers, these officers will effectively be shielded from accountability and victims will be denied substantive and comprehensive justice for the crimes against them, thereby further entrenching impunity that has gone unaddressed for almost a decade," the victims say.

> If the DPP is allowed to proceed with the prosecution without including the eight senior police officers, these officers will effectively be shielded from accountability
>
> Petitioners

In May 2018, Mr Haji said there was enough evidence to try the 12 senior police officers for murder, rape and torture. Civil society groups welcomed Mr Haji's move, particularly to prosecute the senior police officers for crimes against humanity.

The 44 victims of police brutality have, through their legal team, raised concerns that the criminal case could collapse if the DPP has his way, holding that the senior officers are not likely to testify against their juniors.

Parts of Kisumu city witnessed wide spread protests after the 2017 elections. The General Service Unit was called in to reinforce efforts to restore calm.

Some residents complained that during this operation, they were tortured by the police, while others claimed that their relatives and friends were raped and killed by the police.

Amid the chaos, a group of police officers stormed into a home and assaulted baby Pendo's parents. One of the officers hit the six-month-old baby on the head with a baton. A post-mortem examination revealed that the baby succumbed to blunt force trauma.

kamaina@ke.nationmedia.com

REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2026)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the **Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026)** was read a First Time on 9th April 2026 and referred to the **Departmental Committee on Administration and Internal Security** for consideration and reporting to the House;

IT IS NOTIFIED that the **Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026)** is a Bill **sponsored by the Leader of the Majority Party** which seeks to provide for the control of the trade in strategic goods, technology and related services, to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery. The Bill, among others,—

(a) provides for a **National Control List** which specifies the strategic goods that are subject to the provisions contained in the Bill;
(b) establishes the Strategic Goods Control Committee charged to manage the trade in strategic goods and related services, including the formulation and review of the National Control List, issuance, suspension or revocation of a licence or a certificate issued under the Act and establishment and operation of end-use controls and compliance checks;
(c) outlines procedures related to registration and licensing under the Act, including conditions attached to licenses issued by the Strategic Goods Control Committee;
(d) provides for compliance requirements for persons trading in strategic goods; the appointment of inspectors to ensure compliance with the provisions contained in the Bill; and the manner of disposal and forfeiture of seized strategic goods;
(e) prescribes penalties for offences related to the strategic goods trade, including fraudulent misrepresentation; obstruction; forgery of registration, licence or other document issued under the legislation; unlicensed dealing in strategic goods or provision of related services; and use of strategic goods in a manner inconsistent with the registration certificate and licence issued by the Strategic Goods Control Committee; and
(f) proposes consequential amendments to the Firearms Act, Cap. 114; the Explosives Act, Cap. 115; the Nuclear Regulatory Act, Cap. 243; the Pharmacy and Poisons Act, Cap. 244, the Fertilizers and Animal Foodstuffs Act, Cap. 345; the Pest Control Products Act, Cap. 346 and the Mining Act, Cap. 306 to align the Acts of Parliament with the provisions contained in the proposed legislation.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026) to the **Departmental Committee on Administration and Internal Security**.

A copy of the Bill is available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to cna@parliament.go.ke to be received on or before **Tuesday, 28th April 2026 at 5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
14th April 2026

"For the Welfare of Society and the Just Government of the People"

COUNTY GOVERNMENT OF BUSIA
P.O.BOX PRIVATE BAG-50400
BUSIA, KENYA
COUNTY TREASURY

PUBLIC PARTICIPATION ON COUNTY BUDGET ESTIMATES FOR FINANCIAL YEAR 2026/2027 & MTEF

Article 201 of the Constitution of Kenya 2010 envisages transparency, accountability and public participation on matters of public finance.

Further Section 125(2) of the Public Finance Management Act, 2012, requires the County Treasury in Preparing County Budget Estimates to take into consideration views among others the public and interested persons/groups.

In view of the above the County Government of Busia through the County Treasury would wish to notify and invite members of the public, professional groups, civil societies/organizations, private sector, faith-based organizations and other interested stakeholders to a public participation forum scheduled to take place on **Wednesday 22nd April, 2026** in all the Eight (8) Sub- Counties at the Venues listed below

Written memoranda may be sent to **finance@busiacounty.go.ke,** or delivered to County Treasury- Budget Directorate, Sub-County and Ward Administrators offices on or before **22nd April, 2026.**

SUB-COUNTY	WARD	VENUE	Time
Butula	Marachi North	Butula Family Life Centre	9AM-5PM
Samia	Agenga/Nanguba	Ageng'a Nutrition Centre	9AM-5PM
Bunyala	Bunyala West	Port Victoria Town Hall	9AM-5PM
Matayos	Matayos South	Matayos VTC	9AM-5PM
Nambale	Nambale Township	DCC Ground	9AM-5PM
Teso South	Chakol South	PAG Church - Otimong	9AM-5PM
Teso Central	Amukura Central	Kong'urapus Catholic Church	9AM-5PM
Teso North	Angurai South	Kakapel Cultural Centre	9AM-5PM

HON. ANDREW NAKITARI
COUNTY EXECUTIVE COMMITTEE MEMBER
COUNTY TREASURY AND ECONOMIC PLANNING

REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL

Ref: AG/LDD/256/1/3 **18th May, 2026**

Mr. Samuel Njoroge MBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
NAIROBI

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2026)

Reference is made to your letter Ref No: NA/DDC/AIS/2026/047and dated the 11th May, 2026 inviting this Office to a stakeholders' meeting on Tuesday the 19th May, 2026 with the National Assembly's Departmental Committee on Administration and National Internal Security to hear our submissions on the Strategic Goods Control Bill, 2026 (National Assembly Bill No. 15 of 2026).

We wish to submit as follows:

A. Background

Strategic goods are dual-use goods, conventional arms, technology and software that can be used for both civilian and military applications or contribute to the proliferation of weapons of mass destruction.

The United Nations Security Council Resolution 1540, which was adopted on 28th April, 2004, requires all United Nations Member States to adopt and enforce the appropriate laws to prevent proliferation of nuclear, chemical and biological weapons and their means of delivery, in particular for terrorist purposes, in order to improve trade while promoting national security and public safety.

On 10th March, 2015, the Cabinet approved the establishment of a National Chemical, Biological, Radiological and Nuclear (CBRN) Reference Centre, the hosting of a Regional Secretariat for a CBRN Centre of Excellence and the drafting of the Bill. In 2019, the National Security Advisory Council (NSAC), approved the drafting of the Bill through a multiagency committee set up by NSAC.

STATE LAW OFFICE
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STATE DEPARTMENT FOR JUSTICE, HUMAN RIGHTS AND CONSTITUTIONAL AFFAIRS
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUEP.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
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ISO 9001:2008 Certified

The Bill aims to domesticate UN Security Council Resolution 1540 and will play a key role in the domestication of the Nuclear Proliferation Treaty (NPT) and partially domesticate the Biological and Toxic Weapons Convention (BTWC), Chemical Weapons Convention (CWC) and other international treaties and conventions that Kenya has ratified or is a signatory to.

The Bill was considered and approved by the Cabinet its 7th Meeting held on the 15th December, 2025.

B. Summary of the Bill

The principal object of the Bill is to provide for the control of trade in strategic goods, technology and related services, to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery.

The Bill aims to control the export, import, re-export, transit and trans-shipment of strategic goods, related information and technology to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery for purposes of ensuring that strategic goods are not diverted and utilized in non-peaceful uses.

Part I (Clauses 1-4) of the Bill provides for preliminary matters. Clause 3 provides for the Act to apply to any person who engages in strategic trade and a person who handles a strategic good. Clause 4 provides for the National Control List set out in the Schedule which specifies the strategic goods that are subject to the provisions of the Act.

Part II (Clauses 5-8) of the Bill establishes the Strategic Goods Control Committee, sets out the functions of the Committee in relation to the management of trade in strategic goods and related services and puts in place a Secretariat of the Committee which shall be headed by a Director. The functions of the Committee include: oversight in the control of trade in strategic goods and related services, formulation and review the National Control List, issuance, suspension or revocation of licences or a certificate issued under the Act and establishment and operation of end-use controls and compliance checks.

Part III (Clauses 9-23) of the Bill sets out the procedures related to registration and licensing under the Act. It provides for registration of persons intending to engage in strategic trade, a register of persons engaged in strategic trade, cancellation, suspension or restoration of registration, licencing and conditions for the issuance of the license among others. The part also provides for end use controls on strategic goods on the National Control List.

Part IV (Clauses 24-37) of the Bill provides for enforcement measures. It sets out the compliance requirements for persons engaged in strategic trade, the appointment of authorised officers to ensure compliance with the Act, disposal of seized strategic goods, among other things. The Part also sets out offences which include fraudulent misrepresentation obstruction of the Committee or its representatives, forgery of registration, licence or any other document issued under the Act, engagement in strategic trade or provision related services without being registered and licenced by Committee

and use of strategic goods in a manner inconsistent with registration certificate and licence issued by the Committee.

Part V (Clauses 38-43) of the Bill contains miscellaneous provisions that provide for the general penalty, confidentiality, voluntary disclosure and the power of the Cabinet Secretary to make regulations.

Part VII (Clauses 44-54) of the Bill contains consequential amendments to the Firearms Act (Cap. 114), the Pharmacy and Poisons Act (Cap. 244), the Fertilizer and Animal Foodstuffs Act (Cap. 345) and the Pest Control Products Act (Cap. 346).

The Schedule sets out the National Control List on the strategic goods.

C. Conclusion

The policy contained in the Bill falls within the mandate of the Ministry of Interior and National Administration. In our considered view, the Bill does not raise substantial constitutional or statutory issues. Should any constitutional or statutory questions arise during the processing of the Bill, this Office shall provide the necessary legal guidance as may be requested.

We thank you and assure you of our continued support.

Hon. Shadrack J. Mose CBS
SOLICITOR GENERAL

Embassy of the United States of America

Nairobi, Kenya

May 19, 2026

Re: Statement by Sarah Welsh, Regional Advisor, Export Control and Border Security (EXBS) Program, U.S. Embassy Kenya, to Departmental Committee on Administration and Internal Security Stakeholders' Meeting on the Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026)

Chair and Honorable Members,

It is an honor to be here for this important forum with prominent policymakers and leaders from government and industry. Strategic trade controls are an important part of how we work together to secure resources that are vital for innovation and prosperity.

For over a decade, the U.S. Department of State has partnered with Kenya to enhance its nonproliferation capacity through the Export Control and Border Security, or EXBS, security assistance program. The assistance we provide is rooted in the nonproliferation obligations imposed by UN Security Council Resolution 1540 and in the technical work of multilateral export control regimes that identify specific technologies of proliferation concern. It supports U.S. objectives of expanding trade in 21st century technologies, with appropriate security protections.

Worldwide, the EXBS Program's priorities are to protect dual-use commodities and critical technologies from being diverted to unauthorized end users and disrupt proliferation operations across borders. In practice, this means deploying subject-matter experts to consult with governments on the drafting or updating of strategic trade control laws so that they align with

international standards and incorporate lessons from decades of international practice.

The EXBS Program also sponsors trainings, operational exercises and equipment purchases so that partner governments can more effectively enforce strategic trade controls. This includes:

- support to licensing officers who need to distinguish between legitimate and illegitimate strategic trade
- support to customs officers, criminal investigators and prosecutors who need to interdict and take down sophisticated cross-border proliferation operations; and
- support to private-sector compliance officers who need effective internal systems for deterring and denying fraudulent activity.

Across all these lines of effort, the focus is on collaboration and coordination, to ensure that different agencies, branches of government, countries, industries, and international bodies can work together to operate effective systems for border management. The goal is for security organs to be as resilient and effective in protecting strategic resources as criminal networks are in finding ways to smuggle goods across borders.

UN Security Council Resolution 1540 was adopted in the wake of the September 11 attacks to prevent strategic dual-use goods from falling into the hands of terrorists. That counterterrorism imperative is just as urgent and important in 2026. But it is not the only benefit to be gained. More than two decades after 1540's adoption, in studies from Asia and the Middle East, EXBS has documented the economic benefits for countries that adopt strategic trade controls. The research shows that a country's adoption of strategic trade controls is correlated with subsequent increases in Foreign Direct Investment, increased exports of strategic goods, and greater integration into high-tech supply chains. The researchers theorize that technology protections send a strong signal to investors, traders and criminal networks alike that the country is serious about protecting strategic resources and will resist being exploited for the illicit movement of sensitive goods.

Strategic trade controls are among the practices that build a country's reputation as a trusted destination for cutting-edge technological innovations. And in the right hands, dual-use strategic goods can then enable advanced computing, communications, aviation, medicine, agriculture and other economic activity high on the value chain.

Here in Kenya, EXBS technical assistance has supported the Government of Kenya's strategic trade efforts across a range of activities, including:

- Expert review and comment on the draft Strategic Goods Control Bill and draft implementing regulations, to advise on alignment with international best practice
- Expert-facilitated seminars to design licensing and risk assessment procedures
- Participation in international conferences and exchanges to benchmark against experienced practitioners
- Expert mentorship for the Kenya School of Revenue Administration to develop a curriculum on Strategic Trade Control Enforcement
- Logistics support for Government of Kenya-led work sessions to draft regulations and sensitize members of the National Assembly and Senate, and
- Subscriptions to a database of known proliferators for due diligence

The EXBS roster of subject-matter experts has experience with strategic trade control systems in the United States, Europe, Asia and the Middle East. As of this month, we are also actively coordinating with the European Union's strategic trade control experts to ensure maximum benefit from limited assistance resources.

In addition to consultations on legal frameworks, EXBS assistance has strengthened Kenya's customs enforcement and border security capabilities, with a focus on stopping illicit cross-border movements of strategic goods. This is accomplished through targeted projects implemented by the UN Office of Drugs and Crime, International Organization for Migration, and other organizations. These activities include:

- Training and equipping Joint Port Control Units that target high-risk cargo shipments
- Benchmarking border-management training programs to design a more integrated interagency approach
- Training investigators on methods for disrupting criminal networks that move dual-use items across borders, including components for building Improvised Explosive Devices
- Enhancing maritime domain awareness and law enforcement skills to crack down on smuggling at sea and on inland lakes, and
- Testing the potential for drones to enhance border surveillance.

Whenever practicable, these activities have convened regional groupings of border-management counterparts from two or more East African governments to facilitate information sharing and operational coordination. This longstanding partnership reflects tremendous cooperation across all levels of Kenya's government. None of this would be possible without the dedicated leaders and staff from the Ministry of Interior and National Administration, Kenya Nuclear Regulatory Authority, Kenya Revenue Authority, and countless other officials who have devoted many hours to advancing Kenya's nonproliferation commitments and capacity.

I'm honored to be here today to express my sincere gratitude for the partnership to date and to renew our commitment to supporting Kenya's journey toward becoming only the third African state, and the first in East Africa, to adopt comprehensive strategic trade controls.

KENYA AIRPORTS AUTHORITY (KAA) COMMENTS ON THE STRATEGIC GOODS CONTROL BILL, 2026 *(National Assembly Bill No. 15 of 2026)*

Introduction

The Kenya Airports Authority established under Cap 395 (annulled) now and operating under Government owned enterprise Act 2025 appreciates the efforts made towards publication of the bill by National assembly, we are pleased for opportunity to submit comments on the Strategic Goods Control Bill, 2026, which seeks to establish a legal and institutional framework for the control of strategic and dual-use goods, technologies and related services in Kenya. The Authority supports the objectives of enhancing national security, preventing proliferation of weapons of mass destruction, and strengthening Kenya's compliance with international obligations.

As the entity mandated to manage and operate airports in Kenya, KAA wishes to highlight the following observations and recommendations from an aviation and airport operations perspective.

1. Recognition of Airports as Critical Strategic Infrastructure

The Bill should expressly recognize airports and air cargo facilities as critical national infrastructure in the movement, storage, transit and transshipment of strategic goods.

Airports serve as key international gateways and therefore require:

i. integrated regulatory coordination,
ii. advanced cargo screening systems,
iii. real-time information sharing,
iv. harmonized inspection procedures.

The legislation should provide a framework for coordinated operations among aviation security agencies, customs, intelligence and border control authorities.

The Bill establishes a Strategic Goods Control Committee responsible for licensing and compliance oversight.

KAA recommends that the Bill clearly define the operational responsibilities of:

I. airport operators,
II. customs authorities,
III. aviation security agencies,
IV. freight handlers,
V. airlines,
VI. cargo operators,
VII. security screening entities.

This will avoid duplication of functions and operational conflicts at airports.

3. Inclusion of Kenya Airports Authority in Stakeholder Coordination

Given the critical role of airports in international cargo and passenger facilitation, KAA recommends inclusion of the Authority in:

i. Strategic goods control committee
ii. national implementation frameworks,
iii. inter-agency coordination mechanisms,
iv. technical advisory committees,
v. development of operational regulations and procedures.

Airport operators possess critical operational expertise necessary for practical implementation.

4. Protection of Aviation Operations and Trade Facilitation

While KAA supports enhanced controls, the Bill should ensure that implementation does not unnecessarily disrupt:

I. passenger facilitation,
II. cargo operations,
III. courier services,
IV. humanitarian cargo,
V. transit cargo,
VI. international aviation operations.

Licensing, inspection and verification procedures should be risk-based and aligned with international aviation standards to avoid delays and congestion at airports.

5. Alignment with ICAO Aviation Security Standards

The Bill should expressly recognize existing obligations under the International Civil Aviation Organization aviation security framework, including:

I. Annex 17 on Aviation Security,
II. air cargo security standards,
III. regulated agent and known consignor programmes,
IV. screening and security controls.

The legislation should avoid duplication of aviation security requirements already implemented under civil aviation laws and regulations.

6. Requirement for Integrated Information Sharing Systems

KAA recommends establishment of secure digital information-sharing platforms among:

i. airport operators,

ii. Kenya Revenue Authority,
iii. security agencies,
iv. freight operators,
v. licensing authorities,
vi. civil aviation regulators.
vii. KPA

Integrated electronic systems will improve:

I. cargo traceability,
II. risk assessment,
III. advance cargo information,
IV. enforcement efficiency.

7. Capacity Building and Infrastructure Support

Implementation of the Bill will require significant investment in:

i. cargo screening technology,
ii. detection equipment,
iii. secure storage facilities,
iv. training of aviation security personnel,
v. inspection facilities at airports,
vi. specialized enforcement capacity.

The Government should provide adequate financial and technical support to airport operators and implementing agencies.

8. Clarity on Transit and Transshipment Cargo

Kenyan airports handle substantial transit and transshipment cargo within the region. The Bill should clearly distinguish:

I. imports,
II. exports,
III. transit cargo,
IV. transshipment cargo,
V. temporary storage cargo.

Clear procedures are necessary to avoid operational uncertainty and trade disruptions.

9. Confidentiality and Commercial Protection

The Bill should include safeguards for protection of:

I. airline operational data,

II. cargo manifests,
III. commercial shipment information,
IV. security-sensitive airport information.

Disclosure of sensitive aviation and commercial information should only occur under lawful and controlled procedures.

10. Emergency and Humanitarian Operations

The Bill should provide expedited clearance procedures for:

i. emergency relief supplies,
ii. humanitarian operations,
iii. medical supplies,
iv. diplomatic cargo,
v. security emergency operations.

Airports are critical during national emergencies and disaster response operations.

11. Harmonization with Existing Aviation Laws

The Bill should align with:

i. Government owned enterprise Act 2025.
ii. Civil Aviation Act,
iii. Civil Aviation Security Regulations,
iv. Customs and Border Control laws,
v. ICAO standards,
vi. aviation dangerous goods regulations.

This will ensure consistency in enforcement and operational implementation.

12. Recommendation on Risk-Based Enforcement

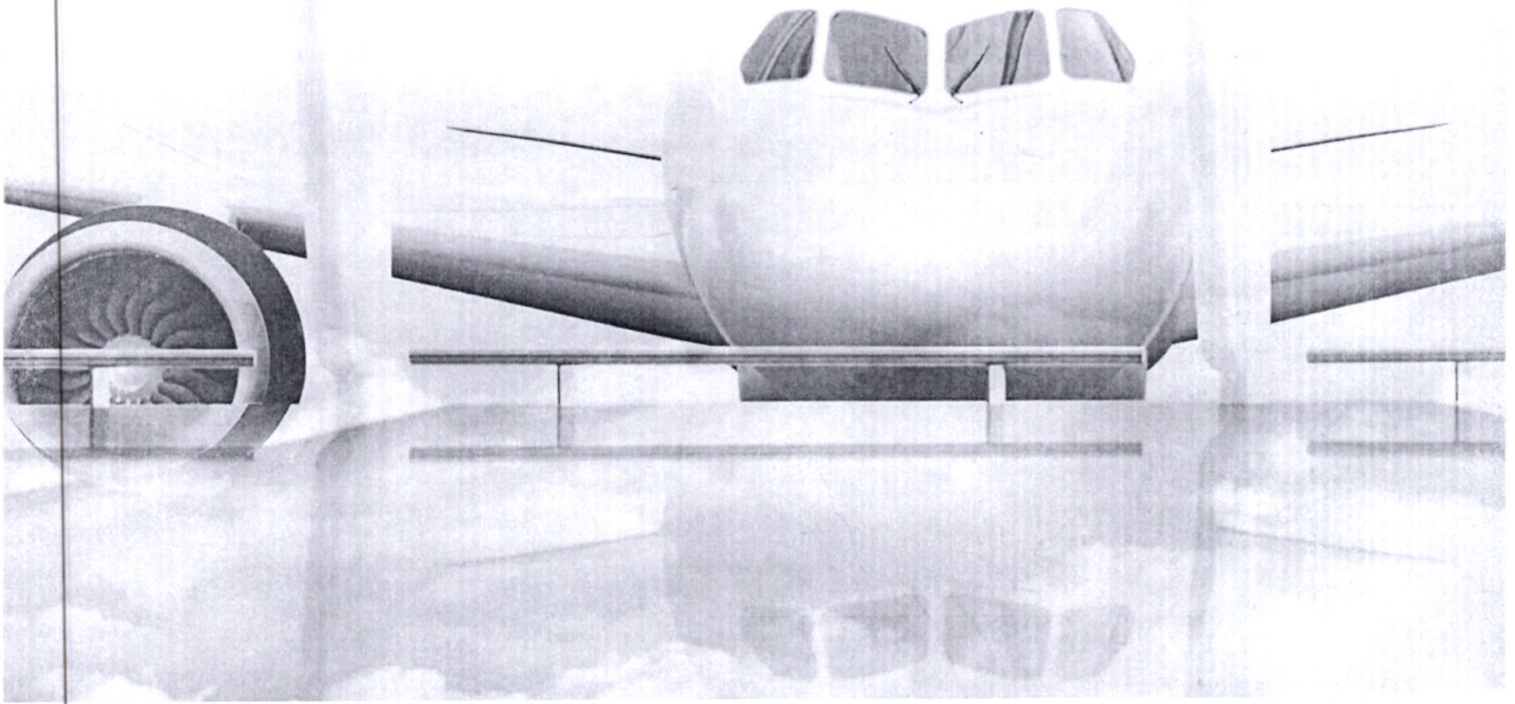
KAA recommends adoption of a risk-based approach focusing on:

i. high-risk cargo,
ii. prohibited end-users,
iii. suspicious consignments,
iv. high-risk destinations.

Low-risk commercial aviation activities should not be subjected to excessive administrative requirements that may affect airport efficiency.

In conclusion, KAA appreciate the efforts so far made towards publication of the bill and observes its timeliness

Kenya Airways
The Pride of Africa



KENYA AIRWAYS | MEMORANDUM ON THE STRATEGIC GOODS CONTROL BILL

PRESENTED TO THE NATIONAL ASSEMBLY'S COMMITTEE ON DEFENCE AND NATIONAL SECURITY

20th May 2026

1. Introduction

Kenya Airways is Kenya's flag carrier. It is a regional and an international airline engaged in passenger and cargo transport, aircraft maintenance, repair and overhaul (MRO), procurement of aircrafts, spare parts, engines, avionics, software, and related technical services. Within a highly regulated aviation environment, KQ engages in:

- Import, export, re-export, transit, and transhipment of aircraft, components, technology, and dual-use items.
- Transportation services for goods (including potential strategic cargo in belly-hold or freighter operations).
- Technical services such as maintenance, repairs, training, and software updates.
- Compliance with international standards (e.g., ICAO, IATA) and export controls from suppliers (EU, US, etc.).

2. What's the Bill About?

The Bill establishes a comprehensive framework for controlling "strategic goods", military goods, dual-use goods, and nationally controlled goods, to prevent proliferation in line with Kenya's international obligations (UNSCRs, AU commitments). It directly impacts legitimate commercial aviation activities because many aviation items (aircraft parts, electronics, software, chemicals, navigation systems) qualify as dual-use goods under the National Control List (Schedule, Part B, and ML10 for military-related aircraft/UAVs).

The Bill applies to any person operating in Kenya engaging in strategic trade (Section 3), including citizens abroad, and covers transporters (definition in Section 2). While national security organs are largely exempt, commercial airlines like KQ are not.

It is worth noting that, overall, the framework is Positive for national security and legitimate trade; It enhances Kenya's compliance with international non-proliferation commitments, improving reputation and access to sensitive tech/supplies; It provides clear registration regime, potentially streamlining approvals via one Committee; The exemptions for national security and visiting forces preserve defence needs; The voluntary disclosures (Section 40) and protection from liability (Section 41) encourage compliances; It provides for private sector representation in the Committee (Section 5(2)(l)(m)) and this allows for industry input; Supports regional stability and anti-terrorism (aligns with KQ's security interests); and, in the savings clause (Section 54) preserves existing authorisations with transition period.

3. Key Provisions of the Bill Affecting KQ

(a) Direct Impact

i. Part III, Sections 9–20: Registration and Licensing:

KQ must register as engaging in strategic trade and obtain licences (individual, global, or general) for imports/exports/transit of controlled items (e.g., certain avionics, engines, aircraft components

listed in ML10 or dual-use categories). Exemptions possible via Cabinet Secretary on Committee recommendation (Section 14(3)), but this adds bureaucracy.

ii. Section 12: End-Use Controls

End-user certificates required; changes in end-user must be notified within 48 hours. This is relevant for aircraft parts re-exported or used in MRO.

iii. Section 2: Transporter Definition and Obligations

KQ as a transporter of strategic goods (even incidental cargo) must comply with conditions, notifications of changes, loss/theft (Section 24), and record-keeping.

iv. Sections 24–29: Compliance, Verification, and Inspections

Internal compliance programs required; inspectors can access premises, aircraft/conveyances (with/without warrant in exigent cases), seize goods, demand documents. Pilots/masters face offences for non-cooperation (Section 28(2)).

v. Sections 35–38: Offences and Penalties

Heavy fines (up to Ksh. 50 million) and imprisonment (up to 10 years) for unlicensed trade, false info, obstruction, etc. Strict liability elements possible.

vi. Schedule: National Control List

Extensive controls on aircraft/UAVs (ML10), electronics (ML11), software (ML21), chemicals/fuels, navigation tech, etc. Dual-use list (Part B) likely captures commercial aviation items with potential military applications.

(b) Indirect Impacts:

i. Operational Delays: Licence approvals, end-use verifications, shipment stops (Section 13), or transit diversions could disrupt schedules, increase holding costs (Section 33), or lead to forfeiture risks (Section 32).

ii. Supply Chain and Costs: Suppliers may impose stricter controls; KQ faces higher compliance costs, audits, internal programs (Section 24(h)).

iii. Confidentiality and Data (Section 39): Trade secrets protected but subject to national security disclosures.

iv. Consequential Amendments: Affects related laws (e.g., Explosives, Nuclear, Pharmacy, Fertilizers, Pest Control) – potential ripple effects on ground handling, cargo chemicals, etc.

v. Appeals (Section 23): To Cabinet Secretary, with fair hearing (Article 47 Constitution).

vi. The Bill aligns with global norms (Wassenaar Arrangement, Australia Group, etc.) but layers Kenyan controls on existing KCAA, KRA, and other regulations.

(c) Other implications to Commercial Aviation:

- *Regulatory Overlap/Burden*: Duplication with KCAA, KRA, Customs, leading to multiple approvals and costs for routine commercial activities (e.g., importing Boeing/Airbus parts).

- *Broad Definitions*: "Strategic goods," "dual-use," "related services," "transporter" capture legitimate aviation without sufficient carve-outs for civil aviation certified under ICAO standards.
- *Timeline and Practicality*: 48-hour notifications, 90-day end-user approvals, frequent inspections could hinder time-sensitive operations.
- *Penalties Disproportionate*: High fines/imprisonment for administrative lapses in complex global supply chains.
- *Risk of Over-Compliance or Chilling Effect*: Fear of revocation/suspension (Sections 19–20) or national security refusals may deter procurement or transit business.
- *No Explicit Aviation Exemption*: Unlike visiting forces, commercial carriers lack tailored relief.
- *Implementation Risks*: Capacity of Secretariat/Committee; potential for arbitrary application affecting competitiveness compared to regional peers.
- *Net assessment*: Positive for national security but negative for operational efficiency and costs unless mitigated.

4. Recommendations

(1) Definition:

- The definition of the controlled good needs to be captured in the Civil Aviation Act CAP394 under Part VI (Consequential, amendments and saving including changes).
- The categorization of the strategic goods should also match the international codes delimiting the dangerous goods categories.

(2) Explicit Carve-Outs for Civil Aviation:

- Amend Section 3(2) or add a new subsection exempting ICAO-certified civil aircraft, parts, software, and services for commercial/passenger use (subject to end-use certification).
- Clarify in Schedule interpretations that civil-certified items under EASA/FAA standards are generally excluded unless diverted to military use.

(3) Streamlined Processes for Airlines:

- Introduce sector-specific general or global licences for registered airlines/MRO providers (e.g., blanket approvals for routine spares from approved suppliers).
- Sec 28. 1 Powers of search conveyance should be aligned with provisions of other act like Cap 394 to the extent that it will not jeopardise the operations of civil aviation.

(4) Proportional Compliance:

- Limit transporter obligations (Section 24) for incidental carriage in passenger/cargo operations by adding a new Sub-section to Section 24 (after existing (i)) to read as follows: *Notwithstanding the provisions of this section, the obligations imposed on a transporter under this Act shall not apply to a licensed air carrier in respect of incidental carriage of strategic goods in the course of normal passenger or cargo operations, except where:*

(i) the carrier has actual knowledge that the goods are strategic goods; or

(ii) the goods are declared as strategic goods by the shipper.

(iii) In such cases, the carrier shall only be required to notify the Committee within twenty-four hours and comply with any lawful directions issued."

(5) Cap penalties for good-faith minor breaches or tiered sanctions by adding:

"36A. (1) The Committee may, in respect of minor or administrative contraventions committed in good faith, impose administrative sanctions which may include—

(a) a written warning;
(b) a financial penalty not exceeding five million shillings;
(c) mandatory remedial training or enhanced compliance measures.
(2) In determining the appropriate sanction, the Committee shall consider—

(i) whether the contravention was intentional or reckless;
(ii) the degree of harm caused;
(iii) whether the person acted in good faith and voluntarily disclosed the breach; and
(iv) the person's compliance history."
(v) Mandatory consultation with KCAA/Ministry of Transport in licensing/inspections affecting aviation.

(6) Committee and Implementation:

- Add aviation/transport sector representative (e.g., via Kenya Airports Authority or Airlines Association) to the Committee.
- Regulations (Section 43) must include aviation-specific guidelines on storage, transport, and disposal.
- Transition period of at least 18–24 months post-commencement for full compliance.
- Clear guidelines on dual-use classification for aviation items.

5. Conclusion

KQ supports the Bill's objectives and stands ready to engage further, provide technical input on the Schedule, or participate in regulations drafting to ensure Kenya remains a competitive aviation hub while safeguarding national security.

SUBMISSION BY KENYA EXPORT PROMOTION AND BRANDING AGENCY (KEPROBA) ON THE STRATEGIC GOODS CONTROL BILL, 2026 (NATIONAL ASSEMBLY BILL NO. 15 OF 2026)

1. Introduction and Mandate of KEPROBA

The Kenya Export Promotion and Branding Agency (KEPROBA) is a State Corporation established through Legal Notice No. 110 of 2019 following the merger of the former Export Promotion Council and Brand Kenya Board.

The Agency is mandated to:

- Develop, promote and diversify Kenya's exports
- Support exporters to access regional and international markets
- Enhance Kenya's export competitiveness
- Promote value addition and industrialization for export markets
- Facilitate development of export-ready enterprises, including SMEs
- Support market access initiatives and trade facilitation
- Coordinate national branding initiatives aimed at positioning Kenya as a preferred trade and investment destination

In undertaking this mandate, KEPROBA works closely with exporters, manufacturers, investors, trade support institutions, regulatory agencies, and development partners to enhance Kenya's participation in regional and global trade.

It is from this trade facilitation and export development perspective that the Agency submits its views on the Strategic Goods Control Bill, 2026.

2. Comments and Recommendations

Comment	Details
Need for Greater Predictability for Exporters	The establishment of clear and accessible mechanisms for classification and interpretation of controlled goods is important in enhancing predictability and certainty for exporters. Strengthening user-friendly guidance tools and accessible classification support systems would be beneficial in facilitating compliance, reducing uncertainty, and supporting SMEs and emerging exporters in meeting regulatory requirements effectively.
Need to Safeguard Export Competitiveness	The introduction of licensing and compliance mechanisms is important in strengthening strategic trade controls and ensuring effective regulation of sensitive goods and technologies. This is critical in sustaining Kenya's competitiveness as a regional trade and logistics hub and in supporting exporters operating within time-sensitive and integrated global supply chains.
Need for Risk-Based Application of Controls	A risk-based approach to the implementation of strategic trade controls is important in supporting effective regulation while facilitating legitimate commercial trade. The application of proportionate controls based on assessed risk levels would be beneficial in ensuring that

Comment	Details
	regulatory measures remain targeted, efficient, and supportive of legitimate trade flows.
Need to Support Industrialization and Innovation Objectives	Kenya is currently positioning itself as a hub for manufacturing, pharmaceuticals, digital innovation, and technology-enabled services. Therefore, care should be taken to ensure that implementation does not inadvertently discourage: • Export-oriented manufacturing. • Technology-intensive investments. • Research and innovation activities. • Industrial upgrading and value addition initiatives.
Need for Strong Inter-Agency Coordination	Effective implementation of strategic trade controls requires strong coordination among regulatory, security, customs, and trade-related agencies. Strengthened inter-agency coordination would be beneficial in supporting streamlined compliance processes and reducing the risk of fragmented requirements that may increase the cost and complexity of exporting.
Need for Structured Stakeholder Engagement	Continuous engagement with the private sector and trade support institutions is important in supporting effective implementation of strategic trade control frameworks. Regular consultations with exporters, manufacturers, industry associations, export promotion agencies, and research institutions would be beneficial in strengthening shared understanding, enhancing compliance awareness, and supporting smooth implementation outcomes.
Need for Transitional and Capacity-Building Measures	The introduction of structured transitional arrangements and capacity-building mechanisms is important in supporting effective compliance readiness under strategic trade control frameworks. Such measures would be beneficial in reducing the risk of unintentional non-compliance among legitimate businesses and in supporting a smooth and predictable implementation process.
Need to Preserve Kenya's Position as a Regional Trade Hub	Strengthening strategic trade controls is important in supporting national and international security objectives, while also maintaining Kenya's role as a key regional trade, logistics, and manufacturing hub. Accordingly, efficient, transparent, and predictable procedures for transit, transshipment, and re-export operations are important in supporting seamless movement of goods and maintaining the confidence of compliant businesses operating within regional and global supply chains.

3. Conclusion

KEPROBA supports the overall objective of the Strategic Goods Control Bill, 2026 and recognizes the importance of establishing a robust framework for regulation of strategic and dual-use goods. The Agency recommends that the Bill and its subsequent implementation framework incorporate strong trade facilitation, stakeholder engagement, digitalization, and risk-based regulatory approaches to ensure an appropriate balance between national security objectives and export development priorities.

COMMENTS ON THE DRAFT REVISED STRATEGIC GOODS CONTROL BILL, 2026

PROPOSED AMENDMENTS BY KENYA REVENUE AUTHORITY (KRA)

S/No	Section of Strategic Goods Control Bill, 2023	Proposed amendments	Section to read	Justification
1	Preamble Title Strategic Goods Control Bill	Strategic Trade Control Bill as opposed to Strategic Goods Control Bill. The Bill states this is an Act to provide for control of trade in strategic goods and related services. Thus the Bill does not just cover strategic goods but also related services	Strategic Trade Control Bill	**Not Aligned** - To align with WCO Strategic Trade Control Enforcement (STCE) that includes; Regulatory framework commerce or control system
2	Section 2 General licence means an authorisation to enable a person to engage in strategic trade with one or more countries under the conditions specified in the licence: Reject, status quo remains)	Delete: -Reject, Status quo remains) Does not define what a general licence is	General licence means an authorisation to enable a person to engage in strategic trade with one or more countries under the conditions specified in the licence.	**This is aligned with the KRA proposal.**
3	Section 2 "Nationally controlled goods" means strategic goods and other items software or technology that are placed under unilateral controls for reasons of	Delete: -Reject, Status quo remains -delete one definition Definition to read Strategic goods and software or technology.... -To remove duplicity -To enable clarity	Nationally controlled goods" means strategic goods and software or technology that are placed under unilateral controls for reasons of national security, foreign policy, anti-terrorism, crime control or	**This is aligned with the KRA proposal.**

	national security, foreign policy, anti-terrorism, crime control or public health and safety: (status quo remains)		public health and safety	
4	Section 5 There is established the Strategic Goods Control Committee. The Committee shall consist of the-	To include: Commissioner General to the Strategic Goods Control Committee. Commissioner general is responsible for control and movement of goods	The Committee shall consist of the--The Commissioner General of Kenya Revenue Authority	**This is aligned with our proposal under paragraph 5(2)(k).**
5	Section 6 (e) The Committee shall (e) establish and maintain the coordination, cooperation, assistance and sharing of information within government agencies, the academia, private institutions, any other person, and other countries for the effective implementation of the Act; Compare with Alice Group addition	Delete: Compare with Alice Group Addition The words are misplaced and does not form part of the Bill	The Committee shall (e) establish and maintain the coordination, cooperation, assistance and sharing of information within government agencies, the academia, private institutions, any other person, and other countries for the effective implementation of the Act.	**This is aligned with our proposal under paragraph 5(e).**
6	Section 10(3)(a)(vii) Does not engage strategic trade for a period of three years.	Replace.. Does not engage... With Fails to engage in	Fails to engage in strategic trade for a period of three years.	**This is aligned with the KRA proposal under paragraph 10(3)(a)(vii).**

7	Section 10(3)(b) New facts which would have resulted in a denial of the application for registration at the time when the application was made, emerge;	Delete: the word Emerge at the end Instead to read: New facts emerge which.....	New facts emerge which would have resulted in a denial of the application for registration at the time when the application was made.	**This is aligned with the KRA proposal under paragraph 10(3)(b).**
8	Section 10(3)(d) There's a change of shareholders, directors or signatories.	Delete: there's... Replace with There is	There is a change of shareholders, directors or signatories.	**This is aligned with KRA proposal under paragraph 10(3)(d)**
9	Section 10(5) A person whose name has been removed from the Register shall cease, from the date of such removal, to engage in strategic trade and any licence issued under this Act be revoked.	To Include: certificate... To read... any licence or certificate issued To include revocation of also the certificate	A person whose name has been removed from the Register shall cease, from the date of such removal, to engage in strategic trade and any licence or certificate issued under this Act shall be revoked.	**This is aligned with the KRA proposal under paragraph 10(5)**
10	Section 14(1)(a) An individual licence shall be valid up to two year from the date of issue;	To include: Validity to be three years .... read against Sect.10(3)(a)(vii) ... To align with cancellation period	An individual licence shall be valid up to three year from the date of issue;	**In the Current Bill, this is covered under Section 16(1)(a) which is aligned to the KRA proposal.**
11	Section 14(2) The Cabinet Secretary shall, by notice in the Gazette, notify the public of the issuance of a general licence under this Act.	Delete: general licence and include all licenses issued under the Act. Notification should be on all licences issued under the Act.	The Cabinet Secretary shall, by notice in the Gazette, notify the public of the issuance of licence under this Act	**In the Current Bill, this is covered under Section 16(2) and KRA proposes it to read *"Issuance of Licence under this Act".*** This will accommodate the three licences being: ▪ Individual Licence ▪ General Licence

				▪ Global Licence
12	Section 15(b) New facts, which had they been known or existed at the time of making the application, would have resulted in the Committee refusing to issue the licence, emerge;	Delete: word emerge at the end. To read: New facts emerge which.....	New facts emerge which had they been known or existed at the time of making the application, would have resulted in the Committee refusing to issue the licence	**In the Current bill, this is covered under Section 20(1)(b) which is aligned with the KRA proposal**
13	Section 18 The Committee shall, by notice Gazette, notify the public of the revocation of a general licence under this Act.	Delete: general licences to include revocation of all licenses under the Act.	The Committee shall, by notice Gazette, notify the public of the revocation of any licence under this Act	**In the Current bill, this is covered under Section 21. However, we propose the deletion of the word "General" to accommodate the three licences.**
14	Section 20(3) Where the Committee imposes end use control on a strategic good, the end user of the strategic good shall sign an end user certificate. Requires further Clarification from Toomas.(Not on control list)	Delete: ..requires further clarification from Toomas(not on control list) The sentence is misplaced and does not form part of the Bill.	Where the Committee imposes end use control on a strategic good, the end user of the strategic good shall sign an end user certificate.	**In the Current Bill, this is covered under Section 12(3) which is aligned with the KRA proposal.**
15	Section 22(1) The Committee may prohibit the export, re-export, transit, transfer, transmission and	Delete: ..create consistency with the rest of the bill. The sentence is misplaced and does	The Committee may prohibit the export, re-export, transit, transfer, transmission and transhipment of a good not specified	**In the Current Bill, this is covered under Section 13(1) which is aligned with KRA proposal.**

	transhipment of a good not specified in the National Control List or the provision of a related service if the goods or services in question are or may be intended, in their entirety or in part, for use in connection with weapons of mass destruction, their means of delivery, or for a military applications to a destination which is subject to a United Nations Security Council sanction or embargo, prohibited or restricted end uses and end users.-create consistency with the rest of the bill.	not form part of the Bill	in the National Control List or the provision of a related service if the goods or services in question are or may be intended, in their entirety or in part, for use in connection with weapons of mass destruction, their means of delivery, or for a military applications to a destination which is subject to a United Nations Security Council sanction or embargo, prohibited or restricted end uses and end users.	
16	Section 23(1) Any person who is aggrieved by a decision of the Committee shall have the right to appeal to the Cabinet Secretary within thirty days of being notified of the decision	To include: Insert a clause Include timeline for issuance of decision of appeal	The appeal lodged under sub section (1) shall be heard and be determined within sixty days.	**In the Current bill, this is covered under Section 23(2) which is aligned with KRA proposal.**

17	Section 24(f) Notify the Committee of any loss or theft of strategic goods or nationally controlled goods in their possession.	To include timelines on when to notify the committee on loss or theft of strategic goods	Notify the Committee within forty eight hours of any loss or theft of strategic goods or nationally controlled goods in their possession	**In the Current bill, this is covered under Section 24(g) which is aligned with KRA proposal.**
18	Section 31	Should provide where the seized strategic goods will be stored pending disposal.	An introduction of new paragraph 5	**This is to provide for a suitable storage place for seized strategic goods pending disposal.**
19	Rearrangement of Section.	The sections to be re-arranged as below:	Sec 15 Suspension of license Sec 16 Notification of lost or destroyed license Sec 17 Revocation Sec 18 Fair hearing Sec 19 Administrative Appeals Sec 20 Publication of revocation of general licenses Sec 21 Notification of government agencies Sec 22 End user.	**This has been aligned with the KRA proposal.**



COMMENTS ON THE STRATEGIC GOODS CONTROL BILL, 2026

A. INTRODUCTION

The Kenya Law Reform Commission, ("KLRC") is a state corporation established under the Kenya Law Reform Commission Act, Cap. 3 of the laws of Kenya. KLRC has both constitutional and statutory mandate under Section 5(6)(b) of the Sixth Schedule to the Constitution, the Kenya Law Reform Commission Act and the County governments Act, respectively.

The core mandate of the KLRC is to review all the laws and recommend for their reform to ensure that the law conforms to the letter and spirit of the Constitution, taking into account the socio-economic, political and technological developments.

B. GENERAL COMMENTS

The Strategic Goods Control Bill, 2026 seeks to establish a comprehensive legal framework for the regulation of strategic goods, including military goods, dual-use goods, weapons of mass destruction related materials, and related services. The Bill establishes a Strategic Goods Control Committee, creates licensing and enforcement mechanisms and aligns Kenya's strategic trade controls with international security obligations.

The scrutiny below are general comments and areas requiring intervention.

1. Conformity with the Constitution of Kenya

The Bill advances the constitutional obligation under Article 238 to protect Kenya's national security in compliance with the principles of national security, including protection against internal and external threats.

The regulation of strategic goods, dual-use technology including its movement and trade is constitutionally legitimate and consistent with Kenya's security obligations.
The Bill also supports Kenya's obligations under:

- United Nations Security Council resolutions;
- international non-proliferation frameworks;
- anti-terrorism frameworks; and
- export control arrangements.

2. Modernisation and responsiveness to emerging risks

The Bill is substantially modern and reflects contemporary strategic trade control developments as it regulates intangible technology transfers, electronic transmission of software, dual use technologies, biological weapons, cyber-sensitive technologies, unmanned aerial vehicles and military systems which in turn significantly modernizes the country's security regulatory framework.

3. Harmonisation with existing Laws

The Bill guards against fragmentation through consequential amendments to the following laws:

(i) Firearms Act;
(ii) Explosives Act;
(iii) Nuclear Regulatory Act;
(iv) Pharmacy and Poisons Act;
(v) The Pest Control Products Act;
(vi) The Mining Act; and
(vii) The Fertilizers and Animal Foodstuffs Act.

4. Institutional Design and Governance

(a) Composition of the Committee

This multi-sectoral approach of the Strategic Goods Control Committee which includes security agencies, trade officials, KRA and private sector representatives is commendable.

(b) Concentration of Powers

The Committee registers, licences and ensures there is compliance by inspecting and conducting administrative investigations which could lead to seizure. Consider separating registration, licencing, inspection and enforcement including the investigation by the inspectors under clause 26(2)(a).

5. Penal provisions

The Bill legitimately criminalises serious conduct such as proliferation-related activities, unlawful transfer of strategic goods, falsification of records, obstruction of inspectors, and unauthorized handling of controlled goods. These activities pose significant national security and international proliferation risks. However, it raises important concerns regarding proportionality and overcriminalisation as it does not sufficiently distinguish between intentional proliferation offences and lower-level administrative or procedural breaches. As currently drafted, severe criminal penalties may apply not only to deliberate

unlawful conduct, but also to reporting failures, documentation errors, technical non-compliance, or negligent administrative omissions.
The Bill therefore risks creating a disproportionately punitive regulatory framework in which businesses, researchers, technology firms and other regulated entities may face serious criminal liability even where there is no malicious intent or in instance where actual proliferation risk is low or non-existent. The broad wording of several offences further compounds this problem by failing to clearly differentiate between intentional misconduct, negligence, recklessness, and simple procedural non-compliance. This may undermine legal certainty and expose regulated persons to inconsistent enforcement and excessive prosecutorial discretion.

Consider a graduated enforcement framework that distinguishes between administrative violations, negligent conduct, and intentional proliferation offences. Minor or technical breaches should primarily attract corrective administrative measures such as compliance notices, warnings, civil penalties, or remedial directives, while severe criminal conduct can be reserved for deliberate proliferation activities, fraudulent concealment and intentional unlawful transfers of strategic goods. Such an approach would better align the Bill with constitutional principles of proportionality, fairness, and modern regulatory practice while still preserving national security.

6. International Law and treaty implementation
The Bill is an important step in aligning Kenya's national security and trade control framework with key international security and non-proliferation obligations in line with Article 2(5) and (6) of the Constitution. It reflects Kenya's commitment to preventing the use of strategic goods, dual-use technologies, and sensitive materials for terrorism, weapons proliferation, cyber warfare or other war related activities.
In particular, the Bill gives effect to several United Nations Security Council Resolutions relating to counterterrorism and non-proliferation, including:

i) United Nations Security Council Resolution 1540 (2004), which requires States to establish domestic controls to prevent non-State actors from acquiring weapons of mass destruction and related materials;
ii) United Nations Security Council Resolution 1373 (2001), which obligates States to prevent and suppress terrorism financing and support for terrorist activities; and
iii) United Nations Security Council Resolution 2325 (2016), which strengthens implementation of Resolution 1540 through improved export controls, border security, and enforcement mechanisms.

The Bill also aligns with major international non-proliferation frameworks such as:

i) the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
ii) the Chemical Weapons Convention (CWC);
iii) the Biological Weapons Convention (BWC);
iv) the Missile Technology Control Regime (MTCR) principles;
v) the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; and
vi) international export control standards promoted through the Australia Group and Nuclear Suppliers Group frameworks.

In addition, the Bill supports Kenya's obligations under international and regional counterterrorism frameworks, including:

- the International Convention for the Suppression of the Financing of Terrorism;
- the African Union Convention on the Prevention and Combating of Terrorism; and
- the Financial Action Task Force (FATF) standards relating to proliferation financing and illicit financial flows.

By introducing licensing controls, end-user verification systems, monitoring procedures, and enforcement mechanisms for strategic goods and sensitive technologies, the Bill strengthens Kenya's ability to prevent illicit transfers and proliferation-related activities. It also positions Kenya as a responsive participant in global strategic trade governance.
Beyond national security, the Bill may also improve international confidence in Kenya's customs systems, financial controls, and regulatory institutions, particularly in sectors involving advanced technologies, cross-border trade, and sensitive industrial materials.

7. General drafting and legislative quality issues

The Bill demonstrates several positive drafting and legislative quality features that enhance its overall coherence and usability as a regulatory framework.
Structurally, it is well organized and follows a logical progression from preliminary provisions and definitions, to institutional arrangements, licensing systems, enforcement powers, offences, and schedules. This systematic arrangement improves readability, eases legal interpretation, and supports operational implementation by regulators, enforcement agencies, and regulated entities.

The Bill also generally uses coherent and consistent terminology throughout the text. Key concepts relating to strategic goods, dual-use items, end-user controls, licensing, brokering, transit, and technology transfers are framed using terminology that aligns with internationally recognized strategic trade control expressions. This is important because strategic goods regulation operates within a highly technical international environment where consistency of terminology supports legal certainty, international cooperation, customs coordination, and compliance with global export-control standards.

The inclusion of a detailed schedule provides technical classifications, controlled goods lists, and operational details necessary for implementation of the legal framework. Given the highly specialized nature of strategic trade regulation, the use of the schedule is particularly useful because it allows technical specifications and control lists to be updated more efficiently through the proposed process of publishing gazette notices without fundamentally restructuring the principal legislation.

8. Limited protection for research activities

The Bill provides limited protection for legitimate scientific, academic, and research activities that may involve controlled technologies or dual-use materials. Because the Bill broadly regulates strategic goods, technical assistance, and intangible technology transfers, universities, scientific institutions, innovation hubs, and research collaborations may

inadvertently fall within the scope of strict licensing and enforcement requirements. This creates a risk that legitimate research in areas such as biotechnology, artificial intelligence, cybersecurity, engineering, and advanced manufacturing could be subjected to regulatory uncertainty or excessive compliance burdens despite posing little or no genuine proliferation risk.

The Bill does not sufficiently distinguish between bona fide academic or scientific research and high-risk proliferation-related activities. As a result, the framework may discourage innovation, international research collaboration, technology transfer and investment in research-intensive sectors. The absence of clear exemptions or thresholds may also create a bottleneck for universities and scientific institutions, particularly where researchers engage in cross-border collaborations or work involving dual-use technologies.

From a law reform perspective, the Bill should expressly provide protections for legitimate scientific and academic activities by creating exemptions for bona fide research conducted by accredited institutions. It should also define clear thresholds for when dual-use research becomes subject to strategic trade regulation and introduce more simplified compliance procedures for low-risk educational and scientific activities. This would assist in balancing national security concerns with the need to promote innovation, technological advancement, academic freedom and scientific development.

C. SPECIFIC COMMENTS

Clause	Proposal	Justification
Clause 1 – Short title and commencement	Retain but consider providing for phased commencement through staggered implementation.	The Bill establishes highly technical compliance systems requiring institutional preparedness, capacity building and regulations before operationalisation.
Clause 2 – Interpretation	clarify the term "related services", in the definition of "strategic trade"	The current definition is excessively broad and may unintentionally capture universities, researchers, software developers and legitimate commercial actors, contrary to legal certainty and proportionality principles.
Clause 3 – Application	Clarify extraterritorial	The Bill applies to citizens

	jurisdiction and applicability to Kenyan citizens abroad	of Kenya engaged in strategic trade outside Kenya but lacks enforcement and jurisdictional clarity.
Clause 4 – National Control List	Subject amendments to the National Control List to parliamentary scrutiny and stakeholder consultation through the process set out in the Statutory Instruments Act.	Amendment by Gazette Notice alone creates risks of executive overreach and regulatory uncertainty.
Clause 5 – Establishment of Committee	Include representation from scientific or research institutions.	The Bill regulates highly technical sectors requiring technological and scientific expertise.
Clause 5 – Composition of Committee	Introduce Article 232 compliance requirements.	The current composition does not expressly integrate constitutional inclusivity principles.
Clause 6 – Functions of Committee	Consider separating licensing, oversight and enforcement review functions.	There is risk of perceived bias, administrative unfairness when all these powers are concentrated in one organ.
Clause 7 – Secretariat	Provide statutory guarantees on staffing, expertise and inter-agency coordination by including the agencies from which the staff should be seconded.	Effective implementation requires technical, cyber, customs and intelligence expertise
Clause 8 – Director	Consider clarifying the qualifications and experience required for holding the position of the Director.	The Bill grants substantial administrative powers to the persons holding the position without adequate accountability safeguards.
Clause 9 – Registration	Provide timelines for registration decisions and written reasons for refusal.	Promotes fair administrative action under Article 47 and the Fair

		Administrative Action Act and reduces arbitrariness.
Clause 9(5) – Refusal of registration	Consider qualifying vague grounds such as "national security concerns" in clause 9(5)(d).	Undefined security terminology may lead to abuse or discriminatory enforcement.
Clause 10 – Cancellation, suspension or revocation of registration	Introduce graduated sanctions (cancellation, suspension or revocation of registration) except for grave breaches.	This promotes proportionality and regulatory fairness.
Clause 11 – Register	Consider clarifying which information is public and which remains confidential.	Balances transparency obligations with national security and commercial confidentiality concerns in line with the Access to Information Act and the Data Protection Act.
Clause 12 – End-use control	Provide independent review procedures for end-use determinations in sub-clause (1) and (2).	End-use restrictions may substantially affect commercial rights and international trade obligations.
Clause 13 – Shipment control	Clarify treatment of goods in transit and emergency detention powers.	Current provisions especially sub-clause (3) may interfere with legitimate international commerce and rights of those in transit.
Clause 14 – Licensing	Consider adjusting the licensing criteria and making it more elaborate for certainty and predictability.	Predictable licensing frameworks enhance legal certainty and investor confidence.
Clause 15 – Conditions for issuance of licence	Define measurable standards for determining security risk and diversion concerns under sub-clause (i) and (j).	Broad discretionary standards may undermine fair administrative action.
Clause 16 – Validity of	Provide for the procedure	The Bill provides for

licence	of renewal of a licence.	licence periods but does not comprehensively regulate renewals.
Clause 19 – Suspension of licence	Prescribe maximum suspension periods and review intervals.	Prevents indefinite administrative suspension without resolution.
Clause 20 – Revocation of licence	Require proportionality assessment before revocation.	Revocation has severe economic and constitutional implications which could cripple the activities of an entity.
Clause 21 – Publication of revocation	Provide safeguards against reputational harm where appeals are pending.	Immediate publication before exhaustion of the appeal process may unfairly prejudice holders of licenses.
Clause 25 – Verification of compliance	Consider establishing audit safeguards and confidentiality protections for commercial data during the verification process.	Protects privacy, trade secrets and commercially sensitive information.
Clause 26 – Inspectors	Consider setting out the qualifications required of inspectors and whether they shall be recruited in accordance with public service regulations	Inspectors exercise powers that may affect constitutional rights.
Clause 27 – Seizure of electronic data	Introduce digital evidence handling and cybersecurity safeguards.	Electronic data access creates substantial privacy and cyber-risk implications.
Clause 28 – Power to search conveyances	Require procedural safeguards and inventory documentation standards.	Ensures accountability and evidentiary integrity.
Clause 29 – Entry and search without warrant	Narrow emergency exceptions and require post-search judicial review.	Current wording is excessively broad and may permit abuse.
Clause 30 – List of items seized	Require digital inventory systems and mandatory acknowledgment by affected parties.	Enhances transparency and reduces disputes.
Clause 33 – Cost of holding seized goods	Consider limiting recoverable costs to reasonable and necessary expenses.	Prevents punitive administrative cost recovery.

Clause 34 – No costs or damages recoverable	Amend to permit compensation for unlawful seizure or seizure conducted in bad faith.	Absolute immunity may violate constitutional remedies and accountability principles.
Clause 35 – Obstruction of an inspector	Consider clarifying what amounts to obstruction.	For clarity and to prevent arbitrary enforcement.
Clause 36 – Offences	Consider redrafting overly broad offences and distinguishing intentional conduct from conduct that emanates from negligence.	For clarity and to avoid disproportionate criminal liability.
Clause 37 – Reference to enforcement agencies	Clarify lead-agency responsibility and information-sharing protocols.	Multi-agency enforcement requires coordination mechanisms.
Clause 38 – General penalty	Introduce graduated sanctions and administrative penalties for minor breaches.	Enhances proportionality and modern regulatory enforcement.
Clause 40 – Voluntary disclosure	Establish clear immunity and mitigation criteria.	Encourages regulatory cooperation and compliance culture.
Schedule – National Control List	Provide for periodic review mechanisms of the List and technical advisory consultations.	Strategic goods evolve rapidly and require adaptive but accountable regulatory updates.

D. CONCLUSION

Subject to the above recommendations, KLRC has no objection to the Bills' enactment. We conclude by stating that we are committed to ensuring that legislation is developed to the highest standards possible to promote their legal effectiveness and aligns to the current political and socio-economic realities.

REPUBLIC OF KENYA

MINISTRY OF INVESTMENTS, TRADE AND INDUSTRY

STATE DEPARTMENT FOR TRADE

SPECIFIC AND GENERAL COMMENTS AND OBSERVATIONS ON THE STRATEGIC GOODS CONTROL BILL NO. 15 OF 2026

I. BACKGROUND:

HON. CHAIR

1) The State Department for Trade is mandated to formulate, implement and review trade policies and strategies aimed at promoting economic growth, enhancing export competitiveness, attracting investment, and safeguarding consumer interests.

2) During the current 2023–2027 plan period, the Department is undertaking key policy, legal and institutional reforms to improve the business environment for domestic and export trade. Key legislative reforms include: -
   - Legal Metrology Bill, 2026;
   - Trade Descriptions (Amendment) Bill, 2026,
   - Trade Development Bill, 2025;
   - Amendments to the Kenya Consumer Protection Act, 2012 and
   - Warehouse Receipt System Act, 2025.
3) The Department is also leading the development of the National Consumer Protection Policy, 2025 and the National E-Commerce Policy, 2025, the review of the National Trade Policy, 2017.
4) In trade policy development and regulation, the State Department is guided by the best international principles that trade be developed and regulated on the basis of health, security and environment protection.
5) The provision of the Strategic Goods Control Bill No. 15 of 2026 is indeed very rich in ensuring that while trading in strategic goods, the citizens remain healthy, the country is secure and the environment is protected for a sustainable future.

HON. CHAIR

II. SPECIFIC OBSERVATIONS AND COMMENTS ON THE BILL INCLUDE: -

The State Department for Trade appreciates the intention of the Bill, particularly in strengthening Kenya's compliance with international obligations relating to non-proliferation, strategic trade controls, export controls and international security commitments.

The proposed legislation will also enhance Kenya's credibility in international trade, improve compliance with multilateral obligations, and support secure and responsible international commerce. The State Department therefore generally supports the Bill subject to the specific observations, comments and recommendations as hereby highlighted: -

1) **Application of the Act - Clause 3**

   (i) Clause 3 provides for the scope of application of the Act. The Department however notes that extraterritorial application to Kenyan citizens outside Kenya may create enforcement and jurisdictional challenges.

   (ii) There is therefore need to clarify enforcement mechanisms for acts occurring outside Kenya and align with international law principles.

2) **Establishment of a Strategic Goods Classification Advisory Mechanism Clause 4 (National Control List)**

   (i) The Bill provides for a control list but does not create mechanisms to assist exporters in determining whether their goods fall under the list.

   (ii) There is need to make a provision for the establishment of an official product classification advisory service within the implementing authority.

   (iii) Exporters require technical guidance to avoid compliance uncertainty and inadvertent violations especially where products may have dual-use applications.

3) **Strategic Goods Control Committee in Clause 5 (1) and Composition in 5(2) to include MFA and KAM**

Cognizant of Clause 5(7) which provides that the Committee may co-opt any other person to attend its meeting and participate in its deliberations but with no voting rights, we wish to propose that: -

(i) Taking into consideration that the Strategic Trade entail policies or controls designed to influence international trade for national security, economic and foreign policy goals, it is imperative to consider the inclusion of the Principal Secretary responsible for matters relating to foreign affairs or his representative to be a full member of the Committee.

(ii) Several provisions of the Bill also border on the country's international obligations such as ***13 (1)*** and ***15(2) (b)*** among others. These require the opinion or consultation with the Ministry or State Department responsible for foreign affairs.

(iii) The inclusion of KNCC&I and KEPSA in the Committee notwithstanding, for more inclusivity and owing to the important role played by the Kenya Association of

Manufacturers (KAM) in production of goods which are the subject of Strategic Goods, we propose one person be nominated by KAM to be member of the Committee. *Production has been rightly defined in the Bill to mean all stages such as product engineering, manufacture, integration, assembling (mounting), inspection, testing and quality assurance.*

4) **Registration and Licensing – Clause 9 – Need for Online Registration and Licensing:**
   (i) The Bill's provisions on registration and Licensing should be revamped by including online registration. This will go a long way in simplifying registration process and reducing interface with human, hence minimizing rent seeking in the process.

   (ii) Furthermore, from the categorization in the schedule (***0 - 9 – systems, equipment and components***), the strategic goods are highly specialized and reasonably sophisticated by their nature. Online registration and uniform licensing guidelines would immensely improve ease of doing business and reduce compliance burdens.

   (iii) The Bill does not specify timelines for the processing of license applications in ***Clause 14***. We propose the need to include a statutory requirement that license applications be processed within a defined timeframe. Predictable timelines are necessary to prevent delays that could disrupt export shipments and contractual commitments.

5) **End-Use Controls - Clause 12**
   (i) Clause 12 provides for end-use controls to reduce diversion and misuse of strategic goods. The Department notes that the end-use controls are internationally recognized mechanisms for preventing diversion of sensitive goods.
   (ii) However, implementation should:
   - Be based on credible risk assessment;
   - Avoid undue delays in trade;
   - Provide clear guidance on documentation requirements;
   - Avoid excessive compliance burdens on legitimate businesses.

   (iii) The Department further recommends:
   - Development of clear guidelines on end-user verification procedures to enhance compliance and predictability.
   - Reduction of approval timelines significantly under clause 12 (7) or adopt risk-based timelines. Online registration may be explored and incorporated in the Bill as recommended in clause 9.

6) **Conditions for Issuance of license - Clause 15**
   (i) Clause 15 includes legitimate security considerations. However, no processing timelines are provided.

(ii) The State Department recommends introduction of timelines for licensing decisions and deemed approval mechanisms for low-risk applications.

7) **Administrative appeals Clause 23**

(i) Appeals mechanism in Clause 23 is positive. However, appeals only to the Cabinet Secretary may not provide sufficient independence.

(ii) Establishment of an independent appeals tribunal or provision for direct appeal to the High Court may be considered for incorporation in the Bill.

8) **Licensing; End-User / End-Use Control; Monitoring and Enforcement Gaps; Voluntary Disclosure; and Trade and Diplomatic Risks**

Other noticeable consumer gaps, Issues, associated risks and potential effects on the Bill's provisions on licensing; end-user control; monitoring and enforcement; voluntary disclosure and trade and diplomatic risks are as summarized in ***Annex 1.***

III. GENERAL COMMENTS/OBSERVATION

HON. CHAIR

1) **Need to Balance Security and Trade Facilitation**

While the Bill is intended to enhance national and international security, implementation measures should also safeguard Kenya's trade competitiveness, ease of doing business as well as regional and continental integration obligations.

The Department therefore recommends that the implementation framework be guided by the following key principles:

- Risk-based regulation;
- Trade facilitation and efficiency;
- Transparency and predictability in licensing;
- Inter-agency coordination;
- Protection of legitimate trade activities;
- Alignment with international best practices and regional obligations.

The Department further notes that strategic trade controls should not create unnecessary barriers to legitimate trade, investment, innovation, manufacturing, research, logistics and industrialization.

2) **Alignment with International and Regional Obligations**

The Bill is timely considering Kenya's obligations under international non-proliferation and export control frameworks, including obligations arising from United Nations Security

Council Resolutions relating to non-proliferation.The Bill should however also be implemented in a manner consistent with:

(a) Kenya's obligations under the World Trade Organization (WTO)

The General Agreement on Tariffs and Trade 1994 provides exception to WTO Trade Principles such as non-discrimination under Article XXI (Security Exceptions) on account of security obligations. Coupled with UNSC Resolution 1540, the proposed measures are in conformity with the Kenya's international trade obligations.

(b) East African Community (EAC) trade commitments

In the EAC, Article 22 of the Protocol establishing the Custom Union allows Partner States to prohibit or restrict trade in the application of security laws and regulations and in the control of arms, ammunitions and other military equipment or items. This after giving notice in writing to the Secretary General. Therefore, the proposed bill is not in violation of Kenya's commitments in the EAC.

The definitions in the Bill for imports and exports are not aligned with the Treaty establishing the East African Community. However, considering the exceptions to free movement of goods granted in Article 22 of the CUP, these definitions may not be impactful in the administration of the proposed law.

(c) COMESA trade obligations and the African Continental Free Trade Area (AfCFTA)

The Bill does not contravene Kenya's COMESA and AfCFTA obligations

3) Proposals and Recommendation

Overall, the Strategic Goods Control Bill No. 15 Of 2026 is in sync with the State Department for Trade mandate on trade policy formulation and implementation, ease of doing business, promotion of inclusive and orderly trade development. The State Department for Trade therefore supports the overall objectives of the Bill, particularly the need to strengthen Kenya's strategic trade control framework and comply with international non-proliferation obligations.

However, the Department proposes amendments to ensure that:

a) The Bill balances national security objectives with trade facilitation aspirations.
b) Licensing and compliance processes are efficient, predictable and risk-based;
c) Broad discretionary powers are accompanied by safeguards, transparency and accountability mechanisms;
d) Legitimate exporters, manufacturers, innovators and businesses are not unnecessarily burdened;
e) Penalties are proportionate to the nature and severity of violations;
f) Digital systems and inter-agency coordination mechanisms are integrated into implementation;
g) Private sector consultation and stakeholder participation are strengthened.

THANK YOU

Annex:1

Noticeable Consumer Protection Gaps and Risks in the Draft Strategic Goods Control Bill

S/No	Gap	Issue	Associated Risk	Potential Effect
1	Licensing	**(a) Broad discretionary powers without detailed criteria** The Bill gives the Committee and Director extensive discretion to grant, suspend, or revoke licenses, but it does not comprehensively define: • objective risk-assessment criteria; • thresholds for refusal; • sector-specific licensing standards; • differentiated treatment for low-risk versus high-risk goods.	• inconsistent licensing decisions; • regulatory uncertainty; • allegations of arbitrariness or abuse of power;	• investors and technology firms may perceive the regime as unpredictable; • licensing delays may disrupt trade, research, logistics, and manufacturing operations; • SMEs may face disproportionate compliance burdens
		(b) Weak treatment of intangible technology transfer Although the Bill mentions technology and intangible transfers, it does not sufficiently define: • cloud-based transfers; • AI-assisted technical transmission; • encrypted technical data sharing; • remote software updates; • research collaboration platforms; • university and scientific exchanges.	• loopholes for proliferation through cyberspace; • difficulty prosecuting digital transfers of sensitive know-how; • conflicts with privacy, innovation, academic freedom, and data protection laws.	This is particularly significant because modern proliferation increasingly occurs digitally rather than through physical shipment.
		(c) Limited safeguards for license holders The Bill provides appeals mechanisms, but procedural safeguards are still thin regarding: • notice requirements; • access to evidence; • confidentiality protections; • emergency suspensions; • compensation for wrongful seizure or cancellation.	• Limited safeguards for license holders under the Strategic Goods Control regime would create several legal, commercial, administrative, and governance risks.	• overregulation of legitimate commerce; • compliance confusion; • increased cost of doing business; •

2	End-User / End-Use Control	**(a) Inadequate verification mechanisms** The Bill introduces "catch-all" end-use controls, but does not clearly establish: • mandatory end-user certification standards; • post-shipment verification systems; • foreign end-user authentication procedures; • beneficial ownership tracing; • monitoring of re-export or diversion after import/export. Though they may be captured in the regulations, they must first have a mention or foundation in the Bill	• Weak prevention of Diversion of Strategic Goods; • Frustrate implementation of Catch-All Controls; • Compromise National Security by weakening systems of identifying suspicious procurement patterns; covert acquisition networks, etc. • Undermining Legitimate Trade.	• Strategic goods may still be diverted to sanctioned actors, terrorist groups, or unauthorized military applications; • Kenya risks becoming a transit or diversion hub due to weak downstream monitoring
		(c) Weak private-sector compliance framework The Bill focuses strongly on punitive enforcement but less on: • industry compliance guidance; • voluntary disclosure mechanisms; • compliance safe harbors; • internal compliance programme standards; •	• Increased Risk of Unintentional Violations • Diversion and Proliferation risks • Weak/lack of sector-specific compliance templates. • Weak Detection of Red Flags, among others	• Adversarial regulator-business relationships; • low voluntary compliance; • non-intentional violations by SMEs and startups unfamiliar with strategic trade controls.
3	Monitoring and Enforcement Gaps	**(a) Heavy reliance on manual and institutional coordination** The Bill assumes strong inter-agency cooperation among: • customs; • intelligence agencies; • port authorities; • police; • nuclear regulators; • ICT regulators; • immigration and border agencies.	The Bill however, does not establish: • an integrated digital monitoring platform; • mandatory real-time data sharing architecture; • centralized compliance databases; • automated risk profiling systems.	• fragmented enforcement; • duplication of mandates; • bureaucratic delays; • weak tracking of shipments and licenses; • corruption vulnerabilities
		(b) Capacity and technical expertise deficits Effective strategic trade control requires: • nuclear and chemical expertise; • cyber-forensics;	The Bill does not sufficiently address: • sustainable funding; • staffing thresholds;	• sophisticated actors may evade detection; • overdependence on

		• export-control specialists; • AI and encryption specialists; • advanced customs inspection technologies.	• continuous technical training; • specialized laboratories and detection infrastructure.	foreign technical support; • uneven enforcement quality across ports and borders
4	**Voluntary Disclosure**	Though the Bill contains a provision that promote voluntary self-reporting, or "Voluntary Disclosure....." The provision however, still appears relatively narrow since it does not comprehensively: • establish detailed safe-harbor protections, • formal disclosure procedures, • immunity thresholds, • timelines for disclosure, or • structured compliance incentives commonly found in more mature export-control regimes.	Where safeguards are weak, firms may instead: • underreport transactions; • avoid engagement with regulators; • relocate operations; • seek loopholes.	• adversarial regulator - industry relations; • reduced intelligence sharing; • weaker overall effectiveness of the control regime.
5	**Trade and Diplomatic Risks**	International Trade and Diplomatic Risks: Foreign suppliers and multinational companies often require: • predictable export control systems; • due process protections; • commercially reliable licensing environments.	Weak safeguards may make Kenya appear: • legally uncertain; • administratively unstable; • high-risk for technology transfer partnerships.	• foreign governments may hesitate to authorize technology exports to Kenyan entities;

STATE DEPARTMENT FOR MINING SUBMISSIONS TO THE PROPOSED NATIONAL STRATEGIC GOODS, BILL 2026

Preamble

The National Strategic Goods Bill has been proposed to address critical gaps in the regulation of dual-purpose goods and chemical precursors. These goods, while essential for legitimate industrial, medical, and scientific use, have increasingly become a security concern due to their misuse in the manufacture of Improvised Explosive Devices (IEDs). Current frameworks do not provide sufficient oversight, leaving vulnerabilities that could compromise national security and public safety.

In addition, commercial explosives regulated under the Explosives Act, Cap 115, are recognized as strategic goods. While they will continue to be governed under Cap 115, they will also be subjected to further controls under the National Strategic Goods Act. This dual-layer regulation ensures that explosives, alongside other dual-purpose goods and precursors, are comprehensively monitored to prevent diversion and unauthorized access.

The Bill therefore seeks to establish robust mechanisms for security checks, licensing, and monitoring. By strengthening regulatory controls, it will safeguard against proliferation risks, enhance compliance with international obligations, and protect the country from threats posed by the misuse of sensitive materials, including their use in IED manufacture.

Concerns of the State Department for Mining

- ✓ **Omission of PS Mining:** The Principal Secretary for Mining has not been included in the committee proposed under the Bill, despite the Department's direct mandate over strategic goods. This omission raises concerns about adequate representation in the oversight framework. The State Department for Mining administers both the Explosives Act, Cap 115, and the Mining Act, Cap 306. These Acts are directly affected by the proposed Bill under Sections 45 and 48, making the Department's involvement essential to harmonize regulation and avoid duplication.
- ✓ **Licences and permits:** The Bill proposes further controls on permits and licences relating to strategic goods. This includes extending oversight to commercial explosives already regulated under the Explosives Act, Cap 115. The State Department for Mining (SDM) has historically subjected dealers, manufacturers, and blasters to vetting by security agencies administratively. Additionally, consignments of explosives have been subjected to police escort to ensure safe handling and prevent diversion. These measures have been effective but were not anchored in

law. It is therefore a positive development that such controls will now be formally legislated under Section 45 of the National Strategic Goods Act.

However, the State Department for Mining is concerned about how the section 45 on permits and licenses—particularly daily permits—will be handled by the Strategic Goods Committee. Daily permits are vital for the smooth running of mining, quarrying, and construction operations. Subjecting them to committee-level approvals risks creating delays, disrupting business continuity, and ultimately impacting productivity and the wider economy.

- **The role of inspectors:** Inspectors appointed under the Explosives Act, Cap 115and those appointed under the proposed National Strategic goods Act. The concern of the State Department for Mining is how these two inspectorates will integrate their mandates without duplication or conflict. Without clear coordination, businesses may face overlapping requirements, delays in approvals, and increased compliance costs, which could disrupt operations and affect economic stability.

Recommendations

1. Inclusion of State department for Mining in the committee and oversight mechanisms is critical to align the Bill with existing regulatory mandates.

2. The bill to specify under the regulations the particular licences/ permits to be subject to review by the Strategic Goods Committee

3. Harmonization of roles of inspectors of explosives appointed under Explosives act Cap115 and those appointed under the proposed National Strategic Goods Act to ensure both safety and security objectives are achieved efficiently.

Conclusion

The State Department for Mining supports the proposed National Strategic Goods Bill, as it addresses critical security concerns surrounding dual-purpose goods, precursors, and commercial explosives. While the Department has raised concerns regarding representation in the committee, the handling of daily permits, and the integration of inspector roles, it acknowledges that these issues can be resolved within the framework of the Bill. Overall, the Department affirms its support for the legislation, recognizing its importance in safeguarding national interests and ensuring that strategic goods do not fall into the wrong hands.

REPUBLIC OF KENYA

MINISTRY OF HEALTH

PHARMACY AND POISONS BOARD

Submission to the Departmental Committee on Administration and Internal Security on the Strategic Goods Control Bill, 2026

1.0 Preamble

The Pharmacy and Poisons Board (PPB) is the National Medicines Regulatory Authority (NMRA), established under the Pharmacy and Poisons Act Cap. 244 of the Laws of Kenya. It is mandated to protect and promote public health by regulating the pharmacy profession and ensuring the availability, safety, quality, and efficacy of Health Products and Technologies (HPTs) in Kenya.

We refer to the letter under reference NA/DDC/AIS/2026/048 dated 11th may 2026 from the Office of the Clerk National Assembly inviting PPB submissions from the Departmental Committee on Administration and Internal Security on the proposed Strategic Goods Control Bill, 2026 ("the Bill"). We understand that the objective of the Bill is to ensure that Kenya's national security objectives are advanced without creating duplicative, inefficient or commercially burdensome controls on the licit pharmaceutical supply chain.

We thus submit thus:

2.0 Background

This submission is anchored in Kenya's constitutional and international commitments, notably the right of every person to the highest attainable standard of health (Article 43 of the Constitution). As the designated competent NMRA, PPB exercises lifecycle regulation of Health Products and Technologies (HPT), including marketing authorization, licensing, pharmacovigilance, post-market surveillance, inspection and quality control in line with the World Health Organization's (WHO) Good Regulatory Practices (GRP).

2.1 The regulatory independence

Kenya is a state party to the WHO and subscribes to its guidance especially on the functionality of the regulatory system which has global standards. The WHO GRP explicitly sets out nine core principles that every well-functioning NMRA must incorporate in its execution of regulatory mandate specifically: legality,

consistency, independence, impartiality, proportionality, flexibility, clarity, efficiency and transparency.

Adherence to these principles, in particular the **independence** of the regulator (WHO GRP section 8.3), is central to Kenya's pursuit of **WHO Global Benchmarking Tool (GBT) Maturity Level 3 and beyond**. Such independence is not merely desirable: it is a prerequisite for regulatory credibility, mutual recognition with global regulators, and the efficient functioning of an accountable NMRA.

2.2 2.0 Health Products and Technologies as Strategic Goods

The Bill defines "strategic goods" as including military goods, dual-use goods, weapons of mass destruction and their means of delivery, and nationally controlled goods. Whereas the core focus of the Bill is on proliferation of sensitive items, the National Control List contains several categories of health products and technologies that fall squarely within PPB's existing mandate under Cap. 244.

These include narcotics, psychotropic substances, precursor chemicals, poisons, biological agents, vaccines, dual-use bioprocessing equipment, and certain finished pharmaceuticals.

We therefore submit that any attempt to regulate these items under a separate outfit like the proposed Strategic Goods Control Committee would create duplication, legal uncertainty, and inefficiency. PPB is already the competent national authority for these products under WHO Good Regulatory Practices and Kenya's international obligations.

Drawing on the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the Chemical Weapons Convention, the Biological Weapons Convention, and the Pharmacy and Poisons Act (Cap. 244), the PPB has identified the following categories of health products and technologies that appear in the National Control List of the Strategic Goods Control Bill, 2026. Each category falls squarely within PPB's existing regulatory mandate. The table provides the specific Bill references (Military List or Dual-Use List categories and page numbers) and a concise justification under Cap. 244.

Table 1: Health Products and Technologies (HPTs) from the National Control List Falling under PPB Mandate

S.No	Category	Specific Items / Description	Bill Reference (Clause / Schedule)	Justification for PPB Regulation under Cap. 244
A	Narcotic and Psychotropic Substances	Hydrazine derivatives (e.g., monomethylhydrazine, unsymmetrical dimethylhydrazine); also, certain psychoactive precursors.	ML8. c.4. (pages 55–56) – Hydrazine and derivatives listed as "propellants, fuels and related substances".	These are psychotropic substances with potential for abuse. Cap. 244, Section 3B(2)(h) mandates PPB to regulate licit use of narcotic and psychotropic substances in line with the 1971 Convention.
B	Precursor Chemicals for Illicit Drug Manufacture	Ephedrine, pseudoephedrine, methylphosphonyl difluoride, phosphorus oxychloride, and other chemicals listed in 1C350.	Dual-Use List – Category 1C350 (pages 147–150) – "Chemicals which may be used as precursors for toxic chemical agents".	These are precursors used in illegal manufacture of controlled drugs. Cap. 244, Section 3B(2)(h) and the UN Convention against Illicit Traffic (1988) require PPB to control such substances.
C	Toxic Chemicals and Chemical Warfare Precursors	Phosgene, cyanogen chloride, hydrogen cyanide, amiton, BZ, and related chemicals.	Dual-Use List – Category 1C450 (pages 156–157) – "Toxic chemicals and toxic chemical precursors".	These are poisons as defined under Cap. 244, Part III (Poisons). Section 2 defines "poison" as any substance in the Poisons List. Such chemicals require licensing, poisons book recording, and strict controls on sale and possession.
D	Biological Agents and Toxins	Bacillus anthracis, Yersinia pestis, Ebola virus,	Dual-Use List – Category 1C351 (pages 150–154) – "Human and animal	These are biological agents that can be used as weapons but also appear in

S.No	Category	Specific Items / Description	Bill Reference (Clause / Schedule)	Justification for PPB Regulation under Cap. 244
		botulinum toxins, ricin, and other pathogens/toxins.	pathogens and toxins".	diagnostic, research, or vaccine production contexts. Cap. 244, Section 3B(2)(o) empowers PPB to approve and regulate clinical trials, including those involving pathogenic microorganisms.
E	Vaccines and Biological Countermeasures	Vaccines against smallpox, anthrax, Ebola (covered under 1C351 viruses/bacteria and medical countermeasures).	Dual-Use List – Category 1C351 (viruses and bacteria) – implicitly covers vaccine-relevant pathogens.	PPB regulates vaccines and biological products under Cap. 244, Section 3B(2)(b) (ensuring quality, safety, efficacy) and Section 3B(2)(p) (clinical trial approval).
F	Dual-Use Bioprocessing Equipment	Fermenters (≥20 litres with in-situ sterilization), cross-flow filtration systems, lyophilizers (freeze-dryers), containment facilities (BL-3/BL-4).	Dual-Use List – Category 2B352 (pages 185–188) – "Biological manufacturing and handling equipment".	These are pharmaceutical manufacturing equipment used in vaccine and biologic production. Cap. 244, Section 35A requires licensing of manufacturing premises and compliance with Good Manufacturing Practice (GMP). PPB inspects such equipment during GMP audits.
G	Radiopharmaceuticals and Radioactive Sources	Technetium-99m generators, iodine-131 capsules,	Dual-Use List – Category 0 (Nuclear materials) – captured by	Radiopharmaceuticals are medicinal substances under Cap. 244, Section 2.

S.No	Category	Specific Items / Description	Bill Reference (Clause / Schedule)	Justification for PPB Regulation under Cap. 244
		iridium-192 brachytherapy sources.	"nationally controlled goods" definition in Clause 2 (page 8).	PPB licenses their import, manufacture, and distribution. The Nuclear Regulatory Act (Cap. 243) also applies, but product safety and quality fall under PPB's mandate.
H	Finished Pharmaceutical Products under UN Sanctions	Antibiotics, anaesthetics, painkillers when destined for sanctioned countries (catch-all control).	Clause 13 (page 17) – "Shipment of goods specified in the National Control List" – allows prohibition of goods not on the List if intended for WMD or military use in embargoed destinations.	These are conventional pharmaceutical products. Cap. 244, Section 3B(2)(b) and (d) mandate PPB to ensure safety, quality, and efficacy of all medicinal substances, including those subject to export controls.
I	Psychoactive Substances/ New Psychoactive Substances (NPS)	Not explicitly listed but captured by "nationally controlled goods" for public health and safety.	Clause 2 – definition of "nationally controlled goods" (page 8) – "strategic goods... placed under unilateral controls for reasons of ... public health and safety".	NPS that mimic effects of controlled drugs fall under Cap. 244's poisons and narcotics framework. PPB can recommend scheduling under the Narcotic Drugs and Psychotropic Substances (Control) Act (Cap. 245) and regulate them as medicinal substances.

The following table summarises the specific provisions of the Pharmacy and Poisons Act (Cap. 244) that confer authority upon PPB to regulate the categories of health products and technologies identified in Table 1. Each provision is mapped to the relevant National Control List categories, demonstrating that PPB

is already the competent national authority for these strategic goods under Kenyan law and in compliance with WHO Good Regulatory Practices.

Table 2: Summary of PPB legal basis (Cap. 244 References)

Ref	PPB Function	Cap. 244 Section	Relevance to National Control List Categories
i	Regulation of medicinal substances (narcotics, precursors, poisons)	Sections 3B(2)(b), (e), (h)	Covers A (narcotics), B (precursors), C (poisons).
ii	Licensing of manufacturing premises and GMP compliance	Sections 35A, 35B	Covers F (dual-use bioprocessing equipment).
iii	Clinical trial approval	Section 25A	Covers D (biological agents) and E (vaccines).
iv	Post-market surveillance and quality control	Sections 3B(2)(l), (m)	Covers H (finished pharmaceuticals under catch-all).
v	Poison control and poisons list	Sections 25, 34	Covers C (toxic chemicals).
vi	Regulation of medicinal substances generally	Section 2 (definition of "medicinal substance")	Covers G (radiopharmaceuticals) and I (NPS).

3.0 PPB concerns on the Proposed Governance Structure and Proposed Alternative

3.1 Grounds for Objection

The Bill seeks to establish a Strategic Goods Control Committee (SGCC) composed of Principal Secretaries and other senior officials. The PPB has representation in the committee through the Principal Secretary for Health. This structure raises several fundamental regulatory challenges as outlined below:

3.1.1 Duplication of Existing Regulatory Functions

The PPB already exercises robust, internationally recognized controls over narcotic drugs, psychotropic substances, precursor chemicals, and related pharmaceutical goods under Cap. 244, in full compliance with the Single Convention (1961), the Convention on Psychotropic Substances (1971), and the 1988 UN Convention against Illicit Traffic. The SGCC would duplicate

these functions, creating confusion for regulated entities and inefficiency for Government.

3.1.2 Violation of the principle of NRA independence under WHO Good Regulatory Practices (GRP):

WHO GRP principle 8.3 (Independence) requires that a regulatory system "operate, and be seen to operate, in an independent and authoritative manner, discharging its duties independently from politicians, government and regulated entities." Clause 47 of the Bill amends Cap. 244 by inserting a new section 3C, which subordinates PPB's independent decision-making to an inter-ministerial committee dominated by other sectors.

Furthermore, principle 8.4 (Impartiality) requires that regulatory activities be free from conflicts of interest and that "the regulatory authority should not be hierarchically subordinate to the institutions that perform the regulated activities." Requiring PPB to obtain prior approval from a committee that includes the Kenya Revenue Authority, Kenya Defence Forces, National Intelligence Service, and the private sector risks allowing revenue or security considerations to override public health imperatives.

3.1.3 Contravention of the Principle of Legality

WHO GRP principle 8.1 (Legality) requires that all regulatory actions and decisions be based on clear legal authority, respecting the rule of law. The Pharmacy and Poisons Act already confers clear legal authority on PPB to license and control strategic HPTs. Overlaying a second, parallel authority would create legal uncertainty and jurisdictional conflict.

3.1.4 Risk of Undue Influence and Inefficiency

The SGCC as constituted under Clause 5 includes Principal Secretaries for Defence, Finance, ICT, Health, and Trade, together with the Solicitor-General, the Chief of KDF, the Director-General of NIS, the Inspector-General of Police, and the Commissioner-General of KRA. While these agencies have legitimate interests in strategic goods control, their direct involvement in routine licensing decisions would inevitably slow processing and risk the kind of "regulatory capture" identified in WHO GRP guidance. PPB, by contrast, already operates an established, transparent, and risk-based licensing system.

3.1.5 Barriers to Access, Trade and International Cooperation

WHO GRP principle 8.8 (Efficiency) requires that regulatory systems should achieve intended results "without creating unjustified barriers to access, trade or international regulatory cooperation." The proposed prior approval mechanism would introduce additional bureaucratic layers that would:

a) delay the licensing of essential medicines that fall under the National Control List (e.g., certain narcotic analgesics, psychotropic substances, and vaccine components);

b) confuse international manufacturers and WHO-listed authorities who recognise PPB as Kenya's competent national medicines regulatory authority; and
c) potentially breach Kenya's obligations under Article 18 of the 1988 UN Convention, which requires a single national authority to regulate precursor trade – not a dual licensing system.

3.2 Proposed Alternative:

3.2.1 Inclusion of HPT Categories in the National Control List

The categories identified in Section 4 of this submission may be included in the National Control List under a distinct "Health Products and Technologies" section, with clear cross-references to Cap. 244 and the Narcotic Drugs and Psychotropic Substances (Control) Act (Cap. 245).

3.2.2 End-Use and End-User Control Provisions

Importers, exporters, manufacturers, and distributors of strategic HPTs should be required to obtain a "Strategic Goods End-Use Certificate" from PPB and to notify PPB of any proposed change of end-user or end-use within 48 hours (modelled on Clause 12 of the Bill).

3.2.3 Exclusion of Routine Commercial Consignments

Routine commercial consignments of non-strategic HPTs that are lawfully registered under Cap. 244 should be excluded from the Bill to avoid unnecessary administrative burden on the pharmaceutical industry and to ensure continued access to essential medicines.

3.2.4 PPB proposal on the governance structure

The Pharmacy and Poisons Board (PPB) proposes a streamlined, two-tier governance structure that safeguards regulatory independence, complies with WHO Good Regulatory Practices (GRP), and facilitates ease of doing business.

3.2.4.1 Tier 1 - Inter-Agency Strategic Oversight Forum (Policy Only):

We propose the establishment of a high-level National Strategic Goods Oversight Forum should be established, composed of the Principal Secretaries for Interior, Defence, Health, and Trade, together with the Attorney-General. The Forum shall meet semi-annually to:

a) set strategic policy for strategic goods control;
b) review and recommend amendments to the National Control List; and

c) address cross-cutting or exceptional issues that transcend individual regulatory sectors.

The objective of the forum is on policy front but should not issue, suspend, or revoke any licence, permit, or certificate. The function remains exclusively with the designated competent authorities under their respective enabling legislation for the foregoing implementation reasons explained.

3.2.4.2 Tier 2 - Designated Competent Authorities for Licensing:

Each category of strategic goods shall be licensed by the existing, sector-specific competent authority, applying that authority's established procedures and safeguards. For health products and technologies, PPB shall be the sole Competent Authority under the Strategic Goods Control Bill, issuing a "Strategic Goods Permit" as an addendum to its existing import, export, manufacture, or distribution licences under Cap. 244.

3.2.5 Proposed Governance Arrangements

The following table sets out the specific amendments that PPB respectfully recommends to the Strategic Goods Control Bill, 2026. These amendments are designed to preserve PPB's independence as a National Medicines Regulatory Authority, avoid duplication of licensing functions, and align the Bill with WHO Good Regulatory Practices and Kenya's pursuit of WHO GBT Maturity Level 3.

Table 3: Proposed Amendments to the Strategic Goods Control Bill, 2026

	Component	Proposed Arrangement
A.	Competent licensing authority for health-related strategic goods	PPB shall remain the sole competent authority to grant, suspend, or revoke licences for the manufacture, importation, exportation, distribution, and use of any medicinal substance, narcotic drug, psychotropic substance, precursor chemical, vaccine, or biological agent that appears on the National Control List. This is already its mandate under Cap. 244.

B.	Role of the Strategic Goods Control Committee	The Committee shall serve as an inter-agency advisory and coordination body, not a prior approval authority. In relation to health goods, its functions shall be: (a) to receive notification of all licences issued by PPB for strategic health goods; (b) to maintain a central database for national security tracking; and (c) to advise the Cabinet Secretary on matters of strategic trade that transcend health regulation (e.g., large-scale diversion to illicit markets or foreign policy concerns).
C.	Representation of PPB on the Committee	The Chief Executive Officer of PPB (or a senior nominee) shall be a full voting member of the Committee, not merely an ex officio secretary. This reflects the fact that PPB already has statutory responsibility for narcotic and psychotropic substance control under the Single Convention (1961), the 1971 Convention, and the 1988 UN Convention.
D.	Coordination mechanism	A memorandum of understanding between PPB, the Committee, the Kenya Revenue Authority, the National Police Service, and the Directorate of Criminal Investigations shall establish practical protocols for information sharing, joint inspections, and referral of suspected strategic goods offences. This shall operate without requiring PPB to seek prior approval for routine licensing decisions.
E.	Consequential amendment to Cap. 244	Section 3C of Cap. 244 (as proposed by Clause 47 of the Bill) should be deleted in its entirety and replaced with a provision that simply requires PPB to notify the Committee of any licence issued for items in the National Control List, and to share relevant information where there is a reasonable suspicion of diversion for military or weapons of mass destruction purposes.

4. **Administrative and Implementation Arrangement - PPB as Single Window for Strategic HPTs**

The PPB shall develop a dedicated module within its existing online portal (PRIMS) for the submission and evaluation of Strategic Goods Permit applications relating to health products and technologies. This module shall incorporate:

i. a simple checklist for applicants to confirm the strategic nature of the consignment;

ii. an automated notification to the Inter-Agency Oversight Forum for any application involving a country subject to a United Nations Security Council arms embargo; and

iii. a secure Application Programming Interface (API) data feed to the Kenya Revenue Authority and the Kenya Trade Network Agency (KenTrade) for real-time tracking of strategic HPT consignments.

5. Conclusion

The Pharmacy and Poisons Board strongly supports the Government's objective of controlling strategic goods to protect national security. However, the draft Bill's proposed governance structure, and in particular **Clause 47**, inadvertently undermines Kenya's existing robust pharmaceutical regulatory system, introduces potential bureaucracy, and departs from WHO Good Regulatory Practices concerning the independence of national medicines regulatory authorities.

PPB respectfully recommends that the proposed amendments set out above be adopted to ensure that the Strategic Goods Control Bill achieves its security objectives without compromising the efficiency, integrity, or international standing of Kenya's pharmaceutical regulatory framework. PPB remains fully committed to close collaboration with all national security and law enforcement agencies to prevent the diversion of health products into illicit or prohibited end-uses.

Dated this 18th day of May, 2026.

Dr. Ahmed I. Mohamed
Ag. CHIEF EXECUTIVE OFFICER

KENYA NUCLEAR REGULATORY AUTHORITY
Safety, Security and Peace in Nuclear

When replying please quote:

Our Ref: **KNRA /ADM/1/10/VOL. I** Date: **19th May 2026**

Office of the Clerk
The National Assembly
P. O. Box 41842 - 00100
NAIROBI

Dear ***Sir,***

SUBMISSION ON THE STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2026)

The Kenya Nuclear Regulatory Authority (KNRA) is a State Corporation domiciled in the Ministry of Health, established under the Nuclear Regulatory Act, Cap 243. Its statutory objects under Section 3 of the Act are to regulate the safe, secure, and peaceful development, possession, use, storage, transport, transfer, disposal, and handling of nuclear and radioactive materials, activities, and facilities, and to protect persons, property, and the environment from harmful effects of ionizing radiation.

KNRA has actively supported the drafting of the Strategic Goods Control Bill. However, certain provisions require refinement to ensure alignment with Cap 243 and to avoid duplication or jurisdictional overlap.

Section 5 – Strategic Goods Control Committee
Concern:
The proposed Committee membership does not currently include KNRA, despite its oversight role in nuclear safety and security.

Proposal:
Include the Director General, KNRA, as a member of the Committee.

- This strengthens inter-agency collaboration on national security.
- KNRA's expertise in nuclear and radiation oversight complements the Committee's focus on strategic goods.

Section 46 – Amendments to Nuclear Regulatory Act
Concern:
The Bill, in section 46, proposes amendments to Cap 243 but does not fully integrate recognition of KNRA's licensing framework

Proposal:

- Welcome the alignment with Cap 243.
- Insert a clause in the Bill to recognize KNRA-issued licenses and authorizations.
- Ensure the two Acts are complementary, reinforcing regulatory coherence and avoiding conflicting mandates.

National Control List

Concern:

The draft list includes general nuclear reactors and radiation-related items already regulated by KNRA. This risks duplication and confusion.

Proposal:

- Align ML 17 and ML 19 to exclude general nuclear reactors and radiation sources regulated under Cap 243.
- Limit the list to military or specific strategic goods.
- This preserves KNRA's jurisdiction over civilian nuclear safety while ensuring the Bill focuses on national security-sensitive items.

KNRA supports the Strategic Goods Control Bill as a critical instrument for safeguarding national security. However, the proposed amendments are necessary to clarify jurisdictional boundaries, strengthen inter-agency collaboration, ensure coherence between Cap 243 and the Bill and avoid duplication in regulation of nuclear and radiation-related activities.

Yours ***Sincerely,***



James Keter, EBS
DIRECTOR GENERAL

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Email: info@knra.co.ke Website: www.knra.co.ke

MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION
STATE DEPARTMENT FOR INTERNAL SECURITY AND NATIONAL ADMINISTRATION

SUBMISSIONS ON THE STRATEGIC GOODS CONTROL BILL (NATIONAL ASSEMBLY BILL, NO. 15 OF 2026)

Hon. Chair and Members of the Departmental Committee on Administration and Internal Security, we wish to sincerely thank you for the invitation to participate in this stakeholders' engagement on the Strategic Goods Control Bill, 2026.

The Bill is a product of concerted efforts by the Ministry of Interior and National Administration with the support of other Ministries, State Departments and government institutions, including the Office of the Attorney General. We thank all of them for their valuable contribution in the development of the Bill.

As per the requirements of Article 10 of the Constitution, the Bill was subjected to stakeholders' engagement and public participation. Important ideas were generated during these engagements and incorporated in this Bill.

We wish to thank the Leader of Government Business in the National Assembly together with the Hon. Chair and Members of this Committee for your efforts in progressing the Bill through the legislative process in the National Assembly.

Background

1. Strategic goods are goods, products, hardware, software and technology whose export, import, transit and brokering are controlled, restricted or prohibited due to security reasons, international agreements and foreign policy.
2. They may be classified into in two broad categories, namely Military Goods and Dual-Use Goods.

3. Military Goods are items specifically designed, modified or developed for military purposes. Examples are conventional arms, ammunition and tanks.
4. Dual-Use Goods are commercial goods, software, or technology that have legitimate civilian use but could also be applied to develop and produce weapons harmful to humanity. Examples are drones, computers, sensors and lasers, nuclear materials, navigation systems, explosives and chemicals like ammonium nitrate which can be used to manufacture fertilizers (civilian) and explosives (military).
5. At the international level, several regulatory regimes are in place to control trade and use of strategic goods. Under the United Nations system, although there is no single Control List for strategic goods, the UN Security Council (UNSC) enforces targeted arms embargo and sanctions against specific countries.
6. The UN generally relies on member states to adopt and enforce standards established by multilateral export control regimes. These frameworks outline the specific lists of dual-use and military goods that require permits before trading in or using them.
7. Examples of Multilateral Export Control frameworks include:
   a) **Wassenaar Arrangement** which focuses on conventional arms and dual-use goods and technologies.
   b) **Nuclear Supplies Group (NSG)** which regulates nuclear-related dual-use equipment and materials.
   c) **Australia Group** which controls chemicals and biological agents that could be used in weapons.
   d) **Missile Technology Control Regime (MTCR)** which controls equipment and technology capable of delivering weapons of mass destruction.
8. At the European front, the European Union has its Control List for strategic goods which regulates the export, transit, and transfer of items with both civil and military uses, as well as strictly military equipment. These comprehensive frameworks are updated annually to ensure compliance with global non-proliferation treaties.
9. Kenya's legal regime for regulating the trade and use of strategic goods and technologies has no single National Control List. It is also not anchored in any specific or single statute. Several statutes exist for this purpose. Examples are:

a) **Nuclear Regulatory Act,** Cap 243 of the Laws of Kenya. It regulates the safe, secure and peaceful development, production, possession, use and storage, transport, transfer and disposal or handling of nuclear and radioactive materials.
b) **Pest Control Products Act**, Cap 346 of the Laws of Kenya. It regulates the importation, manufacture, distribution, use and disposal of pest control products.
c) **Prevention of Terrorism Act,** Cap 59B of the Laws of Kenya. It makes it illegal to possess property for use in the commission of terrorist acts.
d) **Environment Management and Coordination Act**, Cap 387 of the Laws of Kenya. It controls the importation and exportation of toxic and hazardous chemicals.
e) **Explosives Act,** Cap 115 of the Laws of Kenya. It governs the manufacture, possession, sale, transportation, importation, and use of explosives.
f) **Firearms Act,** Cap 114 of the Laws of Kenya. It regulates civilian gun ownership, importation, sale, and use.

10. The Strategic Goods Control Bill seeks to establish a single regulatory framework and a National Control List for strategic goods.

Why strategic goods are controlled

11. Strategic goods are controlled to:

a) Safeguard national security.

b) Safeguard regional and international stability.

c) Prevent proliferation of weapons of mass destruction.

d) Prevent conflicts or their escalation.

e) Comply with international instruments that control their use e.g. the Convention of Chemical Weapons and Biological Weapons Convention, which are ratified by Kenya.

f) Comply with United Nations Security Council Resolutions e.g. resolution UNSCR 1540 (2004) on non-proliferation of Weapons of Mass Destruction.

g) Promote human rights by preventing supply of items that could be used for internal repression or torture.

h) Reduce diplomatic friction.

i) Improve national credibility hence making a county attractive for investments.

Salient features of the Strategic Goods Control Bill

12. The purpose of the Bill is to:

a) provide a legal framework for control of strategic goods and technology;

b) provide for the control of trade in strategic goods and technology;

c) prevent the proliferation of nuclear, chemical and biological weapons and the means of their delivery;

d) Provide a National Control List for purposes of trade and use of strategic goods; and

e) Provide the institutional framework for the management of strategic goods.

13. **Part I** is on preliminaries and contains the sort title and definition of several words. Section 4 is on the National Control List on strategic goods. The List is reviewed by the Strategic Goods Control Committee and amended by the Cabinet Secretary for Interior and National Administration. Specific items on the List are in the Schedule to the Bill.

14. **Part II** is on the Strategic Goods Control Committee. This is a Committee of Principal Secretaries of Internal Security, Defence, Finance, ICT, Health and Trade. Other members are the Solicitor General, Inspector-General of the National Police Service, Commissioner-General of the Kenya Revenue Authority, a representative of the Kenya Private Sector Alliance, Kenya National Chamber of Commerce and its Director.

15. Among the major functions of the Committee are to provide oversight of strategic goods control trade, review the National Control List of strategic goods, issue, suspend or revoke a certificate or a licence under the Act.

16. **Part III** is on registration and licensing. A person intending to engage or trade in strategic goods is required to register with the Committee. That person must also hold a valid licence before trading or providing a service for any good listed in the National Control List.

17. The Committee is mandate to suspend or revoke a licence for any transgressions specified in the Act.

18. **Part IV** is on enforcement, offences and penalties.

Justification of the Bill

19. The following are the justification for the Bill:

    a) Kenya lacks a single and effective legal framework for regulating trade and use of strategic goods and technology. This Bill is intended to fill that void.

    b) For more than a decade, there has been concerted national and international efforts aimed at curbing threats posed by chemical, biological, radiological and nuclear materials. The Bill is intended to augment these efforts.

    c) The Bill will ensure that Kenya fulfills its international obligations under several international instruments e.g. the Chemical Weapons Convention, the Biological Weapons Convention and the United Nations Security Council Resolution 1540.

    d) Kenya's strategic position as a regional and transit hub places significant responsibility on the country to ensure that its borders and digital spaces are not exploited for illicit trafficking of sensitive materials. The controls imposed by the Bill will limit their cross-border movement and enhance our reputation as a country which is at the forefront of fighting illicit trade and use of strategic goods.

    e) Past tragedies like the 1998 US Embassy bombing and the 2012 explosion on Moi Avenue, Nairobi are painful reminders of what could happen when dangerous materials fall in wrong hands. Enactment of strong regulatory measures are therefore an imperative.

f) The passage of the Bill will not only reinforce national and regional security but will also improve investor confidence and position Kenya as a leader in strategic goods trade control in the African continent, alongside countries like South Africa and Morocco.

g) The Bill will provide the necessary legal framework for overseeing all stages in the lifecycle of strategic goods from manufacturing and storage to export and trans-shipment and hence ensure their effective regulation.

h) As noted above, Kenya has already laid a legislative foundation for this Bill through such laws as the Nuclear Regulatory Act, the Pest Control Products Act, the Prevention of Terrorism Act, the Environment Management and Coordination Act and the Explosives Act. The Bill is intended to complement and strengthen these existing frameworks, while giving effect to Article 2(6) of the Constitution, which incorporates ratified international treaties into Kenyan law.

Conclusion

20. The Strategic Goods Control Bill is an important initiative in regulating the trade and use of strategic goods to ensure that they benefit humanity. The Ministry will play its rightful role to ensure that they are not used for illegal purposes.

Dr. Raymond Omollo, PhD, CBS
Principal Secretary
Internal Security & National Administration

Economic Benefits of Comprehensive Export Control Systems

CRYSTAL PRYOR, PHD | AUGUST 2025
Center for Policy Research,
The University at Albany (SUNY)

EXECUTIVE SUMMARY

- **Comprehensive export control systems don't hinder trade**—they enable higher-value commerce. Data show they lead to higher trade values in strategic goods.
- **Export controls don't block access to sensitive or dual-use items for developing economies.** Countries with comprehensive export control systems attract more FDI, opening access to advanced technologies.

FINDING 1: COMPREHENSIVE EXPORT CONTROLS INCREASE THE VALUE OF STRATEGIC EXPORTS

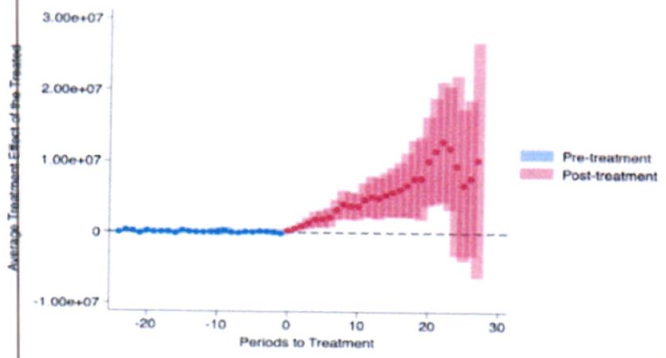


Figure 1. Impact of export controls on strategic export values
Blue = pre-adoption years (baseline, near zero).
Red = post-adoption years (positive, cumulative gains) with uncertainty bars, peaking around year 25.

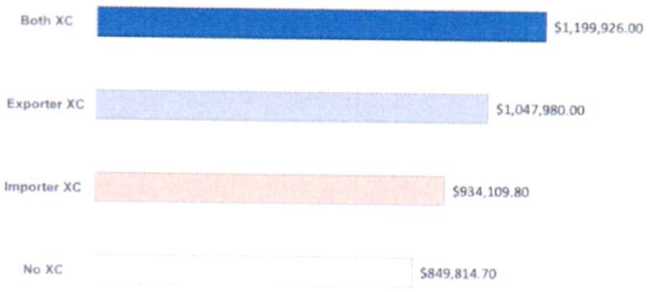


Figure 2. Export values of strategic goods rise with export controls
Based on 24 HS chapters that contain strategic goods; bars show annual bilateral trade values (thousands USD).
When only importer has export controls, **exports are 10% higher** in value. If only the exporter, **23% higher**.
When **both exporter & importer** have export control systems, value of exports is, on average, **41% greater**.

FINDING 2: WHEN COMPREHENSIVE EXPORT CONTROLS ARE PRESENT, FDI INFLOWS ARE HIGHER

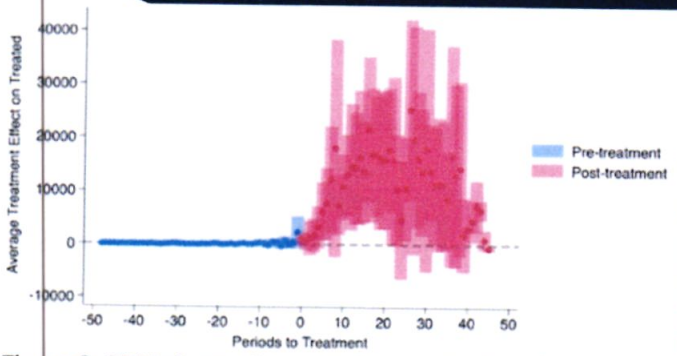


Figure 3. FDI inflows after adopting comprehensive export controls (1995–2023)
Horizontal axis = years since comprehensive export control adoption
Blue = pre- adoption (baseline); **Red** = post-adoption
FDI rises after adoption: modest increases until ~year 7, then greater increases until ~25 years post-adoption.
Points are average treatment effects with 95% confidence intervals from a staggered difference-in-differences event study; early adopters are excluded (e.g., Germany, Japan, United States).

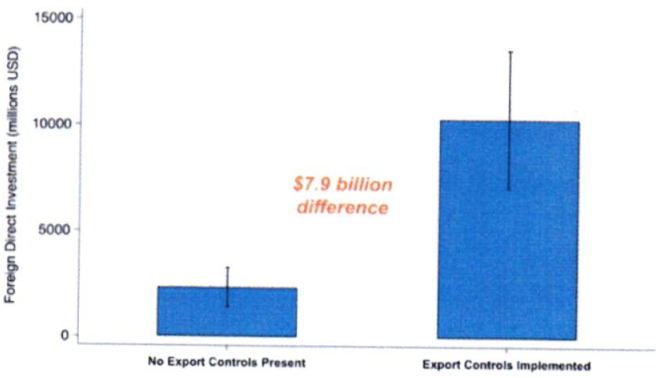


Figure 4. Average impact of comprehensive export controls on FDI (1995–2021)
Countries that adopt comprehensive export control systems receive ~US$7.9B more FDI annually, on average.

THE STRATEGIC GOODS CONTROL BILL NO.15 OF 2026

The National Environment Management Authority (NEMA), is established under the Environmental Management and Co-ordination Act No. 8 of 1999 (EMCA) as the principal instrument of Government for the implementation of all policies relating to environment. EMCA 1999 was enacted against a backdrop of 78 sectoral laws dealing with various components of the environment, the deteriorating state of Kenya's environment, as well as increasing social and economic inequalities, the combined effect of which negatively impacted on the environment. The supreme objective underlying the enactment of EMCA 1999 was to bring harmony in the management of the country's environment.

In a letter ***Ref: NA/DDC/AIS/2026/048,*** dated 11th May 2026, the Departmental Committee on Administration and Internal Security invited the Authority to a stakeholder meeting on The Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026). The Authority hence wishes to provide comments as follows;

1. The Strategic Goods Control Bill, 2026 seeks to establish a comprehensive legal framework for the regulation, control, licensing, movement, handling, importation, exportation, brokering, and enforcement mechanisms relating to strategic goods and related technologies within Kenya.

2. The proposed legislation is generally consistent with the objectives and principles underpinning Kenya's environmental law regime, particularly those established under the Environmental Management and Co-ordination Act.

3. The Bill supports environmental protection objectives by introducing regulatory controls over potentially hazardous, toxic, chemical, biological, and nuclear-related materials whose handling and movement pose environmental and public health risks if left unregulated.

4. The provisions relating to licensing, inspections, compliance monitoring, transportation controls, seizure, forfeiture, and enforcement are broadly compatible with the environmental governance framework established under EMCA and its subsidiary regulations governing hazardous substances, waste management, pollution control, and public safety.

5. Notwithstanding the foregoing, the Bill contains notable gaps in relation to environmental regulation and institutional coordination. In particular, the Bill does not expressly provide for the involvement or participation of the National Environment Management Authority as a mandatory regulatory or consultative body in the implementation of the proposed law.

6. This omission presents a significant legal and administrative concern considering that many strategic goods regulated under the Bill are capable of generating hazardous waste, causing environmental pollution, affecting

ecosystems, and posing substantial risks to human health and the environment. Under EMCA, NEMA remains the principal government institution mandated to exercise general supervision and coordination over all matters relating to the environment.

7. The absence of an express provision requiring consultation with NEMA or representation of NEMA within the proposed Strategic Goods Control Committee risks creating parallel regulatory structures that operate outside the established environmental management framework.

8. Further, the Bill appears silent on the requirement for Environmental Impact Assessment and Audit licensing in respect of projects, facilities, or activities involving strategic goods.

9. Under the Environmental Impact Assessment and Audit Regulations made pursuant to EMCA, activities involving the establishment of chemical plants, hazardous material storage facilities, waste handling facilities, processing plants, transport infrastructure, and other environmentally sensitive undertakings are subject to mandatory Environmental Impact Assessment approval by NEMA prior to commencement.

10. The absence of an express provision preserving the applicability of EMCA and EIA requirements under the proposed legislation may result in institutional conflicts, regulatory overlap, and uncertainty in enforcement. It is therefore necessary for the Bill to expressly provide that no licence or approval issued under the proposed Act shall exempt any person or entity from compliance with environmental laws and licensing requirements under EMCA.

11. The provisions dealing with seizure, detention, forfeiture, and disposal of strategic goods also require further strengthening to ensure conformity with environmental protection standards.

12. While the Bill grants enforcement agencies powers to confiscate and dispose of prohibited or controlled materials, it does not sufficiently provide for environmentally sound disposal procedures, hazardous waste management protocols, environmental remediation obligations, or NEMA supervision during the disposal process.

13. This omission is significant considering that some strategic goods may involve radioactive materials, toxic chemicals, contaminated equipment, biological agents, or industrial substances capable of causing environmental contamination if improperly handled or disposed of. Environmental law principles under EMCA require that hazardous substances and waste be managed, transported, treated, and disposed of in accordance with prescribed environmental standards aimed at preventing pollution and ecological harm.

14. Additionally, although the Bill indirectly advances Kenya's obligations under various international environmental and non-proliferation instruments, it does not expressly incorporate or reference the relevant international conventions to which Kenya is a party. These include the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on Prior Informed Consent of Procedures for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, and the Chemical Weapons Convention. Express incorporation or acknowledgment of these international obligations would strengthen the legal coherence of the Bill and enhance its conformity with Kenya's international environmental commitments.

15. The enforcement powers granted under the Bill, including powers of entry, search, inspection, seizure, detention, and transportation of strategic goods, are lawful and necessary for effective implementation of the proposed regulatory framework. However, the Bill would benefit from the inclusion of safeguards requiring environmental protection measures during enforcement operations, including contamination prevention procedures, emergency response mechanisms, environmental safety protocols, and coordination with environmental authorities where hazardous or toxic materials are involved.

16. In its present form, the Bill is not inconsistent with Kenya's environmental laws. However, it remains incomplete from an environmental governance perspective due to the insufficient integration of EMCA requirements, environmental licensing procedures, hazardous waste management standards, and NEMA oversight mechanisms.

17. The proposed legislation would therefore benefit from amendments expressly providing that all activities undertaken pursuant to the Act remain subject to the Environmental Management and Co-ordination Act and all applicable environmental regulations, including requirements relating to Environmental Impact Assessment, Waste Managemenrt Regulations, hazardous waste disposal, environmental restoration, and environmental compliance monitoring.

18. The proposed Bill also needs to align with the Environmental Management and Co-ordination (Management of Toxic and Hazardous Chemicals and Materials) Regulations, 2024 which expressly deal with Manufacture, Imports, Exports, Registration, Classification, Distribution, Storage, Transportation, Handling and Disposal of Toxic and Hazardous Chemicals and Materials.

KEPSA's SUBMISSION ON THE STRATEGIC GOODS AND CONTROL BILL, 2026

About KEPSA

The Kenya Private Sector Alliance (KEPSA) is the apex body for the private sector in Kenya. KEPSA brings together local and foreign business associations, federations, chambers of commerce, professional bodies that are sectoral umbrella bodies and individual sectoral business membership organizations, corporates, from multinationals to large and medium-sized companies, SMEs, and start- ups from all sectors of the economy, across all parts of the country. This gives KEPSA a reach of over 2 million businesses directly and indirectly. KEPSA also serves as the national focal point of the East Africa Business Council (EABC), the umbrella body of businesses in East Africa. It hosts the International Chamber of Commerce (ICC) Kenya Chapter, a member of the ICC with a reach of over 45 million businesses globally.

KEPSA coordinates businesses to speak with one voice and engage local and foreign governments, development partners, and other stakeholders on cross-cutting policies, laws, and regulations for private sector development. It allows sectoral business organizations to engage in sectoral issues.

Additionally, KEPSA runs projects for the private sector and the country's socioeconomic development, such as youth and jobs and climate change initiatives. It does this by being the focal point for all stakeholders to reach businesses in a coordinated manner. Through the projects, KEPSA supports business development with opportunities for training and capacity building, networking, financial linkages, mentorships and coaching, access to markets, value chain enhancement, and investment opportunities with partners worldwide.

Its social arm, KEPSA Foundation's, mandate is to strengthen socio-economic transformation by engaging private sector members in social projects, ensuring its expertise and resources are utilized for impactful interventions in the community and with stakeholders.

The Foundation coordinates businesses' engagement with the government, development partners, and other stakeholders on social issues that address the environment and vulnerable communities as well as issues of governance under the five priority areas, namely: Fostering Governance and National Value System; Empowerment of Women, Youth, Persons with Disabilities & Childcare; Community Climate Action and Sustainability; Community Outreach and Partnerships; and Knowledge Institute and Think Tank.

As a result, the below recommendations were collated from KEPSA members and presented as follows:

1. Clause on Regulation of Strategic Goods

- **Bill Content**: Defines "strategic goods" (chemicals, biological agents, sensitive software, dual-use items).
- **KEPSA Position**: Supports regulation to prevent misuse for WMDs, but insists on clarity to reassure investors.
- **Alignment**: KEPSA wants this clause to emphasize predictability and transparency so businesses feel secure.

2. Clause on International Obligations

- **Bill Content**: Requires Kenya to comply with UN Security Council Resolution 1540 and treaties (CWC, BWC, NPT).
- **KEPSA Position**: Full harmonization with international frameworks.
- **Alignment**: KEPSA urges the Bill to explicitly reference treaty obligations to avoid gaps that could harm Kenya's global standing.

3. Clause on Licensing System

- **Bill Content**: Establishes licensing for import, export, transit, and brokering of strategic goods.
- **KEPSA Position:**
    - Streamlined, digital-first licensing
    - Transparent and efficient processes
- **Alignment**: KEPSA advocates for the clause to reduce bureaucracy and encourage compliance, especially for SMEs.

4. Clause on Digital Transfers

- **Bill Content**: Covers intangible transfers (software, technical data, cyber tools).
- **KEPSA Position**: Explicit regulation of digital goods to prevent cyber proliferation.
- **Alignment**: KEPSA recommends the Bill spell out digital oversight mechanisms – not just physical goods.

5. Clause on Penalties & Enforcement

- **Bill Content**: Provides sanctions for violations (fines, imprisonment, license revocation).
- **KEPSA Position**: Penalties should be proportionate – deterrent but not overly punitive.
- **Alignment**: KEPSA wants this clause to balance deterrence with business continuity, avoiding discouragement of legitimate trade.

6. Clause on Public Private Collaboration

- **Bill Content:** May establish government oversight bodies or committees.
- KEPSA Position:
    - Continuous stakeholder consultation
    - PPPs for training and compliance
    - Awareness campaigns for SMEs
- **Alignment:** KEPSA advocates for the Bill to institutionalize private sector involvement in compliance and risk management.

7. Clause on Capacity Building

- **Bill Content:** Provides for education, training, and awareness.
- **KEPSA Position:** Joint training programs to help SMEs comply with complex rules.
- **Alignment:** KEPSA advocates for this clause to mandate PPP-led training and awareness campaigns.

Key Clauses & KEPSA Positions

1. Trade Facilitation & Investor Confidence

- Clause: Regulation of strategic goods (chemicals, biological agents, sensitive software).
- KEPSA Position: Supports regulation to prevent misuse for weapons of mass destruction.
- *"KEPSA acknowledges the need to regulate strategic goods... to prevent misuse for weapons of mass destruction."*

2. **Alignment with International Obligations**

- Clause: Incorporation of Kenya's treaty commitments.
- KEPSA Position: Harmonize the Bill with:
    - UN Security Council Resolution 1540
    - Chemical Weapons Convention
    - Biological Weapons Convention
    - Nuclear Non-Proliferation Treaty
- Rationale: Ensures Kenya meets global obligations and avoids international trade restrictions.
  "KEPSA supports domestication of commitments to prevent proliferation of WMDs."

3. Licensing & Enforcement

- Clause: Establishment of a licensing system for importers, exporters, and brokers.

- KEPSA Position:
    - Transparent, efficient, digital-first licensing regime
    - Regulation of digital transfers of sensitive software/data
    - Balanced penalties (deterrence without discouraging legitimate trade)
- Rationale: Encourages compliance, reduces bureaucracy, and addresses cyber proliferation risks.
  "KEPSA recommends a transparent, efficient licensing regime... cautions against overly punitive measures."

4. Public-Private Collaboration

- Clause: Industry engagement in implementation.
- KEPSA Position:
    - Continuous consultation with stakeholders
    - Public-Private Partnerships (PPP) for training and compliance
    - Awareness campaigns for SMEs handling dual-use goods
- Rationale: Builds capacity, ensures SMEs understand obligations, and strengthens compliance culture.
  "KEPSA calls for continuous consultation with industry players to refine the Bill."

Conclusion

KEPSA's submission argues for a balanced approach:

- Strong controls to meet Kenya's security and treaty obligations
- Business-friendly mechanisms to protect legitimate trade
- Positioning the private sector as a partner in compliance and competitiveness

This means the Bill should not only safeguard against proliferation risks but also enhance Kenya's attractiveness to investors in sensitive industries.

Thank you for your consideration and continued collaboration.

	KEPSA MEMBERS
	Business Associations
No.	Organization
1	Agriculture Sector Network
2	Agricultural Employers
3	Agrochemicals Association of Kenya
4	Amahoro Coalition
5	Association of Consulting Engineers of Kenya
6	Association of Gaming Operators of Kenya
7	Association of Kenya insurers
8	Association of Women in Energy and Extractives
9	British Business Association of Kenya
10	Business Processing Outsourcing Association of Kenya
11	Car Importers Association of Kenya
12	Chartered Institute of Arbitrators
13	Commercial Club of Africa
14	Delegation of German Industry and Commerce of Kenya
15	East Africa Venture Capital Association
16	East African Tea Trade
17	Electricity Sector Association of Kenya
18	Environment Institute of Kenya
19	Federation of Kenya Employers
20	Geothermal Association of Kenya
21	Institute of Certified Public Accountants
22	Institution of Engineers of Kenya
23	Institution of Surveyors of Kenya
24	Kenya Association of Air Operators
25	Kenya association of international school
26	Kenya Association of Manufacturers
27	Kenya Association of Pharmaceutical Industry
28	Kenya Association of Women in Tourism
29	Kenya Bankers Association
30	Kenya Flower Council
31	Kenya Forex & Remittance Association
32	Kenya Green Building Society
33	Kenya Healthcare Federation
34	Kenya Institute of Supplies Management
35	Kenya International Freight Forwarders

36	Kenya Oil and Gas Association
37	Kenya Private Schools Association
38	Kenya Property Developers Association of Kenya
39	Kenya Renewable Energy Association
40	Kenya Ships Agent Association
41	Kenya Tea Growers Association
42	Kenya Tourism Federation
43	Kenya Transporters Association
44	Leasing Association of Kenya
45	Macnut Association of Kenya
46	Marketing Society of Kenya
47	National Association of Public Universities in Kenya
48	Packaging producer Responsibility Organization
49	Pharmaceutical Society of Kenya
50	Protective Security Association
51	Retail Trade Association of Kenya
52	Roads and Civil Engineering Contractors Association
53	Rural Private Hospitals Association of Kenya
54	Safaricom Dealers Association
55	Shippers Council of Eastern Africa
56	Technology Service Providers of Kenya
57	The Architectural Association of Kenya
58	The Institute of Human Resource Management
59	The Law Society of Kenya
60	United Business Association
	Corporates
1	Adeoli Limited
2	Adept Technologies
3	Africa Digital Media Institute Limited
4	Africa Practice East Africa Limited
5	Agema Analysts Limited
6	AGL Kenya Limited
7	Airtel Networks Kenya Limited
8	Alfajiri Healthcare Limited
9	AMG Realtors Limited
10	Apec Consortium Limited
11	Ascend Energy Africa
12	AscendEdge Capital Limited
13	Associated Battery Manufacturers
14	ATC Kenya Operations Limited
15	Athousand Ships Limited
16	B Braun Medical Kenya Limited
17	Bamburi Cement

18	Bank of Africa
19	Base Titanium Limited
20	Bata Shoe Company PLC
21	Bayer East Africa Limited
22	Bedi Investments Limited
23	Benchmark Distributors Limited
24	Betterlyt Investment Company Limited
25	Bidco Africa Limited
26	Billy Naturals Flavours limited
27	Biz Baz Events Limited
28	Biztimam Ventures Limited
29	Bluesky Films EPZ
30	BM Musau & Co Advocates llp
31	BOC Kenya PLC
32	Boreka Group Foundation
33	Bowmans Coulson Harney llp
34	Boya Limited
35	Brainverse Technologies Limited
36	Brees Bee Limited
37	Bright Vision Media Limited
38	British American Tobacco
39	Brookside Dairy Limited
40	Burn Manufacturing USA LLC
41	Burton and Bamber Co. Limited
42	Canto Systems Limited
43	Carepay Limited
44	Centum Investment Company Plc
45	Cerberrus Limited
46	Chloride Exide Limited
47	CITI Bank NA
48	CKL Africa Limited
49	Climate Link Kenya Limited
50	Cloudpay Limited
51	CM Advocates LLP
52	Coca Cola Beverages Kenya Limited
53	Coca-Cola Eastern and Central Africa
54	CPF Financial Services Limited
55	Crown Solutions Limited
56	Davis and Shirtliff Limited
57	De Heus animal Nutrition Limited
58	Del Monte Kenya Limited
59	Deloitte and Touche LLP
60	Devpartner - DevGlobal DevAfrique
61	DHL Worldwide Express Limited

62	Dorion Associates
63	Dow Chemical East Africa Limited
64	Down To Earth Technologies
65	Eabx Public Limited Company
66	Earthlungs Reforestration Foundation
67	East Africa Breweries Limited
68	Ebis (K) Limited
69	Ecart Services Limited
70	EIDU Education Limited
71	Elgon Kenya Limited
72	Elimu Host Limited
73	Emobilis Technology Academy
74	English Press Limited
75	Equity Bank Limited
76	Essart Limited
77	Esselle Group
78	Expertise Global Consulting Limited
79	Farm Africa
80	Farwell Innovations Limited
81	Fastline Express Services Limited
82	Fie Consult LLP
83	Flamingo Horticulture Limited
84	Fourth Generation Capital Limited
85	Frametech Equipment Limited
86	Free Drop Limited
87	Freight Forwarders
88	Freight Soko Limited
89	Freightway Global Solutions
90	Fulfillment Resources centre
91	G4S Kenya Limited
92	Genesis Analytics
93	Gennis Consulting
94	Gertrudes Childrens Hospital
95	Gizmo Ventures Limited
96	Glacier Products Limited
97	Globeleq Kenya Limited
98	Good Testimony Junior School
99	Google Kenya Limited
100	Green Fusion Limited
101	Hasbah Kenya Limited
102	Hays Corporate Advisory llp
103	Healthy U Two Thousand
104	Heva Fund llp
105	Hospitality Systems Consultants Limited

106	Hostpinnacle Cloud Limited
107	Huawei Technologies Kenya Company
108	IBM East Africa Limited
109	Ideal Appliances Limited
110	Ikapa Media Limited
111	Institute of Public Finance
112	Inventure Mobile Limited
113	Ipsos Limited
114	Iristel Kenya Limited
115	Isuzu East Africa Limited
116	Jambojet Limited
117	Jamii Telecommunications Limited
118	John Daniel and Partners llp, CPAs
119	Joyblossoms Merchants
120	Kaleidoscope Consultants Limited
121	Kamcan Properties Limited
122	KCB Bank
123	Kenya Bixa Limited
124	Kenya Commerce Exchange Services
125	Kenya Tea Packers Limited
126	Kenya Wine Agencies Limited
127	Kimjab Company Limited
128	Kiptiness & Odhiambo Associates
129	KoaSave Africa Limited
130	Koko Networks Limited
131	Konza Technopolis Development
132	KPMG Advisory Limited
133	Lake Turkana Wind Power (LTWP)
134	Langues Des Champions
135	Learnly
136	Liaison Group
137	Light for the world
138	Lineplast Group Limited
139	Lizaya Training Company Limited
140	Lukenya Schools
141	Lupat Cleaning Services Limited
142	Mabati Rolling Mills
143	Maersk Kenya Limited
144	Mambo Pambo Ventures Limited
145	Mars Wringley Confectionery
146	Marubeni Corporation
147	Medlink Labs and Surgicals Limited
148	Meta Platforms
149	Microsoft East Africa Limited

150	Mind Intelligence Limited
151	MLO Kwanza
152	Montgomery Events East Africa Limited
153	Moringa School Limited
154	Motivate Limited
155	MTN Business (Kenya) Limited
156	Musty Distributors Limited
157	Mwakawa Investments Limited
158	Nairobi Securities Exchange plc
159	Namiri Technology Limited
160	NCBA Kenya Plc
161	Nedbank Limited
162	Niobi Kenya Limited
163	Nitram Accountants Africa llp
164	Njogu and Associates Advocates LLP
165	Njogu Associates
166	Novotel Nairobi Westlands
167	Nulands Limited
168	Oakar Services Limited
169	OBG Company Limited
170	OCP Kenya Limited
171	OCS(Ojiambo Consulting Services
172	Ogilvy Limited
173	Ola Energy Kenya Limited
174	One Acre Fund
175	Optiven Enterprises Limited
176	Osho Chemicals Limited
177	Osprey Renewables East Africa Limited
178	Pan African Entrepreneurs Services
179	Pankaj Foundation
180	Polucon Services Limited
181	Pricewaterhousecoopers Limited
182	Prideinn Paradise Beach Resort
183	PTG Travels Limited
184	Q-Sourcing Limited
185	Quickmart Kenya Limited
186	Quintec Africa Limited
187	Rentco Africa Limited
188	Ridewell Technology Africa Limited
189	Risk solutions insurance brokers Limited
190	Rizy Link Safaris Limited
191	Ronalds llp
192	Roofings Kenya Limited
193	Royal Floraholland Kenya

194	RSM Eastern Africa Consulting Limited
195	Saabiq Logistics Limited
196	Safari Trail Limited
197	Safaricom plc
198	SAP East Africa Limited
199	Sarova Hotels
200	Sayani Investments Limited
201	Senaca East Africa Limited
202	Sensei Institute of Technology Limited
203	SGS Kenya Limited
204	Shartlon Security and Private Investigation
205	Sheth Naturals
206	Smart Application International Limited
207	Sowitec Kenya Limited
208	Standard Chartered Bank Kenya Limited
209	STIHL East Africa Limited
210	Studio Kisero Limited
211	Sub-Sahara Pouch Company Limited
212	Sunculture Kenya Limited
213	Suni Smart Energy Limited
214	Tano Digital Kenya Limited
215	Tata Chemicals Magadi Limited
216	Tech Innovators Network Think Tank Limited
217	Telesky Limited
218	Tetra Pak Limited
219	Tetranet Services Limited
220	The Riara Group of Schools
221	Therapeutic Hands Management
222	Thrive Agric Distribution and Logistics Limited
223	Tiffa Research Limited
224	TikTok Pte
225	Tilisi Developments Plc
226	Torrent East Africa Limited
227	Tradco Service Limited
228	Tread Ville Co Limited
229	Trinity Energy Limited
230	Tullow Kenya BV
231	Tuwe Bora Limited
232	Twiga Chemical Industries Limited
233	Uber Kenya Limited
234	Umsizi llp
235	Valuemax Consulting Limited
236	Victory Farms Limited
237	Viva Africa Consult

238	Vivo Energy Kenya Limited
239	Wamalwa and Associates Consultants Limited
240	Watu Credit
241	Wells Fargo Limited
242	Western Seed Company Limited
243	Yona Classic Media Limited
244	Zawadi Brand Solutions
245	Zenka Digital Limited
246	Zuri Planet Africa Project Limited

SUBMISSIONS ON STRATEGIC GOODS CONTROL BILL, 2026

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
1.	**Section 2 Interpretation** **"Brokering"**	"Brokering" means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country.	"Brokering" means **the negotiation or arrangement of transactions**, or the selling or buying of strategic goods that are located in a foreign country for their transfer to another foreign country.	To ensure that intermediary activities, including the negotiation, arrangement and facilitation of transactions involving strategic goods. This closes potential regulatory gaps where a person may facilitate a transfer without directly buying or selling the goods.
2.	**"End User"**	"End-user" means a person who is the owner of a strategic good.	"End-user" means a person **who takes final possession of the** strategic good **or technology, for their intended use, operation or deployment.**	To clarify that strategic trade control focus on the ultimate recipient and intended use of a strategic good or technology rather than legal ownership alone. The amendment strengthens end-user verification, end-use controls and post-shipment monitoring by capturing persons who ultimately possess, operate, deploy or utilise the controlled item.

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
3.	**Objects and Purpose Clause**	N.A (**New Section**)	**The objects of this Act are to -** **(a) protect the national security interests of Kenya;** **(b) prevent the proliferation of weapons of mass destruction, their means of delivery, and related materials;** **(c) regulate strategic trade in goods, technology and related services;** **(d) facilitate compliance with Kenya's international obligations relating to non-proliferation, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;** **(e) promote inter-agency coordination, information sharing, risk management**	To establish the overarching purpose and policy objectives of the Act, provide guidance for interpretation and implementation, strengthen legal certainty, and align Kenya's strategic trade control framework with international non-proliferation and national security obligations while facilitating legitimate trade.

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
			and regulatory harmonization; **(f) strengthen oversight of strategic goods and strategic trade activities; and** **(g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers.**	
4.	**Section 7** **"Secretariat"**	7(1) There shall be a Secretariat of the Committee which shall consist of such public officers as may be seconded to the Secretariat.	*Insert new sub-section immediately after subsection 7(1) ...* **(1A) Public officers assigned to the Secretariat shall possess qualifications, skills and experience relevant to the functions of the Secretariat.**	To ensure that the Secretariat is staffed by appropriately qualified personnel possessing the technical, legal, regulatory, scientific, security and administrative expertise necessary for the effective implementation of the Act and the discharge of its functions
5.	**Section 8** **"Director"**	Director Qualifications	No person shall qualify for appointment under subsection 1 unless such person; (a) has at least a degree in either,	To establish minimum qualifications for the Director of the Secretariat and ensure effective leadership, technical competence and institutional

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
			law, biological sciences, physical science, nuclear science, engineering, information, communication and technology, national security, social sciences, or any other field relevant to functions of the Secretariat; (b) has at least ten years' professional experience in a field related to strategic trade controls, export controls, non-proliferation regimes, customs enforcement, licensing, compliance monitoring, investigations,	capacity in the implementation of the Act.

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
			border security or related regulatory functions, four of which at senior management.	
6.	**Section 12 Marginal Note** **"End-use control"**	**"End-use Control"**	End-use **and End-user** Control**s**	To align the marginal note with the substantive provisions of the section and expressly recognize that strategic trade controls apply to both the intended use of a strategic good and the person, entity or organization that ultimately receives, possesses, operates or deploys it.
7.	**Section 12 (1) "End-use control"**	12(1) The Committee shall impose end-use controls on a strategic good specified in the National Control List	12(1) The Committee shall impose **end-user and end-use controls** on a strategic good specified in the National Control List.	Strengthen strategic trade controls by ensuring that controls apply not only to the intended use (END-USE) of a strategic good but also to the person (END-USER), entity or organization that ultimately receives, possesses, operates or deploys the item.
8.	**Section 13 (Marginal Note Only)**	Shipment of goods specified in the	**Shipment of Strategic goods**	To broaden the scope of the provision to cover all strategic goods subject to control under

S/NO.	SECTION OF THE SGC BILL, 2025	SGC BILL, 2026 (CURRENT)	PROPOSED	RATIONALE/ JUSTIFICATION
		National Control List.		the Act, including goods controlled pursuant to end-user and catch-all control measures.
9.	**Section 14(4)** **Licensing**	**Delete** **14(4)** No person, other than a national security organ, shall engage in strategic trade for military applications.	**Insert:** **(4) No person shall engage in strategic trade involving military end-use except—** **(a) a national security organ acting in accordance with applicable law; or** **(b) a person authorized under a license issued under this Act and subject to such conditions as may be prescribed.**	To facilitate legitimate military end-use transactions while ensuring that such activities remain subject to licensing, end-user verification, risk assessment and national security safeguards under the Act
10.	**National Control List**	**Missing Category 7 (Navigation and Avionics)**	**Insert** Category 7 Navigation and Avionics (***Attached***)	To address an omission in the National Control List and ensure comprehensive control of navigation, guidance, positioning, flight control and avionics systems that may have strategic, military or dual-use applications, in line with internationally recognized strategic trade control lists.

CATEGORY 7: NAVIGATION AND AVIONICS

7A Systems, Equipment and Components

7A001

Accelerometers as follows and specially designed components therefor:

1. Linear accelerometers having any of the following:
    a. Specified to function at linear acceleration levels less than or equal to 15 g and having any of the following:
        i. A "bias" "stability" of less (better) than 130 micro g with respect to a fixed calibration value over a period of one year; or
        ii. A "scale factor" "stability" of less (better) than 130 ppm with respect to a fixed calibration value over a period of one year;
    b. Specified to function at linear acceleration levels exceeding 15 g but less than or equal to 100 g and having all of the following:
        i. A "bias" "repeatability" of less (better) than 1,250 micro g over a period of one year; and
        ii. A "scale factor" "repeatability" of less (better) than 1,250 ppm over a period of one year; or
    c. Designed for use in inertial navigation or guidance systems and specified to function at linear acceleration levels exceeding 100 g;
2. Angular or rotational accelerometers, specified to function at linear acceleration levels exceeding 100 g.

7A002

Gyros or angular rate sensors, having any of the following and specially designed components therefor:

1. Specified to function at linear acceleration levels less than or equal to 100 g and having any of the following:
    a. An angular rate range of less than 500 degrees per second and having any

of the following:

i. A "bias" "stability" of less (better) than 0.5 degree per hour, when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value; or

ii. An "angle random walk" of less (better) than or equal to 0.0035 degree per square root hour; or

b. An angular rate range greater than or equal to 500 degrees per second and having any of the following:

i. A "bias" "stability" of less (better) than 4 degrees per hour, when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value; or

ii. An "angle random walk" of less (better) than or equal to 0.1 degree per square root hour; or

2. Specified to function at linear acceleration levels exceeding 100 g.

7A003

'Inertial measurement equipment or systems', having any of the following:

1. Designed for "aircraft", land vehicles or vessels, providing position without the use of 'positional aiding references', and having any of the following "accuracies" subsequent to normal alignment

a. 0.8 nautical miles per hour (nm/hr) "Circular Error Probable" ("CEP") rate or less (better);

b. 0.5 % distanced travelled "CEP" or less (better); or

c. Total drift of 1 nautical mile "CEP" or less (better) in a 24 hr period;

2. Designed for "aircraft", land vehicles or vessels, with an embedded 'positional aiding reference' and providing position after loss of all 'positional aiding references' for a period of up to 4 minutes, having an "accuracy" of less (better) than 10 meters "CEP";

3. Designed for "aircraft", land vehicles or vessels, providing heading or True North

determination and having any of the following:

a. A maximum operating angular rate less (lower) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.07 deg sec(Lat) (equivalent to 6 arc minutes rms at 45 degrees latitude); or

b. A maximum operating angular rate equal to or greater (higher) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.2 deg sec(Lat) (equivalent to 17 arc minutes rms at 45 degrees latitude); or

4. Providing acceleration measurements or angular rate measurements, in more than one dimension, and having any of the following:

a. Performance specified in 7A001 or 7A002 along any axis, without the use of any aiding references; or

b. Being "space-qualified" and providing angular rate measurements having an "angle random walk" along any axis of less (better) than or equal to 0,1 degrees per square root hour.

7A004

'Star trackers' and components therefor, as follows:

1. 'Star trackers' with a specified azimuth "accuracy" of equal to or less (better) than 20 seconds of arc throughout the specified lifetime of the equipment;

2. Components specially designed for equipment specified in 7A004.a. as follows:

a. Optical heads or baffles;

b. Data processing units.

7A005

"Satellite navigation system" receiving equipment having any of the following and specially designed components therefor

1. Employing a decryption algorithm specially designed

or modified for government use to access the ranging code for position and time; or

2. Employing 'adaptive antenna systems'.

7A006

Airborne altimeters operating at frequencies other than 4.2 to 4.4 GHz inclusive and having any of the following:

1. 'Power management'; or
2. Using phase shift key modulation.

7A008

Underwater sonar navigation systems using doppler velocity or correlation velocity logs integrated with a heading source and having a positioning "accuracy" of equal to or less (better) than 3% of distance travelled "Circular Error Probable" ("CEP") and specially designed components therefor.

7A101

Linear accelerometers, other than those specified in 7A001, designed for use in inertial navigation systems or in guidance systems of all types, usable in 'missiles', having all of the following characteristics, and specially designed components therefor:

1. A "bias" "repeatability" of less (better) than 1,250 micro g; and
2. A "scale factor" "repeatability" of less (better) than 1,250 ppm.

7A102

All types of gyros, other than those specified in 7A002, usable in 'missiles', with a rated "drift rate" 'stability' of less than 0.5° (1 sigma or rms) per hour in a 1 g environment and specially designed components therefor.

7A103

Instrumentation, navigation equipment and systems, other than those specified in 7A003, as follows; and specially designed components therefor:

1. 'Inertial measurement equipment or systems', using accelerometers or gyros as follows:
    a. Accelerometers specified in 7A001.a.3., 7A001.b. or 7A101 or gyros specified in 7A002 or 7A102; or
    b. Accelerometers specified in 7A001.a.1. or 7A001.a.2., designed for use in inertial navigation systems or in guidance systems of all types, and usable in 'missiles';
2. Integrated flight instrument systems which include gyrostabilizers or automatic pilots, designed or modified for use in 'missiles';
3. 'Integrated navigation systems', designed or modified for 'missiles' and capable of providing a navigational accuracy of 200 m "CEP" or less;
4. Three axis magnetic heading sensors, designed or modified to be integrated with flight control and navigation systems, other than those specified in 6A006, having all of the following characteristics, and specially designed components therefor:
    a. Internal tilt compensation in pitch (± 90 degrees) and roll (± 180 degrees) axes; and
    b. Azimuthal accuracy better (less) than 0.5 degrees rms at latitude of ± 80 degrees, reference to local magnetic field.

7A104

Gyro-astro compasses and other devices, other than those specified in 7A004, which derive position or orientation by means of automatically tracking celestial bodies or satellites and specially designed components therefor.

7A105

Receiving equipment for „navigation satellite systems', other than those specified in 7A005, having any of the following characteristics, and specially designed components therefor:

1. Designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or unmanned aerial vehicles specified in 9A012 or 9A112.a.; or
2. Designed or modified for airborne applications and having any of the following:
    a. Capable of providing navigation information at speeds in excess of 600 m/s;
    b. Employing decryption, designed or modified for military or governmental services, to gain access to a 'navigation satellite system' secured signal/data; or
    c. Being specially designed to employ anti-jam features (e.g. null steering antenna or electronically steerable antenna) to function in an environment of active or passive countermeasures.

7A106

Altimeters, other than those specified in 7A006, of radar or laser radar type, designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.

7A115

Passive sensors for determining bearing to specific electromagnetic source (direction finding equipment) or terrain characteristics designed or modified for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.

7A116

Flight control systems and servo valves, as follows; designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or "missiles":

1. Pneumatic, hydraulic, mechanical, electro-optical, or electro-mechanical flight control systems (including fly-by-wire and fly-by-light systems);
2. Attitude control equipment;
3. Flight control servo valves designed or modified for the systems specified in 7A116.a. or 7A116.b., and designed or modified to operate in a vibration environment greater than 10 g rms between 20 Hz and 2 kHz.

7A117

"Guidance sets", usable in "missiles" capable of achieving system accuracy of 3.33% or less of the range (e.g., a 'Circle of Equal Probability' of 10 km or less at a range of 300 km).

7B Test, Inspection and Production Equipment

7B001

Test, calibration or alignment equipment, specially designed for equipment specified in 7A.

7B002

Equipment specially designed to characterize mirrors for ring "laser" gyros, as follows:

1. Scatterometers having a measurement "accuracy" of 10 ppm or less (better);
2. Profilometers having a measurement "accuracy" of 0.5 nm (5 angstrom) or less (better).

7B003

Equipment specially designed for the "production" of equipment specified in 7A.

7B102

Reflectometers specially designed to characterize mirrors, for "laser" gyros, having a measurement accuracy of 50 ppm or less (better).

7B103

"Production facilities" and "production equipment" as follows:

1. "Production facilities" specially designed for equipment specified in 7A117;
2. "Production equipment", and other test, calibration and alignment equipment, other than that specified in 7B001 to 7B003, designed or modified to be used with equipment specified in 7A.

7C Materials

None.

7D Software

7D001

"Software" specially designed or modified for the "development" or "production"of equipment specified in 7A or 7B.

7D002

"Source code" for the operation or maintenance of any inertial navigation equipment, including inertial equipment not specified in 7A003 or 7A004, or Attitude and Heading Reference Systems ('AHRS').

7D003

Other "software" as follows:

1. "Software" specially designed or modified to improve the operational performance

or reduce the navigational error of systems to the levels specified in 7A003, 7A004 or 7A008;

2. "Source code" for hybrid integrated systems which improves the operational performance or reduces the navigational error of systems to the level specified in 7A003 or 7A008 by continuously combining heading data with any of the following:

    a. Doppler radar or sonar velocity data;

    b. "Satellite navigation system" reference data; or

    c. Data from "Data-Based Referenced Navigation" ("DBRN") systems;

3. Computer-Aided-Design (CAD) "software" specially designed for the "development" of "active flight control systems", helicopter multi-axis fly-by-wire or fly-by-light controllers or helicopter "circulation controlled anti-torque or circulation-controlled direction control systems", whose "technology" is specified in 7E004.b.1., 7E004.b.3. to 7E004.b.5., 7E004.b.7., 7E004.b.8., 7E004.c.1. or 7E004.c.2.

7D004

"Source code" incorporating "development" "technology" specified in 7E004.a.2, 7E004.a.3., 7E004.a.5., 7E004.a.6. or 7E004.b., for any of the following:

1. Digital flight management systems for "total control of flight";
2. Integrated propulsion and flight control systems;
3. "Fly-by-wire systems" or "fly-by-light systems";
4. Fault-tolerant or self-reconfiguring "active flight control systems";
5. Air data systems based on surface static data; or
6. Three dimensional displays.

7D005

"Software" specially designed to decrypt "satellite navigation system" ranging code designed for government use.

7D101

"Software" specially designed or modified for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115, 7A116.a., 7A116.b., 7B001, 7B002, 7B003, 7B102 or 7B103.

7D102

Integration "software" as follows:

1. Integration "software" for the equipment specified in 7A103.b.;
2. Integration "software" specially designed for the equipment specified in 7A003 or 7A103.a.
3. Integration "software" designed or modified for the equipment specified in 7A103.c.

7D103

"Software" specially designed for modelling or simulation of the "guidance sets" specified in 7A117 or for their design integration with the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.7D104 "Software" specially designed or modified for the operation or maintenance of "guidance sets" specified in 7A117.

7E Technology

7E001

"Technology" according to the General Technology Note for the "development" of equipment or "software", specified in 7A, 7B, 7D001, 7D002, 7D003, 7D005 and 7D101 to 7D103.

7E002

"Technology" according to the General Technology Note for the "production" of equipment specified in 7A or 7B.

7E003

"Technology" according to the General Technology Note for the repair, refurbishing or overhaul of equipment specified in 7A001 to 7A004.

7E004

Other "technology" as follows:

1. "Technology" for the "development" or "production" of any of the following:
    a. Air data systems based on surface static data only, i.e., which dispense with conventional air data probes;
    b. Three dimensional displays for "aircraft";
    c. Electric actuators (i.e., electromechanical, electro-hydrostatic and integrated actuator package) specially designed for 'primary flight control';
    d. 'Flight control optical sensor array' specially designed for implementing "active flight control systems"; or
    e. "DBRN" systems designed to navigate underwater, using sonar or gravity databases, that provide a positioning "accuracy" equal to or less (better) than 0,4 nautical miles;
2. "Development" "technology", as follows, for "active flight control systems" (including "fly-by- wire systems" or "fly-by-light systems"):
    a. Photonic-based "technology" for sensing "aircraft" or flight control component state, transferring flight control data, or commanding actuator movement, "required" for "fly- by-light systems" "active flight control systems";
    b. Real-time algorithms to analyze component sensor information to predict and preemptively mitigate impending degradation and failures of

components within an "active flight control system";

c. Real-time algorithms to identify component failures and reconfigure force and moment controls to mitigate "active flight control system" degradations and failures;

d. Integration of digital flight control, navigation and propulsion control data, into a digital flight management system for "total control of flight";

    i. "Technology" for integration of digital flight control, navigation and propulsion control data, into a digital flight management system for 'flight path optimization';

    ii. "Technology" for "aircraft" flight instrument systems integrated solely for VOR, DME, lLS or MLS navigation or approaches;

e. "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" having all of the following:

    i. 'Inner-loop' airframe stability controls requiring loop closure rates of 40 Hz or greater; and

    ii. Having any of the following:

        1. Corrects an aerodynamically unstable airframe, measured at any point in the design flight envelope, that would lose recoverable control if not corrected within 0,5 seconds;

        2. Couples controls in two or more axes while compensating for 'abnormal changes in aircraft state';

        3. Performs the functions specified in 7E004.b.5.; or

        4. Enables "aircraft" to have stable controlled flight, other than during take- off or landing, at greater than 18 degrees angle of attack, 15 degrees side slip, 15 degrees/second pitch or yaw rate, or 90 degrees/second roll rate;

f. "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" to achieve all of the following

    i. No loss of control of the "aircraft" in the event of a consecutive sequence of any two individual faults within the "fly-by-wire

system"; and

ii. Probability of loss of control of the "aircraft" being less (better) than 1 x 10-9 failures per flight hour;

3. "Technology" for the "development" of helicopter systems, as follows:

a. Multi-axis fly-by-wire or fly-by-light controllers, which combine the functions of at least two of the following into one controlling element:

i. Collective controls;

ii. Cyclic controls;

iii. Yaw controls;

b. "Circulation-controlled anti-torque or circulation-controlled direction control systems";

c. Rotor blades incorporating 'variable geometry airfoils', for use in systems using individual blade control.

7E101

"Technology" according to the General Technology Note for the "use" of equipment specified in 7A001 to 7A006, 7A101 to 7A106, 7A115 to 7A117, 7B001, 7B002, 7B003, 7B102, 7B103, 7D101 to 7D103.

7E102

"Technology" for protection of avionics and electrical subsystems against ectromagnetic pulse (EMP) and electromagnetic interference (EMI) hazards, from external sources, as follows:

1. Design "technology" for shielding systems;
2. Design "technology" for the configuration of hardened electrical circuits and subsystems;
3. Design "technology" for the determination of hardening criteria of 7E102.a. and 7E102.b.

7E104

"Technology" for the integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.