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Report

on

Progress Made in Fulfilling

the

International Obligations of the Republic

LIST OF ABBREVIATIONS:

ACRWC	African Charter on the Rights and Welfare of the Child
ACS	African Charter on Statistics
AFFC	Africa Fit For Children
AFRAC	African Accreditation Cooperation
AIS	Automatic Identification System
ARIPO	African Regional Intellectual Property Organization
AU	African Union
AUBP	African Union Border Programme
BMU	Beach management Units
BTWC	Biological and Toxin Weapon Convention
CAADP	Comprehensive Africa Agriculture Development Programme
CAC	Codex Alimentarius Commission
CAMI	Conference of Africa Union Ministers of Industry
CBM	Confidence Building Measures
CBRN	Chemical Biological Radioactive and Nuclear
CBS	Community Based System
CCK	Communications Commission of Kenya
CCRF	Code of Conduct for Responsible Fisheries
CFA	Cooperative Framework Agreement
CFI	Cooperative Financial Institutions
CMC	Calibration and measurement capabilities
CNTBT	Comprehensive Nuclear Test-Ban Treaty
COMESA	Common Market for Eastern and Southern Africa
CWC	Chemical Weapons Convention
DSU	Dispute Settlement Understanding
EAAB	East African Accreditation Board
EAF	Ecosystem Approach to fisheries
ECS	Experts Communication System

EDI	Electronic Data Interchange
EEZ	Exclusive economic zone
EPA	Economic Partnership Agreements
FAC	Food Aid Convention
FAO	Food and Agriculture Organization
FIACC	Five International Associations Coordinating Committee
GATT	General Agreement on Tariffs and Trade
GMDSS	Global Maritime Distress and Safety System
GOOS	Global Ocean Observing System
IAEA	International Atomic Energy Agency
IAF	International Accreditation Forum
ICA	International Cooperative Alliance
ICAO	International Civil Aviation Organization
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICJ	International Court of Justice
ICT	Information and communication technologies
IDD	Iodine deficiency disorders
IEC	International Electrotechnical Commission
IFAD	International Fund for Agricultural Development
IFCD	International Fund for Cultural Diversity
IFMP	Implementation of a Fisheries Management Project
IGC	Inter-Governmental Committee
IHL	International Humanitarian Law
IHO	International Hydrographic Organization
ILAC	International Laboratory Accreditation Cooperation
IMO	International Maritime Organization
IOMU	Indian Ocean Memorandum of Understanding
IOTC	Indian Ocean Tuna Commission
ISPS	International Ship Port Security
ISTA	International Seed Testing Association

ITU	International Telecommunication Union
IUU	Illegal, Unreported and unregulated
IWC	International whaling Commission
KCA	Kenya Communications Act
KEBS	Kenya Bureau of standards
KEPHIS	Kenya Plants Health Inspectorate Service
KIPI	Kenya Intellectual Property Institute
KMFRI	Kenya Marine and Fisheries research institute
KPA	Kenya Ports Authority
LDC	Least developed countries
LRIT	Long Range Identification Tracking
LVFO	Lake Victoria Fisheries Organization
MCS	Monitoring, Control and Surveillance
MFN	Most Favoured Nation
MRCC	Mombasa Regional Coordination Centre
NC	National Committee
NDC	National Data Centres
NEP	National Enquiry Point
NIP	National Indicative Programme
NMI	National metrology institutes
NNWS	Non-Nuclear Weapon States
NSDS	National Strategy for Development of Statistics
NWS	Nuclear Weapon States
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
OIE	Office International des Epizooties
OPCW	Organization for the Prohibition of Chemical Weapons
OPRC	Oil Pollution Preparedness, Response and Co-operation
PCK	Postal Corporation of Kenya
PSMA	Port State Measures Agreement
RF	Radio frequency

RFMO	Regional Fisheries Management Organization
RMO	Regional Metrology Organization
SACCOS	Savings and Credit Co-operatives
SADCMET	South African Development Community Cooperation in Measurement Traceability
SAR	Search and Rescue
SHaSA	Strategy for the Harmonization of Statistics in Africa
SQMT	Standardization Quality Assurance Metrology and Testing
SWIOFC	South West Indian Fisheries Commission Convention
TAC	Technical Advisory committee
TC	Technical Committee
TRIMS	Trade Related Investment Measures
TRIPS	Trade Related Aspects of Intellectual Property
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNFSA	United Nations Fish Stock Agreement
UNHCR	United Nations High Commission for Refugees
UNIDO	United Nations Industrial Development Organization
UPU	Universal Postal Union
WIBA	Work Injury Benefits Act
WIPO	World Intellectual Property Organization

1.11 It is noteworthy that for a treaty to be binding, the contracting party must have capacity. This in turn, results in the creation of rights and obligations under international law which are distinct from those arising under countries' national laws.[3]

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

1.13 *Why Are Treaties Necessary?*

1.14 This being the first report made under the new Constitution and in order for the citizens to appreciate the need and purpose of the international treaties, it needs to be underscored that they are part and parcel of the practice of official diplomacy. They are an expression of the sovereignty and inter-dependence of states.

1.15 States rely on each other in different spheres such as trade, economic relations, political affairs and social welfare. Furthermore, treaties mirror the realities in contemporary international life.[4] Treaty relations are therefore key to formalizing and enhancing international relations with other States and non - state actors in the international sphere.

1.16 Globalisation has intensified the world's interdependence in areas such as technological innovation, international trade and development. Trans-nationalism and security challenges have also necessitated the need for States to enter into treaties for purposes of cooperation and advancement of mutual interests.

1.17 Treaties provide a framework that enables States to tackle the arising challenges at both national and international levels through sharing of knowledge and expertise. For example, piracy, drug trafficking and terrorism are global security challenges that affect not only Kenya but the international community as a whole and require cooperative action at the international level to tackle them.

1.18 In order for the international system to function, countries such as Kenya have entered into treaties to address trans-boundary challenges arising every once in a while including but not limited to international crime, defence, civil aviation, human rights abuse, international shipping, poaching, the environment, shipping, the international trading system, international criminal justice, promotion of human rights, protection of wildlife and terrorism.

1.19 To Kenya, treaties form an integral part of her relations with other States. It is on this basis that the government is keen to continue abiding by its international obligations in good faith. Kenya has fulfilled her obligations under many treaties; others are in the process of total compliance whilst there are instances, albeit few where the country is yet to fulfil, with good reasons, her international obligations. There is an urgent need to take stock of these and to plan on concrete steps moving forward.

1.20 In our international role as a country known for various achievements, we have hosted a number of diplomatic conferences where important treaties were concluded e.g. the Nairobi Treaty on the Protection of the Olympic Symbol, 1982, Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and Convention on the Prohibition of the Use,

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

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

Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction amongst others.

1.21 Before the promulgation of the Constitution of Kenya, 2010, and the enactment of the Treaty Making and Ratification Act No. 45 of 2012, the process of ratifying treaties was purely an executive prerogative. The legislature did not have any role to play.

1.22 Due to the lack of a legal framework, the treaty making and ratification process was initiated by the relevant ministry through a Cabinet Memorandum for approval. Upon approval, the Ministry of Foreign Affairs prepared an instrument of ratification for signature which was subsequently deposited with the relevant body. This paved the way for the consequent domestication of the treaty or convention through an Act of Parliament.

1.23 The common principles and values that bind the nations of the world are generally codified in treaties and conventions that States ratify and agree to be bound by. This governs both the relationship of and benefits accruing from such treaties and conventions.

1.24 Kenya has ratified numerous multilateral instruments. These include over one hundred and eight (108) Conventions, over twenty eight (28) treaties and agreements, over nineteen (19) Protocols and a number of Charters/ Constitutive documents to International Organizations.

1.24 **Legal Framework on Treaty Making and Ratification**

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

1.26 **The Constitution**

1.27 The Constitution of Kenya is the supreme law of the land and binds all persons and all State organs at both levels of government. It directs under Article 2(5) and (6) that "general rules of international law and any treaty or convention ratified by Kenya shall form part of the laws of Kenya". Article 2(5) and (6) are open ended provisions that are not self-executing and require to be domesticated either by amending existing laws or enacting legislation to give the provisions clarity for ease of their implementation.

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

1.29 **Treaty Making and Ratification Act No. 45 of 2012**

1.30 The Treaty Making and Ratification Act No. 45 of 2012 was enacted by the Eighth Parliament to give effect to Article 2(5) and (6) of the Constitution and to enable Kenya honour her international obligations as well as streamline the treaty ratification process. The Act prescribes the procedure for the initiation, negotiation, adoption, signature and ratification of treaties by Kenya.

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[5]The Article provides that *"No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation."*

1.31 The Act gives the Cabinet Secretary for Foreign Affairs responsibility for its implementation in consultation with other relevant state departments. Under the Act, for a treaty to be ratified, the Cabinet Secretary of the relevant state department in consultation with the Attorney General submits the text of the treaty together with a memorandum to Cabinet for approval. If approved the Cabinet Secretary then submits the treaty together with the memorandum to the Speaker of the National Assembly who then subjects it to the rigours of legislation. According to Section 3 (2) (a), (b) (i-v) and (3) of the Act, Parliament has to sanction the ratification of treaties that touch on the following:

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

b) The rights and duties of citizens of Kenya;

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

d) The relationship between Kenya and any international organisation or similar body; and

e) The environment and natural resources.

1.32 Case Law

1.33 The Judiciary as the third arm of government is often called upon to interpret the Constitution where there is ambiguity or lack of clarity. The High Court of Kenya appears to have adopted a monist approach in its treaty practice in its ruling ***In The Matter of Zipporah Wambui Mathara*** (2010) eKLR where Justice M.K. Koome said;

"Principally I agree with counsel for the Debtor that by virtue of the provisions of ***Section 2(6) of the Constitution of Kenya 2010, International Treaties,*** *and* ***Conventions*** *that Kenya has ratified, are imported as part of the sources of the Kenyan Law. Thus the provision of Article 11 of the* ***International Covenant on Civil and Political Rights*** *which Kenya ratified on 1st May 1972 is part of the Kenyan law".*

1.34 **Kenya's policy on ratification of International Treaties and Conventions**

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

1.36 In terms of domestication Kenya has adopted a dualist approach, in that treaties that it ratified did not automatically become part of the domestic legislation. An appropriate national legislation had to be enacted to give the treaty the force of law. For instance, the Privileges and Immunities Act Cap 179 gives the Vienna Conventions on Diplomatic and Consular Relations (1961 and 1963 respectively) the force of law in Kenya.[6] The Children's Act 2001 also gives effect to the principles of the Convention

[6]Sections 4(1) and 5(1) of the Privileges and Immunities Act expressly provide that the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963) shall have the force of law in Kenya.

on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.[7] The International Crimes Act domesticates the Rome Statute to the ICC.

1.37 In the absence of domestication and in accordance with the process described above, a ratified treaty cannot be enforced locally. However, the State would continue to discharge its obligations under the treaty at the international front.

[7] See the title of the Children's Act 2001. Similarly, the Treaty for the Establishment of the East African Community Act No. 2 of 2000 gives effect to the provisions of the Treaty for the Establishment of the East African Community.

PART II –

2.0 MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANIZATIONS

2.1 As a part of the international community, Kenya is a member to several international Organizations and institutions formed to bring order to an anarchic international system and is also party to various bilateral agreements with other countries.

2.2 This part of the report explores these memberships and details their objectives, relevance and subsequent obligations arising.

2.3 THE UNITED NATIONS (UN)

2.4 The objectives that guided the formation of the United Nations are contained in the UN Charter. This is the foundational and constituent treaty of the United Nations signed in San Francisco, United States on 26th June 1945 and which entered into force on 24th October 1945. Its main objectives are:

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

2.5 Kenya joined the UN on 16th December, 1963 immediately after it gained independence. The UN is the most representative International Organization in the World with 193 Members. This gives Kenya the opportunity to articulate its issues at the General Assembly, through its Permanent Missions to the UN. It can seek for UN intervention where it feels that its sovereignty, peace and security are threatened.

2.6 Article 103 of the UN Charter in particular states that obligations to the UN prevail over any other treaty that Kenya may enter into for purposes of harmony in international relations.

2.7 As a member Kenya is obligated to cooperate in the fulfilment of the above-mentioned objectives and to give assistance to the UN in any activity authorized in accordance with the UN Charter.

2.8 Kenya is also expected to comply and implement the directives of the United Nations Security Council (UNSC) that are issued as a result of decisions taken under Chapter VII of the UN Charter on matters of international peace and security.

2.9 THE INTERNATIONAL COURT OF JUSTICE (ICJ)

2.30 The ICJ is the equivalent of a World Court where UN Member States refer their legal disputes for settlement. It is the principal judicial Organ of the UN. All members of the UN are parties to the Statute of the International Court of Justice according to Article 93 of the UN Charter and only States may be parties in cases before the Court.

2.31 Kenya has recourse to the Court in case of any dispute with another Member State. Kenya can rely on the Advisory Opinions of the Court, as authoritative and binding and are crucial in the maintenance of international peace and security. The ICJ has the backing of the UN Security Council and its decisions are binding on all states.

2.32 Kenya is bound by the decisions of the court in cases to which it is a party. Failure to comply with the courts' decision may result in the UNSC making recommendations or taking drastic measures to give effect to the judgment.

2.33 The ICJ can take long to settle a dispute and it might not be the best forum to adjudicate disputes where time is of the essence.

2.34 THE AFRICAN UNION (AU)

2.35 Kenya was among the 33 founding members of the Organization of African Unity (OAU) in 1963. The objectives of the OAU which are enshrined in the Organization of Africa Union Charter were:

a) To promote the unity and solidarity of the African States;

b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;

c) To defend their sovereignty, their territorial integrity and independence;

d) To eradicate all forms of colonialism from Africa; and

e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

2.36 The OAU was succeeded by the African Union (AU) in 2002 and remains true to these founding objectives and ideals with the notable exception that colonialism has been eradicated in the Continent.

2.37 Kenya has an obligation to coordinate and harmonize her policies in the following fields in an effort to meet the objectives of the AU Charter:

i. Political and diplomatic cooperation;
ii. Economic cooperation, including transport and communications;
iii. Educational and cultural cooperation;
iv. Health, sanitation and nutritional cooperation
v. Scientific and technical cooperation; and
vi. Cooperation for defence and security.

2.38 The European partition of Africa was meant to ensure that European countries could claim a part of Africa as spheres of influence. It was responsible for the disintegration and problems of Africa. A united Africa where AU members extend intra-Africa Trade and raise it to over 40% would uplift the lives of many Kenyans.

2.39 Kenya has through its membership been able to push for amendments to the International Criminal Court rules and procedure, and as part of her efforts aimed at fostering continental peace and security and been at the forefront of the AMISOM mission to pacify Somalia. It has also been at the forefront of peace diplomacy and peace-keeping operations in Sudan, South Sudan, Democratic Republic of Congo, Chad, Sierra Leone, Burundi and Cote d'Ivoire.

2.40 Membership to the AU opens up vast opportunities for Kenyan youth with the joint intra Africa infrastructure development as the beginning of economic cooperation.

2.41 The Union has led to increased talks on the way forward as a unified Continent through sub-regional blocs such as EAC, COMESA, ECOWAS and SADC among others, on pertinent issues such as the creation of a free trade area, a customs union and a central bank.

2.42 THE EAST AFRICAN COMMUNITY (EAC)

2.43 The main objective of the Treaty Establishing the East African Community is to establish the East African Community (EAC) which comprises of five Partner States; the Republic of Kenya, Uganda, Rwanda, Burundi and the United Republic of Tanzania. It was established so as to ensure the creation of a regional bloc that would give the countries a comparative advantage in trade, monetary union and ultimately the political federation.

2.44 Kenya is a founder member and alongside others it is obligated to:

i. Designate a Ministry responsible for East African Affairs to coordinate Kenya's participation in the Community
ii. Implement regional decisions and undertakings related to the Community
iii. Submit annual contributions to the budget of the Community
iv. To promote and fast track in conjunction with the other Partner States, the EAC integration

2.45 The EAC has led to increased regional trade, infrastructure development, free movement of people and services, increased foreign direct investments and created more markets and jobs for Kenyan people and goods.

2.46 The Community has also led to elimination of internal tariffs, development of regional infrastructure projects, and reduction of non-tariff barriers to trade, efficient movement of people and goods and created additional job markets. Presently, the EAC has implemented the Customs Union, the Common Market and has approved a Protocol on COMESA.

2.47 Delayed implementation of the Community decisions by Partner States and challenges in harmonizing laws and policies is an impediment that has resulted in a perception that the EAC is "the Coalition of the willing," where certain members implement while others lag behind.

2.48 INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

2.49 IGAD was launched in 1996 and was superseded by the Intergovernmental Authority on Drought and Development (IGADD) that had been founded in 1986 to deal with drought in the Eastern Africa Region. Kenya together with Djibouti, Ethiopia, Somalia, Sudan and Uganda are founding members and were later joined by Eritrea.

2.50 IGAD's objectives include promotion of foreign, cross border and domestic trade through creation of an enabling environment and harmonization of policies with regards to trade, customs, transport, agriculture etc., promotion and maintenance of peace and security and humanitarian affairs and food security and environmental protection.

2.51 IGAD provides a regular forum where leaders of Eastern African countries are able to tackle political and socioeconomic issues in a regional context. For instance, IGAD is currently engaged in the peace process for South Sudan and has sent special envoys to negotiate a cease fire between the warring parties.

2.52 These are benefits not only for Kenya but for the Horn of Africa Region and it helps the member states tackle the regions problems together.

2.53 With its economic agenda for the Eastern Africa Region, development projects can be undertaken together for the growth and peace of the whole region.

2.54 **THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)**

2.55 The Treaty establishing COMESA, was signed on 5th November 1993 in Kampala, Uganda and was ratified a year later in Lilongwe, Malawi on 8th December 1994 with Kenya being one of the signatory countries. It replaced the Preferential Trade Area (PTA) which had been established to take advantage of a larger market size and to share the region's common heritage and destiny.

2.56 The objectives of COMESA were geared at attainment of sustainable growth and development of the 20 member countries by promoting joint development in all fields of economic activity and joint adoption of macroeconomic policies to improve the welfare of the citizens of member countries. Other objectives were for cooperation in creating suitable environment that would attract foreign and cross-border investments while at the same time strengthening the relations between COMESA member countries and the rest of the world. Promotion of peace and security so as to strengthen the economic development in the region was also another objective.

2.57 Kenya enjoys customs exemptions on all imports of products originating from member states. COMESA also provides a market for goods from Kenya. Kenya also enjoys the cooperation of member States in financial and monetary matters that establishes convertibility of their currencies throughout the Common Monetary Union making it easy for Kenyans to carryout economic activities within the region.

2.58 Kenya is obliged to pay its assessed contributions to the institution, in addition to honouring its reporting obligations.

2.59 **TREATIES AND CONVENTIONS**

2.60 **DIPLOMATIC PRIVILEGES AND IMMUNITIES**

2.61 Diplomatic immunity is a principle of international law which provides that diplomats and certain other foreign government officials are not subject to the jurisdiction of local courts and other authorities. The privileges and immunities granted are to ensure that diplomatic personnel perform their duties with freedom, independence and security without interference from the host government. In this sphere, Kenya is party to the following:

i) **1946 Convention on the Privileges and Immunities of the United Nations;**
ii) **1948 Convention on the Privileges and Immunities of the Specialized Agencies;**

The 1946 Convention on the Privileges and Immunities of the United Nations and the 1948 Convention on the Privileges and Immunities of the Specialized Agencies set out the rules on diplomatic immunity granted to the UN and specialized agencies. Pursuant to Article 105 of the UN Charter, the organization shall enjoy privileges and immunities necessary for the fulfilment of its purposes in the territory of each of its members. The Convention further provides for immunity from every legal process the property and assets of the UN and its specialized agencies and for the inviolability of its premises.

iii) **1961 Vienna Convention on Diplomatic Relations; and**
iv) **1963 Vienna Convention on Consular Relations;**

The 1961 Vienna Convention on Diplomatic Relations sets out the rules on diplomatic immunity. There is a further but limited set of rules for consular personnel in the 1963 Vienna Convention on Consular Relations.

v) General Convention on Privileges and Immunities of the OAU

The Convention entered into force on 25th October 1965 and its objective was to ensure that officials and Staff members of the AU enjoyed privileges and immunities in the territories of member States.

Diplomatic immunity is based on the principle of reciprocity ensuring that foreign diplomats in Kenya and Kenyan diplomatic representatives working in her overseas posts and in the UN as well as specialized agencies are protected by the rules of diplomatic immunity. Consequently, they are able to perform their duties with freedom, independence and security without interference from host governments.

The Conventions not only provide immunity for diplomatic and functional personnel but also for specific measures that can be taken by both the home and host governments in cases where diplomatic privileges and immunities have been misused or abused. On her part, Kenya has domesticated the treaties in the Privileges and Immunities Act, Chapter 179 of the Laws of Kenya giving them force of law locally.

3.0 DEFENCE AND SECURITY CONVENTIONS, TREATIES & PROTOCOLS

3.1 CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (Chemical Weapons Convention)

3.2 Kenya ratified the CWC on 24th April 1997. The Convention obliges the government to prohibit production and use of chemical weapons, undertake destruction (or monitored conversion to other functions) of chemical weapons production facilities and ensure destruction of all chemical weapons (including chemical weapons abandoned outside the state parties territory It aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties.

3.3 Kenya is a signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction. In addition, it is a member of the following international organizations: Conference on Disarmament, International Atomic Energy Agency, Organization for the Prohibition of Chemical Weapons, Comprehensive Test Ban Treaty Organization Preparatory Commission.

3.4 As a result of its membership in these organizations, Kenya can protect its citizenry and the environment from the harmful effects of chemical weapons with international cooperation and assistance. Kenya is also is receiving technical assistance in the areas of:-

i. Joint training in nuclear, chemical and biological weapons technology.

ii. Provision of necessary technical knowledge to customs and police officers to enable them to identify weapons of mass destruction

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

3.5 Kenya undertakes never under any circumstances: to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone; In keeping with its obligations under the convention, a Cabinet memorandum on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction has been developed. The focal point designation is still under deliberation as to which Ministry is best placed to

handle the obligations under the Convention while a Chemical Weapons Convention Bill has been prepared under the Ministry of Defence.

3.6 **COMPREHENSIVE NUCLEAR TEST-BAN TREATY (CNTBT)**

3.7 Under the treaty which Kenya ratified on 30th November 2000, Kenya undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

3.8 State Parties also undertake to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

3.9 Non-nuclear-weapon States Parties undertake not to acquire or produce nuclear weapons or nuclear explosive devices. They are required also to accept safeguards to detect diversions of nuclear materials from peaceful activities, such as power generation, to the production of nuclear weapons or other nuclear explosive devices

3.10 Kenya has enjoyed the benefits of ratification of the treaty as the treaty has contributed to regional and international peace and security. By joining a community of like-minded States, it facilitates information-sharing and participation in various forms of international cooperation.

3.11 Kenya may also make use of a range of technologies used in collecting, transmitting, processing and analyzing verification related data. The Commission can assist in the establishment of National Data Centres (NDCs) and provide access to the Experts Communication System (ECS). Kenya can also benefit from the utilization of verification regime data in a variety of civil areas, including scientific research, disaster preparedness and meteorological and climate forecasting, such as tsunami warning.

3.12 Kenya is a Non-Nuclear Weapon State but the threat of clandestine nuclear programs by terrorist organizations remains a challenge and requires joint efforts by all states.

3.13 The country participates in creation of Nuclear Weapon Free Zones, including the African Nuclear Weapon Free Zone established by the Treaty of Pelindaba which Kenya ratified January 9, 2001. The anti-Personnel Mines Bill, 2013 is yet to be finalized.

3.14 Kenya hosts two nuclear monitoring stations which are located in Karura and Kilimambogo to monitor compliance with the Treaty. The centres monitor the underground, the waters and the atmosphere for any sign of a nuclear explosion.

3.15 **PROTOCOL FOR THE PROHIBITION OF THE USE OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE**

3.16 The objective of this Protocol which entered into force on 8th February 1928 and which Kenya ratified on 6th July 1970 is to prevent the spread of dangerous pathogens that could be harmful to both flora and fauna.

3.17 By implementing this protocol, Kenya is able to ensure a safe and secure environment for both Flora and Fauna.

3.18 Kenya is in the process of establishing an inter-ministerial council for the full implementation of BTWC (similar to CWC).

3.19 TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

3.20 This Treaty entered into force on 5th March 1970. Kenya acceded to it on 11th June 1970. The objective of the treaty is to control and monitor the spread and use of nuclear materials. It also prohibits Nuclear Weapon States (NWS) from transferring to any recipient whatsoever nuclear weapons or other nuclear explosive devices. NWS are also prohibited from assisting, encouraging, or inducing any Non-Nuclear Weapon States (NNWS) to manufacture or otherwise acquire them. NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them. NWS are obligated to place all nuclear materials in all peaceful nuclear activities under International Atomic Energy Agency (IAEA) safeguards.

3.21 Parties to the Treaty are obligated to facilitate and participate in the exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy. All Parties must pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, with general aim of complete disarmament under strict and effective international control.

3.22 Kenya is a member of the 65 Nation Conferences on Disarmament and plays an active role in the deliberations of this body which is the sole negotiation organ of all international treaties on disarmament and non-proliferation. Kenya is also an active member of the Group of 21 countries (non-nuclear states) within the Conference on Disarmament that advocates for total disarmament. This membership keeps Kenya abreast on disarmaments and helps to ensure that its interests are not threatened.

3.23 PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

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

3.24 Governments are obliged to anticipate and prevent disputes and conflicts, as well as establishing policies that may prevent genocide and crimes against humanity by undertaking peace-making and peace-building functions to resolve conflicts where they have occurred; implement the common defence policy of the Union; and ensure the implementation of the AU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions.

3.25 Kenya is a member of the African Standby Force Military programme and the Peacemaking and Post-conflict reconstruction initiative. It has been at the forefront of peace diplomacy in inter-African conflicts. These endeavours are rewarded with protection of Kenyans and opportunities for trade in the absence of conflict.

3.26 A peaceful continent means more time and resources are allocated to development which can create employment and wealth for Kenya and for Kenyans. The threat of terrorism can be neutralized by member states working together and sharing resources and intelligence which Kenya has greatly benefited from.

3.27 Kenya's position in the region obligates her to be in the frontline in inter-African conflict mediation. It is currently hosting peace initiatives concerning the ongoing conflict in the South-Sudan, Somalia and the Great Lakes region among other places.

3.28 **AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)**

3.29 The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties.

3.30 The Treaty also prohibits any attack against nuclear installations in the zone by Treaty parties and requires them to maintain the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes. The Treaty requires all parties to apply full-scope international Atomic Energy Agency safeguards to all their peaceful nuclear activities.

3.31 The Radiation Protection board and Government chemist are the implementing bodies. There is a Chemical Biological Radioactive and Nuclear (CBRN) materials Non-Proliferation policy and proposed Bill in place.

3.32 Kenya benefits in capacity building which helps it in disaster preparedness and protection of its citizenry, biodiversity and the environment.

3.33 An annual report to the commission on nuclear activities and on their implementation is prepared regularly and there is training on Nuclear Materials through CBRN and the Government Chemist for Non- proliferation and nuclear deterrence purposes.

3.34 **GENEVA CONVENTIONS (CONVENTION I TO IV AND ADDITIONAL PROTOCOLS I AND II)**

3.35 The basic principles of Geneva Conventions repose on respect of the human being and human dignity. The additional Protocols oblige warring sides and combatants not to attack civilians and civil objects and to guarantee the provision of military operations in compliance with generally accepted humanitarian law.

3.36 The treatment and protection of civilians, and combatants who are sick, wounded, shipwrecked and prisoners of war and those otherwise exempt from treatment as combatants must be done with due regard to the law of Armed Conflict and International Humanitarian Law (IHL).

3.37 There are several benefits that can be associated with this legal regime. They include: Training of all service personnel on IHL before deployment and provides the rules of engagement for security forces. They also ensure that in case of conflict, civilians will be protected provided the warring parties adhere to the rules.

3.38 The obligations that have been set out in the Geneva Conventions and the additional protocols have been domesticated by the Constitution and the Kenya Defence Forces Act. To ensure non-violation of International Humanitarian Law, Kenya Defence Forces has employed Military Legal advisors and taken disciplinary measures against service members who violate IHL.

3.39 **UN OPTIONAL PROTOCOL ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

3.40 The Protocol ensures protection of children from being recruited to serve in conflict as Armed Forces or any other forms of military engagement.

3.41 Implementation of the Protocol ensures that persons under 18 years who are vulnerable by virtue of their age are not recruited to serve in armed conflict as child soldiers for warring sides. Nations are tasked with the responsibility of ensuring that

children are able to enjoy their rights and attend school.

3.42 Africa has seen proliferation of recruitment of Child Soldiers which is an international crime. Poverty and unemployment places children to the risk of being recruited into outlawed groups like the *Al-* Shabaab. Kenya is obligated by the Protocol to ensure that this does not happen.

3.43 UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

3.44 The Convention aims at formulating policies, laws and their enforcement to eliminate all forms of transnational organized crime.

3.45 The Protocol offers a framework for preventing and combating organized crime and a platform for cooperating with other state parties through a framework for mutual legal assistance and extradition and a platform for strengthening cooperation in law enforcement. Organized crime transcends national boundaries and no country can fight it on its own.

3.46 In meeting the objectives of the Convention Kenya has enacted the Counter-Trafficking in Persons Act, 2010. The implementation of the Convention has challenges that include, porous borders, proliferation of small arms and corruption among law enforcers.

3.47 CONVENTIONS ON TERRORISM

3.48 Kenya has been a victim of various, heinous terror attacks within her territory. She has therefore sought to find likeminded nations to partner with in this emergent global threat for purposes of sharing knowledge and experiences. To this end, she is party to:-

i. OAU Convention on the Prevention and Combating of Terrorism
ii. International Convention against taking of hostages
iii. International Convention for the Suppression of Terrorist Bombings
iv. International convention for the suppression of Acts of Nuclear Terrorism.
v. International Convention for the suppression of the Financing of Terrorism.
vi. EAPCCO Agreement on Combating Terrorism.

3.49 The Conventions expand the existing legal framework for international cooperation in the investigation, prosecution, and extradition of persons who engage in terrorist activities by establishing a regime of universal jurisdiction to punish the crime of terrorist bombings. The Obligation to Government is to formulate policies legislation to eliminate all forms of terrorism.

3.50 No country can singlehandedly combat terrorism and cooperation in this area is crucial. Under this Convention, Kenya benefits from training and technical assistance to strengthen her capacity to address terrorism. The Convention offers a framework for preventing and combating the financing of terrorist units, and a platform for cooperating and access to a new framework for mutual legal assistance and extradition, as well as a platform for strengthening law enforcement cooperation. Regional political and security instability, influx of refugees and identity documents fraud are major challenges experienced in combating terrorism.

3.51 The Government has developed the Prevention of Terrorism Act, 2012 whose implementation is ongoing. Some of the challenges encountered in implementing this instrument include corruption among law enforcers, porous borders which make it easy for terrorists to cross.

3.52 **BIOLOGICAL AND TOXIN WEAPON CONVENTION (BTWC)**

3.53 This Convention was acceded to on 7th January 1976 in Geneva and prohibits the development, production, acquisition, transfer, stockpiling and use of microbial or other biological agents, or toxins in a manner which has no justification for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. It covers biological and toxin weapon ns against humans, animals and plants.

3.54 Through the implementation of this Convention, Kenya has received support in capacity building in areas of biosciences i.e. handling of toxin material and support in capacity building at the universities i.e. setting up of laboratories for testing and other activities related to Biological and Toxin Weapon. Kenya also benefits from trained personnel with ability to detect and respond to outbreak of any biological danger i.e. terrorist threat, pandemic and others.

3.55 The Government is obliged to domesticate the BTWC by having a legal framework in place, participate in the meeting of Experts and meeting of States Parties and to provide annual reports on specific activities relating to the BTWC. The Government under the Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons.

3.56 Kenya established an inter-Ministerial National Biological and Toxin Weapons Committee in 2009 to address issues relating to bio-security and weapons. The country also drafted the National Biosciences Bill 2012 and Policy.

3.57 There is lack of adequate funds to undertake activities towards the implementation of the Convention. Another challenge is inadequate capacity in matters relating to biosciences in the relevant Ministries and Research Institutions i.e. submission of the Confidence Building Measures (CBM) Forms and Lack of adequate capacity in management of biological and toxin weapons.

3.58 **SMALL ARMS AND LIGHT WEAPONS**

3.59 It is self-evident that Kenya and indeed countries in the great lakes and the Horn of Africa have been adversely affected by the proliferation of small arms. Countless lives have been lost to acts of insecurity, cattle rustling and banditry by people who have been emboldened by their access to small arms and light weapons.

3.60 Subsequently, Kenya is a part of; the UN Programme of Action on SALW-2001, The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000), Circulation and Trafficking of Small Arms and Light Weapons (2000), The Nairobi Protocol for the Prevention, Control and Reduction of the Proliferation of Small Arms and Light weapons in the Great Lakes Region and Horn of Africa.

3.61 The key issues covered by the cited Protocols are stockpile management, import, export and transfer, tracing and brokering, public awareness raising, collection and disposal, mutual legal assistance and operational capacity.

3.61 Kenya has porous borders in a region that has been beleaguered by conflicts leading to proliferation of small arms. The Protocols and Declarations help put in place safeguard mechanisms and capacity building. It also benefits from logistical support.

3.62 The process of marking of firearms is ongoing and finalizing of the Small Arms and Light Weapons Management Bill is on course. There is need to procure borders entry and e both entry and exit points scanners, metal detectors and screening facilities. It

is also imperative that Kenya acquires and intensifies canine sniffers and dog handling at border points.

3.63 The legislation to enforce the Protocols is archaic and needs overhaul. There is also the challenge of conflictions in the neighbouring States, the menace of cattle rustling and securing of porous neighbours.

3.64 AFRICAN UNION STRATEGY FOR ENHANCING BORDER MANAGEMENT IN AFRICA (2012)

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

3.66 The African Union had provided for a deadline in 2012 for submission of boundaries but following low levels of compliance, the 17th AU general assembly decided to extend the deadline to 2017[8].

3.67 This has enormous potential benefits for the country including, cooperation to lobby for harmonization of policies and implementation of measures geared towards reduction of cross border conflicts, territorial disputes and concerted research on inter-territorial challenges such as the Hyacinth problem in Lake Victoria. There is need for continuous internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, intelligence. This will be beneficial once effected.

3.68 Implementation of the objectives is plagued by inadequate funding for training and equipment. There is also lack of follow up on agreed upon areas of co-operation i.e. joint deployment for simultaneous sensitization and disarming. It is important to address the problem of inadequate research to inform policy on border security and other intervention by states in respect to changing nature of borders.

3.69 There has not been adequate internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, intelligence which should be addressed. Member States must ensure increased budgetary allocation for border management and lobby for support.

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

[8] Assembly/AU/Dec.369(XVII)

3.71 **PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES**

3.77 The objective of the protocol is to promote regional peace, security and stability and create mechanisms for the prevention, management and resolution of inter- and intra-state conflicts through dialogue. The relevance of the protocol is to preserve peace, security and stability in the region, to enhance regional co-operation and to eliminate all forms of threats thereto.

3.78 Kenya has benefited from exchange of information with member states on conflicts in the region through the Conflict Early Warning and Response Mechanism (CEWARN). This information assists member states to respond and address security issues within the region in a timely manner and promote dialogue between the conflicting parties.

3.79 Kenya as an IGAD member is obligated under the protocol to contribute to the resources of CEWARN and to disseminate information to the authorized networks.

3.80 **PROTOCOL ON COMBATING DRUG TRAFFICKING IN THE EAST AFRICAN REGION**

3.81 This Protocol seeks to combat drug trafficking in the EAC region. It also seeks to eradicate the use of narcotic drugs and psychotropic substances in Kenya. Under the Treaty, Kenya is required to cooperate with other state parties in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.

3.82 Kenya is therefore obligated to cooperate in the eradication of narcotic drugs and psychotropic substances in the region and to ratify international instruments on narcotic drugs and psychotropic substances and promulgate enabling domestic legislation.

3.83 The Protocol will allow for the co-operation among Partner States in eradication of narcotic drugs and psychotropic substances in the region. It will also prevent the region from being used as Transit for drug trafficking through joint efforts and sharing of information.

3.84 **EAC PROTOCOL ON FOREIGN POLICY COORDINATION**

3.85 The Protocol on Foreign Policy Coordination's objectives are to safeguard the common values, fundamental interests and independence of the Community. It provides for collaboration on diplomatic and consular matters and aims at harmonizing efforts in addressing regional needs in the international fora on the basis of mutual trust, political will and sovereign equality.

3.86 In an increasingly globalizing and competitive world, the framework provides an avenue to promote and consolidate unity of purpose and action on all fronts. Collective action in implementing common foreign policies is bound to yield more benefit to Partner states in all spheres of development.

3.87 **CHEMICAL WEAPONS CONVENTION 1997 (CWC)**

3.88 Kenya ratified the Chemical Weapons Convention (CWC) on 26th April 1997. The CWC is the fastest growing international disarmament organisation and the UN has encouraged all States to join the CWC and to rid the world of the threat which chemical weapons pose to international security.

3.89 The CWC aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties.

3.90 Kenya in fulfilment of its obligations has developed a Cabinet Memorandum and a Draft Bill aimed at domestication of the CWC.

3.91 Under the CWC Kenya is inter alia under obligation to establish or designate a National Authority for notification to the Organization for Prohibition of Chemical Weapons (OPCW). The National Authority must also designate officer to accompany inspectors from OPCW in conducting inspections of declarable scheduled and discreet organic chemicals plant sites whenever they visit the country. The Authority must also inform the OPCW on the legislative and administrative measures that Kenya has taken to implement the convention.

3.92 Kenya has to make payments of assessed annual subscription which amount to €7000 to the OPCW and to submit annual declarations on trade in scheduled chemicals and discreet organic chemicals (DOC) as well as declarations on the status of scheduled chemicals in the country to the OPCW. Kenya has not yet enacted legislation that will enable it to achieve the objectives of the Convention.

4.0 HUMAN RIGHTS TREATIES AND CONVENTIONS

4.1 Kenya is party to a number of Human rights Treaties under the UN and the AU. These are the International Covenant on Civil and Political Rights(ICCPR); The International Covenant on Economic, Social and Cultural Rights (ICESCR); The International Convention on the Elimination of All Racial Forms Discrimination; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); International Convention on the Suppression and Punishment of the Crime of Apartheid; International Convention against Apartheid in Sports; United Nations Convention on the rights of the child; The 1951 UN Convention on the Status of Refugees and 1996 Protocol; United Nations Convention on the Rights of Persons with Disabilities, 2006; United Nations Standard Minimum Rules for Treatment of Prisoners (UNSMR); Convention on the Elimination of All Forms of Discrimination Against Women; OAU Convention governing the specific aspects of refugee problems in Africa; African Youth Charter; The African Charter on the Rights and Welfare of the Child (ACRWC) and Africa Fit For Children (AFFC) Declaration; and the African Charter on Prisoners' Rights

4.2 THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

4.3 The ICCPR was adopted by the United Nations General Assembly on 19th December, 1966 and entered into force 23 March 1976. The objective is to ensure that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Kenya acceded to the International Covenant on Civil and Political Rights on 1st of May 1972. These rights are also guaranteed by the Constitution of Kenya.

4.4 THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

4.5 ICESCR was adopted by the UN General Assembly on the 16th December, 1966 and entered into force on the 3 January 1976. The aim is to guarantee people their economic, social and cultural right. These rights are founded on a belief that we can enjoy our rights, our freedoms, and economic justice all at the same time. Kenya

became a State party to the ICESCR on the 1st May 1972. These rights are also guaranteed by the Constitution of Kenya.

4.6 **THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL RACIAL FORMS DISCRIMINATION (ICERD)**

4.7 The ICERD was adopted by the General Assembly on 21 December 1965, and entered into force on 4 January 1969. Its objective is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Kenya became a State party to the Convention on 13th September 2001 and guarantees the rights under the Constitution.

4.8 **THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)**

4.9 This Convention was adopted by the General Assembly of the United Nations on 10th December 1984 and entered into force on 26th June 1987. Its objective is to prevent torture and other cruel, inhuman or degrading treatment or punishment. Kenya became a state party to the CAT on 21st February 1997 and guarantees these rights under the Constitution.

4.10 **THE AFRICAN YOUTH CHARTER**

4.11 The African Youth Charter was adopted during the seventh ordinary session of the conference of Heads of State and Government held on July 2nd 2006 in Banjul, Gambia. Kenya ratified the Charter on 23rd January 2014.

4.12 The African Youth Charter, not only provides the Governments, Youth, Civil Society and International Partners, with a continental framework, which, underlines the rights, duties and freedoms of youth, but also paves the way for the development of national programmes and strategic plans for their empowerment.

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

4.14 **CONVENTIONS ON THE STATUS OF REFUGEES**

4.14 Kenya is party to the 1951 UN Convention relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee problems in Africa. The Conventions on refugees define refugees, set out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum.

4.15 State parties to the UN Refugee Convention and its 1967 Protocol have the following obligations: Cooperation with the United Nations High Commission for Refugees (UNHCR) in the exercise of its functions and in supervision of the implementation of the provisions in the Convention; inform the UN Secretary General about the laws and regulations adopted to ensure application of the Convention; and exemption from reciprocity.

4.16 Refugees are also granted the right of innocence in unlawfully entering the country as well as the right to be protected against forcible return also known as the principle of non-refoulment.

4.17 Kenya has been host to a large number of refugees and asylum-seekers from the region. In this respect, Kenya has exceeded its obligations, in view of the following characteristic.

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

4.19 THE UN CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

4.20 Kenya ratified the UNCRC on 30th July, 1990 and it entered into force on 2nd September 1990. The Convention spells out the rights that should be enjoyed by children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, ensuring the best interest of the child principle in all matters affecting children education, health care, food, affordable.

4.21 The Convention together with the African Charter on the rights of the Child recognizes a child as any human being under the age of 18 years. They provide that the child has rights as any other human being appertaining to issues concerning a child. It obligates State Parties to uphold the "Best Interests of the Child" as the key principle while dealing with matters affecting children. State Parties should respect and ensure the rights guaranteed in the Convention without discrimination on any of the grounds including the legal status of the child's or his or her parent's or legal guardian' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property and disability.

4.22 Children enjoy human rights and are protected from abuse and child labour. They are able to enjoy the right to free basic education guaranteed under the Basic Education Act, 2012 and develop their full potential.

4.23 Provisions of the Convention are entrenched in the Constitution, the Children's Act, 2001 and other legislations including the labour laws which protect the rights of children. They guarantee protection against child abuse and exploitation. The Employment Act prohibits child labour.

4.24 THE CONVENTION ON PERSONS LIVING WITH DISABILITIES

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

4.25 Article 54 of the Constitution guarantees the rights of persons with disability. The Convention is also being implemented through the National Policy on Disability and

the Persons with Disabilities Act ensure that persons with various types of Disabilities are not discriminated and have access to public services.

4.26 Establishment of the National Council for Persons with Disability which registers persons with disabilities for effective planning and the Development Fund established under the Act supports activities for persons with disabilities. The National Council for Persons with Disability also ensures empowerment through training in various vocational Centres so that they can engage in self-sustaining activities.

4.27 The Council ensures rehabilitations and the Cash Transfer Programme for persons with severe disabilities ensures support for such people. Mainstreaming of disability in various spheres of life is being undertaken.

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

4.29 CONVENTION ON PRISONERS' RIGHTS

4.30 The Convention on Prisoners' rights provides that the State should ensure that the rights of prisoners are upheld: These include the right to life, liberty, security, use of force, protection against torture and any form of mistreatment, right to make complaints and requests and communication among others.

4.31 It further provides that the State has to ensure that rights for specific categories of prisoners such as female prisoners, prisoners awaiting trial, Juveniles, Civil Prisoners, prisoners facing death penalty, Aged, disabled, and Prisoners with HIV Aids are upheld.

4.32 The Covenant obligates all member states to ensure that all prisoners and detainees are treated with respect for their human dignity with regard to their conditions of detention. Such as health, complaints, records, work and creation treatment and discipline among others.

4.33 Implementation of the treaties makes it easier to monitor progress of the realization of their objectives as relates to the promotion and protection of the human rights of the various groups. The process of reporting has provided the Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it has made it possible for the government to address any gaps or violations that may hinder the full enjoyment of human rights for its people. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require.

4.34 By becoming a party to these treaties, Kenya undertook to initiate appropriate measures including legislative, executive and administrative actions necessary to give effect to the rights and fundamental freedoms recognized and guaranteed by the various treaties.

4.35 The Government of Kenya is further obliged to submit initial and periodic Country Reports to the various human rights monitoring mechanisms as recognized in the treaties on the measures it has taken, to implement its obligations under those treaties.

Kenya has also ratified a number of conventions on social security and social protection.

4.36 Kenya has established a Human Rights Commission that not only ensures that Kenya meets its obligation but also makes periodic reports to the United Nations Human Rights Council.

4.37 Inadequate funding has however led to delay in enactment of some important laws to implement some of the treaties. For instance, the Marriage Bill, the Victims of Offences Bill and the Persons Deprived of Liberty Bills are currently pending.

4.38 There is lack of clarity on whether Article 2(6) of the Constitution ensures the direct importation of internationally ratified treaties as part of Kenyan law, given that article 21 (4) still requires the State to enact and implement legislation to fulfil its international obligations.

4.39 There is difficulty in accessing data particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies.

4.40 Lack of adequate data on children, extreme poverty, rampant recruitment of children as child soldiers, subjecting of children to child labour, many internally displaced children, inadequate resources for effective support of children in conflict with the law, numerous cases of child abuse, HIV and AIDS which deprives children of parents affecting their education and leading to child-headed households hampers realization of children rights.

4.41 The Children's Act 2001 provides for a penalty of imprisonment not exceeding twelve months or a fine of fifty thousand Kenya shillings or both for acts of torture and other forms of ill-treatment of children. This is not commensurate with the gravity of some of the crimes perpetrated on children.

4.42 CONCLUSION

4.43 Kenya has been committed to its reporting obligations to the treaty bodies established by each of the above Conventions. This report outlines the measures taken by Kenya to fulfil its obligations under these agreements. These measures include the promulgation of the Constitution in 2010, the enactment of the Refugee Act 2006, National Police Service Act 2011, Independent Police Oversights Authority Act 2011, Judicial Service Act 2011, The Judges and Magistrates Vetting Board Act 2011, the review of the Judicature Act, The establishment of a National Legal Aid and Awareness Programme. Others are the Gender and Equality Commission Act in 2011, Prohibition of Female Genital Mutilation Act and the Witness Protection Act 2006 and the Witness Protection (Amendment Act) 2010.

4.44 Other measures include the formulation of the: Reproductive Health Policy, 2007, National Reproductive Health Strategy 2009-2015, Kenya National HIV and AIDS Strategic Plan of 2009/10 – 2012/13. The development of a National Legal Aid Bill and the Persons Deprived of Liberty Bill laws are in process. The draft Prevention of Torture Bill 2011 is yet to be enacted.

4.45 Enforcement of the above measures has improved access to justice, enhancement of social equity, protection of human rights and dignity and adherence to the rule of law.

4.46 The Government is now under an obligation pursuant to section 43 of the Constitution to provide education, health care, food, and affordable housing.

4.47 The Kenyan people are now more aware of their human rights with previously marginalized groups such as women, youth, children and persons living with disability now coming out openly to demand for a fair share of their rights and say in society. The Government has put in place measure to prevent, suppress and punish trafficking in persons, especially women and children pursuant to the Counter-Trafficking in Persons Act, Cap 61 of the Laws of Kenya.

4.48 THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)

4.49 In 1998 160 States established the first treaty-based permanent international criminal Court during the Rome Conference which set out the crimes that would fall within the jurisdiction of this ICC. The Assembly of State Parties sets the general policies for the administration of the Court and reviews the Court's Activities.

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

4.51 The Government is keenly aware of the importance of States Parties providing the necessary cooperation and assistance to the Court in line with the obligations of Part IX of the Rome Statute. It is in this spirit that the Kenyan Government has shown unprecedented cooperation with the ICC by *inter alia* granting unfettered access into Kenya and within its territory. The former and current Prosecutor of the ICC, staff members of their Office, Registry Officials of the ICC, Defence Counsel, Victims' Counsel and their respective investigators have all been allowed entry into Kenya and allowed to operate without any interference. The cooperation includes access to police files.

4.52 An ICC Cooperation Committee whose primary responsibility is to ensure that all matters pertaining to cooperation between the Kenyan Government and the ICC are properly and promptly addressed is functional.

4.53 On the 3rd September 2010, the Government entered into an agreement with the ICC to extend such privileges and immunities as are necessary for the independent and effective functioning of the Court, in the territory of Kenya. The ICC has a field office in Kenya to facilitate cooperation and assistance regarding the Kenya Situation.

4.54 Confidential Government documents from the Commission of Inquiry into Post-Election Violence (CIPEV) are available for use in judicial proceedings at the ICC whenever needed, as well as the report of the Kenya National Commission for Human Rights ("KNCHR") and Minutes of provincial security committees plus those of the National Security Advisory Committee (NSAC) for the relevant period.

4.55 The Kenyan Government has taken measures to address the welfare of Post-Election Violence victims and Internally Displaced Persons (IDPs). These measures include the purchase of land for resettlement of the IDPs, construction of houses for the IDPs, offering counselling services, cash transfers, access to free medical attention for some IDPs in government facilities; periodic food distribution to victims;

4.56 An effective and robust witness protection program has been established and is available to all. In addition, the Government has enacted several pieces of Legislation that complement its cooperation with the Court. These include the Prevention of Organized Crimes Act, Prevention of Terrorism Act, the Mutual Legal Assistance Act and the Proceeds of Crime and Anti-Money Laundering Act.

4.57 This is backed by institutional reforms in the criminal justice system, which includes the Kenya National Police Service, Independent Policing Oversight Authority, the Judiciary, and Office of the Director of Public Prosecutions, among others. Creation of an International Crimes Division within the High court is in sight to deal with international crimes.

4.58 Kenya has taken issue with the selective administration of international justice that targets Africa, yet the crimes that fall under the Court's jurisdiction are not limited to Africa, thus giving the perception that international justice has become a tool of judicial neo-colonialism and imperialism. Stemming from this, Kenya has championed for reform of the international Criminal Justice within the framework of the Assembly of States Parties and the UN Security Council.

5.0 TREATIES AND CONVENTIONS GOVERNING INTERNATIONAL TRADE AND INVESTMENT

5.1 TREATY ESTABLISHING THE WORLD TRADE ORGANIZATION (the MARRAKECH AGREEMENT)

5.2 The WTO supervises and liberalizes international trade. It officially commenced on 1st January 1995 replacing the General Agreement on Tariffs and Trade (GATT) of 1948.

5.3 The organization deals with regulation of trade between participating countries; it provides a framework for negotiating and formalizing trade agreements, and a dispute resolution process aimed at enforcing participant's adherence to WTO agreements, which are signed by representatives of member governments and ratified by their parliaments. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Rounds (1986–1994).

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

5.5 DOHA-DEVELOPMENT AGENDA ROUND AND BALI PACKAGE (2001-2013)

5.6 The Doha Development Round of talks was launched in 2001 with an explicit focus on addressing the needs of developing countries. As of June 2012, the Doha Round remained uncertain and the work programme listing 21 subjects missed deadline of 1 January 2005, and the round remains incomplete.

5.7 The conflict between free trade on industrial goods and services but retention of protectionism on farm subsidies to domestic agricultural sector(requested by developed countries) and the substantiation of the international liberalization of fair trade on agricultural products (requested by developing countries) have been the major obstacles.

5.8 The 2013 Bali Conference however was a breakthrough for the Doha Round of talks as the Bali Package was the first agreement reached through the WTO signed by all its members. The Bali Package aimed at lowering global trade barriers with the intention of making it easier for developing countries to trade with the developed world in global markets.

5.9 The Treaty endeavours to provide an equal playing field for all member states to participate in international trade for their economic development. It also gives developing and least developed countries (LDCs) a chance to catch up with the

developed countries through the principle of asymmetry and by allowing LDCs to export their goods duty free which makes their goods cheaper than those of developed countries in the international market.

5.10 Proper implementation of the customs agreement will ensure a significant increase in Kenya's economic activity, number of new jobs and a decrease in the cost of doing international trade.

5.11 Governments may have to prioritize funds for trade facilitation over other important areas such as public health and education which are not captured in the Bali Package.

5.12 Kenya is categorized as a developing country and not as a least developed country. It therefore does not qualify for the benefits accorded to LDCs and is also not as fully developed as the developed countries. This poses a challenge for Kenya which is required to trade with other developed countries on the principle of reciprocity even though Kenya is not there yet.

5.13 Developing countries such as Kenya are obliged to meet stiff import quotas when exporting Agricultural products to developed countries who subsidize their agricultural outputs, while also being required to open up our markets to products that they produce cheaply. However, the Bali Package aims at reforming these existing customs bureaucracies and formalities to facilitate trade.

5.14 **ECONOMIC PARTNERSHIP AGREEMENTS (EPAS)**

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

5.16 Negotiations on the AU – EU Economic Partnership Agreements (EPAs) are currently ongoing in Nairobi and are progressing on well. There is full representation from the EAC. Kenya as host is actively engaged and a positive outcome is expected.

5.16 **WORLD TRADE ORGANIZATION TECHNICAL BARRIERS TO TRADE (WTO/ TBT) AGREEMENT-NATIONAL ENQUIRY POINT**

5.17 KEBS is the designated WTO/TBT National Enquiry Point (NEP) which is an obligation under the WTO/TBT agreement. The NEP is very important for global trade facilitation across the borders as it ensures that there are no trade barriers to Kenyan producers who try to access international markets for their products.

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

5.19 The TBT Agreement also ensures that member States do not use technical reasons to bar entry of goods from some member states into their markets.

5.20 For every benefit that Kenya derives under this treaty, there is a resultant obligation from member states that she has to honour as and when required.

5.21 WTO TRADE RELATED INVESTMENT MEASURES (TRIMS)

5.22 The Agreement establishing TRIMS was negotiated in the Uruguay Round to deal with trade-restrictive and trade-distorting effects of investment measures on trade. The Agreement relates to goods only and not services.

5.23 The objectives of TRIMS include the expansion and progressive liberalization of world trade. It facilitates investment across international frontiers to increase the economic growth of all trading partners, particularly developing country members, while ensuring free competition.

5.24 TRIMS focus on investment measures that infringe GATT Articles III and XI that discriminate between imported and exported products and/or create import or export restrictions.

5.25 TRIMS ban local content requirements and trade balancing rules that were used to promote the interests of domestic industries and combat restrictive business practices.

5.26 Developing countries are permitted to retain TRIMS that constitute a violation of GATT Article III or XI provided these measures meet the conditions of GATT Article XVIII which allows specified derogation from these provisions by virtue of their economic development needs.

5.27 TRIMS prohibit trade related investment measures that are discriminatory. The rules restrict preference of domestic firms and enable international firms to operate easily within foreign markets.

5.28 Kenya's road to sustained industrialization is on the balance as the policy space available to her has been substantially reduced by TRIMs.

5.29 The WTO DISPUTE SETTLEMENT SYSTEM

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

5.31 The system has operated against the interests of the developing countries as it is costly for developing countries to initiate the dispute settlement process for exercise of their rights unlike the developed countries.

5.32 There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy. Kenya or any other member state can initiate a dispute settlement process on any trade dispute she may have with another country.

5.33 Kenya needs to enhance her domestic legal capability to handle the dispute settlement process on her own as well as start initiatives in the General Council for improvements in the dispute settlement process.

5.34 CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANISATION (UNIDO)

5.35 Kenya ratified this Constitution on 13th November 1981 and became a member in terms of article 25 on 10th June 1985. Its mandate is to promote industrial development for poverty reduction, inclusive globalization and environment sustainability.

5.36 The mandate of UNIDO is to promote and accelerate sustainable industrial development in developing countries and economies in transition by focusing its

activities on poverty reduction, inclusive globalization and environmental sustainability.

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

5.38 To date 100 projects have been implemented in Kenya with a total disbursement of over US$ 30 million for the last 26 years. Other projects such as the Promotion of Special Economic Zones and Free Trade Zones are yet to be implemented.

5.39 Implementation has not been easy to achieve especially payment of assessed contributions done through the Ministry of Industrialization and Enterprise Development as required by UNIDO. The amount of assessed contributions has been rising due to the fact that several Countries from the developed World have been withdrawing their financial support from UNIDO such as the United Kingdom and France leaving the remaining States to foot the increased bill e.g. the assessed contribution to Kenya was € 12003 in (2013) and in 2014 it rose up to €13876.

5.40 WTO/SPS/OIE INCLUDING SUB REGIONAL OFFICE

5.41 The WTO Sanitary and Phytosanitary Agreement was negotiated to ensure that agricultural products are safe, and do not pose risks to human, animal and plant health. It is also meant to ensure food safety, and to avoid the introduction of diseases and pests through trade. Countries are thus allowed to impose regulations to protect human and animal health (Sanitary) and plant health (Phytosanitary) measures.

5.41 Members can raise specific trade concerns, for example when their products are facing Sanitary or Phytosanitary barriers to entry into other members' markets.

5.42 Kenya can benefit by seeking assistance in the areas of processing technologies, research and infrastructure and in the establishment of national regulatory bodies. Developed Countries Members are requested to provide this assistance especially where the imports are from developing countries like Kenya.

5.43 Kenya has been adopting the international standards developed by Office of Epizootics (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food safety.

5.44 Kenya became a member so as to gain access to regional and international market for its fish and fish products.

5.45 Assistance is provided bilaterally by developed Countries and since it is not an obligation, it must be actively lobbied and developed countries are not always willing.

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

5.47 Kenya's fish has access to lucrative European market (Kenya on list one at the EU). This has led to growth in fish processing and export industry and has guaranteed better incomes for the fishers. The fish industry has undertaken good management practices for sustainability of the fish resources.

5.47 Kenya has developed the fish safety and quality assurance regulations 2007 under the Fisheries Act, Cap 378, to domesticate the requirements.

5.48 THE OFFICE INTERNATIONAL DES EPIZOOTIES (OIE)

5.49 This is the world organization for animal health and is mandated with informing members of the occurrence and course of animal diseases throughout the world. It also coordinates international research devoted to the surveillance and control of animal diseases and promotes the harmonization of health regulations for trade in animal products among members.

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

5.51 Kenya needs resources for capacity building and training to ensure it has enough manpower that can be trained for the benefit of Kenya.

5.52 COTONOU PARTNERSHIP AGREEMENT

5.53 The Agreement aims at coordinating implementation and necessary revisions of the Agreement between African, Caribbean and Pacific member countries with the European Union whose main objective is poverty alleviation and sustainable development. The Agreement has been revised twice in 2005 and 2012 to include emerging issues that were not included during the conception and signing in 2000.

5.54 Some activities have taken long to be accomplished such as Economic Partnership Agreements. There have also been delays in contracting and disbursement.

5.55 It would be important to speed up negotiations within the EAC region for better efficiency in meeting the objectives of the Agreement.

5.56 The Council of Ministers responsible for ACP meets twice in a year to review progress of activities and programme activities on a yearly basis. At the same time, a comprehensive review is done every five years.

5.57 The Ministry of Devolution and Planning put in place an inter-ministerial Committee which meets twice in a year to review progress. Resources should be committed to the National Indicative Programme (NIP).

5.58 There should also be improvement on utilization and reporting of EU funds.

5.59 There is need to approve the proposed riders to existing Financing Agreements for signing by December 2013.

6.0 STANDARDIZATION ORGANIZATIONS & CONVENTIONS

6.1 THE METRE CONVENTION

6.2 The Convention's objective is to establish the degree of equivalence of national measurement standards thereby providing governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs. Kenya as a member state of the BIPM since 1st January 2010 is obliged to pay annual contributions of (€ 56 123) and attend and vote at the CGPM. It also participates in BIPM activities. Kenya's Membership subscription is up to date. Further, KEBS continues to fully participate in the BIPM activities.

6.3 Kenya's membership has led to International recognition of our national measurement system. Kenya also supports the national programme on ease of doing business by eliminating measurement related issues (TBTs).

6.4 Limited resources (personnel, equipment, funds, facilities etc.) and legal framework have affected the participation of Kenya in BIPM activities.

6.5 **CODEX ALIMENTARIUS COMMISSIONS**

6.6 The Purpose of Codex Alimentarius Commissions is to develop international science based food standards aimed at facilitation of fair food trade and protection of consumer health. The role of Codex Alimentarius Commission [CAC] includes standards for all the principle foods, whether processed, semi-processed or raw, for distribution to the consumers for international trade.

6.7 Kenya is required to participate in international Codex technical Commodity committee meetings to keep abreast on what has been adopted and capacity development programmes, vote/comment on codex documents and related texts thus circulated by the Codex Alimentarius Commission Secretariat , get involved in data collection required for setting safe levels in contaminants in food, initiate regional codex standards, initiate standard work for consideration in codex commodity committees, participate in international codex food standard development meetings and physical working groups on codex standard developments.

6.8 Adoption and implementation of these international codex food standards is done through the Kenya Bureau of Standards.

6.9 Kenya became a member in order to participate in Codex international standardization and to ensure that international Food Codex standards take into consideration the national interest of the country. Kenya Bureau of standards adopts these codex standards as a national food standard and implements them to facilitate trade nationally, regionally and worldwide for all of Kenya's animal and plant products.

6.10 Kenya is a participating member on several technical Codex committees of national importance to Kenya such as Pesticide residues in food, veterinary drugs residue in food, food labelling, food additives, food hygiene, contaminants in food, methods of Analysis and sampling, fresh fruits and vegetables, processed fruits and vegetables, import and export inspection of food, Nutrition for special dietary use fish and fishery products.

6.11 Kenya uses the safe levels on food additives, contaminants, aflatoxin, Achrotoxin, veterinary drugs residues in food, pesticide residues in foods set by the three CAC Research independent scientific advisors committees. KEBS incorporates these safe set limits in the national Standards.

6.12 Kenya has inadequate capacity to carry out such research. Codex food Standards are used in case there is dispute in trade and also during harmonization EAC-COMESA standards among the five partner states.

6.13 **AFRICAN ACCREDITATION COOPERATION (AFRAC)**

6.14 The AFRAC is an umbrella organization founded in 2009 comprising of members who are national accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies i.e. Inspection Bodies, testing and calibration laboratories, medical laboratories and certification Bodies for systems, processes, products and persons. It is key in trade facilitation of intra and inter-African trade. AFRAC administers a Mutual recognition scheme that enables recognition of the results and or certificates issued to Conformity assessment Bodies

by accreditation bodies. This is critical in facilitating free movement of products and services across borders.

6.15 Kenya joined so as to benefit from contribution of ideas that will improve the credibility, trust and confidence in conformity assessment results. The country has also been exposed to new ideas in the profession and is thus up to date with emerging technologies. It has also enabled the country foster greater cooperation and institutional linkages with other members.

6.16 The Union encourages international co-operation and participation in the Earth sciences with a view to understanding earth processes and earth resources especially in relation to human welfare.

6.17 Membership to AFRAC will lead to improved trade hence creation of the much needed wealth that will transform our country towards the set goals and objectives of Kenya vision 2030.

6.18 AFRAC will give Africa a stronger voice in articulating the interest of its members taking into account the evolution of conformity assessment standards, market requirements, and applicable regulatory requirements against the backdrop of our stage of economic developments vis-a-vis the need to ensure global competitiveness.

6.19 Kenya is required to participate in meetings, projects, symposia and other programmes organized by AFRAC as part of fulfilling the requirements needed to maintain its membership.

6.20 INTERNATIONAL ACCREDITATION FORUM (IAF)

6.21 IAF is responsible for harmonizing the international recognition of conformance with management, environmental and various product standards. It oversees accreditation activities in the field of certification of systems, processes, products and persons thereby enabling recognition of the results of Accreditation Bodies that accredit the said certifiers. The said accreditation is in respect of the technical competence of personnel and the attendant infrastructure (methods, procedures, equipment, environment within which certification takes place).

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

6.23 The country has benefitted from exposure to new ideas in the field of accreditation and is able to keep up to date with emerging accreditation requirements taking into account the dynamism of the market/customer requirements, standards and applicable regulations requirements.

6.24 It has also enabled the country to foster greater cooperation and institutional linkages with other members and stakeholders such as WHO, WADA, ISO, ITU, WTO, UNFCCC etc.

6.25 IAF encourages international co-operation and participation by member organizations in accreditation activities with a view to making contributions for purposes of facilitating and improving world trade.

6.26 KENAS is pursuing full membership which will pave way for the signing of the Mutual Recognition Arrangement (MRA)/Multilateral Arrangement (MLA)

6.27 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC)

6.28 It oversees accreditation activities in the field of laboratory testing and inspection in all fields. ILAC became a formal cooperation with a charter to establish a network of mutual recognition agreements among accreditation bodies that would fulfil this aim.

6.29 Kenya joined ILAC in order to contribute towards improving global accreditation activities amongst the Accreditation Bodies community in contributing to the development and improvement of world global trade. This is made feasible by improving the value, credibility, trust, reliability of conformity assessment test results, inspection reports and or certificates accompanying shipments and or services traded nationally and across borders. This covers products and services in all fields i.e. construction, transport, health, mining, agriculture, aviation etc.

6.30 Kenya is required to participate in meetings, projects, symposia and other programmes organized by ILAC

6.31 The country has gained through exposure to new ideas in the profession and being able to keep up to date with emerging accreditation requirements that are pegged to market dynamism taking into consideration applicable market requirements, standards and regulatory requirements as well. It has also enabled the country to foster greater cooperation and institutional linkages with other Accreditation Body members and stakeholders.

6.32 ILAC encourages international co-operation and participation in accreditation activities with a view to understanding changing global requirements and improvement of the credibility of conformity assessment results in the field of testing, calibration and inspection.

6.33 INTERNATIONAL MEASUREMENT CONFEDERATION (IMEKO)

6.34 IMEKO's fundamental objectives are the promotion of international interchange of scientific and technical information in the field of measurement and instrumentation and the enhancement of international co-operation among scientists and engineers from research and industry.

6.35 It has consultative status with UNESCO and UNIDO and is one of the five sister Federations within the Five International Associations Coordinating Committee (FIACC).

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

6.37 IMEKO helps in gathering information in metrological research and developments world over as well as aiding to know the future of scientific measurements.

6.38 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

6.39 The role of ISO is to develop international standards that facilitate international trade. The members of ISO are national standards bodies. KEBS became a member of ISO in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country.

6.40 Kenya is therefore represented by the Kenya Bureau of standards (KEBS). KEBS is a participating member on several technical committees of national importance to Kenya. There are over 19,500 published International Standards covering almost all aspects of technology and manufacturing.

6.41 Kenya is required to participate in international technical committee meetings and capacity development programmes. Kenya is a participating member (P-Member) to several committees, P-Member status obligates Kenya to participate in those specific committees by attending meeting, preparing country positions and voting on various projects at various stages of development.

6.42 Standards are developed by those that attend and participate, whenever we are unable to attend TC meetings, Kenyan interests are not taken into account.

6.43 INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC)

6.44 The IEC is charged with the responsibility to promote international co-operation on all questions of standardization and related matters in the field of electrical, electronic (electrotechnology) and related technologies. The IEC member in every country is the National Committee of the IEC which must be fully representative of national interests in the fields of activity of the Commission. The National Committee has its Secretariat at KEBS and Kenya participates in four (4) IEC Committees as a P-Member with full voting rights due to its membership status as an Associate Member (the other class of Membership is Full Member).

6.45 Kenya became a member of the IEC in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country especially since performance electro technical equipment is significantly affected by the climatic conditions. Most of the IEC standards address altitudes up to 1000 m which is below most of the parts in Kenya hence Kenya needed to influence the inclusion of altitudes above 1000 m in the standards to cater for our climatic conditions.

6.46 Kenya is required to participate in international technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by the Commission where Kenya is a P-Member and operate within the rules and procedures of the Commission.

6.47 IEC is an Associate member and Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).

6.48 INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES *(Bureau international des poids et mesures, BIPM)*

6.49 The BIPM acts in matters of world metrology, particularly concerning the demand for measurement standards of ever increasing accuracy, range and diversity, and the need to demonstrate equivalence between national measurement standards.

6.50 The Convention, despite being signed in 1921 remains the basis of international agreement on units of measurement. The BIPM now has fifty-five Member States, including all the major industrialized countries.

6.51 The task of the BIPM is to ensure world-wide uniformity of measurements and their traceability to the International System of Units (SI). The SI is commonly referred to as the *Metric System*.

6.51 The BIPM carries out measurement-related research. It takes part in, and organizes, international comparisons of national measurement standards, and it carries out calibrations for Member States.

6.52 Kenya became a member so as to benefit from its activities that lead to the most effective manner of obtaining international recognition of our national metrology programmes. Further, the BIPM provides Member States with a collaborative forum that multiplies the investment in their national metrology programmes through synergy with the national metrology efforts of the other Member States.

6.53 Kenya is required to pay the annual contribution/subscription to maintain its membership and attend and vote at the CGPM, held once every four years. It is also supposed to participate in the various BIPM activities, such as the CIPM MRA, that support our national metrology programme;

6.54 The advantages Kenya derives from participating in the activities of the BIPM include the opportunity to have our national calibration and measurement capabilities (CMCs) internationally recognized in the framework of the CIPM Mutual Recognition Arrangement (CIPM MRA).

6.55 The BIPM also serves as a liaison between its Member States and other inter-governmental organizations and international bodies concerned with the international coordination of various aspects of science, technology, and commercial quality infrastructure.

6.56 Implementation of requirements is done through the Kenya Bureau of Standards. Membership status is up to date and KEBS continues to fully participate in the BIPM activities.

6.57 A European report on assessment of the economic role of metrology (measurement and testing) indicates that for every euro devoted to measurement activity nearly three Euros are generated by way of directly estimable benefits alone. This is without taking into account the very large benefits to society in terms of health, safety and the environment, which would raise the benefit to cost ratios even further.

6.58 AFRICAN ELECTROTECHNICAL STANDARDIZATION COMMISSION (AFSEC)

6.59 The role of AFSEC is to facilitate trade on the African continent by removing the different technical obstacles, thus opening new markets and furthering economic integration and economic growth by create the conditions guaranteeing the interoperation of complex systems.

6.60 Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. AFSEC is therefore key in addressing the factors that may affect interoperability of key infrastructure such as the Electrical Energy Transmission infrastructure and therefore the presence of Kenya in AFSEC is key to understanding the emerging challenges and opportunities which can be addressed through standardization.

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

6.62 Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by the Commission, participate in Management Committee meetings and operate within the rules and procedures of the Commission.

6.63 Kenya has the right to influence Management decisions through its membership in the Management Committee and also influence Technical Committee (TC) decisions through membership in the TCs. Kenya has managed to influence which IEC standards to be adopted through the AFSEC TCs.

6.64 The day to day running of the National Committee (NC) is provided by KEBS as the Secretariat.

6.65 THE AFRICAN ORGANIZATION FOR STANDARDIZATION (ARSO)

6.66 The African Organization for Standardization (ARSO) is a continental standardization body that traces its genesis to the Conference held in the 1970s Accra, Ghana on African socio-political and economic Pan-Africanism.

6.67 Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. ARSO is therefore key in addressing the factors that may affect interoperability in the African markets thus the presence of Kenya in ARSO is key to understanding the emerging challenges and opportunities which can be addressed through standardization.

6.68 Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by ARSO, participate in Council meetings and operate within the rules and procedures of the organization. The country pays an annual subscription of USD 16,000 to ARSO.

6.69 Through membership in ARSO, Kenya has the right to influence Management decisions through its membership in the Management Committee and also influence Technical Committee (TC) decisions through membership in the TCs. Kenya has managed to influence several council decisions and standards to be adopted through the African Organization For Standardization Technical Committee (ARSOTCs).

6.70 The KEBS is a council member of ARSO and participates in various programs. Kenya hosts the Headquarters of ARSO.

6.71 ASIA PACIFIC METROLOGY PROGRAMME (APMP)

6.72 The APMP is a grouping of national metrology institutes (NMIs) from the Asia-Pacific region engaged in improving regional metrological capability through the sharing of expertise and exchange of technical services among Member laboratories. APMP is also a Regional Metrology Organization (RMO) recognized by the International Committee for Weights and Measures (CIPM) for the purpose of worldwide mutual recognition of measurement standards and of calibration and measurement certificates.

6.73 Kenya through KEBS is an associate member of APMP's. The aim of APMP is to promote and support a measurement infrastructure in the Asia-Pacific region that facilitates international trade, improves industrial efficiency and competitiveness,

ensures equity in the marketplace, and enhances the quality of life and the environment.

6.74 **CONFERENCE OF AFRICA UNION MINISTERS OF INDUSTRY (CAMI)**

6.75 CAMI is the highest political forum in the AU where issues relating to industrial development of Africa are discussed and promoted. CAMI was inaugurated in 1971 by the United Nations Industrial Development Organization (UNIDO), as a Pan-African response to promote accelerated and sustainable industrial development. Kenya became a member so as to benefit from the technical assistance from CAMI and also propagate its position in the African Continent on issues of Industrialization. Kenya is required to participate in meetings and conferences organized by CAMI.

6.76 The Conference brings together policy makers and industrial experts to deliberate on industrial policies and programmes and, where necessary, agree on common positions on issues of relevance to Africa. CAMI serves as a forum for African leaders and other stakeholders to discuss and review progress made towards Africa's Industrialization. The forum is also meant to attract investment and promote tourism.

6.77 Being a member of the organization enables Kenya improve the country's industrial development. There have been cost implications arising from travel and hosting CAMI 20 in Nairobi in June 2013.

6.78 It has been a challenge paying the assessed contributions which is done through the Ministry of Industrialization and Enterprise Development, Department of Industrialization as required by the UN body.

6.79 **INTRA-AFRICA METROLOGY SYSTEM (AFRIMETS)**

6.80 AFRIMETS was established in order to harmonize metrology activities in Africa based in the Regional Metrology Organization (RMO) of the Americas, SIM (Sistema Interamericano de Metrologia).

6.81 Kenya through KEBS is a participating member of AFRIMETS through the sub-regional metrology organization EAMET. KEBS participates in the relevant technical committees and chairs some of them.

6.82 Kenya is required to participate in the General Assembly, Technical committee (TC) meetings and capacity development programmes.

6.83 KEB is tasked with implementation and Kenya is set to organize measurement comparisons.

6.84 **SOUTH AFRICAN DEVELOPMENT COMMUNITY CO-OPERATION IN MEASUREMENT TRACEABILITY (SADCMET)**

6.85 The SADC Cooperation in Measurement Traceability coordinates metrology activities and services in the Region, in order to provide regional calibration and testing services, including regulatory bodies, with readily available traceability to the SI units of measurement, through legally defined and regionally and internationally recognized national measurement standards.

6.86 Kenya is an associate member of SADCMET and is required to participate in the General Assembly, Technical committee (TC) meetings and capacity development programmes.

6.87 EAST AFRICAN ACCREDITATION BOARD (EAAB)

6.88 The EAAB was established in the year 2007, under section 10 of the East African Community Standardization Quality Assurance, Metrology and Testing Act, 2006 (EAC SQMT Act, 2006) that include Accreditation. The membership comprises National Accreditation Bodies and National Accreditation Focal Points of EAC Partner states. This Act covers requisite quality infrastructure (Standardization, Metrology and Accreditation) that support regional trade in products and services. It is mooted under the East African Treaty and protocol principally aimed at fostering regional trade through the integration to be facilitated by instruments of the customs union, common market etc.

6.89 Kenya joined the EAAB so as to play its role in the process of the EAC integration. Besides, this will enable her to increase the volume of its trade particularly increase of its exports of products and services to the EAC region and beyond considering the key potential of the EAC market with a population of 1.2 billion people.

6.90 Further, through the EAC, Kenya will also play a significant role in facilitating trade considering the membership of the Country to COMESA and the quest by the COMESA-SADC-EAC Tripartite initiatives aimed at avoidance of duplication of effort through synergy of efforts to increase Africa regional trade.

6.91 Kenya is required to fulfil the obligations of the EAC SQMT Act, 2006 and in particular, the provisions of section 10.

6.92 EAST AFRICA COMMUNITY- STANDARDIZATION QUALITY ASSURANCE METROLOGY AND TESTING ACT (SQMT ACT)

6.93 The aim of the SQMT Act is to enable trade facilitation across the border. KEBS participates in standards, quality assurance metrology testing and other conformity assessment activities under the SQMT Act to ensure that there are no trade barriers to Kenyan product to access regional markets.

6.94 Kenya must undertake its obligations to ensure that Kenyan products access regional markets without barriers related to technical regulations and standards. Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by EAC, participate in policy organs of the SQMT Act meetings and operate within the rules and procedures.

6.95 Kenya can influence East Africa Standards and other decision related to the SQMT Act to ensure continued access to regional markets.

6.96 Kenya participates in standards harmonization technical committees and is secretariat to various sectoral technical committees.

6.97 AFRICAN ACCREDITATION COOPERATION (AFRAC)

6.98 AFRAC was founded in 2009. It is an umbrella organization comprising of members who are national accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies i.e. Inspection Bodies, testing and calibration laboratories, medical laboratories and certification Bodies for systems,

processes, products and persons. AFRAC is key in trade facilitation of intra and inter-African trade. AFRAC administers a mutual recognition scheme that enables recognition of the results and or certificates issued to Conformity assessment Bodies by accreditation bodies. This is critical in facilitating free movement of products and services across borders.

6.99 Besides this, AFRAC gives Africa a stronger voice in articulating the interest of its members taking into account the evolution of conformity assessment standards, market requirements, applicable regulatory requirements against the backdrop of our stage of economic developments vis-à-vis the need to ensure global competitiveness.

6.100 The country has gained through exposure to new ideas in the profession and being able to keep up to date with emerging technologies. It has also enabled the country to foster greater cooperation and institutional linkages with other members.

6.101 Kenya joined AFRAC so as to join the African Accreditation community. This has enabled contribution of ideas that will improve the credibility, trust and confidence in conformity assessment results. This has lead to improved trade hence creation of the much needed wealth that will transform our country towards the set goals and objectives of Kenya vision 2030.The Union encourages international co-operation and participation in the Earth sciences with a view to understanding earth processes and earth resources especially in relation to human welfare.

6.102 The country will be required to pay membership fees once this is worked out and a resolution on the same is adopted by members at its next General Assembly meeting in Addis Ababa, Ethiopia in September of 2014.

7.0 COOPERATIVES CONVENTIONS AND MEMBERSHIPS

7.1 WORLD COUNCIL FOR CREDIT UNIONS (WOCCU)

7.2 This is the global confederation of Cooperative Financial Institutions (CFIs). WOCCU brings together all savings and Credit Co-operatives (SACCOS) in the world, creating a huge network. Kenya has been rated as having the fastest growing financial Cooperatives and hence the need for Kenya to benchmark with the rest of the World. This creates an avenue for sourcing financial partners.

7.3 Kenya can market and export expertise and products within the network; Kenya can also access alternative affordable financial credit sources for the movement; Membership can lead to the development of the movement by accessing alternative financial sources which will result in job creation.

7.4 Kenya became a member so as to gain from experiences of other CFIs. Subscription is by individual Co-operative Institution. The obligation of the Government is to participate in the council for purposes of boosting the Cooperative movement in Kenya.

7.5 INTERNATIONAL COOPERATIVE ALLIANCE (ICA)

7.6 This is a worldwide Cooperative body with headquarters in Geneva, Switzerland; it has an Africa Regional Office in Kenya. Its main aim is to form networks within the cooperative movement in Kenya and the rest of the World. The Cooperative movement in Kenya is number one in Africa hence Kenya is used to spearheading the

Cooperative initiative in Africa. The Cooperative University is used to train Cooperative Officers within the region. The ICA Regional Office for Africa is based in Nairobi.

7.7 Kenya became a member so as to benefit from networking for the purposes of boosting the cooperative movement in Kenya. Kenya can market and export expertise of Cooperative products in the region.

7.8 Being a member of the organization contributes to the development of the country's Cooperative movement, creates jobs and business opportunities for Kenya and the Cooperative movement bodies.

7.9 Implementation is being undertaken smoothly given the regional Office is based in Nairobi.

7.10 AFRICAN CONFEDERATION OF COOPERATIVE SAVING ASSOCIATION (ACCOSCA)

7.11 ACCOSCA is an African Cooperative body with headquarters in Kenya. Its aim is to form network within the cooperative movement in Kenya and African Countries.

7.12 Kenya's Cooperative movement is used for benchmarking in Africa. The Co-operative Bank of Kenya has been partnering with the Cooperative Movement in South Sudan for instance in the establishment of the Cooperative Bank of South Sudan. The Cooperative University also trains Cooperative Officers within the region.

7.13 Kenya is involved in marketing and exporting expertise of Cooperative products in the region. As a member of AAOSCA, Kenya contributes to the development of the country's Cooperative movement and creates jobs for Kenyan citizens. Kenya also plays a leading role in the formation and capacity building of Cooperative movement bodies of the member states.

8.0 INTELLECTUAL PROPERTY RIGHTS

8.1 CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

8.2 The objective of this Convention is to modernize and render more efficient administration of the Unions established in the fields of protection of industrial property and the protection of literally and artistic works, while fully respecting the independence of each of the unions.

8.3 Membership to this Agreement increases the potential of generation of income related to intellectual property issues. There is technical assistance in infrastructure and administration of IP policy discussions and negotiations on IP development.

8.4 It has however been a challenge for Kenya to attend all the WIPO meetings due to limited funding.

8.5 PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

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

applications from the other member countries for protection of industrial property rights.

8.7 The World Intellectual Property Organization (WIPO) is the global forum for intellectual property services, policy, information and cooperation. Paris Convention for the Protection of Industrial Property covers for protection industrial property, the Berne Convention for the Protection of Literally and Artistic Works and the Madrid Agreement Concerning the International Registration of Marks, the Singapore Treaty on the Law of Trademarks Singapore, establish common standards for procedural aspects of trademark registration and licensing and Patent Cooperation Treaty Washington provide the applications for the protection of inventions in any of the Contracting States and may be filed as international applications under this Treaty. Nairobi Treaty on protection of the Olympic symbol this compels Kenya to protect the symbol.

8.8 All the treaties are easy to implement and currently are being implemented by the Kenya Industrial Property Institute. Kenya pays Membership subscription and participates in WIPO related activities.

8.9 **MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS MADRID 1891**

8.10 The objective of this Agreement is to ensure that nationals of contracting countries secure protection for their marks applicable to goods or services by filing the said marks at the International Bureau of Intellectual Property through the intermediary of the office of the country of origin.

8.11 The Treaty has enhanced protection of trademarks, helped the applications from Kenya reduce costs by filing a single trademark application and designating countries one seeks for protection. Kenya is actively involved in protecting Industrial Property Rights through KIPI, Kenya has complied the trademark law is in place.

8.12 The Government is obliged with Protection and registration of trademarks.

8.13 Inadequate funding impacts on the implementation of the Agreement, for developing countries in general and smaller Companies existing in Kenya given its very technical nature.

8.14 **PATENT COOPERATION TREATY WASHINGTON 1970**

8.15 The main objective of this treaty is the mainstreaming of patent application filing and novelty such procedures for applicants wishing to obtain patent protection in a wide number of countries around the world. The government is obliged with the protection and registration of patents.

8.16 The agreement has enabled the protection of national innovations hence promoting financial gain from patents. The System is however expensive and the need for publicity of the same still remains.

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

8.18 SINGAPORE TREATY ON THE LAW OF TRADEMARKS

8.19 The objective of the Singapore treaty is to create a modern and dynamic international framework for the harmonization of the administrative trade mark registration procedures.

8.20 The obligation of the government is to ensure protection and registration of trademarks.

8.21 The implementation of the treaty has led to the protection of trademarks. Kenya has complied through its active involvement in protecting Industrial Property Rights through KIPI.

8.22 BERNE CONVENTION

8.23 Its main objective is the Protection of Literary and Artistic Works. It requires all its signatories to recognize the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognizes the copyright of its own nationals, which is the obligation placed upon Kenya.

8.24 In meeting the obligations arising from the Convention, Kenya has enacted the Copyright Act Cap 130 Laws of Kenya. A key challenge that Kenya has encountered in trying to meet the objectives of the Convention is that there is lack of understanding of copyright and related rights.

8.25 TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)

8.26 This agreement was negotiated on the 1986-1994 Uruguay Round which introduced intellectual property rules into the multilateral trading system for the first time. The objectives are to reduce distortions and impediments to international trade; promotion of effective and adequate protection of intellectual property rights; and ensuring that measures and procedures to enforce IP rights do not themselves inhibit legitimate trade.

8.27 It sets out minimum standards that allow members to provide more extensive protection of intellectual property if they so wish. It gives members a free choice to determine the appropriate method of implementation within their own legal systems and practice.

8.28 The Government has amended laws such as the Copyright Act, Trademarks Act and the Industrial Property Act to comply and conform to TRIPs and regional instruments.

8.29 Under TRIPS Developing and Least Developing Countries have had difficulties in importation of cheap generic drugs to management of HIV/AIDS. Multinational Drug manufacturers like Pfizer and Smithkline Beecham pursued conclusion of this Agreement which includes stringent conditions that are imposed when a country wants to import generic drugs or manufacture the same under licence.

8.30 LUSAKA AGREEMENT (1976) AND HARARE PROTOCOL (1982)

8.31 The agreement led to the development of the African Regional Intellectual Property Organization (ARIPO). The organization is mandated with the registration of patents and industrial designs.

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

9.0 EDUCATION, SCIENCE AND TECHNOLOGY

9.1 STATUTES OF INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY (ICGEB) ACCEDED TO IN JULY 2010 IN ITALY.

9.2 The objectives of the ICGEB is to promote the development, production and wide application of biotechnology in the interest of developing countries; promote the transfer of technology to member countries and overcome difficulties encountered by developing countries in fostering innovation, ownership and in-house application in line with ICGEB statutory mandate.

9.3 The obligation of the government is to participate in decision making of ICGEB Board of Governors, recommend scientists and students for ICGEB training, encourage scientists to organize and request for funding for ICGEB training and remit annual contribution of US$ 5000 since 2011.

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

9.5 Kenya has been training PhD students through ICGEB funds. There has also been capacity building in the areas of biomedicine-crop improvement, environmental protection/remediation and biopharmaceuticals and bio pesticide production through funds by ICGEB. It has also linked Kenyan Researchers with those of South Africa (2013).

9.6 PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION

9.7 The Commission's main objective is to establish the East African Science and Technology Commission as an apex body to promote and co-ordinate the development, management and application of science and technology in the EAC. It seeks to promote regional research in Science and technology. Through its membership, Kenya can improve its research capacity through co-operation with other partner States in the EAC.

9.8 The implementation of the Protocol has been hampered by the delayed finalization of the hosting arrangements for the East African Science and Technology Commission.

9.9 It will establish a regional body to spearhead research in science and technology development; and acquisition of reliable data to guide decision making in science and technology matters.

10.0 OUTER SPACE TREATIES

10.1 Kenya is a party to a number of treaties relating to Outer Space. These include Treaty on Principles Governing the Activities of states in the Exploration and use of Outer Space including the moon and outer celestial bodies (outer Space Treaty) (ratified 1967); Convention on internal liability for Damage caused by Space objects (ratified 1972) and Agreement governing the activities of states on the Moon and other celestial Bodies (accession 1984).

10.2 The Outer Space Treaties provide the basic framework on international space law. The Government is obliged to participate in state members meetings held annually in Vienna and to domesticate the treaties by enacting national laws for outer space activities.

10.3 Benefits attributable to this treaty include: Capacity building in outer space programmes, Information sharing on outer space activities, Access of data from member states and Assistance with establishing legal framework for States Parties.

10.4 There is lack of co-ordination at national level to facilitate space related data and information exchange and adequate transfer of technology which tends to inhibit the emergence of space science and technology as a tool for national development. There is also a lack of a legal frame work for co-ordination of outer space activities as well as inadequate funds for implementation of activities under the Space programme.

10.5 In keeping with implementation of this Treaty, the country has a draft National Space Agency Bill 2013 and National Space Policy. It has also provided under the Science, Technology and Innovation Act 2013, earth and space sciences as programmes to be undertaken by the Government.

11.0 TREATIES ON DEVELOPMENT OF STATISTICS

11.1 AFRICAN CHARTER ON STATISTICS

11.2 The African Charter on Statistics was adopted on the 3rd February 2009 by the Assembly of Heads of State and Government of the African Union. The Charter aims to serve as an advocacy tool of statistics development, strengthen the coordination of statistical activities across the continent, promote adherence to international standards and professionalism in statistics, and ensure the production of quality data.

11.3 Kenya is also among the 15 countries that have already signed the Charter. The process of ratification is on going through discussions with the AG chambers. The emergence of consistent and harmonized African statistics is limited by institutional capacity weaknesses, duplication and dispersion of efforts by our institutions, and lack of adequate resources (both financial and human).

11.4 Kenya has already initiated the process of developing a National Strategy for Development of Statistics (NSDS). The NSDS borrows heavily from the African Charter on Statistics (ACS) principles and the Strategy for the Harmonization of Statistics in Africa (SHaSA) themes and objectives.

11.5 KNBS is also in the process of revising the Statistics Act mainly to align it with the new constitution but also to close some gaps in the law as per internationally agreed practices in statistical organization and management.

11.6 STRATEGY FOR THE HARMONIZATION OF STATISTICS IN AFRICA (SHASA)

11.7 Its main objective is to develop a National Strategy for Development of Statistics (NSDS). It is expected to lead to the improvement of efficiency in monitoring and evaluation of statistics, reduce the gap between the supply of statistical information and facilitate the monitoring of the African development and integration process.

11.8 SHASA lacks adequate financial and human resources to implement its programmes and activities.

11.9 The Government should devise a mechanism for the implementation of the Charter. It has initiated the process of developing a National Strategy for Development of Statistics (NSDS).

12.0 HEALTH

12.1 LEAGUE OF NATIONS, CONFERENCE OF PARTIES WORLD HEALTH ORGANIZATION 1948

12.2 The main objective of this Conference is the attainment by all people of the highest level possible of health, responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence based policy options, providing technical support to countries and monitoring and assessing health trends.

12.3 Its functions in Kenya include assisting government through the Ministry of health in strengthening health services; establishing and maintaining administrative and technical services, such as epidemiological and statistical services; stimulating the eradication of diseases; improving nutrition, housing, sanitation, working conditions and other aspects of environmental hygiene; promoting cooperation among scientific and professional groups; proposing international conventions and agreements on health matters; conducting research; developing international standards for food, and biological and pharmaceutical products; and developing an informed public opinion among all peoples on matters of health.

12.4 Kenya became a member so as to benefit from the rich pool of health experts within World health organization. It also creates an opportunity for Kenya to influence international debated matters on health spearheaded by WHO. Kenya is able to interact with other member states and share best practices on health.

12.5 The obligation of Kenya are to participate in national, regional and global WHO activities as a member state and prepare reports on various health outcomes are done through the national WHO office, in regional and global forums where necessary.

12.6 Population growth has been slowed dramatically in many of the most populous parts of the country and diseases such as Smallpox, the ancient scourge, has been eradicated. Other successes include the control of lice-borne typhus and yaws not to mention that Polio and guinea worms are on the verge of total elimination.

12.7 A number of other communicable and tropical diseases, including onchocerciasis and schistosomiasis, are in retreat and the universal salt iodization is in place. This means that the prospect of virtually eliminating iodine deficiency disorders (IDD), the major cause for brain damage among young children, is also in sight.

12.8 Kenya working in collaboration with WHO, has put in place various programmes such as disease surveillance and eradication, immunization, procurement of medication from other international agencies, disaster management and research.

12.9 CONVENTIONS ON ILLICIT AND PSYCHOTROPIC DRUGS

12.10 The Conventions seek to regulate the illicit use of Narcotics and psychotropic agents. The trafficking and abuse of illicit drugs and psychotropic drugs is a global malaise and Kenya in conjunction with other countries has tried to mitigate the spread of this vice by joining other states in conventions including:

i) The United Nations Conventions on Illicit Drug Control
ii) The Convention on Psychotropic 21, 1971
iii) The Single Convention on Narcotic Drugs (1961)
iv) The UN Convention against Illicit Traffic in Narcotic Drugs & Psychotropic Substances, 1988.

12.11 Under the Conventions, Kenya is obligated to report annually the on important changes in its laws and regulations concerning psychotropic substances; developments in the abuse of and the illicit traffic in psychotropic substances within its territory; notify the Secretary-General of the names and addresses of the governmental authorities dealing with psychotropic substances; furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic; furnish to the Board annual statistical reports on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers; cooperate with other State Parties in order to combat illicit drug trafficking; and enact laws to curb possession, trafficking and cultivation of certain plants used as narcotics and psychotropic substances.

12.12 These conventions guide Kenya's ability to control and use of Psychotropic and addictive substances thereby leading to the formation of clear guidelines in the management of persons addicted or abusing narcotic substances.

12.13 The Pharmacy and Poisons Board has been established to ensure the implementation of the objectives of the Convention and the obligations that arise to Kenya from it. There are also future projects that have been proposed that seek to provide free needles to drug addicts to prevent the spread of HIV/ AIDS.

12.14 WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL 2003

12.15 Its objectives are to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke" by enacting a set of universal standards stating the dangers of tobacco and limiting its use in all forms worldwide. Kenya is required to enact national laws and a framework that will seek to reduce tobacco consumption.

12.16 It helps to preserve present and future generation from the health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.

12.17 Kenya has so far enacted the Tobacco control Act 2007. There is currently increasing the tax imposed on tobacco products up to at least 75 % of retail price. Further to this, the country is working on the developing Tobacco Control Regulations and creating awareness and information availability through public education will be carried out in the near future. To further achieve the objectives of the Convention there is need to operationalize the Tobacco control board fund. There have been challenges in relation to complaints from tobacco farmers and the tobacco industry in general since implementation of the Convention will lead to lose of income.

13.0 TRANSPORT

13.1 ROAD TRANSPORT

The road sector is to ensure that development of roads does not impact the environment negatively; hence prior to road construction, EMCA issues Environmental Impact Assessment licenses to ensure the necessary issues are covered, in harmony with international best practices.

13.2 AIR TRANSPORT

13.3 CONVENTION ON INTERNATIONAL CIVIL AVIATION

13.4 The Convention aims to ensure the safe and orderly growth of international civil aviation throughout the world; encourage the arts of air craft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others.

13.5 The Convention establishes the International Civil Aviation Organization which is the specialized UN body for civil aviation matters. The Convention has 19 Annexes through which ICAO has developed Standards and Recommended Practices (SARPs) to govern and standardize the conduct of civil aviation amongst States. ICAO conducts safety and security audits on States based on its Standards and Recommended Practices to establish the level of effective implementation. Kenya was elected to the ICAO Council in October, 2013 for a period of 3 years.

13.6 The Government formulates policies and regulations that govern civil aviation, implements programs including ratification, implementation, yearly subscriptions and active participation at meetings on instruments adoption/implementation. Currently, the subscriptions are fully paid up.

13.7 Kenya has enacted the Civil Aviation Act, 2013 and the Civil Aviation Regulations as the main instruments of implementation of the Convention. It has also established the Kenya Civil Aviation Authority.

13.8 Kenya makes reports to ICAO which also conducts regular Audits.

13.9 The Authority faces the challenge of attracting and retaining qualified technical staff due to the remuneration offered as against what is offered within the industry. The Government should enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.

13.10 The benefits to Kenya are a safe and orderly civil aviation industry in the country, thereby allowing the growth of the industry and enabling operators thrive. Other

benefits accruing from Implementation of this Protocol include collaboration with other aviation-nations, technical assistance on aviation-training/equipment, development of regulations/laws and domestication and assessments in ensuring clean, safe secure civil aviation for international trade.

13.11 CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION)

13.12 The Convention which was ratified by Kenya on 7th January 2002, addresses rules relating to the international carriage of passengers, baggage and cargo relating to damages, lost baggage and disabled passengers and mobility equipment.

13.13 The Convention attempts to re-establish uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo. Whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime).

13.14 The Convention achieves modernization in a number of key areas. It protects passengers by introducing a two-tier liability system that eliminates the previous requirement of proving wilful neglect by the air carrier to obtain more than $75,000 in damages, which should eliminate or reduce protracted litigation.

13.15 The main obligation is for Kenya is mainly to implement the Convention as there are no reporting obligations.

13.16 Damages and lost baggage, due to human error are a concern of Airlines world-wide and a challenge for all State Parties including Kenya. The amounts of compensation especially when relating to aircraft accidents and the subsequent litigation are another challenge for State Parties and airlines.

13.17 Kenya as a State Party is required to enhance safety standards as well as consumer protection to the highest international standards.

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

13.19 CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION

13.20 The Convention on the Marking of Plastic Explosives for the Purpose of Detection is a multi-lateral and anti-terrorism treaty that aims to prohibit and prevent the manufacture or storage of unmarked plastic explosives. The Convention notes the implications of acts of terrorism for international security and the fact that plastic explosives have been used for terrorist acts aimed at destruction of aircraft, other means of transport and other target. It further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts.

13.21 The main obligation is for Kenya to ratify and implement the Convention.

13.22 Although Kenya is not a producer State of plastic explosives, a state that ratifies the Convention agrees to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in its territory.

13.23 The Convention establishes an International Explosives Technical Commission, which is composed of experts in the field explosives and from which Kenya can request for enhancement of technical capacity in detection. Being a Member reduces the ability and risk of terrorists to utilizing plastic explosive within our territory.

13.24 Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in our territory is also a challenge.

13.25 **CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (CAPE TOWN CONVENTION) AND THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT**

13.26 The Convention and Protocol recognize the need to acquire and use mobile equipment of high value or particular economic significance and to facilitate the financing of the acquisition and use of such equipment in an efficient manner; the advantages of asset-based financing and leasing for this purpose and desiring to facilitate these types of transaction by establishing clear rules to govern them; the need to ensure that interests in such equipment are recognized and protected universally; to provide broad and mutual economic benefits for all interested parties; takes cognizance that such rules must reflect the principles underlying asset-based financing and leasing and promote the autonomy of the parties necessary in these transactions; and the need to establish a legal framework for international interests in such equipment and for that purpose to create an international registration system for their protection.

13.27 Kenya ratified and domesticated and implements this convention by enacting the International Interests in Aircraft Equipment Act, 2013. Kenya also makes its Report to the International Institute for the Unification of Private Law (UNIDROIT) in fulfilment of its obligations.

13.28 Local airlines are able to acquire aircraft at discount due to assurance to the seller's, that their interests in such equipment are recognized and protected.

13.29 Operators have a challenge in raising the funds to acquire aircraft and the government should enhance operators' access to funds.

13.30 **CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION (MONTREAL CONVENTION)**

13.31 The Convention recognizes that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts; there is an urgent need to provide appropriate measures for punishment of offenders.

13.32 The ratification of the Convention by the government demonstrates its commitment towards ensuring that acts of unlawful interference are eliminated. The government is required to legislate the following as offences:

(a) unlawfully and intentionally performing an act of violence against a person on board a civilian aircraft in flight if it is likely to endanger the safety of that aircraft;

(b) destroying an aircraft in service or causing damage to an aircraft that renders it incapable of flight or is likely to endanger its safety in flight;

(c) placing or causing to be placed devices or substances likely to destroy the aircraft, render it incapable of flight, or endanger its safety in flight;

(d) destroying or damaging air navigation facilities (only if these facilities are used in international air navigation) or interfering with their operation; and communicating false information that would endanger the safety of an aircraft in flight.

13.33 The convention applies, whether the aircraft is engaged in an international or domestic flight, only if: the point of take-off or landing, actual or intended, is outside the territory of the state where the aircraft is registered; or if the offence is committed outside of the state of registration. Kenya is authorized to establish jurisdiction in cases where the offence takes place in its territory.

13.34 The convention requires Kenya to make the above offences punishable by severe penalties and it lays out guidelines for custody of suspects. Kenya is also required to either extradite the offenders or submit their cases for prosecution. It is also required to assist other State Parties in connection with criminal proceedings brought under the convention especially where offences are committed in its jurisdiction.

13.35 The Civil Aviation Act, 2013 recognizes some acts of unlawful interference as crimes but should also include those defined as offences by the Convention.

13.36 The convention urges State Parties to formulate unified strategies to resolve safety Related deficiencies and urges States to share and use critical safety information through regional cooperation. Kenya also makes its Report to the International Civil Aviation Organization (ICAO) as part of its obligations.

13.37 Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. Following the 11 September 2001 terrorist attacks on the United States, member states are required to take various steps to strengthen the convention by agreeing to cooperate fully in the apprehension and prosecution of all those responsible for acts of terrorism and to cooperate with other member states on how to eradicate acts of terrorism against civil aviation and to develop a detailed action plan to address the new forms of threat to civil aviation. These are challenges that require cost, modern technology and skilled manpower.

13.38 Strengthening of our security agencies and continuous surveillance to deter would be terrorists. The government should invest in modern equipment and training security agents to combat terrorism.

13.39 The Convention prohibits and punishes behavior which may threaten safety of civil aviation. It allows Kenya to acquire information and intelligence by way of cooperation with other member States.

13.40 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

13.41 Kenya ratified the above Protocol on 5 October 1995 and on 4th November 1995 it entered into force. The Protocol supplements the above Montreal Convention so as to deal with such unlawful acts of violence at airports serving international civil aviation. It also recognizes that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States.

13.42 Kenya is required to enact legislation with severe penalties for persons who perform any acts of violence against persons at international airports as well as persons who destroy or damage facilities of its international airports whenever the acts endanger the safety of the airports.

13.43 The ratification of the Protocol by the government demonstrates its commitment towards safety of passengers at airports and the Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime. Kenya makes its report on compliance to the International Civil Aviation Organization (ICAO).

13.44 Terrorism is a challenge to most States and terrorist will use any means to achieve their goals. Strengthening of our security agencies and continuous surveillance to ensure that security is maintained at our airports. The Convention supports Kenya to prohibit and punish behaviour which may threaten safety of civil aviation.

13.45 CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE

13.46 The Convention which Kenya ratified on 5th July 1999 aims to ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft, while limiting in a reasonable manner the extent of the liabilities incurred for such damage in order not to hinder the development of international civil air transport.

13.47 The ratification of the Convention by the government demonstrates its commitment towards adequate compensation to those who suffer damage.

13.48 Recognition of the jurisdiction of Member States for enforcement of Judgments makes it easy to implement and ensures the protection of Kenyans who may suffer aviation loss caused by aircraft flying over Kenyan Space.

13.49 Kenya reports to the International Civil Aviation Organization (ICAO) on implementation.

13.50 Adequacy of compensation especially when relating to aircraft accidents tends to lead to litigation. The Convention provides for strict liability of operators to compensate victims of damage on the ground from aircraft travelling on an international route, which may be costly to enforce.

13.51 Kenya needs to ratify any amendments to the protocol to ensure that compensation is adequate.

13.52 This is a serious effort by the ICAO to address the problems of aviation losses caused by criminal conduct and ground losses. Standardizes compensation relating to damage suffered and recognizes judgments entered by Kenya Courts as being enforceable in the jurisdictions of other State parties as soon as the formalities required by that State party have been complied with.

13.53 PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA)

13.54 The Protocol established the Civil Aviation Safety and Security Oversight Agency (CASSOA). This Protocoal was signed by the East Africa Ministers responsible for civil aviation on 18th April 2007 and at the 5th Extraordinary Summit of EAC Heads of State, they directed its immediate Operationalization. It has been ratified by all the member States.

13.55 The objectives of CASSOA are mainly to help Partner States meet the requirements of the (ICAO) which involves developing consensus among the Partner States, coordinating activities, sharing technical expertise and facilities, and achieving effective oversight of civil aviation safety and security.

13.56 Challenges of implementing this Protocol include funding of the Agency activities, retention of regulatory technical staff and shortage in terms of numbers and skills in the regulatory technical staff in the Partner States. The political will in transforming the Agency to the complex level where it will be designated some or all of the oversight functions and responsibilities is required.

13.57 The establishment of CASSOA in East Africa Community provides a common framework and mechanism for the Partner States to fulfill their international safety and security oversight obligations as provided by the Convention in an effective and efficient way. It also demonstrates its commitment towards aviation safety in the region.

13.58 Report obligations are to the EAC Secretariat.

13.59 MARITIME CONVENTIONS

13.60 CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION (IMO CONVENTION) AS AMENDED

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

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

control of marine pollution from ships". The Organization is also empowered to deal with administrative and legal matters related to these purposes.

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

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

13.65 Inadequate funding has affected the implementation of the Agreement.

13.66 **INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED (SOLAS 1974)**

13.67 The SOLAS Convention is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. Control provisions also allow Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control. The current SOLAS Convention includes Articles setting out general obligations and amendment procedures etc.

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

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

13.70 **INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)**

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

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

13.73 Development of Shipping Operations (Marine Pollution) bill, 2014 is ongoing together with regulations, Measures for handling packed dangerous goods, port reception facilities for sewage and oil waste in place, Port State Control measures, Continuous stakeholders' workshops and seminars on implementation of the convention amongst other activities. A draft Marine pollution Bill and regulations have been developed, and once enacted into law, will form the legal framework to implement the Convention.

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

13.75 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED (STCW 1978)

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

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

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

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

13.80 INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966)

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

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

together with the deck line. Ships intended for the carriage of timber deck cargo are assigned a smaller freeboard as the deck cargo provides protection against the impact of waves. Kenya acceded to the convention in 1975.

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

13.84 There is a shortage of human capacity during implementation.

13.85 **INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 (TONNAGE 1969)**

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

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

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

13.89 **CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972 (COLREGS)**

13.90 The 1972 Convention was designed to update and replace the Collision Regulations of 1960 which were adopted at the same time as the 1960 SOLAS Convention. Kenya acceded to the convention in 1992.

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

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

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

13.94 **INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972, AS AMENDED**

13.95 The Convention for Safe Containers has two goals:

a) To maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.

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

13.96 INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR)

13.97 The Convention was adopted in Hamburg in 1979. Its objective is centralization of international SAR, so that, no matter where accidents occur, the rescue of persons in distress at sea is co-ordinated by a SAR organization and, when necessary, by co-operation between neighbouring SAR organizations. Parties to the Convention are required to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters. Parties are encouraged to enter into SAR agreements with neighbouring States involving the establishment of SAR regions, the pooling of facilities, establishment of common procedures, training and liaison visits. The Convention stipulates that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties.

13.98 It further stipulates preparatory measures to be taken, including the establishment of rescue co-ordination centres and sub-centres, and outlines operating procedures to be followed in the event of emergencies or alerts and during SAR operations. This includes the designation of an on-scene commander and his duties.

13.99 Following the adoption of the 1979 SAR Convention, IMO's Maritime Safety Committee divided the world's oceans into 13 SAR areas, in each of which the countries concerned have delimited SAR regions for which they are responsible. The Mombasa Regional Coordination Centre (MRCC) is the regional centre for SAR.

13.100 Deriving from the above, Kenya is obliged, either individually or in co-operation with other States, to establish basic elements of a SAR service that include a legal framework; communication facilities; coordination and operational functions; and training.

13.101 Further, Kenya is expected to establish SAR regions within each sea area - with the agreement of the Parties concerned. Parties then accept responsibility for providing SAR services for a specified area. Apart from arranging SAR services and developing national capabilities, Government is to establish full time rescue co-ordination centres with trained staff that have working knowledge of English; ensure the closest practicable co-ordination between maritime and aeronautical services; co-ordinate SAR organizations, and, where necessary, SAR operations with those of neighbouring States; authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory for rescue units of other Parties solely for the purpose of SAR; update rescue Co-ordination Centres and Rescue Sub-Centres with information on search and rescue facilities and communications in the area and equip them with detailed plans for conduct of SAR operations. Procedures during an emergency must be followed and SAR activities should be co-ordinated on scene for the most effective results, and continue, when practicable, until all reasonable hope of rescuing survivors has passed.

13.102 Kenya entered into a Regional Agreement on SAR in 2002 with Seychelles and Tanzania for implementation of its obligations under this Agreement. A SAR National Plan and Operational Manuals are in place whereas a maritime SAR office in Kisumu - Lake Victoria is operational. Continuous and regional trainings/sensitizations are undertaken. Maritime and Aeronautical plans have been harmonized. Radio Stations at the Coast and Kisumu are in place. Implementation is in progress in consultation with the IMO and the Djibouti Code of Conduct with a view to make the MRCC an information sharing centre for piracy.

13.103 A draft Regional Plan is awaiting adoption by the three Member States.

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

13.105 **CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)**

13.106 The Convention's main objectives are to prevent unnecessary delays in maritime traffic, to aid co-operation between Governments, and to secure the highest practicable degree of uniformity in formalities and other procedures. In particular, the Convention reduces the number of declarations which can be required by public authorities.

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

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

13.109 **CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, (LONDON CONVENTION), 1972**

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

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

13.112 Kenya acceded to the convention in 1976 and is implemented through the MSA.

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

13.114 PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992)

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

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

13.117 The 1992 Protocol widened the scope of the Convention to cover pollution damage caused in the exclusive economic zone (EEZ) or equivalent area of a State Party. The Protocol covers pollution damage as before but environmental damage compensation is limited to costs incurred for reasonable measures to reinstate the contaminated environment. It also allows expenses incurred for preventive measures to be recovered even when no spill of oil occurs, provided there was grave and imminent threat of pollution damage.

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

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

13.120 The Convention is applied through the MSA.

13.121 CONVENTION ON THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION, AS AMENDED (IMSO C 1976)/INMARSAT C 76 /INMARSAT OA 76

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

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

13.124 **PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971 (FUND PROT 1992)**

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

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

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

13.128 **CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF**

13.129 The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or cause damage.

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

13.131 **INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)**

13.132 The Convention sets out the standard and reward procedures for salvage operations by salvors, taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment. The Convention provides that if a salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward at least equivalent to the special compensation assessable in accordance with the criteria given in the Convention, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as defined in the Convention.

13.133 Kenya acceded to the convention in 1993 which is implemented through the MSA and the East African Harbour regulations (under revision).

13.134 Slow gazettement of regulations by the office of the Attorney General impacts on the implementation process.

13.135 **INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)**

13.136 The Convention develops further measures to prevent pollution from ships aimed by providing a global framework for international co-operation in combating major incidents or threats of marine pollution. Parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard oil pollution emergency plan. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution

emergency plans or similar arrangements which must be co-ordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents.

13.137 Parties to the Convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided. IMO is obliged to coordinate.

13.138 Kenya is committed to protection of the marine environment and by being party is required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries, in addition to meeting the above requirements. In this regard, an Oil Spill Response Contingency Plan in place *(with sensitivity mapping and dispersants policy);* Stock pile of equipment and facilities is undertaken in cooperation with oil industry (OSMAG); an Oil Spill Response centre is in place and an Oil spill Response team (KPA) are in place; Stakeholders' workshops and seminars have been organized for public awareness; a Shipping Operations (Marine pollution) Bill, 2014 and draft regulations are pending legislation.

13.139 Limitations to implementation include expensive Equipment and slow gazettement of regulations.

13.140 **INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

13.141 The Convention, adopted in 2004, aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments.

13.142 Under the Convention, all ships are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. All ships have to carry a ballast water record book and an international ballast water management certificate, and install an on-board ballast water treatment system.

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

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

14.0 LAW OF THE SEA AND FISHERIES

14.1 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

14.2 The Convention often described as a "constitution for the oceans" defines the rights and responsibilities of nations in their use of the world's oceans. Its provisions *inter alia* set out a comprehensive regime on delimitation of the maritime zones, and establish general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas; contains an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction through an International Seabed Authority. It elaborates the Common heritage of mankind principle; regulates maritime safety and security; provides for the transfer of marine technology and spells out dispute settlement procedures. In a nutshell, the Convention emphasizes the orderly and stable regulation of the uses of the oceans without compromising the security and welfare of any state.

14.3 Kenya ratified the UNCLOS in March 1989. It is implemented through the *Territorial Waters Act*, 1972; the *Maritime Zones Act, 1989 Cap 371* which defines the EEZ, The Fisheries Act, Cap 378 of 1989 (Revised in 2012) which domesticates part of the treaty to guide in governance of the living marine resources in Kenya's EEZ; and, the *Presidential Proclamation* of 9 June 2005 published in the Kenya Gazette Notice No. 55 of 22 July 2005 in respect of Kenya's territorial sea and EEZ (Legal Notice No. 82 (Legislative Supplement No. 34). This proclamation, which was deposited with the UN and reproduced in *Law of the Sea Bulletin No. 61*, contains an illustrative map number SK 90 (edition 4) and two lists of geographical coordinates of points, specifying the straight baselines from which the breadth of the territorial sea is measured and the outer limits of the EEZ.

14.4 The Government of Kenya intends to proclaim the outer limits of the continental shelf following the making of recommendations by the Commission pursuant to paragraph 8 of Article 76 of the Convention. The proclaimed outer limits will be established on the basis of those recommendations.

14.5 UNCLOS allows countries to engage in bilateral and multilateral arrangements regarding the control and management of the maritime zones.

14.6 The major challenges in implementation include weak coordination and/or ineffective command and control of the maritime zones leading to rampant Illegal, Unreported and Unregulated fishing (IUU); piracy and lack of technological capacity to exploit the resources of the deep sea bed.

14.7 **UNITED NATIONS FISH STOCK AGREEMENT (UNFSA) FOR STRADDLING AND HIGHLY MIGRATORY FISH 1995**

14.8 Kenya ratified the Agreement in 2004 and has since domesticated it through Legal Notices on foreign fishing fleets. It has also subscribed as a full member to the Regional Fisheries Organizations for a coordinated management of the migratory fish such as IOTC, South West Indian Ocan Commission (SWIOFC) 2005 and Lake Victoria Fisheries Organization (LVFO).

14.9 The main objective of the UNFSA is to enhance cooperation in the management of fisheries resources that span wide areas and are of economic and environmental concern to more than one nation. Kenya has the straddling and migratory Tuna and tuna like fish species which need protection from over exploitation. Kenya gets assistance for implementation of programmes aimed at international conservation, management and development of fisheries resources. The Agreement is enforced through the State Department of Fisheries under the Fisheries Act Cap 378.

14.10 Challenges to implementation include, low capacity for offshore enforcement not only by Kenya but all the Member States within the West Indian Ocean Region. The Regional Fisheries Management Organizations (RFMOs) are at their infancy and lack the capacity to support the States to conduct joint enforcements.

14.11 UN 1993 FAO COMPLIANCE AGREEMENT, 1993

14.12 The agreement seeks to address the threat to international fisheries management posed by vessels that do not abide by fishing rules. Kenya is expected to manage flag states, develop a legal framework to manage its distant water fishing vessels.

14.13 Kenya lacks capacity for implementing this agreement.

14.14 CODE OF CONDUCT FOR RESPONSIBLE FISHERIES 1995 (CCRF) of FAO

14.15 This is a non-obligatory instrument developed under the UN in 1995 to address emerging issues in management of fisheries. States are encouraged to use it in developing their policies and legal frameworks.

14.16 FAO supports the Codes implementation in a variety of ways including through regular and field programme activities.

14.17 Kenya has fisheries and aquaculture resources, which need to be sustainably managed and developed for socio economic gain. Kenya has received technical support in development of the National Fisheries Policy, Aquaculture policy, review of its legal framework, enhanced aquaculture fish production and development of the fish marketing system. Capacity building for Fish traders association and fish farmers has enhanced financial management and commercialization of the fisheries sub sector.

14.18 The Code is domesticated through the National Oceans and Fisheries policy, 2008 and the Fisheries Act; Cap 378 (revised 2012). In addition, several institutional arrangements such as the establishment of the Beach management Units (BMUs) to incorporate local communities into fisheries management and creation of a competent Authority for certification of fish safety and subscription to the RFMOs.

14.19 INTERNATIONAL CONVENTION FOR REGULATION OF WHALING 1946

14.20 The objective of the Convention is proper conservation of world whale stocks, to promote orderly development of the whaling industry. The Convention established the International whaling Commission (IWC) to provide for a continuing review of the condition of whale stocks and for such additions to or modifications of the agreed conservation measures as might appear desirable.

14.21 Kenya domesticated the Convention through the Fisheries Act, Cap 378 and joined the IWC to manage her whale stocks, and benefit from IWC programmes aimed at shark conservation. Kenya is required to closely monitor the whale stocks and ban trade in endangered shark species, and to participate in meetings which review the condition of whale stocks as well as modify conservation measures when appropriate.

14.22 Implementation is through the Fisheries Department and Kenya Wildlife Service.

14.23 THE WORLD CONSERVATION UNION (IUCN)

14.24 IUCN was created in 1948 to gather the latest knowledge on biodiversity, assess the status of species and protect natural wonders and promote numerous projects around the world. Kenya through an MoU partners with the IUCN in conservation and sustainable management of freshwater and marine fisheries in general, and

specifically to address the socio-economics of the Nile Perch fishery on Lake Victoria.

14.25 Kenya avails information and provides project counterparts for prioritized activities between IUCN-EARO and Kenya Marine and Fisheries Research Institute.

14.26 **INDIAN OCEAN TUNA COMMISSION (IOTC) AGREEMENT**

14.27 The IOTC Agreement establishes the IOTC a the Regional Fisheries Management Organization (RFMO) within the framework of the Food and Agriculture Organization (FAO) of the UN. The IOTC has 31 State Parties. The RFMO co-ordinates the regulation and management of the highly migratory and straddling tuna and tuna like fish species in the Indian Ocean and adjacent seas. The Agreement came into force in 1996.

14.28 The Agreement is open to any coastal State within the Indian Ocean region (or adjacent seas); States that fish for tuna in the Indian Ocean region and to regional economic Organizations.

14.29 Parts of this Agreement and the IOTC resolutions (2010) were domesticated during the review of the Fisheries Act, Cap 378 (revised in 2012) and the Maritime Zones Act Cap 371.

14.30 Kenya benefits from membership by getting data from the IOTC and assistance from FAO to build human capacity to implement the IOTC resolutions and participate in regional fisheries programmes.

14.31 **SOUTH WEST INDIAN FISHERIES COMMISSION CONVENTION (SWIOFC)**

14.32 The regional fisheries advisory commission, known as the South West Indian Ocean Fisheries Commission (SWIOFC), was established in 2004 by Resolution 1/127 of the FAO Council under Article VI 1 of the FAO Constitution, to promote the sustainable utilization of the living marine resources of the South West Indian Ocean (SWIO) region by the proper management and development of the living marine resources without prejudice to the sovereign rights of coastal States and to address common problems of fisheries management and development faced by the Members of the Commission.

14.33 Kenya joined to address common problems of fisheries management and development faced by the Members of the Commission, and has benefitted through programmes and capacity building. Kenya is promoting sustainable utilization of living marine resources of the SWIO region, by the proper management and development of the living marine resources, without prejudice to the sovereign rights of coastal States.

14.34 The largest project in the SWIO Fisheries Project was in Kenya, where valuable data on our marine resources and capacity building for observer programme was undertaken.

14.35 INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION/ UNESCO's (UNESCO-IOC)

14.36 The Commission was established in 1960 to improve the governance, management, institutional capacity, and decision-making processes of its Member States with respect to marine resources and climate variability and foster sustainable development of the marine environment, in particular in developing countries; through programmes in marine research, services, observation systems, hazard mitigation, and capacity development in order to understand and effectively manage the resources of the ocean and coastal areas.

14.37 Ocean observation and monitoring is done through the Global Ocean Observing System (GOOS) which aims to develop a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.

14.38 Kenya participates in oceanographic scientific research and forum through the Kenya Marine and Fisheries research institute (KMFRI), in order to develop her marine resources and early warning on climate change and oceanographic information.

14.39 Kenya participates in the international programmes twice a year, and receives preferential capacity building for its Marine Scientists.

14.40 WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION (WIOMSA)

14.41 Membership of the Association was to share research based knowledge relating to management and governance issues affecting marine and coastal ecosystems in the region.

14.42 Ideas are implemented through the KEMFRI and WIOC. Shared information has enabled Kenya to formulate knowledge based policies and programmes for the benefit of the fisher folks in the coastal areas such as the KCDP.

14.43 PORT STATE MEASURES AGREEMENT (PSMA) AGAINST ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU) 2009.

14.44 The Agreement obligates states parties to establish a legal inter- agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU.

14.45 The Agreement has been domesticated in the revised Fisheries Management Bill, 2014. Currently, Kenya is in the process of establishing an Inter-agencies Monitoring, Control and Surveillance Unit (MCS) and Fisheries Enforcement Unit. In addition, apart from receiving capacity building for MCS under the Smart fish programme and attending meetings, Kenya is able to manage her fisheries resources as a single ecosystem and to market her fish in the European Union as Lake Victoria Fish.

14.46 Kenya is working collectively with Partners States to fight against IUU fishing and deter vessels flying flags of convenience from using our ports for fish laundering.

14.47 Implementation challenges include inadequate legal framework and capacity for enforcement of the regulations, lack of a designated fish port and inadequate funding for payment of annual subscriptions.

14.48 **THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESAFS)**

14.49 Kenya participates in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at restoring agricultural growth, food security, reduce poverty and promote rural development partner states and Africa as a whole.

14.50 Kenya has benefited from this Agreement through regional integration, development and implementation of common regional agricultural/fisheries policies and investments across the entire value chain.

14.51 **LAKE VICTORIA FISHERIES ORGANIZATION (LVFO) CONVENTION OF 1994.**

14.52 The aim of the Organization is to harmonize, develop and adopt conservation and management measures for the sustainable utilization of living resources of Lake Victoria, and to optimise socio-economic benefits from the basin for the three partner states; Kenya, Tanzania and Uganda. The institution is an RFMO under the UN with FAO as the depository of the Convention.

14.53 Kenya works together with the Partners States to apply harmonized fisheries conservation, management and development initiatives and increase fish trade and advocate for better prices for their fish exports. The Organization also serves as the depository for fisheries data.

14.54 Funding for capacity building in fisheries management, research and trade has been given through the Organization. Harmonized fisheries Policies, fisheries management measures, EAC Sanitary and Phyto-sanitary Standard Operating procedures and Protocols have been developed.

14.55 Regional donor funded projects through the Organization have been successfully implemented by the Partners States. These include: Lake Victoria Fisheries Research Project I & II, Implementation of a Fisheries Management Project (IFMP) for Lake Victoria and the Lake Victoria Environmental Management Projects I & II.

14.56 Insufficient funding for annual subscriptions and other liabilities poses a major challenge.

15.0 ENVIRONMENT, FORESTRY AND AGRICULTURE

15.1 **THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE**

15.2 The main objective of the Protocol is to stabilize greenhouse concentrations in the atmosphere. It set mandatory and binding greenhouse emission limitation or reduction targets for industrialized countries and economies in transition to be achieved in the first commitment period from 2008-2012 with a view to reducing their overall emissions of the same by at least 5% below 1990 levels during this period.

15.3 It offers flexibility in how countries may meet their targets by allowing for international emissions trading. They trade emissions quotas among themselves and or receive credit for financing emissions reductions in developing countries.

15.4 Kenya as a developing country does not have binding targets but is still committed to reduce her emissions. She is however allowed to grow her emissions in accordance with her development agenda.

15.5 Some major industrialized countries that account for the world's largest emissions are yet to ratify the Protocol due to the exclusion of developing countries particularly China and India from binding targets and harm to the economy.

15.6 Reducing emissions or lowering them is key to Kenya realizing her vision of becoming a middle-income economy through development. Climate change is already negatively impacting Kenya as witnessed through flooding and famine in the same extent.

15.7 THE 2010 NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT (CFA)

15.8 The main aim of this Agreement is to govern the use of the Nile Waters by the riparian States of the Nile. The underlying principal of cooperation stipulated in the agreement is to ensure achievement and sustainability of water security of all the states concerned, hence enhancing regional peace and security.

15.9 Kenya is signatory and is in the process of ratifying the Agreement, considering that many of its rivers feed into Lake Victoria.

15.10 PROTOCOL FOR THE SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN

15.11 The Protocol obliges EAC Partner states and stakeholders to protect, conserve, and where necessary rehabilitate L. Victoria basin and its ecosystems; it also seeks to develop programmes to reduce environmental degradation within the Lake Victoria basin and explore means of having coordinated implementation of programmes on the Lake Victoria basin by different institutions.

15.12 The Protocol is also intended to promote regional co-operation, conservation of Lake Victoria waters and facilitate the economic growth and improve livelihoods within the Lake Victoria Basin.

15.13 The Protocol creates the Lake Victoria Basin Commission as the institutional framework to facilitate and coordinate the activities of the different actors towards the sustainable development and poverty eradication of L. Victoria basin.

15.14 As a party, Kenya pays annual subscription fees to the institution, co-operates in the sustainable management and development of Lake Victoria basin; and is involved in the development and implementation of measures to enhance safety of life, navigation and preservation of aquatic life in the Lake Victoria Basin.

15.15 FOOD AND AGRICULTURE ORGANIZATION (FA0)

15.16 The main objectives of the treaty are help to eliminate hunger, food insecurity and malnutrition; make agriculture, forestry and fisheries more productive and sustainable; reduce rural poverty; enable inclusive and efficient agricultural and food systems; and increase the resilience of livelihoods from disasters.

15.17 Kenya has initiated three Bills which when enacted into law will provide the legal framework to improve the agricultural sector. They are the Crop Development Bill 2012, the Agriculture and Livestock Bill 2012 and the Agriculture Fisheries and Food Authority Bill 2012. Further, Kenya has signed the comprehensive African Agricultural Development Programme and has also launched Kenya Agricultural Sector Development Strategy, 2010-2020.

15.18 **CONVENTION ON SUSTAINABLE DEVELOPMENT**

15.19 The main objective of the Convention is to ensure mainstreaming of climate change and issues of biodiversity in the planning process. This is to promote sustainable development especially in the area of non-renewable resources to safeguard the ability of future generation to meet their own needs.

15.20 Climate change and biodiversity have already been included the 2nd Medium-Term Plan through the Ministry of Environment and Mineral Resources.

15.21 Kenya suffers from inadequate resources to fund programmes on sustainable development and lack of human capacity on climate change and biodiversity has had a negative impact on the implementation of the Convention.

15.22 **CARTAGENA PROTOCOL ON BIO-SAFETY SIGNED IN 2000 AND RATIFIED IN 2013**

15.23 The objective of the Cartagena Protocol is to ensure an adequate level of protection in the field for the safe transfer, handling and use of living modified organisms resulting from the modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health, and specifically focusing on Trans-boundary movement.

15.24 The Government is obliged to establish a legal regulatory framework, designate a national focal point and competent authority and facilitate trans-boundary movement, import/export use of GMOs subject to risk assessment.

15.25 The Bio-safety Act domesticates this Protocol and regulations have been developed for its implementation. Further, the National Bio safety Authority has been established as the lead agency in implementation.

15.26 Implementation of this protocol has led to capacity building in areas of genetically modified organisms as well as control of GMOs.

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

15.28 **INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)**

15.29 IFAD is a specialized agency of the UN focussed on eradication of rural poverty and improvement of food security in developing countries.

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

15.31 Furthermore, Kenya has initiated three Bills to provide the legal framework to improve the agricultural sector. They are the Crop Development Bill 2012, the Agriculture and Livestock Bill 2012 and the Agriculture Fisheries and Food Authority Bill 2012. Further, Kenya has signed the comprehensive African Agricultural Development Programme and has also launched Kenya Agricultural Sector Development Strategy, 2010-2020.

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

15.33 INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA)

15.34 This treaty is aimed at guaranteeing food security through the fair and equitable benefit sharing arising from the use of the world's genetic plant resources. The treaty entitles farmers to freely access genetic resources without intellectual property rights restrictions particularly the right to use, save, sell and exchange seeds that they have produced on their farms.

15.35 The reason why Kenya became a member is to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture. The Constitution at Article 43(1) (c) mirrors the objectives of the treaty. The article provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.

15.36 The treaty enables protection of genetic variety of crops and related agricultural biodiversity as well as creation of diversity in plant genetic resources. However, the imposition of stringent requirements on plant genetic resources as a precondition for market access poses a challenge to developing countries including Kenya.

15.37 INTERNATIONAL COFFEE AGREEMENT

15.38 This is an international commodity agreement between coffee producing countries and consuming countries. The aim of the agreement is to maintain exporting countries' quotas and keep coffee prices high and stable in the market by mainly using export quotas to steer the price.

15.39 The International Coffee Organization consists of all major coffee producing countries and most consuming countries, to enhance international cooperation in addressing issues affecting the world coffee economy.

15.40 Promotion and market development under the 2007 Agreement, will promote value through quality, health, sustainability and differentiation by building a multi-stakeholder network of partners and supporting producing countries in de-commoditizing coffee through programmes to increase income with a particular focus on small growers, with the ICO acting as a facilitator and knowledge provider.

15.41 INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC)

15.42 The main objective of the Convention is the protection of plants and plant products moving in international trade. It also covers research materials, biological control organisms, germplasm banks, containment facilities, food aid, emergency aid and anything that can act as a vector for the spread of plant pests i.e containers, packaging materials, soil, vehicles and machinery.

15.43 Kenya being a major producer and exporter of agricultural commodities is party to the Convention to protect its plant genetic resources and biodiversity and to ensure safe trade in plant and plant products in international commerce.

15.44 The Convention requires parties to establish a National Plant Protection Organization. Kenya established the Kenya Plants Health Inspectorate Service (KEPHIS) to promote its trade in plant and plant products in a safe environment.

15.45 **INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)**

15.46 The Convention encourages the development of new varieties of plants for the benefit of society by providing and promoting an effective system of plant variety protection.

15.47 As a state party, Kenya is obligated conform with the Convention through maintaining quality of seeds and plant varieties; participate in meetings and promote infrastructure e.g. greenhouses/laboratories/equipment for undertaking technical activities

15.48 **INTERNATIONAL GRAINS AGREEMENT**

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

15.50 Kenya has a well developed seed industry and strives to access the world market and promote expansion, openness and fairness in the sector. Kenya is therefore obliged to facilitate the sector with the necessary legal and policy framework to enable its farmers have easier and better access to the world market and learn best practices in which to improve seeds and in turn crops for better produce.

15.51 **WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

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

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

15.54 **AGREEMENT OF THE WORLD ORGANIZATION FOR ANIMAL HEALTH (OIE)**

15.55 The Agreement requires the country to align its animal health, zoonosis and animal welfare and production measures with OIE standards, guidelines and recommendations. This opens up the country to international trade in animals and animal products.

15.56 The Department of veterinary services is the technical reference point on this Agreement. Kenya hosts the sub-regional office for OIE in Nairobi. Focal points on veterinary products, on veterinary public health, on animal welfare, communication and WAHIS are yet to be appointed.

15.57 **TREATY ESTABLISHING THE COMMON FUND FOR COMMODITIES**

15.58 The main aim of the Fund is to enhance the socio-economic status of commodity producers and contribute to the development of the society as a whole. The focus is on commodities in countries which are highly dependent on the commodity trade.

15.59 The Fund mainly targets small to medium-sized projects for better and wider impact, in three broad categories, namely: (a) pre-harvest productivity improvement (including research); (b) Post-harvest processing, marketing and quality testing; and (c) Market expansion projects.

15.60 Through co-operation with other development institutions, the private sector and civil society, the Fund endeavours to achieve overall efficiency and impact in commodity development. The commodities covered by these projects, such as bananas, coffee, groundnuts, rice, sisal, cane sugar and tea, are produced almost entirely in developing Countries.

15.61 Projects by the Fund aimed at improving the structural conditions in markets and at enhancing the long-term competitiveness and prospects of particular commodities include:

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

15.62 Small scale farmers get capacity building and funding for their commodities, benefit from transfer of technology and better market access.

15.63 **ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) SEED SCHEMES, FRUITS AND VEGETABLES SCHEMES AND FORESTRY SEED SCHEMES.**

15.64 OECD is the main worldwide reference for the certification and standardization of seeds, agricultural and forestry tractors, forest reproductive materials and fruit and vegetables. The Organization provides a platform to compare policy experiences, seek answers to common problems, and identify good practices and co-ordinate domestic and international policies of its members.

15.65 Kenya as a member is required to apply OECD standards in inspection and labeling of seeds; make financial contribution towards the day to day running of OECD schemes; participate in meetings for making legal, administrative and technical decisions of OECD schemes; and share information/Data with other OECD schemes' members.

15.66 Kenya being a member has to adhere to the set standards of the OECD to boost her produce for trade in the international markets to ensure sustenance of high quality standards thereby improving competitiveness for improved market access, lower transaction costs and risks in seed trade.

15.67 Membership enhances co-operation between countries and the public and private sector; influence international policy framework for seed certification and learn best practices in seed certification, information and ideas.

15.68 INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)

15.69 The organization was founded with the main aim of developing and publishing standard procedures in the field of seed testing. The Organization facilitates seed trading nationally and internationally.

15.70 Kenya is therefore obligated to ensure that its seed testing procedures comply with the standards that are established by ISTA to enable it not only to source and export high quality seeds internationally, but to improve production and ensure food security.

15.71 Kenya is also required to make financial contributions towards the day to day running of ISTA, participate in meeting for making legal, administrative, and technical decisions of ISTA, and host ISTA meetings.

15.72 The challenge is to acquire necessary equipment in order to obtain accreditation for a second laboratory.

15.73 THE 1968 AFRICAN CONVENTION ON THE CONSERVATION OF NATURAL RESOURCES

15.74 The objectives of the Convention are:

- To co-operate and collaborate in the sustainability, protection, conservation and rehabilitation of shared natural resources.
- To participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources.
- To co-operate and collaborate in the sustainable management of shared natural resources.
- To co-operate and domesticate the Convention.

15.75 Implementation promotes a regional approach on management and conservation of shared natural resources.

15.76 CONVENTION ON THE AFRICAN MIGRATORY LOCUST

15.77 The Convention provides a pool of resources in mitigation of the effects of locusts on food security and economy.

15.78 Kenya supports the activities and programmes of the Organization on the basis of the proportions indicated in the annex to the Convention.

15.79 PHYTOSANITARY CONVENTION FOR AFRICA

15.80 Kenya has neither signed nor ratified the convention. However, Kenya being a member of Inter African Phytosanitary Council is bound by the Convention Adopted in Kinshasa, DRC, on 13 September, 1967. The Convention does not contain any provision relating to its entry into force.

15.81 The implementation of the Convention minimizes the introduction and spread of diseases. Kenya started adhering to the convention on 7 May 1974 and abides by the revised Convention (1997).

15.82 Kenya has put in place measures of quarantine, certification and inspection, of any living organisms, animal, plants, plant material, seeds, soil, compost or packing material to minimize threats to the agricultural industry.

15.83 Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity is a challenge.

15.84 CONVENTION ON THE ESTABLISHMENT OF THE AFRICAN CENTRE FOR FERTILIZER DEVELOPMENT

15.85 Any State which becomes a Member of the Centre shall designate, as soon as is practicable establish a national institution as its National Association for Fertilizer Technology to carry out the following functions:

a) Facilitate the collection, exchange and dissemination of information; and

b) Make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre.

16.0 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

16.1 INTERNATIONAL TELECOMMUNICATIONS UNION

16.2 The International Telecommunication Union (ITU) is the United Nations specialized agency for information and communication technologies (ICTs). The ITU sets and publishes regulations and standards relevant to electronic communication and broadcasting technologies of all kinds including radio, television, satellite , telephone and the Internet . The Organization conducts working parties, study groups and meetings to address current and future issues and to resolve disputes. The ITU organizes and holds an exhibition and forum known as the Global TELECOM every four years.

16.3 Another important aspect of the ITU's mandate is helping emerging countries to establish and develop telecommunication systems of their own.

16.4 As a state party Kenya is obligated to ensure that it provides ICT services as per the regulatory requirements of ITU, hence its ratification of the following instruments in a bid to meet the requirements of ITU:

- The Final Acts of Union of the 2010 Plenipotentiary Conference
- The Final Acts at the World Radio communication Conference of 2012
- The instruments at the Geneva 84 (GE84) on FM Broadcasting, and
- The instruments at the Regional Radio communications Conference of 2006 (RRC-06) on Digital Migration

16.5 The Communications Commission of Kenya (CCK) established in 1999 by the Kenya Communications Act (KCA) No. 2 of 1998, is the regulatory authority for the communications sector in Kenya. CCK's initial mandate was regulation of the telecommunications and postal/courier sub-sectors, and the management of the country's radiofrequency spectrum.

16.6 In recognition of the rapid changes and developments in technology which have blurred the traditional distinctions between telecommunications, Information Technology (IT) and broadcasting, the Government in January 2009 enacted the Kenya Communications (Amendment) Act 2009. This statute enhanced the

regulatory scope and jurisdiction of CCK, and effectively transformed it to a converged regulator.

16.7 CCK is now responsible for facilitating the development of the information and communications sectors (including broadcasting, multimedia, telecommunications and postal services) and electronic commerce.

16.8 As an Associate member, Kenya has achieved the following:

- Increased social networking in the country
- Increased cultural diffusion, exchange and learning
- Accelerated and integrated development of rural areas by playing a catalytic role in development
- Increased improved citizenry empowerment e-government services, m-banking, e-health, e-education etc.
- Increased access to relevant information for marketing and distribution of agricultural products and other goods manufactured in rural Africa.

16.9 All payments to ITU and other bodies are up to date.

16.10 AFRICAN TELECOMMUNICATIONS UNION

16.11 ATU is the leading continental organization fostering developments of information and communications technologies infrastructure and services. It is the first inter-governmental Organization dedicated to fostering ICT infrastructure development in Africa's search for prosperity. The Union has a mission to promote rapid development of info-communication in Africa to achieve universal access and service as well as full interconnectivity among countries. Its vision is to be a full and active participant in the global information and knowledge society.

16.12 The ATU advocates for increased information development within their region of interest on the continent of Africa; transparency and accountability, effective funding and financing, and quality service to all with whom it collaborates; and promotion of positive collaboration with the Institute for Computer Technology research and development with a view to address the connectivity gap among the nations in Africa and for universal access throughout Africa.

16.13 Kenya has however laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communications.

16.14 Impediments include the high cost of computers and information services as resulting from lack of infrastructure to manufacture advanced technologies. Apart from ICT networks being limited, both telephone and Internet infrastructure are externally owned.

16.15 The brain drain of Africa's brightest researchers and scientists negatively impacts on the continent in terms of research and development.

16.16 UNIVERSAL POSTAL UNION

Universal Postal Union (UPU) is a specialized agency of the United Nations that aims to organize and improve postal service throughout the world and to ensure international collaboration in this area. The UPU is the primary forum for cooperation between postal sector players among its members.

16.17 It helps to ensure a truly universal network of up-to-date products and services. In this way, the organization fulfils an advisory, mediating and liaison role, and provides technical assistance where needed. It sets the rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial services volumes and improve quality of service for customers.

16.18 Postal authorities within member states are required to give equal treatment to foreign and domestic mail. Under the treaty, Kenya has the obligation to provide effective standards for postal operations for interconnecting the global network. The treaty provides postal related information between postal operators to improve the exchange.

16.19 Kenya provides postal services through the Postal Corporation of Kenya. The Universal Postal Union (UPU) efforts to separate postal services from those of Telecommunications were initiated in the late 1980s. They bore fruit in Kenya and in July 1999, the KP&TC was split to create, among others, the Postal Corporation of Kenya (PCK) whose mandate under the Postal Corporation Act of 1998 is to provide and operate postal services, postal financial services, and perform other functions and duties as the minister of communications may assign. All payments and other obligations by Kenya are up to date.

16.20 Kenya derives the following benefits from being a member:

- It provides delivery of mail services to the desired destination in a timely manner;
- Provides employment opportunities for the people living in rural areas; and
- Improves varied facilities like banking in the rural areas besides the mailing facilities.

16.21 **PAN AFRICAN POSTAL UNION (PAPU)**

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

16.23 **The objectives of the Union are to:**

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

17.0 CONVENTIONS DEALING WITH CORRUPTION

17.1 UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

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

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

17.4 Kenya has enacted most of the laws that are required under the Convention, especially: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act, 2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act, 2010.

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

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

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

- Technical assistance towards the fight against corruption, especially in the areas of criminalization and law enforcement; international co-operation; prevention, and asset recovery.
- Capacity building of Kenyan officials engaged in the war on corruption and economic crime, such as: judicial officers; investigators; prosecutors and other public officers.
- Expert advice on model laws, policies and strategies for effective onslaught against corruption.
- Enhanced opportunities for provision of Mutual Legal Assistance and mutual assistance to Kenya and Kenyan institutions by other UNCAC States parties or their anti-corruption bodies. This enhances efficiency in anti-corruption investigations and asset recovery.
- Exchange of new ideas, techniques and best-practices in the war on corruption as may arise from time to time through research.
- Receive an objective commentary on the efficacy of Kenya's anti-corruption institutions, laws, policies and anti-corruption measures generally, especially following reviews of the implementation of UNCAC or the AUCPCC.
- Assessment of technical assistance needs to address the gaps identified in the implementation of UNCAC and the fight against corruption generally.
- Enhanced international profile and increased opportunities for technical assistance as well as foreign investments in Kenya owing to Kenya's compliance with its international anti-corruption obligations.

- Demonstration of Kenya's commitment to co-operating with other countries and international organizations, to the fight against corruption locally and internationally.
- Election or appointment of Kenyan officials to serve in the Organs of some of the institutions established under UNCAC or AUCPCC. For instance, in 2008, a Kenyan (former Permanent Secretary, Ministry of Justice and Constitutional Affairs) was elected by the AU Summit to serve in the African Union Advisory Board on Corruption; and
- Improved rankings in corruption perception surveys.

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

17.9 AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION

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

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

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

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

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

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

18.0 LABOUR, SOCIAL SECURITY AND EMPLOYMENT

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

18.2 **Fundamental Conventions:** The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and elimination of discrimination in respect of employment and occupation.

18.3 **Governance (or Priority) Conventions:** The ILO's Governing Body has also designated another four conventions as "priority" instruments, thereby encouraging members states to ratify them because of their importance for the functioning of the international labour standards system. Since 2008, these conventions are now

referred to as Governance Conventions as they were identified by the ILO Declaration on Social Justice for a Fair Globalization as the standards that are the most significant from the viewpoint of governance, and

18.4 **Technical Conventions:** All other conventions that set out basic principles and rights at work.

18.5 Kenya has, ratified 7 out of 8 Fundamental Conventions; 3 out of 4 Governance (or Priority) Conventions, and 39 of the 177 Technical Conventions.

18.6 **Fundamental Conventions**

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

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

18.8 **Governance Conventions**

a) Labour Inspection Convention, 1947 (No. 81)
b) Employment Policy Convention, 1964 (No. 122)
c) Labour Inspection (Agriculture) Convention, 1969 (No. 129)
d) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

18.9 Kenya has not ratified Convention 122 Employment Policy Convention.

19.0 **FUNDAMENTAL CONVENTIONS**

19.1 **FORCED LABOUR CONVENTION 29 OF 1930**

19.2 The Convention outlaws forced labour. This refers to all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily.

19.3 Its provisions are entrenched in the Constitution and in the Employment Act.

19.4 Application of the Protocol ensures that the country complies with international labour standards.

19.5 **RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION 98 OF 1949**

19.6 The Convention guarantees protection against acts of anti-union discrimination by ensuring that workers' right to join or leave a union and not to be dismissed or otherwise prejudiced by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours are not violated.

19.7 The Constitution and the Labour Relations Act has domesticated ILO Convention 98 on the right to collectively bargain and workers are able to realize the labour rights guaranteed in the Protocol, the Constitution and the labour laws.

19.8 Ratification of the Convention has ensured workers have a greater bargaining power and benefit from better terms and conditions of work through collective bargaining. However, Kenya has not ratified ILO Convention No. 87 on freedom of Association.

19.9 Exercising the right to organize and collective bargaining has led to negotiations on high wages for workers, sometimes leading to retrenchment of some workers for firms to be able to pay the remaining ones higher negotiated wages. It has also led to a very high wage bill in the public sector affecting the economy of the country.

19.10 There has been increased litigation and industrial unrest and strikes in the country including in the private sector. This has affected the economy of the country, sometimes leading to loss of jobs.

19.11 EQUAL REMUNERATION CONVENTION 100, 1951

19.12 The Convention requires labour rights for both men and women to be established without discrimination on the basis of sex. Men and women must be paid equal remuneration for work of equal value.

19.13 The Constitution and section 5 of the Employment Act provide for the enjoyment of labour rights by both men and women without discrimination.

19.14 There exists different wage fixing mechanisms and criteria leading to disparities in remuneration levels. Inspections are conducted by the Labour Inspection Department for compliance.

19.15 MINIMUM AGE CONVENTION 138 OF 1973

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

19.17 Implementation of the Convention protects children against child labour. The Basic Education Act stipulates the minimum age for engagement in work as 18. Section 53 of the Employment Act prohibits employment of children as harmful to the health, safety or morals of a child. Section 7 of the Children's Act, 2001 guarantees the right to education while section 10 guarantees the right to protection from exploitive labour and involvement in armed conflict.

19.18 A Draft Child Labour Policy was prepared and submitted to the Cabinet for approval. The Policy provides for implementation of programmes on elimination of child labour and minimum age for admission to work.

19.19 Children engage in child labour due to high levels of poverty and low awareness on their rights. Inadequate data on children engaged in child labour is a challenge as well as the different provisions regarding the minimum age for admission to work.

19.20 **WORST FORMS OF CHILD LABOUR CONVENTION 182 1999.**

19.21 The Convention aims to prohibit and eliminate the worst forms of child labour as a matter of urgency. Implementation of the Convention guarantees protection of children from child labour and worst forms of child labour.

19.22 Kenya ratified the Convention on 07 May 2001. The Government has been implementing various programmes to eliminate child labour including the worst forms of child labour and ensuring that children remain in school.

19.23 High levels of poverty, lack of a policy on Child Labour, low awareness on the rights of children, inadequate data on children engaged in child labour and the effects of HIV/ AIDS make many children leave school to engage in child labour including the worst forms of child labour.

19.24 **GOVERNANCE (OR PRIORITY) CONVENTIONS**

19.25 **LABOUR INSPECTION CONVENTION 81 OF 1947**

19.26 The Convention requires maintaining a system of labour inspection in industrial workplaces to ensure compliance with minimum labour standards.

19.27 The Convention targets effective enforcement of labour standards through effective inspection of workplaces and ensures reasonable terms and conditions of employment and safety of workers. It requires separation of the enforcement function from the inspectorate function. Labour officers carry out enforcement duties like inspections and dispute resolution through conciliation.

19.28 Compliance with labour standards ensures that workers work under reasonable conditions and this reduces likelihood of industrial unrest. Industrial harmony is vital for the political stability, economic and social development of countries.

19.29 Convention 150 on Labour Administration has not been ratified. Apart from low staffing levels, there aren't adequate tools, equipment and vehicles to carry out inspections as required. The Ministry of Labour, Social Security requires more allocation of funds to facilitate effective inspections to ensure compliance.

19.30 **INSPECTION (AGRICULTURE) CONVENTION, 129 OF 1969**

19.31 The Convention which was ratified by Kenya on 9th April 1979 aims to protect workers engaged in various sub sectors of Agriculture including cultivation, animal husbandry including livestock production and care, forestry and horticulture. It also covers the primary processing of agricultural products by the operator of a holding or any other form of agricultural activity.

19.32 **TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976**

19.33 The Convention requires Governments to set up procedures which ensure effective consultations, between representatives of the government, of employers and of workers with respect to the matters concerning the activities of the International Labour Organisation. Tripartite Consultations among representatives of the

governments, of employers and of workers is an important pillar for harmonious industrial relations.

19.34 The Government is required to provide information to the ILO on consultations held on unratified Conventions and the outcome of such consultations to avoid being put to task in 2014.

19.35 The unratified Conventions include the following:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87),
- The Social Security (Minimum Standards) Convention, 1952 (No. 102),
- The Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168),
- The Maternity Protection Convention, 2000 (No. 183),
- The Safety And Health In Agriculture Convention, 2001 (No. 184),
- The Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),
- the Maritime Labour Convention, 2006 (MLC, 2006),
- The Work in Fishing Convention, 2007 (No. 188).
- The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187),

19.36 **TECHNICAL CONVENTIONS**

19.37 **UNEMPLOYMENT CONVENTION 2 OF 1919**

19.38 Member States are required to communicate to ILO all available information, statistical concerning unemployment, including reports on measures taken or contemplated to combat unemployment. They must also establish a system of free public employment agencies under the control of a National authority.

19.39 Implementation of the Convention ensures effective monitoring of unemployment and ensures proper planning to combat unemployment. Kenya has been providing and shall continue providing statistical information concerning unemployment to the ILO.

19.40 There are a large number of unemployed qualified persons due to limited job opportunities. There are cases where training does not match the requirements of the job market.

19.41 **C011 - RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921.**

19.42 Kenya ratified this Convention on 13th January 1964 as one of the conventions under the ILO that Kenya has ratified. The Convention requires Member States to ensure the right of association for workers engaged in agriculture just as industrial workers. It also requires Governments to put in place legislative, policy and institutional framework to ensure workers in the agriculture sector are properly compensated through set wage fixing machinery.

19.43 **C014 - WEEKLY REST (INDUSTRY) CONVENTION, 1921.**

19.44 Kenya ratified the Weekly Rest (Industry) Convention on 13th January 1964 as one of the conventions under the ILO that Kenya has ratified. The Convention requires that all workers in both private and public sector enjoy at least one rest day in every period of seven days.

19.45 The Convention ensures protection of labour rights for workers. Section 27 of the Employment Act, 2007 provides that employee shall be entitled to at least one rest day in every period of seven days. Workers therefore enjoy the labour rights guaranteed in the Constitution and other labour laws.

19.46 There are challenges in conducting regular inspections to ensure compliance.

19.47 **C016 - MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921)**

19.48 The Convention requires medical examination of all children engaged in maritime activities.

19.49 The Labour Maritime Convention of 2006 has not been ratified and there are challenges in conducting inspections to ensure compliance. Kenya is required to engage with stakeholders regarding ratification of Labour Maritime Convention of 2006.

19.50 **YOUNG PERSONS (SEA) CONVENTION, 1921**

19.51 The Convention requires protection against child workers who are engaged in hazardous work.

19.52 Kenya is required to engage with stakeholders regarding ratification of Labour Maritime Convention of 2006.

19.53 There are challenges in ensuring effective monitoring of children involved in maritime activities and effective data management. The Labour Maritime Convention of 2006 has not been ratified.

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

19.55 The Convention is aimed at ensuring adequate compensation of workers injured or killed in the course of employment. Convention 19 on Equality of Treatment (Accident Compensation) Convention, 1925 which Kenya ratified on 13th January 1964 requires Member States to ensure that workers of Member states who have ratified the convention who suffer injuries or death are subjected to same treatment as its own nationals.

19.56 The Convention ensures compensation of workers killed or injured at the workplace. Section 10 of the Work Injury Benefits Act, 2007(WIBA) requires all employers to compensate workers injured or killed in the course of employment.

19.57 There are challenges in ensuring effective inspections to ensure compliance. Key sections of the WIBA were annulled by the High Court rendering implementation of the Act difficult.

19.58 Review of WIBA should be fast tracked to ensure effective institutional and legislatives measures for adequate compensation of the injured or killed in the course of employment.

19.59 C026 - MINIMUM WAGE-FIXING MACHINERY CONVENTION, 19281

19.60 The Convention requires Governments to set up and maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades. The rationale is to ensure that workers are not paid below the minimum wage and that they are paid wages adequate for them to meet the cost of living in prevailing economic circumstances.

19.61 The Labour Institutions Act, 2007 establishes Wages Councils to set minimum wages for certain sectors. There is no Wages and Remuneration policy in place to guide on wage fixing and there are different wage and remuneration levels for various sectors in the country, especially in the Public Sector because different wage fixing criteria.

19.62 Also due to the economic situation in the country there are employers who do not pay the set minimum wage and the Government has challenges in ensuring effective inspections to ensure compliance. The Labour Inspectorate Department should be strengthened to ensure compliance and Wages and Remuneration policy should be adopted to provide guidelines on wage fixing.

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

19.64 The Convention requires any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway to have its gross weight marked before consignment in any vessel or ship. Implementation of the Convention ensures occupational safety.

19.65 The port of Mombasa has acquired a state of the art container handling equipment including ship to shore cranes, rubber-tired gantry cranes, rail-mounted gantry cranes, and terminal tractors among other equipment.

19.66 The Labour Inspectorate Department should be strengthened to ensure compliance through inspections.

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

19.68 It requires the States to ensure safety and protection of dock workers against accidents.

19.69 Compliance must is ensured through effective inspections.

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

19.71 Under this Convention, States are obligated to undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. Publication of data is at intervals of six or twelve months during the succeeding six or twelve months respectively.

19.72 Collection and publication of data ensures effective monitoring to ensure compliance with labour standards.

19.73 There are challenges in obtaining reliable data and publishing the same as required under the Convention.

19.74 **C088 - EMPLOYMENT SERVICE CONVENTION, 1948**

19.75 States party are required to ensure maintenance of a free public employment service. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

19.76 Rationale for the above is to ensure effective Management of employment services and labour market information.

19.77 The Public Employment Service under the Ministry of Labour, Social Security and Services is challenged due to lack of centralization and integration of data.

19.78 The Government should fast track the establishment of the Integrated Human Resource Management system that is being undertaken in the Ministry Labour, Social Security and Services.

19.79 **C089 - NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948**

19.80 The Convention requires regulation of conditions for night work for women.

19.81 The Employment Act, 2007 no longer contains any general prohibition of night work for women.

19.82 The Government has taken into consideration comments made by the Committee of Experts and will call upon the social partners and relevant stakeholders to discuss the possibility of denouncing Convention 89 and ratifying Convention 171 since the Employment Act, 2007 no longer contains any general prohibition of night work in industry, except for children under 18 years of age as provided for in Section 59(1) of the Act.

19.83 **C094 - LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949**

19.84 The Convention requires proper and effective management of public employment contracts.

19.85 The Government must put in place measures for effective management of employment contracts involving public funds.

19.86 MIGRATION FOR EMPLOYMENT CONVENTION 97 OF 1949

19.87 The Convention requires Member States to maintain an adequate and free service to assist migrant workers by providing them with accurate information, taking measures to facilitate their departure, journey and reception, equal treatment without discrimination. In this respect, section 5 of the Employment Act guarantees non-discrimination of migrant workers.

19.88 Implementation of the Convention ensures migrant workers enjoy full labour rights like all other workers.

19.89 Persistent conflicts in neighbouring countries have led to illegal migration for economic reasons. Due to the need for jobs, some Kenyans migrate to work abroad without following the required procedures making them prone to exploitation and poor terms and conditions of employment.

19.90 The Government should develop a National Labour Migration Policy as there is none, to ensure effective strategies for labour migration.

19.91 MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION

19.92 Member States at the he General Conference of the International Labour Organisation adopted the above convention which governs the creation or maintenance of adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.

19.93 Kenya ratified the convention on 9th February 1971. and is therefore obligated as a state party to undertake to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.

19.94 MINIMUM AGE (FISHERMEN) CONVENTION, 1959

19.95 The Convention requires the Government to regulate involvement of children in maritime activities like fishing to avoid being exposed to hazardous work.

19.96 The Convention assists in combating child labour in the fishing industry. The Government should initiate new and strengthen existing programmes on the elimination of child labour in the fishing sector as there are challenges in conducting inspections to ensure compliance.

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

19.98 The Convention aims at ensuring that Governments provide social security covering its own nationals within its own territory in medical care; sickness benefit; maternity benefit; invalidity benefit; old-age benefit; survivors' benefit; employment injury benefit; unemployment benefit; and family benefit.

19.99 Implementation of the Convention ensures social security for Kenyans through the National Social Security Fund.

19.100 Due to the prevailing conditions in the country it is a challenge to provide effective social security for all, especially in respect of the unemployment benefit.

19.101 The Government should engage in more consultations with stakeholders on discussion regarding provision of the unemployment benefit.

19.102 **C131 - MINIMUM WAGE FIXING CONVENTION, 1970**

19.103 The Convention requires Governments to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate. The competent authority in each country shall, in agreement or after full consultation with the representative organizations of employers and workers concerned, where such exist, determine the groups of wage earners to be covered.

19.104 The Labour Institutions Act, 2997 establishes wages councils for purposes of fixing wages in various sectors. This ensures reasonable terms and conditions of employment for workers in the relevant sectors.

19.105 There should be an effective system of ensuring workers who are not covered by set wage fixing machinery are not disadvantaged. Wage fixing should be done using objective criteria and in consultation with the Salaries and Remuneration Commission in the case of the public sector.

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

19.107 The objectives of the Convention are to ensure holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

19.108 The Convention ensures enjoyment of rights guaranteed therein.

There are challenges in ensuring compliance.

19.109 **C134 - PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970**

19.110 Kenya ratified the Convention in 1990 and it targets prevention and documentation of occupational accidents among sea farers.

19.111 As a maritime country Kenya is required to take the necessary measures to ensure that occupational accidents are adequately reported and investigated, and comprehensive statistics of such accidents. Kenya is obligated to make reports to the Committee on the Convention and it has not filed any report since 2011.

19.112 C135 – DOCK WORKERS' REPRESENTATIVES CONVENTION, 1971

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

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

19.115 C140 - PAID EDUCATIONAL LEAVE CONVENTION, 1974

19.116 The Convention aims at ensuring that Member States formulate and apply policies designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose training at any level, general, social and civic education and trade union education.

19.117 There are challenges in ensuring compliance.

19.118 C141 - RURAL WORKERS' ORGANIZATIONS' CONVENTION, 1975

19.119 Kenya ratified the convention on April 9th 1979 which had been adopted by the General Conference of the International Labour Organisation and applied to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers. It ensures realization of labour rights in rural areas especially with devolution.

19.120 C142 - HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975

19.121 The Convention's overarching mandate is to ensure adequate supply of skilled manpower at all levels in industry, particularly through vocational guidance and training systems.

19.122 The main duty bearer with regard to industrial training is the National Industrial Training Authority established under the Industrial Training (Amendment) Act, 2011. Kenya has the following specific obligations:

1. Adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training closely linked with employment, in particular through public employment services.
2. Establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.
3. Gradually extend, adapt and harmonize its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.
4. Develop Policies and programmes of vocational guidance and vocational training formulated and implemented in co-operation with employers' and workers'

Organizations and, as appropriate and in accordance with national law and practice, with other interested bodies.

19.123 An integrated human resource management system is being fast tracked.

19.124 The Authority aspires to be a self-sustaining lead agency spearheading integrated industrial training for development by providing; facilitating, promoting, regulating, and coordinating integrated industrial training for a globally competitive human resource. This is in line with Articles 4 and 5 of ILO Convention No. 142 of 1975 on Human Resource which now forms part of our laws by dint of Article 2(6) of the Constitution.

I. **Legal framework**
Industrial Training (Amendment) Act, 2011

II. **Policy**
National Industrial Training and Attachment Policy

III. **Institutional framework**
a) National Industrial Training Authority- Institutional framework with implementation mandate
b) National Industrial Training Board (oversight mandate)

19.125 The Authority undertakes the following programmes to meet its objectives and by extension the ILO Convention No 142 to wit:

i. industrial training;
ii. assessing and collecting industrial training levy and fees;
iii. regulating trainers registered to offer industrial training;
iv. Assessing industrial training, testing occupational skills and awarding certificates including Government trade test certificates;
v. developing industrial training curricula;
vi. integrating labour market;
vii. formation into skills development;
viii. harmonizing curricula and certificates of competence;
ix. equating certificates;
x. accrediting institutions engaged in skills training for industry;
xi. Associating or collaborating with any other body or organization within or outside Kenya as the Board.

19.126 **MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION 143 OF 1975**

19.127 The Convention is aimed at ensuring that Governments suppress clandestine movements of migrants for employment and illegal employment of migrants and to take necessary measures for effective detection of the illegal employment of migrant workers.

AGEING

19.142 The Convention requires States to take specific steps to ensure realization of the UN principles stipulating the rights of older persons to independence, participation, care, self -fulfilment and dignity.

19.143 The National Policy on older Persons and Ageing is being implemented. The NSSF Act , NHIF Act and the Social Assistance Act provide foe social protection and assistance, and welfare of old people and other vulnerable members of society like persons with severe disability and orphaned children The Government runs Cash Transfer programmes for Older Persons, Orphans and vulnerable Children and Persons with severe Disabilities.

19.144 Service providers are far from beneficiaries who have to rely on 3rd third parties to get their money and the Scheme is not universal so it leaves out deserving beneficiaries. There are also challenges in identification of beneficiaries while financial constraints result in deserving persons being left out.

19.145 Finalization of the Social Protection Bill to provide effective institutional and legal framework for social protection should be fast tracked. The Government should source for service providers who facilitate receipt of the money by the beneficiaries directly and should consider making the Scheme universal. For the recently launched partnership with a service provider that will transfer the money through mobile phones to be effective mobile phones should be made available to all beneficiaries.

19.146 **WORLD FIT FOR CHILDREN (WFFC) - A SPECIAL DECLARATION BY WORLD LEADERS AT A UN GENERAL ASSSEMBLY IN 2002.**

19.147 The Declaration aims at providing for programmers to ensure achievement of the rights of the Child guaranteed in the UN Convention on the rights of the Child to enable each child to attain its full potential as a human being.

19.148 As member of the UN Kenya has undertaken to work towards the set goals and report as required.

20.0 SPORTS, ARTS AND CULTURE

20.1 INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT

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

20.3 The Convention encourages producers and distributors of nutritional supplements to establish 'best practice' in the labelling, marketing and distribution of products which might contain prohibited substances.

20.4 Although there is no law to deal with doping issues Kenya complies through the WADA code which allows International federations conduct regular testing of athletes.

20.5 Kenya pays its statutory annual subscriptions in good time and is a member Regional Anti-doping Organization which Communicates to WADA on progress made.

20.6 Kenya is required to set up a legal framework on Anti-doping to ensure that the sporting conforms to the set codes and international best practices on the same. Kenya has undertaken Public-Private Partnership with the private sector to raise funds for Anti-doping education programmes.

20.7 Challenges include inadequate funds to conduct education on anti-doping issues, and lack of a Legal framework on Anti-doping.

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

20.9 Kenya ratified the Convention on 24th October 2007 which requires State Parties to take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory.

20.10 Kenya as a member is obligated to perform the following:

(a) Pay Annual subscriptions;

(b) Implement the Convention;

(c) Provide funding for implementation of the programmes in collaboration with UNESCO;

(d) Formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of the Convention.

20.11 Implementation of the Convention is challenged by Lack of adequate funding; late notifications; lack of community awareness due to inadequate sensitization; lack of a mechanism for monitoring and evaluation of funded programmes; under-developed institutional and cultural infrastructure and Conflict between County and National Government resource allocation and in delivery of services are other challenges encountered.

20.12 Kenya has implemented the Convention as follows:

i. Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008.

ii. Translated the Convention from English language to Kiswahili language version in September, 2008 to make it accessible and well-understood by a wider section of members of the public in the country.

iii. Carried out a baseline survey out in Western region of Kenya by the Department of Culture and National Museums of Kenya to identify ICH elements, for documentation and nomination for submission to UNESCO for consideration for safeguarding.

iv. The "Isukuti Cultural Dance" elements were nominated and submitted and are in the process of consideration by UNESCO.

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

i. The "Enkipasia, Eunoto and Olng'esherr" – three male-rites of passage of the Maasai,
ii. "Indigenous Knowledge of Woodcarving of the Akamba", and
iii. The 'Kiti Mikayi' shrine of the Luo elements
iv. Joint implementation with the National Museums of Kenya of the "Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda", project in the Coast Region, through part funding by UNESCO.
v. Hosted UNESCO's regional capacity building workshop for Directors of Culture in the East African region in November 2012 in Nairobi where eight (8) countries participated. This was collaboration between the Ministry and the UNESCO Nairobi office.
vi. Hosted the UNESCO 5TH Session of the Inter-Governmental Committee (IGC) on ICH Conference in Nairobi, Kenya in November 2010 which was attended by over 500 delegates from member states signatory to the Convention.

The Government however needs to do the following:

vii. To issue timely notifications.
viii. To ensure adequate allocation of funds for the project.
ix. Provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage.
x. Recognize the importance of culture sector to the growth of the economy.

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

20.14 The Convention is a legally-binding international agreement that ensures artists, cultural professionals, practitioners and citizens worldwide can create, produce, disseminate and enjoy a broad range of cultural goods, services and activities, including their own. It was adopted because the international community signalled the urgency for the implementation of international law that would recognize:

20.15 Kenya ratified the Convention on 24th October 2007 and is required to:

a) Formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.
b) Strengthen international cooperation to achieve the purposes of this Convention.
c) Train artists in the music sector by building capacity for them to come up with strategies for marketing themselves.
d) Pay Annual Subscriptions.
e) Provide funding for implementation of programmes in partnership with the UNESCO.

20.16 Kenya is disadvantaged when it comes to implementation of this convention due to Low investment in the cultural sector , Lack of cooperation among the sector players leading to competing interests, Inadequate funding and follow ups.

20.17 UNESCO funds are inadequate to meet the demands from all African countries and there is lack of community awareness on the Conventions' opportunities due to inadequate sensitization. There is also lack of a mechanism for monitoring and

evaluation of funded programmes which makes impact assessment difficult. There is also a lack of statistical data on cultural/creative industries

20.18 Kenya has done the following to implement the Convention:

i. Organized the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON), which was funded by the International Fund for Cultural Diversity (IFCD);

ii. Conducted the "Unearthing of the Gems of Culture – Mapping Exercise for Kenya's Creative Cultural Industries", in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI), which was funded by IFCD.

iii. Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded UNESCO programme to strengthen the artists' capacity in implementing the 2008 Convention.

20.18 Despite the above achievements Kenya still has to ensure adequate allocation of funds for the project, provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage, recognize the importance of culture sector to the growth of the economy and carry out a National mapping of the cultural/creative industries in order to meet its obligations under the Convention..

21.0 LANDS, HOUSING AND URBAN DEVELOPMENT

21.1 UN-HABITAT

21.2 This is a United Nations Agency that is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the ultimate goal of providing adequate shelter for all.

21.3 Kenya being a member of the United Nations and hosts UN-HABITAT. The Kenya Government also participates in determining the policy, work programme and budget of UN-Habitat through participating at its Governing Council that is held biennially in Nairobi. Kenya makes financial contribution to the Human Settlements foundation annually as a contribution to the body's budget.

21.4 Through membership, Kenya has improved its housing policies and further developed a legal framework that enables it to provide better housing through programmes such as Slum Upgrading for its citizens.

21.5 The country gains in a number of ways through increased GDP triggered by hosting expatriates, foreign exchange through hosting International meetings, employment generation, technical support and networking with development partners.

21.6 DELIMITATION AND DEMARCATION OF BOUNDARIES

21.7 DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)

21.8 The Declaration was necesitated by persistence of border delimitation and demarcation issues in Africa where only less than a quarter of borders have been

delimited and demarcated. It was also informed by the need to address cross-border criminal activites while facilitating the development of cross-border integration dynamics which are sustained by local stakeholders. Its other main objectives were concerned with:

a) Facilitating and supporting the delimitation and demarcation of African boundaries where such exercise has not yet taken place.

b) Reinforcing the integration process, within the framework of the RECs and other large- scale cooperation initiatives.

c) Developing, within the framework of the RECs and other regional integration initiatives, local cross-border cooperation.

d) Building the capacities of member states in border management, as well as in border studies and research.

e) Advising the Commission and other organs of the African Union on border-related matters.

21.9 Kenya is a party to this declaration by virtue of having been a member of Organization of African Unity (OAU) and later African Union. Kenya is under and obligation to ensure that it aligns its legal framework and policies with the objectives of AUBP.

21.10 Kenya has to be in agreement with her neighbouring countries as regards the common international boundaries. The AUBP has the unifying aspect of all countries being in pursuit of achieving the aim of the declaration.

21.11 The challenges include ambiguos description of boundaries, inadequate funding for the surveys work and capacity building and the fact that Kenya cannot carry out surveys alone but must do so in laiaison with her neighbour. Thus logistics involved require lengthy time to sychronise survey and mapping programmes of the states involved.

21.12 Kenya is supposed to carry out survey and maintenance of her international boundaries in conjunction with her neighbours. Kenya is also required to submit Interrnational boundary Surveys to the AU and the UN by 2017 together with accompanying treaties. The cost of carrying out surveys, boundary maitenance and capacity building for the next five years will be in excess of KSh. 5.55 billion.

21.13 RECOMMENDATIONS

21.14 STANDING COMMITTEE

21.15 There is need to establish a multi-agency standing committee to monitor and oversee the implementation of the Treaties and fulfillment of reporting obligations. The Committee will also examine and consider all reports submitted by Kenya and make suggestions and recommendations.

21.16 MEETINGS OF THE COMMITTEE

21.17 The Committee will be responsible for compiling the report on treaties obligations to ensure that the report conclusively reports on Kenya's treaty obligations. The Standing Committee will meet regularly to prepare this important report to ensure that Kenyan's are aware of our international commitments and fulfillment of obligations.

The Committee will also receive and respond to any concerns arising out of treaty obligations and commitment

21.18 REVIEWING OF TREATIES AND RECOMMENDATIONS

21.18 The Committee will also be responsible for reviewing all conventions, treaties and agreements to ensure that they are necessary and of benefits to the people of Kenya and may recommend reviewing and/or withdrawal to the Attorney General where fulfillment of obligations appears to prejudice Kenya's interest. The Committee may also propose ratification of a treaty if it is found to be in Kenya's best interests.

21.19 TRAINING AND CAPACITY BUILDING

The Committee will undergo the necessary training to ensure capacity building and be prepared to answer any questions in relation to Kenya's Treaty obligations.

21.20 COMPOSITION

21.21 The Registrar of Treaties will be the chairperson of the Committee which will be composed of technical public officers from key ministries and government agencies.

PART III

A. MULTILATERAL TREATIES

1. CHARTER OF THE UNITED NATIONS

Adopted on: 26 June 1945

Entered into force on: 24 October 1945

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

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

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is compliant in its financial obligations; Through its fully fledged Missions to the UN, Kenya participates in UN decision making Organs of the UNGA; Participates in elections; Peace keeping efforts.	Engagement in the activities of the UNGA	➢ Resource constraints ➢ Weak coordination mechanism	Upscale political goodwill for UN activities	Kenya is able to interact and actively participate with other nations on global issues. It is a platform for Kenya to draw lessons and best practices.

2. STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Adopted on: 26 June 1945

Entered into force on: 24 October 1945

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

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

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

Kenya has recognized the compulsory jurisdiction of the Court.	Kenya recognizes judgments and advisory opinions emanating from the Court.	Inadequate understanding on the procedures of the Court	Participate in trainings and seminars organized by the judicial body	Kenya has recourse to the Court in case of any dispute she has with any State party.
3. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS **Adopted on:** 13 February 1946 **Entered into force on:** for each State on date of deposit **Kenya became a State party to the Convention on:** 1 July 1965 **Obligation to government:** the organization shall enjoy privileges and immunities necessary for the fulfilment of its purposes in the Kenyan territory. The government must respect the immunity that the UN has from every legal process including its property and assets and the inviolability of its premises.				
IMPLEMENTATION STATUS	**REPORTING MECHANISM**	**CHALLENGES**	**RECOMMENDATIONS**	**BENEFITS TO KENYA**
Enactment of the Privileges and Immunities Act Cap 179	Ministry of Foreign Affairs and International trade	Misuse of privileges and immunities; Political interference; Weak monitoring	Collaboration with stakeholders to enhance implementation and diminish political interference	Kenyan diplomatic representatives working in the UN as well as specialized agencies are both protected by the rules of diplomatic immunity. Diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.
4. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES **Adopted on:** 21 November 1947 **Entered into force on:** for each State on date of deposit **Kenya became a State party to the Convention on:** 1 July 1965 **Obligation to government:** the specialised agencies shall enjoy privileges and immunities necessary for the fulfilment of their purposes in the Kenyan territory. The government must respect the immunity that the specialised agencies have from every legal process including their property and assets and				

the inviolability of their premises

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Enactment of the Privileges and Immunities Act Cap 179	AS above	As above	As above	Kenyan diplomatic representatives working in the UN as well as specialized agencies are both protected by the rules of diplomatic immunity. Diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.

5. VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Adopted on: 18 April 1961

Entered into force on:24 April 1964

Kenya became a State party to the Convention on: 1 July 1965

Obligation to government: has to adhere to the set rules on diplomatic relations in its engagement with diplomats in the country

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Enactment of the Privileges and Immunities Act Cap 179	AS above	As above	As above	Kenya's diplomatic personnel are able to perform their duties with freedom, independence and security without interference from the host government.

6. VIENNA CONVENTION ON CONSULAR RELATIONS

Adopted on:24 April 1963

Entered into force on: 19 March 1967

Kenya became a State party to the Convention on: 1 July 1965

Obligation to government: has to adhere to the set rules on consular relations in its engagement with foreign missions in the country

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Enactment of the Privileges and Immunities Act Cap 179	As above	As above	As above	Kenya's foreign missions abroad are assured of immunity and the inviolability of their premises.

7. INTERNATIONAL CONVENTION ON CIVIL AMD POLITICAL RIGHTS (ICCPR)

Adopted on: the United Nations General Assembly on the 19th December 1966

Entered into force on: 23 March 1976

Kenya became a state party to the Convention on: 1st of May 1972.

Obligation to government: Under Article 40 of the ICCPR state Parties to the Covenant must submit periodic reports and when requested by the Human Rights Committee. The reports must detail the legislative, constitutional, policy, judicial and other measures taken by the State to fulfil its obligations under the Covenant

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya has submitted three reports to the Committee since it acceded to the Covenant. The reports indicate measures taken by Kenya to fulfil its obligations under the Covenant. These measures include the enactment of a new Constitution 2010, National Police Service Act 2011, Independent Police Oversights Authority Act 2011, Judicial Service Act	The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties.	The full implementation of the Covenant has largely been hindered by : 1. Lack of budgetary and human resources to establish a comprehensive legal aid programme that will enable all Kenyans access justice. Lack of a comprehensive legislative framework for the Prevention Of Torture and other Cruel, Inhuman and Degrading Treatment Or Punishment. Some important laws have not yet been enacted, including the Victims Of Offences Bill, The Persons Deprived Of Liberty Bill. The watering down	1. Establishment of a system of compiling national statistics and disaggregated statistical data relevant to the monitoring of the implementation of the various human rights treaties that we are a State party to 2. Fast track the enactment of appropriate legislation and policies. 3. The National Legal Aid and Awareness Programme	1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection. 2. The process of reporting provides Government with an opportunity to

2011, Independent Police Oversights Authority Act 2011, Judicial Service Act		Of Liberty Bill. The watering down		

2011, The Judges and Magistrates Vetting Board Act 2011 , the review of the Judicature Act, The establishment of a National Legal Aid and Awareness Programme. The development of a National Legal Aid Bill and the Persons Deprived of Liberty Bill. National Gender and Equality Commission Act in 2011, Prohibition of Female Genital Mutilation Act and the Witness Protection Act 2006 and the Witness Protection (Amendment Act) 2010. Other measures include the formulation of the : Reproductive Health Policy, 2007, National Reproductive Health Strategy 2009-2015, Kenya National HIV and AIDS Strategic Plan of 2009/10 – 2012/13		of the Matrimonial property bill and delay in passing the Marriage bills 2. There is no clarity on whether or not all article 2(6) ensures the direct importation of international ratified treaties as part of Kenyan law, given that article 21 (4) still requires the State to enact and implement legislation to fulfil its international obligations. 3. Difficulty in accessing data, particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies.	should be adequately resourced to ensure that the programme is fully rolled out to all parts of Kenya for the provision of legal aid to the poor and vulnerable. 4. Fast track the formulation and enactment of the National Legal Aid Policy and Bill. 5. The Attorney General should seek an advisory from the Supreme Court to provide clarity on article 2(6) and 21 (4) of the Constitution	conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people. 3. The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require. 4. As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation. 5. These treaties contain highest standards in human rights protection and in reporting the Government is able measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human

				rights nationally.

8. THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

Adopted on: UN General Assembly on the 16th December, 1966

Entered into force on: 3 January 1976

Kenya became a state party to the Covenant on: 1 May 1972

Obligation to government: Article 16 of the Covenant obliges all state parties to submit in conformity with the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized under the Convention

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya has so far submitted an initial report in 2006 to the Committee on Economic, Social and Cultural Rights. The 2nd to 5th reports were submitted in April 2013. The reports indicate the measures Kenya has taken to fulfil its obligations under the Covenant. Of importance is the enactment of a new Constitution in 2010. The Equalization fund, free primary school education, cash transfer programs to vulnerable groups, National Reproductive Health Policy 2007, Kenya Health Policy (2012-2030), National Policy on IDPs Kenya Vision 2030, Uwezo Fund, Review of the Petroleum Act and the Mining Act, EACC Leadership and Integrity Act (No. 19 of 2012). The Kenya National	The monitoring body of the ICESCR is the United Nations Committee on Economic, Social and Cultural Rights	The implementation of this covenant has largely been hindered by the lack of adequate budgetary resources to enable the progressive actualization of economic, social and cultural rights. there is also the lack of adequate policy frameworks to ensure that these rights are realized non discriminatively , for example- the cash transfer programmes, lack of disaggregated data to effectively monitor how these rights are implemented, Lack of human rights indicators to monitor implementation of these rights	There is urgent need for the introduction of a human rights based approach to governance and service delivery in order to ensure that rights are meaningfully Realized. This will entail the training of public officers on the approach.	1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a treaty and that those intended to benefit from those provisions enjoy their protection. 2. The process of reporting provides Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people. 3. The process also allows

Education Policy 2012				for evaluation of internal structures of implementation and identification of further assistance the Government may require. 4. As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation. 5. These treaties contain highest standards in human rights protection and in reporting the Government is able measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.

9. THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL RACIAL DISCRIMINATION

Adopted on: General Assembly on 21 December 1965

Entered into force on: 4 January 1969

Kenya became a state party to the Convention on: 13.09. 2001.

Obligation to government: Article 9 of the ICERD obliges state parties to undertake to submit a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention within one year after the entry into force of the Convention for the State concerned, and thereafter every two years and whenever the Committee so requests.

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

(No. 10) of 2003 was enacted to enhance equitable distribution of development. Other important measures include the formulation of the National Land Policy and the establishment of the National Land Commission.				country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation. 5. These treaties contain highest standards in human rights protection and in reporting the Government is able measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.

10. THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, IN HUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)

Adopted on: General Assembly of the United Nations on 10 December 1984

Entered into force on: 26 June 1987

Kenya became a state party to the Convention on: 21st February 1997

Obligation to government: According to Article 19 of the Convention require all States Parties must submit to the Committee against Torture reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter state parties must submit periodic reports every four years.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Government of Kenya presented its initial report on the Convention to the Committee in November 2008. The second periodic report of Kenya was presented on the 15th -16th	The implementation of the Convention is monitored by the UN Committee against Torture	1.Some important pieces of legislation have not been enacted yet which has deeply hindered the full realization of rights under this Convention. Chief amongst these laws is the Prevention of Torture bill 2012, the Persons Deprived of Liberty bill, the	1. It is important to urgently enact the Prevention of Torture bill 2012, the Persons Deprived of Liberty bill, the Victims Of Offences bill, The Matrimonial Property Bill	1. State reporting is a means through which progress made in the area of human rights is monitored with a view to ensuring the effective implementation of the provisions of a

May 2013. This report detailed measures taken by Government to prevent and/or punish torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. Key among these measures were the constitutional safe guards: on right to fair trial, rights of an arrested person, absolute prohibition of torture and slavery; the reforms in the police service, of particular interest was the passing of the National Police Service Act, which criminalized and penalized torture carried out by the police, the Independent Police Oversight Authority Act and the Prohibition of Female Genital Mutilation Act. The enactment of the Witness Protection Act 2006 and the Witness Protection (Amendment Act) 2010 to provide for the protection of witness in criminal and other proceedings. .has been drafted and is currently undergoing stakeholders' review. Other measures		Victims Of Offences bill, The Matrimonial Property Bill And The Marriage Bills. 2.Lack of detailed statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officials found guilty of torture and ill-treatment.	And The Marriage Bills. 2. The ODPP, IPOA and the Inspector general of Police should work together to provide detailed statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officials found guilty of torture and ill-treatment.	treaty and that those intended to benefit from those provisions enjoy their protection. *2.* The process of reporting provides Government with an opportunity to conduct a comprehensive review of the measures it has taken to bring its national laws and policies in line with international standards. In this regard it is able to address any gaps and/violations that may hinder the full enjoyment of human rights for its people. *3.* The process also allows for evaluation of internal structures of implementation and identification of further assistance the Government may require. *4.* As a state party to these treaties Kenya is legally obliged to submit comprehensive and timely country reports on the implementation status of the international human rights treaties that it has ratified. Article 2(6) of the Constitution further supports this obligation. 11. These treaties

				contain highest standards in human rights protection and in reporting the Government is able measure the effectiveness of its programmes, legislation, institutions and other initiatives designed to protect human rights nationally.

12. *1951 CONVENTION RELATING TO THE STATUS OF THE REFUGEES*

Adopted by: United Nations

Entered into force on: 4th October, 1964

Kenya became a state party to the Convention on: 16 May 1966

Obligation to government: The aim of the Convention is to define who a refugee is so as to be able to determine who qualifies for asylum status and the responsibilities of the nations that grant asylum. The Convention also sets out some visa-free travels for persons who hold travel documents issued under the Convention. Parties to the Convention are required to cooperate with UNHCR under Article 35. Parties are also required to inform the UN secretary general of laws and regulations they may adopt to ensure the application of the Convention. Parties also agree that the notion of reciprocity does not apply to refugees.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is the largest host country for refugees in the region and has recently concluded the agreement for the repatriation of Somali refugees. With this regard, Kenya has implemented the requirements of the Convention	The parties to the Convention report quarterly.	1. Outdated laws that needs repealing 2. Poor funding 3. Lack of adequate staff	1. Increase in funding 2. Fast track the amendment to the Refugee Act 2006 3. Post competent staff to the department	1. Improve international relations 2. Proper documentation of refugees in the country has helped in curbing international crimes

13. THE UNIVERSAL PERIODIC REVIEW IS A MECHANISM OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

Adopted on: 15 March 2006

Entered into force on: April 2008

Obligation to government: Kenya is expected to be reviewed once every four years on measures it has taken to improve the human rights situation in the country. Kenya's human rights record was reviewed in 2010 during the first cycle of the UPR.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Government Report for the first cycle mainly dealt with the legislative, institutional, policies and other measures that the Government has taken to improve the human rights institutions in the country. It also highlighted some challenges and constraints that the Government was facing in implementing human rights in the country	Human Rights Council	1. The country lacks sufficient financial resources to effectively and within reasonable time frames guarantee the realization of economic, social and cultural rights 2. High levels of corruption 3. Cultural attitudes that impede the full realization of human rights , particularly gender rights	1. It is important to reduce corruption levels to ensure effective realization of economic , social and cultural rights 2. Awareness creation to change cultural attitudes that lead gender inequalities	

14. **CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION**

Adopted on: 13 January 1993

Entered into force on: 29th April 1997

Kenya became a state party to the Convention on: on 25th April 1997

Obligation to government: Prohibition of production and use of chemical weapons; Destruction (or monitored conversion to other functions) of chemical weapons production facilities; Destruction of all chemical weapons (including chemical weapons abandoned outside the state parties territory); Assistance between State Parties and the Organization for the Prohibition of Chemical Weapons in the case of use of chemical weapons; An Organization for the Prohibition of Chemical Weapons inspection regime for the production of chemicals which might be converted to chemical weapons; International cooperation in the peaceful use of chemistry in relevant areas

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The National Authority through the Implementing Body- Organization for the Prohibition of Chemical Weapons (OPCW)		1. Cabinet memorandum in place. 2. The focal point designation is still under deliberation as to which Ministry is best placed to handle the obligations under the Convention 3. The Chemical weapons Convention Bill is in place	Designation of Focal point to coordinate implementation plan with the Organization for prohibition of Chemical Weapons (OPCW) which is the main implementing body created under the Convention	Kenya is also a signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction. In addition, Kenya is a member of the following

		4. The National Authority has been designated in the draft bill with membership of Ministry of Defence		international organizations: • Conference on Disarmament • International Atomic Energy Agency • Organization for the Prohibition of Chemical Weapons • Comprehensive Test Ban Treaty Organization Preparatory Commission receiving technical assistance in the following areas: • Joint training in nuclear, chemical and biological weapons technology • Provision of necessary technical knowledge to customs and police officers to enable them to identify weapons of mass destruction • Availability of technical devices to police officers and customs staff to assist such identification
15. COMPREHENSIVE NUCLEAR TEST-BAN TREATY NEW YORK				

Adopted on: 10 September 1996

Entered into force on: Not yet

Kenya became a state party to the treaty on: 30th November 2000

Obligation to government: Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control; Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion; Non nuclear-weapon States Parties undertake not to acquire or produce nuclear weapons or nuclear explosive devices. They are required also to accept safeguards to detect diversions of nuclear materials from peaceful activities, such as power generation, to the production of nuclear weapons or other nuclear explosive devices

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	On need basis	Kenya is a Non-Nuclear Weapon State but the threat of clandestine nuclear programs by terrorist organizations can be a challenge	regional cooperation and inter-organization collaboration	1. Doctrines of national defence and security strategy not based on nuclear weapons 2. Participant in creation Nuclear Weapon Free Zones, including the African Nuclear Weapon Free Zone established by the Treaty of Pelindaba which Kenya ratified January 9, 2001. .

16. **CONVENTION ON THE PROHIBITION OF USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION**

Adopted on: 18 September 1997

Entered into force on: 1st march 1999

Kenya became a state party to the Convention on: 23rd January 2001

Obligation to government: The Convention prohibits under any circumstances the use, development, production, acquisition, stockpiling and transfer of anti-personnel mines; Four years after joining the Convention each State party must destroy all its stocks of existing anti-personnel mines; Ten years after joining the Convention each State party must destroy all existing anti-personnel mines laid in the ground; The Convention calls upon States parties to provide assistance for the social and economic reintegration as well as care and rehabilitation of mine victims, for the promotion of mine awareness programmes, and the provision of mine destruction and clearance. Each State party has the right to seek assistance in fulfilling its obligations under the Convention; Convention also contains a set of compliance and confidence building measures.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	Meetings of the States parties are held annually in Geneva or in a mine-affected State in which MOD is represented. These meetings consider matters with regard to the general status and operation of the Convention, take stock of the progress in its implementation, analyze challenges and take decisions on the way forward, promote cooperation and assistance and the treaty's universalization. Annual transparency reporting on measures taken to implement the Convention;	1. Anti-Personnel Mines Bill, 2013 yet to be finalized 2. Unexploded ordinances	regional cooperation and inter-organization collaboration	Doctrines of national defence and security strategy based on non-proliferation of mines. Reducing Casualties

17. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

Adopted on: 13 April 2005

Entered into force on: 7th July 2007

Kenya became a state party to the Convention on: 13th April 2006

Obligation to government: Develop, if necessary, and improve accounting, control and physical protection systems for nuclear and other radioactive materials and substances; Enhance security of civilian nuclear facilities; Improve the ability to detect nuclear and other radioactive materials and substances in order to prevent illicit trafficking in such materials and substances, to include cooperation in the research and development of national detection capabilities that would be interoperable; Improve capabilities of participants to search for, confiscate, and establish safe control over

unlawfully held nuclear or other radioactive materials and substances or devices using them; Prevent the provision of safe haven to terrorists and financial or economic resources to terrorists seeking to acquire or use nuclear and other radioactive materials and substances; Ensure adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism; Improve capabilities of participants for response, mitigation, and investigation, in cases of terrorist attacks involving the use of nuclear and other radioactive materials and substances, including the development of technical means to identify nuclear and other radioactive materials and substances that are, or may be, involved in the incident; and promote information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation, taking appropriate measures consistent with their national law and international obligations to protect the confidentiality of any information which they exchange in confidence.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	Different channels of reporting	Terrorist groups such as the Al-shabaab militia who remain a primary threat	regional cooperation and inter-organization collaboration on information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation,	1. Mutual legal assistance in criminal investigation 2. Fighting transnational organized crimes 3. Integrated and dedicated counter terrorism practitioners 4. Partnership with regional East Africa Counter-terrorism 5. Member of Eastern and Southern Africa Anti-money Laundering Group.

18. **PROTOCOL FOR THE PROHIBITION OF THE USE OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE**

Adopted on: 17 June 1925

Entered into force on: 8th February 1928

Kenya became a state party to the Protocol on: 6th July 1970

Obligation to government: measures to account for/ secure production, use, storage, and transport of such materials; regulations for physical protection of facilities materials transports; licensing registration of facilities people handling biological materials; reliability check of personnel; measures to account for secure physically protect means of delivery; (vi) regulations for genetic engineering work; and not to produce, develop, stockpile or otherwise acquire bacteriological weapons; create legislation regulations related to safety and security of biological materials

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	1. Consultation, coop and scientific exchange 2. The process of establishing an inter-ministerial council for the full implementation of BWC (similar to CWC) has been ongoing since 2007. 3. Periodic reporting to the 1540 Committee through a national report to the Committee	Complex and constantly changing nature of terrorist activities	Continued Cooperation with other states to secure dangerous pathogens and enhance the Kenyan government capability to prevent the sale, theft, diversion or accidental release of chemical, biological or radiological weapons related materials	1. Increased regional cooperation 2. Improving porous land borders

19. TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Adopted on: 1 July 1968

Entered into force on: 5th March 1970

Kenya became a state party to the treaty on: 11th June 1970

Obligation to government: Nuclear weapon states (NWS) are not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices and not to assist, encourage, or induce any non-nuclear weapon states (NNWS) to manufacture or otherwise acquire them; NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them; NNWS must place all nuclear materials in all peaceful nuclear activities under International Atomic Energy Agency (IAEA) safeguards; All Parties are obligated to facilitate and participate in the exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy; All Parties must pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	Consultation, cooperation and exchange	Threat of nuclear terrorism	More cooperation among state parties	1. Kenya will abstain from the pursuit of nuclear weapons

				2. Kenya is a member of the 65 Nation Conference on Disarmament and plays an active role in the deliberations of this body which is the sole negotiation organ of all international treaties on disarmament and non-proliferation 3. Kenya is also an active member of the Group of 21 countries (non-nuclear states) within the Conference on Disarmament that advocates for total disarmament.

20. PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

Adopted on: 9 October 2002

Entered into force on: 13th December 2006

Kenya became a state party to the Protocol on: 29th December 2006

Obligation to government: Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity; undertake peace-making and peace-building functions to resolve conflicts where they have occurred; implement the common defence policy of the Union; ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant International, continental and regional conventions

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	Consultation cooperation and exchange	Non-state actors of different African states for example, Somalia	Regional Cooperation.	1. Kenya has been at the forefront of inter-African conflict mediation, and is currently hosting peace initiatives concerning the ongoing violence in the Sudan and Somalia. 2. African Standby Force

				Military programme. 3. Peacemaking and Post-conflict reconstruction

21. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I)

Adopted on: 1977

Entered into force on: 7th December 1978

Kenya became a state party to the Protocol on: 23rd February 1999

Obligation to government: Prohibition of indiscriminate attacks against civilian population, civilian objects, objects indispensable to the survival of the civilian population, cultural objects and places of worship, the natural environment and installations containing dangerous forces; Protection of medical personnel, units both civilian and military; Obligates a state to search for missing persons; Relief to civilian population; Specifies measures to be taken for implementation of humanitarian law

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	1. Rules of Engagement for security Forces 2. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act 3. Legal advice by military legal officers 4. Disciplinary measures to ensure non-violation of IHL .

22. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS (PROTOCOL II)

Adopted on: 1977

Entered into force on: 7th December 1978

Kenya became a state party to the Protocol on: 23rd February 1999

Obligation to government: Humanitarian considerations in law relating to civil war; Need to guarantee fundamental guarantees enjoyed by all persons not taking part in hostilities; Judicial guarantees for those prosecuted in connection with an armed conflict Prohibitions on attacks to civilian population

and their objects and installations; Protection of wounded, sick and shipwrecked; Regulation of forced movement of civilians; Protection of medical personnel and religious personnel.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	1. Rules of Engagement for security Forces 2. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act 3. Legal advice by military legal officers 4. Disciplinary measures to ensure non-violation of IHL 5. Training of all service personnel on IHL before deployment

23. CONVENTION IV RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

Adopted on: August 1949

Entered into force on: 21st October 1950

Kenya became a state party to the Convention on: 20th September 1966

Obligation to government: Protection of civilians generally; Entitled to their fundamental rights and guarantees and without discrimination; No attacks on civilians; Women and children accorded special respect and must be protected against any form of indecent assault; Relief actions allowed; ICRC. Civilians in enemy territory: Unless for security reasons; civilians should be allowed to leave; If not they should be treated as aliens in general; Right of appeal and to have case impartially reviewed. Population of occupied territories: Enabled to continue living as usual; Maintain public order; Deportations and transfers of population is prohibited; Pillage and unnecessary destruction of property not allowed; No forced labour

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	1. Rules of Engagement for security Forces 2. National legislation implements humanitarian

				law; the Constitution; Kenya Defence Forces Act 3. Legal advice by military legal officers 4. Disciplinary measures to ensure non-violation of IHL 5. Training of all service personnel on IHL before deployment

24. CONVENTION (III) RELATIVE TO THE TREATMENT OF PRISONERS OF WAR (POW)

Adopted on: 27 June 1979

Entered into force on: 21st October 1950

Kenya became a state party to the Convention on: 20th September 1966

Obligation to government: POWs in power of enemy state. POWs entitled to; Humane treatment and respect of their person; Subject to discipline and military code of detaining power; Right to fair trial; Detaining power must supply them with adequate food, clothing quarters and medical care; Obliged to work and receive pay except for officers notify next of kin and central tracing agency of ICRC; Elect a spokesperson; Repatriation of those certified seriously ill or wounded; Repatriation at the end of hostilities.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Complaint	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	1. Rules of Engagement for security Forces 2. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act 3. Legal advice by military legal officers 4. Disciplinary measures to ensure non-violation of IHL 5. Training of all service personnel on IHL before

				deployment

25. CONVENTION (II) FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA

Adopted on: 1906

Entered into force on: 21st October 1950

Kenya became a state party to the Convention on: 20th September 1966

Obligation to government: Wounded, sick and shipwrecked people must be; Respected and protected in all circumstances; Search and collection of wounded, sick shipwrecked and missing; Any particulars that can aid in identification must be recorded; Collection of dead and prevent them from being despoiled; Bodies must be identified and confirmed dead before being interred, cremated or buried at sea; Respect and protection of all medical personnel, units, supplies and vehicles

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	1. Rules of Engagement for security Forces 2. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act 3. Legal advice by military legal officers 4. Disciplinary measures to ensure non-violation of IHL 5. Training of all service personnel on IHL before deployment

26. CONVENTION (I) FOR THE AMELIORATION OF THE CONDITION OF WOUNDED AND SICK IN ARMED FORCES IN THE FIELD

Adopted on: 1864

Entered into force on: 21st October 1950

Kenya became a state party to the Convention on: 20th September 1966

Obligation to government: Wounded and sick people must be; Respected and protected in all circumstances; Search and collection of wounded, sick shipwrecked and missing; Any particulars that can aid in identification must be recorded; Collection of dead and prevent them from being despoiled;

Bodies must be identified and confirmed dead before being interred, cremated or buried at sea; Respect and protection of all medical personnel, units, supplies and vehicles				
IMPLEMENTATION STATUS	**REPORTING MECHANISM**	**CHALLENGES**	**RECOMMENDATIONS**	**BENEFITS TO KENYA**
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	The need for the impartial organizations to educate militants on the law of armed conflict	6. Rules of Engagement for security Forces 7. National legislation implements humanitarian law; the Constitution, Kenya Defence Forces Act 8. Legal advice by military legal officers 9. Disciplinary measures to ensure non-violation of IHL Training of all service personnel on IHL before deployment

27. INTERNATIONAL CONVENTION AGAINST TAKING OF HOSTAGES

Adopted on: 17 December 1979

Entered into force on: 3rd June 1983

Kenya became a state party to the Convention on: 8th December 1981

Obligation to government: Prohibit and punish hostage taking; taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts of taking of hostages

IMPLEMENTATION STATUS	**REPORTING MECHANISM**	**CHALLENGES**	**RECOMMENDATIONS**	**BENEFITS TO KENYA**
Compliant	To the UN security Council in case of Breach	Asymmetric warfare posed by terrorists and Al-shabaab militia	Exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences	1. Changes in military doctrine and operating procedures 2. Mutual Legal Assistance

28. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

Adopted on: 12 January 1998

Entered into force on: 23 May 2001

Kenya became a state party to the Convention on: 16th November 2001

Obligation to government: Criminalizes the act of intentionally delivering, placing, discharging or detonating "an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility, with the intent to cause death or serious bodily injury or to cause extensive destruction of such a place, facility or system; To penalize any attempt to commit or organize such acts; participate as an accomplice; or intentionally contribute to the commission of the said; Adoption of such measures as may be necessary to establish these acts as criminal offences under the domestic law and to make them punishable by appropriate penalties; Take such measures as may be necessary to establish their jurisdiction over the criminalized acts and to prevent the commission of such acts; Protection of the fundamental rights of the individual who is taken into custody or regarding whom proceedings are carried out pursuant to the Convention

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Prevention of Terrorism Act, 2012		Asymmetric warfare posed by terrorists and Al-shabaab militia	Exchanging information and co-ordinating with other state parties and other agencies	1. Mutual legal assistance 2. Cooperation in investigations and changes in military doctrine and operating procedures

29. CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATIONS

Adopted on: 8th April ,1979

Entered into force on: 21 June 1985

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

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

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

Committee of UNIDO	annually		activities	Industrial Development Officers

30. CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

Adopted on: 14 July 1967

Entered into force on: 14th July ,1967 Stockholm

Kenya became a state party to the Convention on: 5th October 1971

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

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya participates in WIPO activities	Country position during WIPO meetings during the General Assembly yearly	Limited funds to attend all the WIPO meetings	As a Country there is need to be proactive in participating in all meetings, this will put Kenya in a better position to push for the interest of our innovators as a developing Country on issues of Intellectual Property	1. Potential of generation of income related to intellectual property issues 2. Technical assistant in infrastructure and administration of IP 3. Policy discussions and negotiations on IP development

31. PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Adopted on: 20 March 1883

Entered into force on: 1883, 1900, 1911, 1925, 1934, 1958, 14 July 1967, amended 1979

Kenya became a state party to the Convention on: 14 June 1965 to Paris Convention and 26 October to Stockholm Act

Obligation to government: The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is actively involved in protecting Industrial Property Rights through KIPI	Yearly to the International Bureau	1. Funds for implementation 2. Limited awareness by the members of public on the role and importance of intellectual property	Need for more publicity and support on outreach programs by the Government	1. Potential of generation of income related to industrial property issues

		as a tool for industrial and commercial development		

32. MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS MADRID

Adopted in: 1891

Entered into force on: 14 April 1891 amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28 September 1979

Kenya became a state party to the Agreement on: 26 June 1998

Obligation to government: Protection and registration of trademarks

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is actively involved in protecting Industrial Property Rights through KIPI, Kenya has complied the trademark law is in place	Yearly during the WIPO General Assembly	1. Lack of adequate funds 2. Need for publicity is very much technical for a developing Country such as Kenya and smaller Companies existing in Kenya	Need for more publicity and support on outreach programs by the Government	1. Protect trademarks, helps the applications from Kenya reduce costs by filing a single trademark application and designating Countries one seeks for protection 2. Payment of a single filing fee from the member state

33. PATENT COOPERATION TREATY - WASHINGTON

Adopted in: 1970

Entered into force in: 1970

Kenya became a state party to the treaty on: 8 June 1994

Obligation to government: Protection and registration of patents

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is actively involved in protecting Industrial Property Rights through KIPI	Yearly to WIPO	1. System is expensive 2. Need for publicity	Need for more publicity and support on outreach programs by the Government	Protect national innovations and financial gain from patents

34. MEMBERSHIP TO INTERNATIONAL ELECRO-TECHNICAL COMMISSIOM (IEC)

Adopted on: 26 June 1906

Entered into force on: 26 June 1906

Kenya is a member state

Obligation to government: Annual membership fees US$27,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date. The Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).	1. Reports as provided for under the Standards Act 2. IEC holds an Annual General Assembly. 3. Technical committees meet regularly to develop standards and meeting reports/ progress reports are prepared for appropriate action	Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy	1. Build more local expertise in this sector 2. More financial resources need to be allocated to this activity	1. Kenya's health and safety of human, animal and environment are protected 2. Kenya interests are incorporated into International standards 3. Kenya's products are able to access international markets

35. THE METRE CONVENTION

Adopted on: 20 May 1875

Entered into force on: 1st January 1876

Kenya became a state party to the Convention in: 2010

Obligation to government: Pay annual contributions (€ 56 123); Attend and vote at the CGPM; Participate in BIPM activities

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Membership subscription is up to date. 2. KEBS continues to fully participate in the BIPM activities	Reports as provided for under the Standards Act	1. Limited resources (personnel, equipment, funds, facilities etc) to fully participate in BIPM activities 2. Limited legal framework	1. Avail adequate resources 2. Review legal framework	1. International recognition of our national measurement system 2. Underpin the national quality infrastructure

				3. Support the national programme on ease of doing business by eliminating measurement related issues (TBTs)

36. FULL MEMBERSHIP TO IMEKO

Adopted in: 1958

Entered into force in: 1958

Kenya became a member state on:

Obligation to government: To participate in General congress, Technical Committee meetings and capacity development programmes in Metrology; Annual subscription of 900 Euros

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date. Kenya through KEBS attends General Congress and related technical committee meetings annually	Annual member states delegates' statements at the General Congress held every three years.	Big Financial obligation since the General congress is mostly held outside Africa continent	Kenya is encouraged to remain full member in order to benefit from the IMEKO developed countries metrological technology and development	1. Bench making with the developed countries in the world 2. Sharing metrology developments within the member states

37. MEMBERSHIP TO CODEX ALIMENTARIUS COMMISSION

Adopted in: October 1963

Entered into force in: October 1963

Kenya became a member state to the Commission in: 1969

Obligation to government: To participate in international codex food standards development meetings and capacity development programmes

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Membership is up to date. Kenya participates regularly and is one of the most active in responding to food safety issues in codex standards.	1. The Standards Act 2. National Codex Contact Point is the link of Kenya to the international Codex	1.Lack of funds for participating in international codex meetings. Government and lead agencies need to set aside the budget for attending these meetings. 2.The National Codex Committee is	1.Each Government/ institutions to set up budget for participation on these scientific based codex standards development.	Codex Food standards are being used to facilitate fair food trade and to protect health of consumers

2. Kenya has been adopting the international standards developed by CAC for the safety of animal-derived food and feed commodities	Alimentarius Commision 3. The Director of Medical Services is the National Enquiry Point for food safety while the Director of Veterinary Services participates as a member in the National Codex Committee 4. NCCP convenes meeting to discuss draft codex food standards and forward national comments to the host countries including CAC secretariat.	wrongly housed in Kenya Bureau of Standards in ministry of industrialization, thereby reducing its focus in "food safety measures" due to overshadowing with "food standardization"	2. The National Codex Committee should be housed in the Ministry of Health so that it improves its focus on food safety measures.	

38. MEMBERSHIP TO THE INTERNATIONAL ACCREDITATION FORUM (IAF)

Adopted on: 28 January 1993

Entered into force on: 28 January 1993

Kenya became a member state to the Forum on: 24 July 2013

Obligation to government: Annual membership fees US$ 1234

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date	Annual reports to the secretariat and delegates presentations during GA Meetings		1. Kenya should continue participation as assists in the following; 2. Business consistency in quality.	1. IAF MLA provides governments with a credible and robust framework on which to further develop and enhance government to

			3. Manufacturers have a competitive edge. 4. Assists regulators as risks are minimized. 5. Facilitates government to government trade. 6. Ensures goods meet standards of quality and safety.	government bilateral and multilateral international trade agreements. 2. The long-term aim is the fully accepted use and recognition, by both public and private industries, of accredited certification, including certificates from other countries 3. The IAF MLA represents an internationally recognised 'stamp of approval' to demonstrate compliance against agreed standards and requirements. 4. The IAF MLA provides businesses that are procuring products and services with greater confidence in their consistency of quality

39. MEMBERSHIP TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC)

Adopted on: 1996

Entered into force on: 2 November 2000

Kenya is an associate member state

Obligation to government: Annual membership fees US$ 1469

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date	Annual reports to the secretariat and delegates presentations during	1.Lack of locally available competent pool of peer evaluators to evaluate regional Accreditation Bodies that are readily available for use in	1. There is need for Kenya to participate more often in ILAC activities in order to articulate country position	1. Global recognition of laboratories and inspection facilities 2. Assisting and supporting

	GA meetings	evaluating of Accreditation Bodies for purposes of entry and signing of Mutual recognition Arrangements- *Tested , inspected certified once accepted everywhere.* 2.Participation in Biannual and Annual general meetings is an inevitable activity that require resources 3.Lack of an MRA signatory regional block that could hasten the process of peer evaluation hence global recognition of accredited conformity assessment results	where necessary. 2. Participation is requisite for increase in access of Kenyan goods to international markets.	developing accreditation systems particularly in the developing economies 3. Promoting laboratory and inspection accreditation to industry, governments, regulators and consumers. 4. Facilitates international trade. 5. Developing and harmonizing laboratory and inspection accreditation practices

40. MEMBERSHIP TO INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

Adopted on: 23 February 1947

Entered into force on: 23 February 1947

Kenya's Status: 1969 as Correspondent Member and 1976 as Member Body

Obligation to government: To participate in standards setting meetings and capacity development programmes; Kenya is a participating member (P-Member) to various Technical Committees; Annual subscription of US$ 64,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Membership subscription up to date. Kenya participates regularly in various technical committees and the General Assembly 2. Kenya has access to over 19 500 published International Standards of which priority ones are adopted as Kenya	1. Reports as provided for under the Standards Act 2. ISO holds an Annual General Assembly. 3. Technical committees meet regularly to develop standards and meeting	Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy	1. Kenya to continue being a member of ISO 2. Increase our participation in ISO activities 3. More resources need to be allocated to e various activities related to ISO as per our priority sectors	1. ISO International Standards ensure that products and services are safe, reliable and of good quality. For business, they are strategic tools that reduce costs by minimizing waste and errors and increasing productivity. They help companies to access new markets, level the playing

standards	reports/ progress reports are prepared for appropriate action			field for developing countries and facilitate free and fair global trade. 2. Kenya has access to over 19 500 published International Standards hence avoiding duplication of efforts in standards development. 3. Kenya's health and safety of human, animal and environment are protected 4. Kenya's products are able to access international markets through elimination of technical barriers to trade(TBT)

41. INTERNATIONAL COOPERATIVE ALLIANCE

Adopted on:1 9 August 1895

Entered into force on:

Kenya became a member state of ICA on:

Obligation to government: Contribute $20, 000 annually; Provide data concerning Cooperative Societies in the Country

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Africa regional Office is in Nairobi hence the Department of Cooperatives is actively involved, though annual contribution has lapsed	As soon as data is available	Lack of Funds to participate in all the activities	Resources should be availed in order for full participation	1. The Network is developed to create opportunities in partnering with Cooperatives from other Countries 2. Employment for Kenyans

42. WORLD COUNCIL OF CREDIT UNIONS (WOCCU)

Adopted on: 1 January 1971

Entered into force on:

Kenya became a member state of WOCCU on:

Obligation to government: Provide information; Provide advise; Participation; Develop policy in line with WOCCU resolutions

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Department of Cooperatives is actively involved	As soon as data is available	Department of Cooperatives cannot participate in all activities due to lack of funds	Kenya should be proactive in participation for it stands to gain more by participation	1. Business networking for local Cooperative Societies 2. Creation for employment for Kenyans

43. SINGAPORE TREATY ON THE LAW OF TRADEMARKS

Adopted on: 27th March, 2006

Entered into force on: 16 March 2009

Kenya became a state party to the treaty on:28 March 2006

Obligation to government: Protection and registration of trademarks

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is actively involved in protecting Industrial Property Rights through KIPI, Kenya has already complied	Yearly to WIPO	No challenge	Creating awareness amongst members of the public	Protect trademarks

44. BIOLOGICAL AND TOXIN WEAPON CONVENTION (BTWC)

Adopted on: 7th January 1976 in Geneva

Entered into force on: 26 March 1975

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

Obligation to government: To domesticate the BTWC by having a legal framework in place; Participating in the Meeting of Experts and Meeting of States Parties; To provide annual reports - using agreed forms - on specific activities related to the BWC; The Government under the Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:(a)Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;(b) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict."

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

45. STATUTES OF INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY (ICGEB)

Adopted on: 13 September 1983

Entered into force on: 3 February 1994

Kenya became a member state of ICGEB on: 30 July 2010

Obligation to government: Participate in decision making of ICGEB Board of Governors; Recommend the Scientists and students for ICGEB Training; Encourage Scientists to Organize and request for funding for ICGEB Trainings; Annual Contribution of US$ 5000 since 2011

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Training of PhD students through funds	Annual Board of governors meeting held in May every	Inadequate Funds for Sensitization at County levels on ICGEB and available	1. Sensitize the counties on the ICGEB.	1. Capacity building through training on Genetic Engineering and

by ICGEB. 2. Capacity building in the areas of biomedicine - crop improvement - environmental protection/remediation - biopharmaceuticals and bio pesticide production through funds by ICGEB. 3. 3. Linked Kenyan Researchers with those of South Africa (2013)	year	opportunities under ICGEB.	2. Encourage the Kenya Scientists and Students to apply for Training grants available at the ICGEB. 3. Encourage Kenyans to apply for PhD grant at ICGEB. 4. Encourage collaboration between Kenyan Scientists and those from other Member States.	Biotechnology. 2. Information sharing among member states. 3. Funding opportunities are made available through the Collaborative Research Programme (CRP) - ICGEB Research Grants, which is a unique source of funding aimed at financing those projects addressing original scientific questions that show a potential contribution of particular relevance for the applicant's country

46. COMPREHENSIVE NUCLEAR TEST BAN TREATY (CTBT)

Adopted on: 10 September 1996

Entered into force on: Not Yet

Kenya became a state party to the treaty on: 30November 2000

Obligation to government: Participating in the Meeting of States Parties; The government under the Treaty undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and shall prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control; The government under the Treaty undertakes to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya hosts two monitoring stations which are located in Karura and Kilimambogo to monitor compliance to the Treaty. 2. Activities of the centers	The information from the CTBTO centres in Kenya is relayed to the secretariat of Comprehensive Nuclear Test Ban Treaty Organization (CTBTO) in Vienna.	1.Security of the facilities 2. Inadequate human resource to analyze the data for local consumption.	1.Enhancement of security 2.Capacity enhancement of Kenyans	1. Capacity building through training on nuclear related activities. 2. Information sharing among member state on nuclear testing.

are under the UoN 3. The centre monitors the underground, the waters and the atmosphere for any sign of a nuclear explosion.				

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

Adopted by: UN General Assembly on the 16th December, 1966

Entered into force on: 3 January 1976

Kenya became a state party to the Protocol on: 01.05.1972

Obligation to government: The key issues covered are stockpile management, import, export and transfer, tracing and brokering, public awareness raising, collection and disposal, mutual legal assistance and operational capacity.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Marking of firearms is ongoing. The draft Small Arms and Light Weapons Management Bill is in draft.	Kenya National Focal Point.	Logistical support and archaic legislation. Unstable neighbouring countries, cattle rustling and porous borders.	Finalize the Small Arms and Light Weapons Management Bill. Procure border/entry/exit points scanners, metal detectors and screening facilities. Intensify training of canine sniffers and dog handlers.	1. To promote peace and security in the region 2. Tracing, safe disposal, transfer of SALW and brokering 3. Mutual legal assistance, law enforcement and transparency, information exchange and harmonization

48. OUTER SPACE TREATIES: (1)TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE INCLUDING THE MOON AND OUTER CELESTIAL BODIES (OUTER SPACE TREATY); (2) CONVENTION ON INTERNAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS; (3) AGREEMENT GOVERNING THE ACTIVITIES OF

STATES ON THE MOON AND OTHER CELESTIAL BODIES

Adopted on: (3) 27th January 1967

Entered into force on: 10th October 1967

Kenya became a state party to the treaty on: (1) ratified 1967; (2) ratified 1972

Obligation to government: Participate in state members meetings held annually in Vienna; Domesticate the treaties by enacting national laws for outer space activities

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Drafted the Kenya National Space Agency Bill 2013 and National Space Policy. 2. Provided under the Science, Technology and innovation Act 2013, earth and space sciences as programmes to be undertaken by the government.	Members State report is made annually through the Committee on the peaceful uses of outer space and its two subcommittees namely, technical and legal subcommittees. The main committee meets in June every year while subcommittees meet in February and March respective.	1. There is lack of co-ordination at national level to facilitate space related data and information exchange and adequate transfer of technology which tends to inhibit the emergence of space science and technology as a tool for national development. 2. Lack of a legal frame work for co-ordination of outer space activities. 3. Lack of adequate funds for implementation of activities under the Space programme.	1. Enact a legislation to guide the activities of outer space. 2. Establish a National Space Agency to co-ordinate space activities in Kenya. 3. Allocate adequate funds for implementation of space activities.	1. Capacity building in outer space programme. 2. Information sharing on outer space activities. 3. Access of data from member states. 4. Assistance with establishing legal framework for States Parties

49. CARTAGENA PROTOCOL ON BIOSAFETY

Adopted on: 29 January 2000

Entered into force on: 11 September 2003

Kenya became a state party to the Protocol on: 15 May 2000

Obligation to government: To establish legal regulatory framework; Designate a national focal point and competent authority; Facilitate trans-boundary movement, import/export use of GMOs subject to risk assessment. Kenya has adopted the policy guidelines of the protocol by enacting the Bio-safety Act 2009 and establishment of the National Bio-safety Authority (NBA).

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Implemented Bio-safety	1. Reports submitted	1.The current ban on importation of	1. It is recommended that the	1. Capacity building in areas

Act and developed four regulations for implementation of the same. 2. DVS is empowered by the Act to do risk analysis for biotechnological commodities.	to the Bio-safety Clearing House. 2. Participate in Biannual COP-MOP meetings of partner states. 3. The National Bio-safety Authority (NBA) is the lead agency for reporting	foods derived from genetically modified crops has a negative impact on the implementation of the Protocol since it is seen to arbitrary take away the role of the National 2. There is low capacity in the country for the analysis of risk of genetically modified animals or their products to be able to recommend their introduction or release.	ban should be reviewed to avoid continuation of the contravention of the objectives of the protocol 2. The capacity of DVS should be enhanced for risk analysis of GMOs and their products.	of genetically modified organisms. 2. Control of GMOs.

50. EDUCATION FOR ALL (EFA)

Adopted on: 2000 in Dakar, Senegal

Entered into force in: 2000

Kenya became a member state of EFA in: 2000

Obligation to government: Implementation of the six EFA goals: Improving and expanding comprehensive Early Childhood Care and Education; Ensure that by 2015 all children have access to Universal Primary Education; Ensure the learning needs of all people and adults are met through appropriate learning and life skills programme; Achieve a 50% improvement in adult literacy by 2015; Eliminate gender disparities and achieve gender equality in education by 2015; Improve all aspects of the quality of education

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Some of the achievements include: Development of the 2006 National Early Childhood Development Policy Framework; Development of the National School Health Policy and its guidelines; Harmonization of the ECDE curriculum with teaching and learning materials; Development of the as sessional paper No. 1 of 2005 on the policy Framework on education, Training and research and	1. Reports 2. Minutes & 3. Workshops	1. Bio-safety Authority as the National competent Authority under the Protocol. 2. A weak coordination mechanism between the MoEST and other line Ministries adversely affecting delivery of ECDE services 3. Inadequate research, monitoring and evaluation mechanisms for a holistic approach towards provision of quality ECDE 4. Shortage of trained ECDE teachers, with inadequate skills to partake in holistic ECDE programmes.	1. Implement all provisions of the national ECD policy framework for 2007 2. Mobilize adequate funds to ensure; provision of infrastructure; provision of adequate – trained ECDE teachers, with a well-defined scheme and terms of service Increase access and retention through employment of more teachers 3. Enhance support of marginalized groups	1. Improved and expanded comprehensive Early Childhood Care and Education 2. Have access to Universal Primary Education by 2015 for all children 3. The learning needs of all people and adults are met through appropriate learning and life skills programme 4. Achieve 50% improvement in adult

Sessional Paper No. 14 of 2012 on Reforming Education and Training Sectors in Kenya; Introduction of Free Primary Education and Free Day Secondary Education; Provision of grants for laboratory equipment at secondary schools, to enhance performance in sciences; development and implementation of KESSP through a sector wide approach to planning; rolling of Child Friendly Initiative; Revision of the Education Bill Act to align it with the constitution and Kenya Vision 2030 etc; Establishment of the National AIDS Coordination Council and AIDS Control units in line ministries; reduction of HIV AIDS prevalence rates; Development policy on peace Education is underway; Increased enrolment of adult learners; curriculum development for learners- Adult Basic Education and Training ABET 1,2,and 3 (2009);conducting the first Kenya National Adult Literacy Survey in 2006;conducting adult literacy classes in the language of the catchment		Regional disparities in access, equity, quality and retention 5. Low capacity of field officers and head teachers to manage finances disbursed to schools 6. Weak governance and accountability mechanisms to manage disbursed funds 7. Lack of reliable data 8. Financing of HIV and AIDS is mainly undertaken by development partners , posing sustainable challenges 9. Knowledge levels on HIV and AIDS remains but this does not transform to behaviour change 10. Inadequate infrastructure; 11. Poor monitoring and evaluation systems 12. Lack of continuous advocacy capacity 13. Lack of systematic and comprehensive data to monitor the impact of literacy classes 14. There is gender disparity in admission to take science and technology subjects and courses in middle level colleges 15. Quality of infrastructure such as sanitation facilities is still poor and gender non responsive, even for those ECDE attached to formal public schools 16. Teacher shortage due to	especially in urban slums and ASAL areas 4. Increase national budgetary allocations 5. Develop and strengthen local mechanisms for resource mobilize to support HIV and AIDS 6. Strengthen education on peace to articulate a holistic and integrated vision of education 7. Enhance continuous publicity and advocacy to be emphasized in ordered to give the adult and continuous education programme the visibility it deserves 8. Provide adequate financial and human resources 9. Continue reviewing the adult and continuing education curriculum integrating issues 10. Increase funding for gender interventions 11. Intensify advocacy and awareness in elimination of negative socio cultural practices 12. Provide adequate funding to meet quality assurance 13. Recruit and deploy teaching and teaching	literacy by 2015 5. Attain gender parities and achieve gender equality in education by 2015 6. Improved quality education in all aspects

area; Development and implementation of gender in education policy; development of a gender responsive curriculum; implementation of affirmative action in male teacher trainees in ECDE etc; Provision of teaching and learning materials under the FPE and FDSE programmes Improvement of school infrastructure, including water and sanitation facilities Development of the teaching force through INSET; capacity development of school management through KEMI		budgetary constraints 17. Inadequate textbooks storage facilities and poor maintenance of textbooks 18. Ineffective curricula implementation resulting in low mastery of literacy and numerical skills	assurance personnel 14. Strengthen the conduct of national examinations and other assessments.	

51. AGREEMENT ESTABLISHING THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)

Adopted in: 1977

Entered into force in: 1979

Kenya became a state party to the Agreement on:1979

Obligation to government: Annual subscription; GOK will ensure that poor rural people have better access to, and the skills and organization they need to take advantage of: Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices; Improved agricultural technologies and effective production A broad range of financial services; Transparent and competitive markets for agricultural inputs and produce; Opportunities for rural off-farm employment and enterprise development; Local and national policy and programming processes; Implement pro Rural poor programs funded by IFAD services

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Many projects have been carried out throughout the country to meet these objectives Examples are the				1. Contributes towards poverty eradication and empowerment of the rural

Easter Province Horticulture and Traditional food Crops Irrigation Project and Mt Kenya Irrigation Project among others				poor. 2. These projects help the poor increase food production, raise incomes, and improve health and nutrition

52. INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Adopted on: 3 November 2001

Entered into force on: 29th June 2004

Kenya became a state party to the treaty on: 27th May 2003

Obligation to government: guaranteeing food security through the conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture (PGRFA)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Compliant	The treaty under Article 9 obliges countries to: 1. Recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which	Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid movement of pests, food safety concerns etc.	Government to provide adequate funding	• Protection of genetic variety of crops and related agricultural biodiversity as well as creation of diversity in plant genetic resources.

	constitute the basis of food and agriculture production throughout the world. 2. Take responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including: (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture; (b) the right to equitably participate in sharing benefits arising from the utilization of plant			

	genetic resources for food and agriculture; and (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.			

53. THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Adopted on: 16 October 1945

Entered into force on: 16th October 1945

Kenya became a member state of FAO on:

Obligation to government: Annual Subscription; Help eliminate hunger, food insecurity and malnutrition; Make agriculture, forestry and fisheries more productive and sustainable; Reduce rural poverty; Enable inclusive and efficient agricultural and food systems; Increase the resilience of livelihoods from disasters

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Continuously implementing programs with the assistance of FAO aimed at meeting the stated obligations		Poor soil quality Lack of proper incentives to farmers	Increase the forest carpet of the country	1. Contributes towards poverty eradication and empowerment of the rural poor. 2. These projects help the poor increase food production, raise incomes, and improve health and nutrition

54. INTERNATIONAL COFFEE AGREEMENT

Adopted on: 28th September, 2007

Entered into force on: 2nd February 2011

Kenya became a state party to the Agreement in: 2011

Obligation to government: Annual Subscription

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				1. Government relations and close contacts with the private sector 2. Coffee development projects 3. Quality coffee 4. Coffee sector finance 5. Increasing demand for coffee 6. Training and information 7. Information and resources

55. INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC)

Adopted on: 6 December 1951

Entered into force on: 3 April 1952

Kenya became a state party to the Convention on: 7th May 1974

Obligation to government: Annual Subscription; Country shall establish a National Plant Protection Organization with clear mandate to protect the plant genetic resources and biodiversity, while at the same time ensuring safe trade in plant and plant products traded in international commerce

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya started adhering to the convention on 7 May 1974 2. Kenya abides by the revised convention (1997)	The convention obliges the country to report: pest status, phytosanitary measures, regulations and other information	1.Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity 2.Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid	Government to rationalize the institutions and transfer all areas of plant protection as envisaged by the Convention to one single authority which is well funded	Protection of genetic pool and biodiversity while at the same time ensuring safe trade in plant and plant products in international commerce.

3. Details of ratification by Parliament under the Treaty making and ratification Act, 2012 to be determined	is vital to the future of the world's plant resources and biodiversity, to safe trade in plants and plant products, and to food security	movement of pests		

56. INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

Adopted on: 2 December 1961

Entered into force on: 10 August 1968

Kenya became a member state of UPOV on: 13th May 1999

Obligation to government: Established the International Union for the Protection of New Varieties of Plants (UPOV); Conform the Seeds and Plant Varieties Act to the UPOV convention; Implementation of a UPOV-like system of plant variety protection; Make financial contribution towards the day to day running of UPOV; Participate in meetings for making legal, administrative and technical decisions of UPOV; Share information/Data with other UPOV members; Host UPOV meetings

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Implemented Kenya in the process of upgrading accession from the 1978 Act to 1991 Act of the Convention	Country reports Input into the UPOV database	1. Accession to UPOV 1991 Convention delayed by slow flow of documents from relevant ministries to UPOV. 2. Participation in meetings limited by financial constraints 3. Limited infrastructure (lack ofgreenhouses/laboratories/equipment) for undertaking technical activities.	Improve flow of communication from relevant ministries to UPOV More funds allocated for implementation	Maintain quality of seeds and plant varieties

57. INTERNATIONAL GRAINS AGREEMENT

Adopted in: 7th December 1994

Entered into force on: 1st July 1995

Kenya became a state party to the Agreement on: 1994

Obligation to government: Annual Subscription

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				Kenya's farmers will have easier and better access to the world market The farmers will and can learn more ways in which to improve their seeds and in turn crops for better produce Sharing of best practices with other members

58. AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

Adopted on: 15th April 1994

Entered into force on: 1 January 1995

Kenya became a state party to the Agreement on: 1st January 1995/23rd December 1994

Obligation to government: The agreement obliges Kenya apply food safety and animal and plant health measures (sanitary and phytosanitary or SPS measures) sets out the basic rules in to assure protection of human, animal and plant life and ensure safe trade

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Details of ratification by Parliament in 1994 under the Treaty making and ratification Act, 2012 to be determined 2. Kenya has been adopting the international standards developed by OIE for animal health & zoonoses and CAC for food safety. These standards are embedded in national legislations and the Draft Veterinary	1. The Agreement on SPS obliges Kenya to take measures dealing with food safety and animal and plant health. sanitary: for human and animal health. phytosanitary: for plants and plant products. The agreement expects the country to participate in WTO-SPS	1. Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid movement of pests, food safety concerns etc. 2. The National SPS Committee which harmonizes stakeholder inputs on SPS-related notifications is not structured or funded	1. Government to provide adequate funding 2. The National SPS Committee should be institutionalized in a governance structure, preferably in the WTO Division.	Ensuring safe trade in plant and plant products in international commerce.

Policy	committee meetings, notify regulations, laws and decrees in a timely manner to allow members make comments before adoption. 2. Also participate in work of International standard setting bodies i.e. OIE, CODEX & IPPC 3. The Department of Veterinary Services is the National Enquiries Point and replies all enquiries on animal trade measures from WTO Members and also notifies the same on Kenya's animals trade measures; 4. The WTO Division is the National Notification Point and transmits notifications to and from WTO in Geneva.			

59. **AGREEMENT ESTABLISHING THE COMMON FUND FOR COMMODITIES**

Adopted in: 27th June 1980

Entered into force in: 19 June 1989

Kenya became a state party to the Agreement on: 6 April 1982

Obligation to government: Annual Subscription

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				Small scale farmers get capacity building and funding for their commodities Benefit from transfer of technology Better market access

60. ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) SEED SCHEMES, FRUITS AND VEGETABLES SCHEMES AND FORESTRY SEED SCHEMES

Adopted in: 1958

Entered into force in: 1961

Kenya became a member state OECD on:

Obligation to government: Provides for movement of Kenyan seeds, fruits and vegetables into the international market.

Application of OECD standards in inspection and labelling of seeds; Make financial contribution towards the day to day running of OECD schemes; Participate in meetings for making legal, administrative and technical decisions of OECD schemes; Share information/Data with other OECD schemes' members

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Implemented OECD seed schemes, fruits and vegetables schemes and forestry seed schemes	Reports to relevant OECD schemes	Participation in meetings limited by financial constraints	Allocation of more funds to enable more participation in meetings	Maintenance of high quality of our products which improves competitiveness Improved market access Lower transaction costs and risks in seed trade Enhanced co-operation between countries and the public and private sector

				Active participation in the establishment of rules within an international framework for seed certification Sharing of best practices in seed certification, information and ideas due to frequent meetings

61. INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)

Adopted in: 1924

Entered into force on:

Kenya became a member state of ISTA on:

Obligation to government: Undertake Seed testing according to ISTA standards; Make financial contribution towards the day to day running of ISTA; Participate in meetings for making legal, administrative and technical decisions of ISTA; Host ISTA meetings

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya issues ISTA standard seed testing certificates. 2. One seed testing accredited to ISTA. A second lab has initiated the process of accreditation	1. Reports to ISTA 2. Regular audit of lab to ensure conformity	1. Inadequate some crops 2. Participation in meetings limited by financial constraints facilities for testing	Need to obtain the necessary equipment to enable accreditation of second lab	This ensures maintenance of high seed quality

62. CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Adopted on: 18th December 1979

Entered into force on: 3rd September 1981

Kenya became a state party to the Charter on: 16th May 1984

Obligation to government: To formulate policies and implement programs to eliminate all forms of discrimination against women.

IMPLEMENTATION	REPORTING	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

STATUS	MECHANISM			
1. National Policy on Gender and Development. 2. National Gender Based Affirmative Action Policy. 3. Female Genital Mutilation Policy. 4. Sexual offences Act, 2006 5. The Employment Act, 2007 6. Counter Trafficking in Persons Act, 2010 7. Prohibition of Female Genital Mutilation Act, 2011. 8. The Political Parties Act, 2011 9. The 2/3 gender rule in employment and promotion to decision making positions, 10. The Women Enterprise Fund, 11. Youth enterprise fund, 12. The Uwezo Fund for Women and Youth. 13. 30% affirmative action for women and youth in government procurement	1. Government of Kenya reports on progress every four years to the CEDAW Monitoring Committee in Geneva. 2. Ministry of Devolution and Planning, Directorate of Gender to produce reports	1. Obtaining timely and accurate data on achievements and gaps. 2. Financial limitations for public sensitization, programme implementation, monitoring and evaluation	All government agencies to establish a data bank of their activities on gender and to report on regular basis to the National Gender and Equality Commission with copies to the Gender Directorate.	Provides the basis for realizing equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to vote and to stand for election, as well as education, health and employment. 1. The adoption of a new Constitution approved by public referendum on 4 August 2010 which includes a comprehensive Bill of Rights which enhances protection for women. 2. Has made it easier for Kenya to achieve the third Millennium development goal of promoting gender equality and women empowerment. 3. Has led to improvement of the working environment for women at their workplace without them facing gender-based harassment. 4. Increased the number of women representation in leadership in Kenya 5. It has created access to finance by women

14. Campaign against SGBV				entrepreneurs 6. Increased investment opportunities for women in Kenya 7. Reduced Sexual and Gender Based Violence

63. COMMISSION ON THE STATUS OF WOMEN

Adopted in: 21 June 1946

Entered into force on:

Kenya became a member state of CSW on:

Obligation to government: To implement resolutions of the Beijing Platform for Action on Gender Equality, 1995

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Policies and legislation developed as above. Implementation is ongoing	Government reports once a year to the Commission on the Status of Women.	1. Obtaining timely and accurate data on achievements and gaps. 2. Financial limitations for public sensitization on resolutions, programme implementation, monitoring and evaluation	All government agencies to establish a data bank of their activities on gender and to report on regular basis to the National Gender and Equality Commission with copies to the Gender Directorate.	1. Has increased the number of women representation in leadership whereby the number of women Members of Parliament has tremendously increased since 1990s. 2. Establishment of Women Funds to empower women on entrepreneurship and encourage them to start their own businesses

64. COMMONWEALTH TREATY ON GENDER EQUALITY

Adopted in: 18 December 1979

Entered into force in: 3 September 1981

Kenya became a state party to the treaty on: 9 March 1984

Obligation to government: To implement commonwealth resolutions on gender equality

IMPLEMENTATION	REPORTING	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

STATUS	MECHANISM			
Policies and legislation developed as above. Implementation is ongoing	Government reports once a year to the Commonwealth Monitoring and Evaluation Unit that convenes on the sidelines of the CSW in New York.	1. Obtaining timely and accurate data on achievements and gaps. 2. Financial limitations for public sensitization, programme implementation, monitoring and evaluation.	All government agencies to establish a data bank of their activities on gender and to report on regular basis to the National Gender and Equality Commission with copies to the Gender Directorate	1. The Kenyan government has adopted gender 2. mainstreaming as the most effective strategy for achieving gender equality 3. Kenya has made legislative and procedural provisions to combat domestic and other forms of Gender-Based Violence 4. It has helped Kenya in addressing 5. persistent challenges such as gender-based violence and the 6. achievement of women's full participation in leadership and 7. Decision-making. 8. Promotes Women's full participation in democracy and in peace processes, which is crucial for the achievement of sustainable development. 9. Has helped Kenya to create healthy partnerships to address Gender related issues 10. Has made it easier for Kenya to at least achieve the third Millennium

				development goal of promoting gender equality and women empowerment. 11. Has created a conducive working environment for women at their workplace without them facing gender-based harassment at the workplace.

65. UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

Adopted on: 12 December 2000

Entered into force on: 16 June 2004

Kenya became a state party to the Convention on: 16 June 2004

Obligation to government: To formulate policies, legislate and enforce to eliminate all forms of transnational organized crime

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Counter Trafficking in Persons Act, 2010 2. Implementation is ongoing	Reporting made to the CEDAW Committee once in four years	1. Porous borders make it easy for criminals to cross. 2. Proliferation of small arms. 3. Corruption among law enforcers	1. Increased police presence along the Kenyan boarders 2. Zero tolerance on corruption	1. It offers Kenya a framework for preventing and combating organized crime, and a platform for cooperating in doing so. 2. Kenya also has access to a new framework for mutual legal assistance and extradition, as well as a platform for strengthening law enforcement cooperation. 3. Kenya stands to benefit from training and technical assistance to

				strengthen its capacity to address organized crime.

66. LEAGUE OF NATIONS, CONFERENCE OF PARTIES WORLD HEALTH ORGANIZATION

Adopted on: 7 April 1948

Entered into force on:

Kenya became a state party to the Conference on:

Obligation to government: Implementation of Convention of Tobacco, health resolutions, declarations, strategies and guidelines; Financial Ksh. 3 Million Annual Subscription fee

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. WHO supports Various health programme in the country e.g NCDs, Polio, Disease surveillance, HIV/AIDS, Malaria 2. Existing WHO country office 3. Existing WHO field offices in Garissa and Turkana	1. The Ministry of health reports to WHO through the following organs on various health agendas: 2. WHO country office 3. WHO-AFRO 4. United Nations General Assembly 5. World health assembly 6. Executive board 7. Conference of Parties 8. Intergovernmental meetings	1. Funding gaps 2. Competing priorities in health	1. Increase of funding support by the government to WHO activities 2. Increased collaboration in implementing health	1. Enhanced coordination of health activities 2. Sharing best practices with other member states 3. Pooling of resources and negotiation for drugs, health technologies and other consumables as a group of member states to benefit from economics of scale

67. *SINGLE CONVENTION ON NARCOTIC DRUGS (1961)*

Adopted by: 30 March 1961

Entered into force on: 13 December 1964

Kenya became a state party to the Convention on: 13 November 1964

Obligation to government: It was enacted to prevent the production and supply of certain narcotic drugs. as amended by the 1972 Protocol: Member parties to take such legislative and administrative measures as may be necessary to give effect to and carry out the provisions of this Convention within their own territories. Article 36 of the Convention requires parties to criminalize cultivation, production, manufacture , extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of drugs contrary to the provisions of the Convention as well as conspiracy to commit and any attempts to commit any of such offences and preparatory acts and financial operations in connection with the offences referred to in this Article.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya enacted the Narcotic Drugs and Psychotropic Substances (Control) Act in July 1994 to control the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants; to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances. A draft Narcotic Drugs and Psychotropic Substances (Control) Policy has been developed to guide on amendment and enforcement of the Act.	Quarterly and Annual reports by the relevant agencies	1. Under staffing of the relevant enforcement agencies 2. Inadequate budgetary allocation 3. Inadequate involvement of community in enforcing anti-narcotic drug laws	1. Increase budgetary allocation to facilitate enforcement 2. Infrastructure development and inter-agency collaboration for effective surveillance of drugs of abuse.	1. Helps limit the cultivation production distribution trade possession and use of controlled psycho-active substances strictly to medical and scientific purposes. 2. Challenges: Cultural insensitive implementation mechanisms for example Cannabis Sativa as used in Kisii 3. Emphasis on prohibition without due regard and harm reduction issues

68. CONVENTION ON PSYCHOTROPIC 21

Adopted on:21 February 1971

Entered into force on: 16 August 1976

Kenya became a state party to the Convention on: 18 October 2000

Obligation to government: Regulate the illicit use of Narcotics and psychotropic agents

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Implemented under the Cap 245 (Repealed) to create the Narcotics and psychotropic's substances act of 1992	Reports sent Quarterly to the International Narcotics Control Board	Act was placed under the Police yet the licit control is carried out by the Pharmacy and Poisons board	Separate the act into two: 1. Licit control under the PPB 2. Illicit use by the police.	Ability to control use of Psychotropic and addictive substances Has lead to the development of clear guidelines in the management of persons addicted or abusing narcotic substances.

69. *UN CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES, 1988*

Adopted on : 20 December 1988, Vienna

Entered into force on: 11th November, 1990

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

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

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The National Technical Committee on Drug Trafficking and Abuse (NTC) was established in 2011 to coordinate anti-	The state parties report quarterly	1. Vast and porous border among member states 2. Budgetary constraints towards implementation of	1. Closer cooperation amongst NTC agencies 2. Sharing of data on seizures and	Ability to control use of Psychotropic and addictive substances Has lead to the development of clear guidelines in the

drug trafficking interventions. The NTC comprises the Ministry of State for Interior & Coordination of National Government, NACADA, Kenya Police Service, Anti-Narcotics Police Unit, Ministry of Health, Department of Immigration, Government Chemist, Kenya Prison Service, Kenya Revenue Authority, Kenya Airports Authority, Kenya Ports Authority, State Law Office, Kenya Bureau of Standards and the National Intelligence Service		identified interventions	trafficking trends 3. Detection and testing equipment at entry points and other relevant places 4. Adequately trained personnel to handle sophisticated illicit drug trafficking trends.	management of persons addicted or abusing narcotic substances.

70. **WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

Adopted on: 21 May 2003

Entered into force on: 27 February 2005

Kenya became a state party to the Convention on: 25 June 2004

Obligation to government: To protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by implementing tobacco control measures at national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke; Annual Assessed Voluntary Contribution Currently approximated at USD 1,600 for FY 2014/15

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Achievements 1. Tobacco control Act 2007 in place. 2. Tobacco control Board in place 3. Tobacco control policy	Tobacco Control focal point transmits quarterly reports to WHOFCTC secretariat direct. Routine monthly reports on	1. Tobacco industry interference in policy development and implementation at national and regional (EAC) level; 2. Tobacco Control and trade arguments; Inadequate nationwide enforcement; Emergence of new	1. Operationalization of Tobacco control board fund. 2. Policy Coherence among govt ministries and agencies 3. Effective increment of taxation of tobacco products	It helps to preserve present and future generations from the health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke

in place 4. Ongoing activities 5. Development of Tobacco control regulations. 6. Information and awareness creation through public education.	enforcement	products including smokeless tobacco products and Nicotine Delivery System e.g electronic cigarettes and Shisha; increasingly affordable tobacco products; Implementation of alternative livelihoods for tobacco farmers 3. Lack of funds to fully implement the Convention.	up to at least 75 % of retail price before VAT; Harmonization of regional tobacco tax administration to meet based on best practice; Adoption of policy options for livelihood diversification for tobacco farmers; Mainstreaming tobacco control in social and development agenda	

71. CONVENTIONS ON THE RIGHTS OF THE CHILD

Adopted on: 20 November 1989

Entered into force on: 2 September 1910

Kenya became a state party to the Convention on:

Obligation to government: Ensure provision of the highest standards of health

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Children's Act 2001 in place 2. Protecting the right o life survival and development through Kenya Expanded Programme immunization- 87% immunization coverage 3. Free prevention of mother to child transmission (PMTCT)of HIV 4. Free comprehensive maternal child health programme, Neo-natal and post-natal services	1. Reports given to the Committee on the Rights of the Child every 5 years 2. Quarterly meeting with children's department 3. Integrated Child Health Committee that meets quarterly	1. Compartmentalization of services offered to the child 2. Low funding allocations to children's disabilities 3. Challenges in mainstreaming children with vulnerabilities to various sectors and social environment 4. Gap in financial support by GoK, most funding is from donors 5. Poor coordination of interventions to protect children who have been violated or abused sexually, physically or psychosocially	1. Integration of child health services 2. Increase GoK funding 3. Implementation of existing policies 4. Integration of the management of children who suffer sexual, physical or psychological abuse or violation	Children enjoy human rights and are protected from abuse, exploitation and child labour

5. Free treatment of under five year old children 6. Free ARVs for all children across the country 7. National Guideline and Manual on the Identification and referral of all children with disabilities and special needs 2010 8. Training manual for health workers on prevention and early detection of disabilities 9. School health policies and guidelines 2008 10. Diarrhea policy 11. Reproductive health policy 12. Child survival and development strategy 2008-2015				

72. TRIPS AGREEMENT (DOHA DECLARATION 2001 AND PUBLIC HEALTH POLICY)

Adopted on: 14 November 2001

Entered into force on:

Kenya became a state party to the Agreement on:

Obligation to government: Member states to take measures to protect public health, and particular, promote access to medicine

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Ongoing Utilization of parallel	Relevant government arm	Issues of access to generic ARVs especially for the developing countries	Re-evaluate the entire agreement in light of the issues of Human Rights and access to	It raises questions on the implementation of intellectualbproperty rights in

importation to make drugs cheaper and more accessible			treatment	the field of health

73. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Adopted on: 30 March 2007

Entered into force on: 3 May 2007, New York

Kenya became a state party to the Convention on: 19 May 2008

Obligation to government: **Article 4 - General obligations:** States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. This is to be done through: Provide the highest level of health services that are acceptable, affordable, available and accessible to persons with disabilities; Development of legislation to protect and promote the rights of the disabled; Ensure that public authorities and institutions act in conformity with the present Convention; Promote research and development of universally designed goods, services, equipment and facilities

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Domestication of the convention through mainstreaming the disability concept 2. Kenya Act Disability 2003 3. National Council for Persons with Disability	1. National Focal Point, Ministry of Labour gives a report to the Committee on the Rights of Persons with Disabilities every 4 years 2. Every line sector gives quarterly report to the council 3. Every line sector gives annual reports to Public Service Commission	1. Staff attitude towards the disabled 2. Challenges in mainstreaming disabilities at policy level 3. Funding gap 4. Support from stakeholders lacks wholistic approach 5. Technical challenges in accessing the disabled persons for registration 6. Limitation in human resource to carry out assessments and interventions in schools and work place 7. Lack of occupational therapy in the curriculum of special education teachers.	1. Commitment by managers at all levels 2. Develop opportunities to share best practices and improve capacities on management of persons with disabilities 3. Devolve services to the counties 4. Increase medical personnel 5. Stakeholders to understand the concept of medical disability approach and embrace it	It has helped Kenya come up with registers for persons with disabilities for effective planning and the establishment of the Development Fund and the Persons with Disabilities Act

74. CHEMICAL WEAPONS CONVENTION

Adopted on: 13 January 1993

Entered into force on: 29 April 1997

Kenya became a state party to the Convention on: 7 September 200

Obligation to government: Development of national law for domestication of convention; Annual declaration of scheduled chemicals imported and exported from the country; Facilitate national inspections of industries using scheduled chemicals as part of verification process of the convention; Annual contribution to the Organization for the Prohibition of Chemical Weapons (OPCW) Euro 7,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Ongoing development of Cabinet Memorandum and Draft Bill on the implementation of the convention	Government Chemist makes annual declarations to the OPCW on the status of scheduled chemicals in the country	1. Poor cooperation from industry on implementation of the convention due to lack of law on implementation of convention 2. Lack of budget for implementation of convention 3. Stakeholders not readily available to drive implementation process	1. Create more awareness on the importance of implementing the convention 2. Put Act in place to help smooth implementation of convention 3. Budgetary allocation for implementation process	

75. PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS 5TH SESSION OF THE CONFERENCE OF THE PARTIES (COP) TO THE WHO FCTC

Adopted on: 12 November 2012 Seoul, Korea

Entered into force on: 10 January 2013

Kenya became a state party to the Protocol on: 29 May 2013

Obligation to government: Kenya has signed but is yet to ratify; Kenya Revenue Authority spearheading implementation. In place is a real time tracking and tracing system for tobacco products manufactured in Kenya for export as well as those on transit within the Kenyan boarders; tax stamps used as unique marking for products for local consumption; licensing of tobacco manufacturers; Ban of sale of tobacco products via electronic and evolving technology

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	Once Adopted, Parties will be required to establish a	Orientation of key sectors on the provisions of the Protocol and their	Ratification of the Protocol to be facilitated by the Attorney General and Ministry of	Joint training in nuclear, chemical and biological

	reporting mechanism	role in implementation	Foreign Affairs; Establishment of a multi-sectoral team to facilitate implementation; regional approach to implementation i.e EAC; mainstreaming Tobacco control in economic agenda; capacity building for the implementation of the protocol; regional approach to implementation;	weapons technology Provision of necessary technical knowledge to customs and police officers to enable them identify weapons of mass destruction Availability of technical devices to police officers and customs staff to assist such identification

76. CONVENTION ON ROAD TRAFFIC ACCIDENT

Entered into force on: 19th September, 1949, Geneva

Kenya became a state party to the Convention on: 21 May 1977

Obligation to government: Establish nationwide emergency response system; Equip emergency providers with adequate means for safety evacuation of casualties; Improve health facility capacity to response to casualties of road traffic crashes; Enhance data management on road traffic injuries

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Formation of a National road safety coordinating committee put in place in 2010 2. Purchase of 8 Binar speed monitoring cameras 3. 120 health personnel trained on pre-hospital care and basic and advanced trauma and life support 4. School road safety programme 5. Support of ministry of transport to review the traffic act cap 403	Reporting done through national transport and safety authority to the convention	1.Funding gap for treatment of road traffic injuries, bed space in facilities and capacity building of human resource to manage the injuries and sensitize the populations on road safety 2.Disparity in data collection on deaths caused by road accidents between the health sector and the police	1.Develop common tool to capture data on deaths and injuries 2.Increase funding 3.Strengthen collaboration amongst stakeholders in creating awareness on road safety to Kenyan population	

77. BASEL CONVENTION ON THE CONTROL OF TRANS BOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

Adopted on: 22 March 1989

Entered into force on: 5 May 1992

Kenya became a state party to the Convention on: 1st June 2000

Obligation to government: Strengthening health facilities to undertake proper management of hazardous hospital wastes.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Ongoing activities: Infection prevention and control policy developed. 2. Injection safety developed. 3. IPC guidelines developed 4. Healthcare waste management guidelines developed 5. Healthcare waste management plan undergoing revision. 6. Technical working on HCWM formed and operational. 7. Infrastructure improvement for waste management 8. Training of personnel on medical waste management. 9. Procurement of waste management commodities	1. Routine monthly reports. 2. Quarterly TWG meetings 3. Interagency Coordinating Committee meetings (quarterly)	1.Lack of funding for this component. 2.Inadequate staff training.	1.Need for resource allocation to address this component in the ministry 2.Training of staff responsible for implementation of the component 3.Strengthening Infection prevention committees in all health facilities.	

78. **UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE 1992**

Adopted on: 9 May 1992

Entered into force on: 21 March 1994

Kenya became a state party to the Convention on: 26 May 2005

Obligation to government: Improved capacity of health sector to respond to climate sensitive health risks

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Achievements: Situation analysis and needs assessment for implementation of Libreville declaration on climate change and health. (report available) 2. Establishment of Country Task Team (CTT) 3. Kenya National Plans of joint action developed. 4. Assessment of current health and environment intersectoral action done. 5. Ongoing activities: 6. Malaria early warning for epidemic preparedness and surveillance systems on going	1. Quarterly reports to conference of parties secretariat, 2. Routine monthly reports within the ministry and among partners.	1.No allocation of resources by the Ministry to support this item. 2.Inadequate training and linkages among partner organizations at implementation levels (counties) 3.The Health and Environment strategic Alliance (HESA) not formed as per the requirement of Libreville declaration	1. Mainstreaming climate change and health activities into ministerial budgets 2. Training of field staff to boost implementation of this component. 3. Formation and operationalization of HESA	

79. CONVENTION ON INTERNATIONAL CIVIL AVIATION

Adopted on: 7th December, 1944

Entered into force on: 4th April, 1947

Kenya became a state party to the Convention on: 1st May, 1964

Obligation to government: The Government formulates policies and regulations that govern civil aviation, implements programs including ratification, implementation, yearly subscriptions and active participation at meetings on instruments adoption/implementation. Currently, the subscriptions are fully paid up.

The Convention aims to ensure the safe and orderly growth of international civil aviation throughout the world; encourage the arts of air craft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others. The Convention establishes the International Civil Aviation Organization which is the specialised UN body for civil aviation matters. The Convention has 19 Annexes through which ICAO has developed Standards and Recommended Practices (SARPs) to govern and standardize the conduct of civil aviation amongst States. ICAO conducts safety and security audits on States based on its Standards and Recommended Practices to establish the level of effective implementation. Kenya was elected to the ICAO Council in October, 2013 for a period of 3 years.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Civil Aviation Act, 2013 and the Civil Aviation Regulations are the main instruments of implementation of the Convention. The Kenya Civil Aviation Authority formed through the Act is the body charged with the mandate to provide for the control and regulation of civil aviation in Kenya.	ICAO conducts regular Audits	The Authority faces the challenge of attracting and retaining qualified technical staff due to the remuneration offered as against what is offered within the industry.	Enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue base.	A safe and orderly civil aviation industry in the country, thereby allowing the growth of the industry and enabling operators thrive.

80. *CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION)*

Adopted on : 28th May, 1999

Entered into force on: 4th November, 2003

Kenya became a state party to the Convention in 7th January 2002

Obligation to government: The Convention attempts to re-establish uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo. Whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime). The Convention achieves modernization in a number of key areas. It protects passengers by introducing a two-tier liability system that eliminates the previous requirement of proving wilful neglect by the air carrier to obtain more than $75,000 in damages, which should eliminate or reduce protracted litigation.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Montreal Convention 1999 addresses rules relating to the international carriage of passengers, baggage and cargo relating to damages, lost baggage and disabled passengers and mobility equipment.	The state parties deposit accession or ratification with ICAO, but do not report.	1. Airlines world-wide have a challenge when dealing with damages and lost baggage, due to human emotions. 2. The amounts of compensation especially when relating to aircraft accidents subsequent litigation.	Enhance safety and consumer protection.	The ratification of the Convention enhances passengers' confidence that they or their families will be adequately compensated in case of damages and lost baggage.

89. CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION

Adopted on: 1st March, 1991

Entered into force on: 21st June 1998

Kenya became a state party to the Convention on: 21st October, 2002

Obligation to government: The Convention on the Marking of Plastic Explosives for the Purpose of Detection is a multilateral anti-terrorism treaty that aims to prohibit and prevent the manufacture or storage of unmarked plastic explosives. The Convention notes the implications of acts of terrorism for international security and that plastic explosives have been used for terrorist acts aimed at destruction of aircraft , other means of transport and other target; it further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is not a producer State of plastic explosives. A state that ratifies the Convention agrees to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in its territory.	The Convention also establishes an International Explosives Technical Commission, which is composed of experts in the field explosives manufacturing and	Terrorism is a challenge to most States and terrorist will use any means to achieve their goals.	Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in our territory.	Reduces the ability of terrorists to utilize plastic explosive within our territory.

Plastic explosives are not prohibited by the treaty, but it mandates that when they are produced they are marked with a chemical taggant (specified in the treaty's Technical Annex) which can facilitate future identification purposes:	detection. The Commission can propose amendments to the Technical Annex of the treaty.			

90. CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (Cape Town Convention) AND THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT

Adopted on: 16th November 2001

Entered into force on: 1st March 2006

Kenya became a state party to the Convention on: 13th October, 2006

Obligation to government: The Convention and Protocol recognize the need to acquire and use mobile equipment of high value or particular economic significance and to facilitate the financing of the acquisition and use of such equipment in an efficient manner; the advantages of asset-based financing and leasing for this purpose and desiring to facilitate these types of transaction by establishing clear rules to govern them; the need to ensure that interests in such equipment are recognised and protected universally; to provide broad and mutual economic benefits for all interested parties; takes cognizance that such rules must reflect the principles underlying asset-based financing and leasing and promote the autonomy of the parties necessary in these transactions; and the need to establish a legal framework for international interests in such equipment and for that purpose to create an international registration system for their protection.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The International Interests in Aircraft Equipment Act, 2013	International Institute for the Unification of Private Law (UNIDROIT)	Operators have a challenge in raising the funds to acquire aircrafts.	Enhance operators' access to funds.	Local airlines are able to acquire aircraft at discount due to assurance to the seller's, that their interests in such equipment are recognised and protected.

91. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Adopted on: 23rd September, 1971

Entered into force on: 26th January 1973

Kenya became a state party to the Convention on: 11th January, 1977

Obligation to government: The ratification of the Convention by the government demonstrates its commitment towards ensuring that acts of unlawful

interference are eliminated.

The Convention recognizes that unlawful acts of seizure or exercise of control of aircraft in flight jeopardise the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts; there is an urgent need to provide appropriate measures for punishment of offenders.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.	ICAO	Terrorism is a challenge to most States and terrorist will use any means to achieve their goals	Strengthening of our security agencies and continuous surveillance to deter would be terrorists.	Prohibit and punish behavior which may threaten safety of civil aviation.

92. PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Adopted on: 24th February ,1988

Entered into force on: 6th August 1989

Kenya became a state party to the Convention on: 5th October,1995

Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards safety of passengers at airports.

The Protocol recognizes that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Civil Aviation Act, 2013 recognizes acts of unlawful interference as a crime.	ICAO	Terrorism is a challenge to most States and terrorist will use any means to achieve their goals	Strengthening of our security agencies and continuous surveillance to ensure that security is maintained at our airports.	Prohibit and punish behaviour which may threaten safety of civil aviation.

93. CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE

Adopted on: 7th October, 1952

Entered into force on: 4th February 1958

Kenya became a state party to the Convention on: 5th July, 1999

Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards adequate compensation to those who suffer damage.

The Convention aims to ensure adequate compensation for persons who suffer damage caused on the surface by foreign aircraft, while limiting in a reasonable manner the extent of the liabilities incurred for such damage in order not to hinder the development of international civil air transport.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The ratification of the Protocol by the government demonstrates its commitment towards adequate compensation to those who suffer damage.	ICAO	Adequacy of compensation especially when relating to aircraft accidents tends to lead to litigation.	Ratify any amendments to the protocol to ensure that compensation is adequate.	Standardizes compensation relating to damage suffered.

94. PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA)

Adopted on: 18TH April 2007

Entered into force on: 18th April 2007

Kenya became a state party to the Convention on: 18th April 2007

Obligation to government: The ratification of the Protocol by the government demonstrates its commitment towards aviation safety in the region.

The Protocol established the Civil Aviation Safety and Security Oversight Agency (CASSOA).

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Established Civil Aviation Safety and Security Oversight Agency (CASSOA).	EAC Secretariat	The Agency faces the challenge of attracting and retaining qualified technical staff and adequacy of funding.	Ensure timely release of funds to CASSOA and contribution of expertise when required.	Improved aviation safety in the region.

95. KENYA ILO (GENEVA) RECOMMENDATION 200 ON HIV AND PLACE OF WORK

Adopted on:

Entered into force in: 2010

Kenya became bound on:

Obligation to government: To carry out work place programmes on HIV and AIDS

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Ongoing. Recommendations have been rolled out for implementations	Annual ILO Conference in Geneva	This is a tripartite arrangement and requires a lot of coordination to have everyone on board		

96. MEMBERSHIP TO INTERNATIONAL UNION OF GEOLOGICAL SCIENCES (IUGS)

Adopted in: 1961

Entered into force on:

Kenya became a member state of the Union on:

Obligation to government: Annual membership fees US$540

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date	Annual reports to the secretariat and delegates presentations during IUGS congresses	Facilitation to attend and participate in the biannual congresses and projects organized and implemented by the IUGS	Greater focus on the global activities of IUGS needed.	1. Exposure to new ideas in the profession 2. Keep up to date emerging technologies 3. Foster greater cooperation and institutional linkages

97. BERNE CONVENTION

Adopted on: 9th September 1886

Entered into force on: 5th December 1887

Kenya became a state party to the Convention on: 11th June 1993

Obligation to government: Minimum standards for Copyright Legislation

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Done through the Copyright At Cap 130 Laws of Kenya	No reporting requirement	Lack of understanding on copyright and related rights	Need to have the policy makers including Cabinet and Members of the National Assembly and Senate made aware of the same	Has established common standards for procedural aspects of trademark registration and licensing Technical assistance from

				WIPO in terms of capacity building

98. ROME TREATY

Adopted on: 26th October 1961

Entered into force on: 1st July 2002

Kenya became a state party to the treaty on: 15 March 2005

Obligation to government: Minimum standards for protection of performances and phonograms

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Done through the Copyright Act Cap 130 of the Laws of Kenya 2. Treaty not ratified	No reporting requirement	Lack of understanding on copyright and related rights	Need to have the policy makers including Cabinet and Members of the National Assembly and Senate made aware of the same	

99. WIPO COPYRIGHT TREATY (WCT)

Adopted on: 20th December 1996

Entered into force on: 6th March 2002

Pending ratification.

Obligation to government: Adaptation of Minimum Copyright Standards in digital arena and digital protection measures

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Provisions of the Treaty incorporated in the Copyright Act . 2. Treaty not ratified	No reporting requirement	Slow review of the Copyright Act. Proposed amendments yet to be published	1. Ratification and inclusion of the provisions as they relate to the digital environment 2. Pass proposed amendments	To protect intellectual property rights; including the several intellectual instruments falling under WTO and WIPO

100. WIPO PERFORMANCE AND PHONOGRAMS TREATY (WPPT)

Adopted on: 20th December 1996, Geneva

Entered into force on: 20th May 2002

Kenya became a state party to the treaty on: 20th December 1996

Obligation to government: Minimum standards for performances and Phonograms in the digital arena

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Provisions of the Treaty incorporated in the Copyright Act . 2. Treaty not ratified	No reporting requirements	Slow review of the Copyright Act. Proposed amendments yet to be published	Ratification and inclusion of the provisions as they relate to the digital environment	

101. WTO/TRIPS AGREEMENT

Adopted on: 15th April 1994

Entered into force on: 1st January 1995

Kenya became a state party to the Agreement on: 1st January 1995

Obligation to government: Reciprocal enforcement obligations

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Partial implementation Provisions relating to copyright and related rights implemented	Trade policy review every six years	Limited capacity to implement the agreement	Increased capacity	It encourages research and innovation

102. SWAKOPMUND PROTOCOL

Adopted on: 9th August 2010

Entered into force on: 1st January 2012

Kenya became a state party to the Protocol on:

Obligation to government: Access and Benefit sharing

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

Not Ratified	No reporting requirement	Lack of institutional mechanisms to implement the protocol	Ratification	

103. BEIJING TREATY

Adopted on: 26th June 2012

Entered into force on: not effective yet

Kenya became a state party to the treaty on:

Obligation to government: Protection of Rights of Audio-Visual Performances

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Not ratified			Ratification	

104. MARRAKESH TREATY

Adopted on: 28th June 2013

Entered into force on: 2013

Kenya became a state party to the treaty on: 28 June 2013

Obligation to government: Access to information for Visually Impaired persons

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES Limits the rights of authors such as the visually impaired	RECOMMENDATIONS	BENEFITS TO KENYA
Pending ratification	No Reporting requirements		The main challenges to the implementation of these treaties and agreements are limited capacity within the copyright office to ensure effective implementation as well as limited knowledge of copyright and related rights among the policy makers in Government.	Enables the visually impaired to access published works

105. UNITED NATIONS CONVENTION AGAINST CORRUPTION

Adopted on: 9th December 2003

Entered into force on: 14th December 2005

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

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The state is required to take legislative, policy and administrative measures towards the fight against corruption, especially in relation to: Criminalisation and Law Enforcement; Prevention of Corruption; International Co-operation; Asset Recovery, and Technical Assistance	1. Kenya has enacted most of the laws that are required under the Convention, especially: the Anti-Corruption and Economic Crimes Act, 2003 (Cap. 65 of the Laws of Kenya); the Public Officer Ethics Act (Cap. 183 of the Laws of Kenya); the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011); the Leadership and Integrity Act, 2012 (No. 19 of 2012); the Mutual Legal Assistance Act; the Proceeds of Crime and Anti-Money Laundering Act, and the Witness Protection Act,	1. The Conference of States Parties (COSP) established under Article 63 of the Convention oversees the implementation of the Convention. 2. COSP meets at least once every two years. COSP has established an Implementation Review Group (IRG), which monitors the implementation of the Convention and meets at least once annually. 3. In accordance with the Review Mechanism of the Convention, every State Party is required to undergo a review of its implementation of the Convention at least once every review cycle (of 5 years). 4. During the 4th Session of the IRG held in Vienna, Austria, May 2013, Kenya was drawn for review in 2013/2014. The review will focus on Chapter III (Criminalisation and Law Enforcement), and Chapter IV (International Co-operation). On 24 July, 2013, the Attorney-General constituted a National Steering Committee on the Review of Kenya's implementation of UNCAC. The Cabinet formally	The implementation of the Convention has been hampered by, among other things: (1) failure and refusal by Parliamentarians to enact some necessary laws: (a) criminalizing certain corrupt conduct such as illicit enrichment; (b) permitting the use of specialized investigative techniques; (2) lack of a legal framework for the transfer of criminal proceedings and sentenced persons to other countries, and (3) refusal or delay in the processing of mutual legal assistance requests. The legal status of UNCAC in the Kenyan legal system is still unclear, in spite of the provisions of Article 2(6) of the Constitution to the effect that treaties and conventions signed by Kenya become part of the law of Kenya under the Constitution. We have had divergent court decisions over	Kenya should take some legislative, policy and administrative measures that provide for, inter alia: (1) criminalization of illicit enrichment; (2) corruption in the private sector or corrupt conduct involving foreign service officials or by Kenyans abroad; (3) transfer of criminal proceedings and sentenced persons; (4) designation of the Ethics and Anti-Corruption Commission (EACC) as the body responsible for processing mutual legal assistance requests to or from Kenya on corruption matters; (5) consideration of granting EACC prosecutorial powers as envisaged under Article 157(12) of the Constitution; (6) Kenya should consider entering into bilateral or multilateral treaties that provide for transfer of criminal proceedings and sentenced persons; and (7) strengthen the capacity of

	2010. 2. In addition, Kenya has established the institutions necessary for effective fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and Special Magistrates for hearing and determining corruption and economic crime cases on priority basis. 3. Kenya has also filed with the UN Secretary General, the depository of the Convention, various notifications required under the Convention – relating to, inter alia: the name and address of the national anti-corruption agency (previously Kenya Anti-Corruption Commission but now the Ethics and	approved Kenya's review on 31 October, 2013. The Steering Committee has already compiled and submitted Kenya's UNCAC Self-Assessment Checklist to the AG and the UNCAC Secretariat, for review. The Checklist was submitted to the UNCAC Secretariat on 22 November, 2013. A Country Review visit to Kenya on the country's implementation of UNCAC will be held in February, 2013. Eventually, the review team will produce a Country Review Report on Kenya's Implementation of UNCAC.	the status of treaties in Kenya's in the light of that provision.	EACC to investigate and take enforcement measures against corruption, through provision of adequate human and financial resources to the Commission. The Attorney-General should seek an advisory opinion from the Supreme Court over the status of treaties ratified by Kenya as per the provisions of Article 2(6) of the Constitution. This will help the rest of the courts in appreciating the place of treaties, and even principles of customary international law, in Kenya's legal system.

	Anti-Corruption Commission); the name and address of the central authority for mutual legal assistance (the Attorney-General), and a declaration on the status of the Convention under Kenya's legal system.			

106. International Convention Against Doping in Sport

Adopted on: 19th October 2005

Entered into force on: 1st February 2007

Kenya became a state party to the Convention on: 28th August 2009

Obligation to government: Restrict the availability of prohibited substances or methods to athletes (except for legitimate medical purposes) including measures: Against trafficking; Facilitate doping controls and support national testing programmes; Withhold financial support from athletes and athlete support personnel who commit an anti-doping rule violation, or from sporting organizations that are not in compliance with the Code; Encourage producers and distributors of nutritional supplements to establish 'best practice' in the labeling, marketing and distribution of products which might contain prohibited substances Support the Support the doping education to athletes and the wider sporting community

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Though there is no law to deal with doping issues the country complies through & WADA code 2. International federations conduct regular testing of athletes 3. Statutory annual subscriptions paid in good time	1. Regional Anti-doping Organization Communicate to WADA directly on progress made 2. Subscription paid directly to WADA accounts	1. Inadequate funds to conduct education on anti-doping issues 2. Lack of Legal framework on Anti doping	1. Kenya Anti-Doping Agency 2. Fast track enactment of relevant law	3. Partner with private sector to raise funds for Anti doping education programmes 4. Fast track the enactment of relevant Law

107. UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

Adopted on: 17th October 2003

Entered into force on: 20th April 2006

Kenya became a state party to the Convention on: 24th October 2007

Obligation to government: T o ratify the Convention; Pay Annual subscriptions; Implement the Convention; Provide funding for implementation of the programmes in collaboration with UNESCO; To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions; To strengthen international cooperation to achieve the purposes of this Convention.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Ratified the Convention in 2007 2. Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008. 3. Translated the Convention from English language to Kiswahili language version in September, 2008 to make it accessible and well-understood by a wider section of members of the public in the country. 4. Baseline survey carried out in Western region of Kenya by the Department of Culture and National Museums of Kenya to identify	Submission of Periodic reports	1. Lack of adequate funding 2. Late notifications. 3. Lack of community awareness on the Conventions' opportunities due to inadequate sensitization. 4. Lack of a mechanism for monitoring and evaluation of funded programmes e.g UNESCO has been funding several local organizations directly without the knowledge of the Ministry making M&E and impact assessment difficult. 5. Under-developed institutional and cultural infrastructure 6. Conflict between County and National Government resource allocation and in delivery of services	1. More allocation of resources and timely notifications. 2. The Government to ensure adequate allocation of funds for the project. 3. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage. 4. Recognize the importance of culture sector to the growth of the economy.	

ICH elements, for documentation and nomination for submission to UNESCO for consideration for safeguarding. 5. The "Isukuti Cultural Dance" elements nominated and submitted and is in the process of consideration of UNESCO. 6. Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions:– 7. The "Enkipasia, Eunoto and Olng'esherr" – three male-rites of passage of the Maasai, 8. "Indigenous Knowledge of Woodcarving of the Akamba", and 9. The 'Kiti Mikayi' shrine of the Luo elements 10. Joint implementation with the National Museums of Kenya of the "Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda", project in the Coast Region, through part funding by UNESCO.				

11. Hosted UNESCO's regional capacity building workshop for Directors of Culture in the East African region in November 2012 in Nairobi where eight (8) countries participated. This was collaboration between the Ministry and the UNESCO Nairobi office. 12. Hosted the UNESCO 5TH Session of the Inter-Governmental Committee (IGC) on ICH Conference in Nairobi, Kenya in November 2010 which was attended by over 500 delegates from member states signatory to the Convention.				

108. UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS

Adopted on: 20th October 2005

Entered into force on: 18th March 2007

Kenya became a state party to the Convention on: 24th October 2007

Obligation to government: To ratify the Convention; To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions; To strengthen international cooperation to achieve the purposes of this Convention; To train artists in the music sector by building capacity for them to come up with strategies for marketing themselves; Annual Subscriptions; Provide funding for implementation of programmes in partnership with the UNESCO.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Ratified the Convention in 2007. 2. Held the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON), which was funded by the International Fund for Cultural Diversity (IFCD). 3. Conducted the "Unearthing of the Gems of Culture – Mapping Exercise for Kenya's Creative Cultural Industries", in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI), which was funded by IFCD. 4. Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded UNESCO programme to strengthen the artists' capacity in implementing the 2008 Convention.	1. Quadrennial Periodic Reports (after every 4 years) 2. Project reports submitted to UNESCO	1. Low investment in culture sector 2. Lack of cooperation among the sector players leading to competing interests. 3. Inadequate funding and follow ups. 4. UNESCO funds are inadequate to meet the demands from all African countries. 5. Lack of community awareness on the Conventions' opportunities due to inadequate sensitization. 6. Lack of a mechanism for monitoring and evaluation of funded programmes e.g UNESCO has been funding several local organizations directly without the knowledge of the Ministry making M&E and impact assessment difficult. 7. Lack of statistical data on cultural/creative industries	1. The Government to ensure adequate allocation of funds for the project. 2. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage. 3. Recognize the importance of culture sector to the growth of the economy. 4. Carry out a National mapping of the cultural/creative industries.	

109. INTERNATIONAL AGREEMENT OF THE WORLD ORGANIZATION FOR ANIMAL HEALTH (OIE)

Adopted on: 25th January 1924

Entered into force on:

Kenya acceded to the Agreement on: 1924

Obligation to government: To adopt the OIE international standards and guidelines for animal health, production and welfare and trade certification to facilitate international trade in animals and animal derived commodities.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya acceded to this agreement & became a member of the OIE in 1924 (via the Great Britain). Kenya aligns its animal health measures with OIE standards, guidelines and recommendations. 2. Currently it hosts the sub-regional office for OiE in Nairobi.	The Director of Veterinary services, being the country delegate to OIE, regularly reports on & presents the country status at the annual delegates meeting	Devolution of Veterinary services will pose a serious challenge to the requisite standardization and reporting pathway to OiE as it could disrupt the necessary national coordination mechanism and command structure	Policy guidelines and/or legislation will be required to provide a seamless linkage between National & County veterinary authorities & safeguard the Country's position in animal health & international trade	

110. UN CONVENTION ON THE LAW OF THE SEA

Adopted on: 10th December 1982

Entered into force on: 16th November 1994

Kenya became a state party to the Convention on: 2nd March 1989

Obligations to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Domesticated parts of the instrument through review of the following legal instruments: 2. Fisheries Act, Cap 378	1. State Department of Fisheries 2. Kenya Navy	1. Kenya's EEZ in place 2. Revenue generation from Access fees charged on foreign fishing vessels	Lack of capacity to enforce and fight against Illegal, unreported and unregulated fishing	Kenya now has a legal instrument for settling disputes concerning exploitation of living marine resources within her

1989 (Revised 2012), declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) 3. Maritime Zones Act, Cap 371 (declares the 200 nautical miles).				maritime zones It has enabled Kenya to designate 200nm exclusive economic zone(EEZ) and use it to explore the living and non-living marine resources for economic gain Kenya has gained economically by giving by giving foreign fishing vessels access to fishing in the EEZ

111. PORT STATE MEASURES, AGREEMENTS TO DETER AND ELIMINATE ILLEGAL UNREPORTED AND UNREGULATED FISHING (IUU)

Adopted on: 22nd November 2009 ,Rome, Italy

Entered into force on: 2009

Kenya became a state party to the Convention on: 29th April 2010

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Domesticated in the Revised fisheries Management Bill. 2. Kenya is in the process of establishing Inter-agencies Monitoring Control and surveillance Unit	1. State Department of Fisheries, 2. Kenya/Navy 3. Kenya Ports Authority(KPA), 4. Kenya Maritime Authority (KMA), Public Health Marine Police, and Kenya Revenue Authority (KRA)	Under Smarfish, Building capacity for MCS	Weak legal and institutional framework low enforcement	It makes it difficult for the Products of IUUvfishing to Enter the market, making IUU move difficult and less profitable and les Attractive

112. FISHING VESSEL COMPLIANCE AGREEMENT

Adopted on: 24th April 1993

Entered into force on: 29th November2003

Kenya became a state party to the Agreement on:

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Not ratified	State Department of Fisheries/ Kenya Navy			

113. UNITED NATIONS FISH STOCK AGREEMENT, 1995 FOR STRADDLING AND HIGHLY MIGRATORY FISH

Adopted on: 10th December 1982

Entered into force on: 11th December 2001

Kenya became a state party to the Agreement on:

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Domesticated through legal notice on foreign fishing	State Department of Fisheries/ Kenya Navy		Low capacity for offshore enforcement	

114. INDIAN OCEAN TUNA COMMISSION (IOTC)

Adopted on: 1993

Entered into force on: 1996

Kenya became a state party to the Commission on: 29 September 2004

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Domesticated parts of the instrument through legal instruments: 2. Fisheries Act, Cap 378 1989 (Revised 2012), declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) 3. Maritime Zones Act, Cap 371 (declares the 200 nautical miles). 4. Pays annual subscription	State Department of Fisheries	Adopt an effective conservation and management measures Improve the data collection and sharing Cooperation with non members	Piracy, Lack of trained observers, high cost of implementation	Tunas are in great demand throughout the world market because of their excellent meat

115. SOUTH WESTERN INDIAN OCEAN FISHERIES COMMISSION

Adopted on: 2008

Entered into force on: 2012

Kenya became a state party to the Commission on:2007

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Member as a Contracting Party Member of the management and scientific committees 2. Regional Port Inspection Scheme	State Department of Fisheries	1.Regional Fisheries Management Organization is in place with 9 active members 2.Provided funding for Development of Tuna Development Strategy	1. Lack of funding to participate in the working session 2. Lack of enough staff to supervise trans-shipments	Kenya gets assistance for implementation of programmes aimed at international conservation, management and development of fisheries resources

116. WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION

Adopted on:

Entered into force on:

Kenya became a state party to the Association on:

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	State Department of Fisheries (Kenya Marine and Fisheries Institute)			

117. FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

Adopted on: 1 November 1995

Entered into force on: 11 December 2001

Kenya joined on:

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Domesticated in the National Oceans and Fisheries council;	State Department of Fisheries	1. Implementing the Ecosystem approach to fisheries management 2. Rights based management		

B.

REGIONAL TREATIES AND AGREEMENTS

118. THE CONSTITUTIVE ACT OF THE AFRICAN UNION

Adopted by: African State parties of the Organization of African Unity on the 11th July 2000

Entered into force in: 26th May 2001

Kenya became a state party to the Charter in: 4th July 2001.

Obligation to government: to coordinate and harmonize her policies in line with the objectives of the Constitution as well as those set out in the Charter of its predecessor the OAU

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				1. Ability to Push for amendments to the International Criminal Court rules and procedure, 2. At the forefront of a mission to Somalia which is now known as AMISOM an African defence force mission to stamp out al-Shabaab and to restore peace in Somalia; 3. Kenya has also been at the forefront of peace diplomacy and peace-keeping operations in Sudan, South Sudan, Somalia, Democratic Republic of Congo, Sierra Leone, Burundi and Cote d'Ivoire.

119. THE AFRICA CHARTER ON HUMAN AND PEOPLES' RIGHTS

Adopted by: African State parties of the Organization of African Unity on the 27th June 1981

Entered into force in: 21st October 1986.

Kenya became a state party to the Charter in: 23rd January, 1992.

Obligation to government: According to article 62 of the Charter state parties are required to submit every two years from the time of ratification, a report on the legislative and other measures taken to give effect to the rights as recognized by the Charter

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The pending report mainly deals with the huge strides the Government has made in ensuring the enjoyment of rights for both civil and political rights as well as economic, social and cultural rights. These measures include constitutional safeguards for marginalized and vulnerable groups, non discrimination and state responsibility to ensure that the economic, social cultural rights of Kenyans are realized. Vision 2030, Medium term plan II, Eviction and Resettlement Bill 2012, eviction guidelines, The Kenya Informal Settlement Improvement Programme (KISIP) 2011 – 2016, devolved governance and decision-making that comes into operation after the March 2013 elections and gives Kenyans greater say in determining the development initiatives in their local areas.	The African Commission on Human and Peoples' Rights is responsible for monitoring the implementation of the Charter by member states.	1. Lack of implementation of the African Commission's decisions on the Endorois 2. Lack of adequate resources to ensure realization of economic, social and cultural in a progressive but meaningful way. 3. Challenges in upholding 1/3 gender rule. There are still more men than women in most public and private offices in Kenya	1. Enact the Eviction and resettlement Act 2. Implement the of African Commission's decisions on the Endorois	

Other initiatives include the Youth Enterprise Development Fund and the Women's Enterprise Fund				

120. AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION

Adopted by: 11th July 2003

Entered into force in: 5th August 2006

Kenya became a state party to the Charter in: Kenya signed the African Union Convention on Preventing and Combating Corruption when the Convention was opened up for signature in Maputo, Mozambique, July, 2003. Eventually, Kenya ratified the Convention in February, 2007.

Obligation to government:

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

	the Director of Public Prosecutions, and Special Magistrates (Judiciary) who hear and determine corruption and economic crime matters on priority basis. In 2008, Kenya filed with the AU Commission, the depository of the Convention, various notifications required under the Convention – relating to, inter alia: the names and addresses of the various institutions responsible for the implementation of various provisions of the Convention. Kenya has also been represented in the AU Advisory Board on Corruption, by Ms. Dorothy Angote, CBS, a former Permanent Secretary, Ministry of Justice and Constitutional Affairs, and later Ministry of Lands.			should be filing some regular reports with the AU Commission on the implementation of various aspects of the Convention. Kenya may consider hosting a conference on the implementation of the AU Convention, bringing together African states and other stakeholders in the fight against corruption, with a view to bolstering the implementation of the Convention. South Africa hosted such a Conference in February, 2007.

121. PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

Adopted by: 9th October 2002

Entered into force on: 13th December 2006

Kenya became a state party to the Protocol on: 29th December 2006

Obligation to government: Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity; undertake peace-making and peace-building functions to resolve conflicts where they have occurred; implement the common defence policy of the Union; ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	Consultation cooperation and exchange	Non-state actors of different African states for example, Somalia	Regional Cooperation.	1. Kenya has been at the forefront of inter-African conflict mediation, and is currently hosting peace initiatives concerning the ongoing violence in the Sudan and Somalia. 2. African Standby Force Military programme. 3. Peacemaking and Post-conflict reconstruction

4. *AFRICAN UNION PLAN OF ACTION ON DRUG CONTROL AND CRIME PREVENTION (AUPA 2013-2017)*

Adopted by: African Union

Entered into force in: January 2013

Kenya became a state party to the AUPA on:

Obligation to government: it mainly aims at improving the health, security and socio-economic wellbeing of people in Africa by reducing drug use, illicit trafficking and associated crimes. Member states are expected to establish evidence based services scaled up to address the health and social impact of drug use in their countries. Further they are expected to counter drug trafficking and related challenges to human security to reduce trends of illicit trafficking and supply in accordance with fundamental human rights principles and the rule of law.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
NACADA was established in 2001 to spearhead coordination of the campaign against alcohol and drug abuse in the country NACADA facilitated establishment of the National Technical Committee on Drug Trafficking and Abuse (NTC) in 2011 to coordinate inter-agency interventions against drug trafficking and abuse.	There is usually the annual African Union Conference of Ministers on drug control	1. Low funding to support alcohol and drug abuse interventions 2. Weakness in law enforcement 3. Late commencement of implementation of annual work plan activities due to delayed disbursement of	1. Fast-track implementation of anti-drug abuse interventions through Rapid Results Initiative. 2. Establish mechanisms for scaling up prevention, treatment and rehabilitation services in all	It has helped to improve the health security and socio-economic well being of people in Africa by reduce use, illicit trafficking and associated crimes

NACADA's FY 2013-14 performance contract and annual work plan informed by the provisions of the AU Plan of Action. Establishment of National Drug Observatory to collect and collate data on alcohol and other drugs trends. Coordinated research and disseminating findings on alcohol and drug abuse, through a follow-up survey, '*Rapid Situation Assessment of the Status of Drug and Substance Abuse in Kenya*' in 2012. NACADA organized National Conference on Alcohol and Drug Abuse in June 2013.		financial allocation. 4. Limited number of treatment and rehabilitation facilities and services for persons with substance use disorders 5. Delays in getting timely data from reporting agencies	regions of the country as well as integration of ADA in relevant training programs e.g. nursing, social work, public health, psychology, psychiatry, pharmacy, medicine, teachers and disciplined forces. 3. Sensitization of key personnel on timely reporting and reporting format. 4. Increased financial allocation towards anti-drug abuse interventions 5. Strengthening law enforcement mechanisms against illicit drug trafficking 6. Infrastructure development and inter-agency collaboration for effective surveillance of drugs of abuse.	

5. AFRICA RESOURCE AND ENVIRONMENT MANAGEMENT SATELLITE CONSTELLATION AGREEMENT

Adopted on: 7th December 2009

Entered into force on: 7th December 2009 in Algiers.

Kenya became a state party to the Agreement on: 7th December 2009

Obligation to government: The government is expected to design, construct and launch a satellite for collection of earth observation data in particular for Kenya and Africa in general on a continuous basis for various applications including food security, early warning and disaster management. The initial budget for the project for a period of three years is estimated at KES. 1.53 billion

Kenya participates in the Steering Committee Meetings.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Stakeholders meeting held to develop an implementation strategy. 2. Kenya is the current Chair of ARMC.	Report to the Steering Committee annually	Inadequate funds for implementation of activities under the ARMC programme. 2. coordination of the programme	Allocate adequate funds for ARMC programme in particular for the design, construction and launch of a Kenyan satellite. 2. Enhance participation of all relevant government bodies to ensure success in the implementation of the programme.	Through the data sharing policy Kenya can access data from other member satellite. This provides easy access to satellite data for end users in the following fields: disaster management, food security, public health, infrastructure, land use, and water resource management. It would thus support activities such as urban development, land use monitoring, and mapping for the surveillance of climate change effects. 2. The program also includes capacity building initiatives and the development of low-cost multi-source ground receiving stations.

6. AFRICA REGIONAL COOPERATIVE AGREEMENT FOR RESEARCH DEVELOPMENT AND TRAINING RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY (AFRA).

Adopted by:

Entered into force on: 4 April 1990

Kenya became a state party to the Agreement on: in 1999.

Obligation to government: To promote cooperative, research, development and training in nuclear science and technology.

To observe the IAEA safety standards and measures through National laws.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. The programme is on-going. 2.Kenya renewed it Membership in 2011	Reports made annually to AFRA Focal Points in Vienna	1.Limited financial Resources for research 2. Lack of a comprehensive atomic energy law.	1. Purchase of a nuclear research reactor. 2.Enactment of laws relating to nuclear science and technology	1. Capacity building. 2. Sharing of information.

7. AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)

Adopted on: July 1995 and 31 January 2005

Entered into force on: 24 May 2007

Kenya became a state party to the treaty on: 24 May 2007

Obligation to government: Ratified on 15th November 2000. Renunciation of nuclear explosive devices; Prevention of stationing of nuclear explosive devices; Prohibition of testing of nuclear explosive devices; Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture; Prohibition of dumping of radioactive wastes; Peaceful nuclear activities; Verification of Peaceful Uses

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	Annual report to the commission on Nuclear activities and on their implementation matters	Asymmetric warfare posed by terrorists and Al-shabaab militia	International cooperation with states for peaceful uses of nuclear science and technology	1. Changes in military doctrine and operating procedures 2. Nuclear Disarmament 3. Non-proliferation and nuclear deterrence 4. Training on Nuclear Materials through CBRN and the Government Chemist

8. OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM

Adopted on: July 1999

Entered into force on: 6th December 2002

Kenya became a state party to the Convention on: 28 November 2001

Obligation to government: Ratified on 18th November 2001. Exchange of information between State Parties regarding: terrorist groups, their activities and arrests; communication and propaganda methods, movement of their leaders and their travel documents;

studies, researches and expertise relating to terrorism

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	Different channels of reporting	Asymmetric warfare posed by terrorists and Al-shabaab militia	Regional cooperation and inter-organization collaboration on information sharing pertaining to the suppression of acts of terrorism and their facilitation	1. Changes in military doctrine and operating procedures 2. Mutual legal assistance in criminal investigation 3. Fighting transnational organized crimes 4. Integrated and dedicated counter terrorism practitioners 5. Partnership with regional East Africa Counter-terrorism 6. Member of Eastern and Southern Africa Anti-money Laundering Group

9. LUSAKA AGREEMENT (1976) AND HARARE PROTOCOL (1982) ON THE CREATION OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Adopted on:

Entered into force on:

Kenya became a state party to the Agreement and Protocol on:

Obligation to government: Registration of patents and industrial designs

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is complying through the Industrial Property Act 2001	Yearly to ARIPO Assembly of Member States	Low level of awareness	Need for more publicity and support on outreach programs by the Government	Filing single application and designating the Countries one seeks to be protected Paying a single fee

10. CONFERENCE OF AFRICAN MINISTERS OF INDUSTRY

Kenya is party to the Conference on:

Obligation to government: Government to attend all the biannual meetings and CAMI bureau meetings when applicable. Participate in the Implementation of Accelerated Industrial Development for Africa (AIDA)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya is the current chair of CAMI bureau up to 2015	Country Position during CAMI conference	Lack of adequate funds to participate in all CAMI activities	Funds should be sort in order to participate actively in CAMi related activities	Kenya agenda in the African continent can be propagated Kenya will gain by implementing AIDA

11. MEMBERSHIP TO THE AFRICAN ORGANIZATION FOR STANDARDIZATION (ARSO)

Adopted on: 1970

Entered into force on: January 197

Kenya became a member state of ARSO on: 11 January 1977

Obligation to government: Kenya hosts the Head office of ARSO. Participation in ARSO council, Technical committees and various programmes. Annual membership fees US$ 16,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date. Kenya participates regularly in various technical	1. Reports as provided for under the Standards Act 2. ARSO holds a an Annual	Limited resources to participate in all prioritized technical committees which	1. Implementation of ARSO council decisions 2. More financial resources	1. Kenya's health and safety of human, animal and environment are protected

committees and the General Assembly	General Assembly. 3. Technical committees meet regularly to develop standards and meeting reports/ progress reports are prepared for appropriate action	have an impact on the Kenyan economy	need to be allocated to activities under this initiative	2. Kenya interests are incorporated into International standards 3. Kenya's products are able to access international markets 4. Reduce/eliminate technical barriers to trade(TBT) to faced by Kenyan products for market access

12. MEMBERSHIP TO AFRICAN ELECTROTECHNICAL STANDARDIZATION COMMISSION (AFSEC)

Adopted on: 2005

Entered into force on: 17 February 2008

Kenya is a member state of AFSEC:

Obligation to government: Kenya is required to participate in regional technical committee meetings and capacity development programmes, vote/comment on documents thus circulated by the Commission, participate in Management Committee meetings and operate within the rules and procedures of the Commission. The country pays an annual subscription of USD 5,000 to the Commission.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).	1. Reports as provided for under the Standards Act 2. AFSEC holds annual meetings, 3. Technical committees meetings regularly to develop standards 4. Reports/ progress reports are prepared for appropriate action	Limited resources to participate in all prioritized technical committees which have an impact on the Kenyan economy	1. Build more local expertise in this sector 2. More financial resources need to be allocated to this activity	1. Interoperability is one of the Key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. e.g. Electrical Energy Transmission infrastructure standardization 2. Kenya's interest in Africa electro technical issues taken care of

13. MEMBERSHIP TO AFRIMETS THROUGH EAMET SUB-REGIONAL METROLOGY ORGANISATION

Adopted on: March 2006

Entered into force on: July 2007

Kenya is a state party to the Organization:

Obligation to government: To participate in General Assembly, Technical Committee meetings and capacity development programmes in AFRIMETS. No subscription fees but members sponsor their participants to the various meetings annually.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya through KEBS attends general assembly and related meetings annually	1. Reports as provided for under the Standards Act 2. Annual member states delegates' statements at the General assembly.	KEBS has to sponsor all officers participating in the various meetings.	Kenya is encouraged to remain a member in order to benefit from the AFRIMETS metrological technology and development	1. Exchange of metrology expertise within the AFRIMETS. 2. Participating in measurement comparisons within AFRIMETS

14. ASSOCIATE MEMBERSHIP TO ASIA PACIFIC METROLOGY PROGRAMME (APMP)

Adopted on: 1977

Entered into force on: 30 September 1997

Kenya became an associate member of APMP in: 2010

Obligation to government: To participate in General Assembly, Technical Committee meetings and capacity development programmes in Metrology. Annual subscription of US$ 600

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date. Kenya through KEBS attends General Assembly (GA) and related meetings annually	1. Reports as provided for under the Standards Act 2. Annual member states delegates' statements at the General assembly held every year.	Big Financial obligation since the GA is always held within the Asia Pacific full member countries every year.	Kenya is encouraged to remain an associate member in order to benefit from the APMP developed countries like Japan, Korea and China in metrological technology and development	1. Bench making with the developed countries in Asia Pacific region 2. Sharing metrology developments within the member states 3. Participating in APMP organised measurement comparisons 4.

15. MEMBERSHIP TO AFRICAN ACCREDITATION COOPERATION (AFRAC)

Adopted on: 2007

Entered into force on: 2010

Kenya became a member state of AFRAC in: 2009

Obligation to government: Annual membership fees US$540

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date	Annual reports to the secretariat and delegates presentations during IUGS congresses	Facilitation to attend and participate in the biannual congresses and projects organized and implemented by the IUGS	Greater focus on the global activities of IUGS needed.	1. Exposure to new ideas in the profession 2. Keep up to date emerging technologies 3. Foster greater cooperation and institutional linkages

16. AFRICAN CONFEDERATION OF COOPERATIVE SAVING ASSOCIATION (ACCOSCA)

Adopted on: 1968

Entered into force on: 2007

Kenya became a member state of ACCOSCA on: 17 September 1968

Obligation to government: Provide information; Provide advise; Participate in ACCOSCA activities

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Department of Cooperatives is actively involved	As soon as data is available	Department of Cooperatives cannot participate in all activities due to lack of funds	Kenya should be proactive in participation for it stands to gain more by participation	1. Business networking for local Cooperative Societies 2. Creation for employment for Kenyans

17. CONVENTION ON THE AFRICAN MIGRATORY LOCUST

Adopted on: 25 May 1962

Entered into force on: 13 April 1963

Kenya became a state party to the Convention on: 29 November 1963

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

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

18. PHYTOSANITARY CONVENTION FOR AFRICA

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

Kenya is a state party to the Convention:

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

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya started adhering to the convention on 7 May 1974 2. Kenya abides by the revised convention (1997) 3. Details of ratification by Parliament under the Treaty making and ratification Act, 2012 to be determined	1. The Department of Veterinary Services is the National Enquiries Point and replies all enquiries on animal trade measures from WTO Members and also notifies the same on Kenya's animals trade measures; 2. The WTO Division is the National Notification Point	1. Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity 2. Inadequate funding to undertake the mandate in light of challenges created by climate change and rapid movement of pests 3. The National SPS Committee which harmonizes	1. Government to rationalize the institutions and transfer all areas of plant protection as envisaged by the Convention to one single authority which is well-funded NB: funding is serious constraint in implementing treaties/ conventions 2. The National SPS	Ensuring safe trade in plant and plant products in international commerce.

	and transmits notifications to and from WTO in Geneva.	stakeholder inputs on SPS-related notifications is not structured or funded	Committee should be institutionalized in a governance structure, preferably in the WTO Division. 3.	

19. CONVENTION ON THE ESTABLISHMENT OF THE AFRICAN CENTRE FOR FERTILIZER DEVELOPMENT

Kenya is a state party to the Convention:

Obligation to government: Any State which becomes a Member of the Centre shall designate, as soon as is Practicable, a national institution as its National Association for Fertilizer Technology; Facilitate the collection, exchange and dissemination of information; Make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
				Fertilizer use is still low in Kenya and the convention at improving fertilizer use hence increase production

20. MAPUTO PROTOCOL

Adopted on: 11 July 2003

Kenya is a state party to the Convention from 17 December 2003

Obligation to government: To formulate policies, legislate and enforce to eliminate all forms of discrimination against women and violation of their reproductive rights

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. National Policy on Gender and Development. 2. National Gender Based Affirmative Action Policy. 3. Female Genital Mutilation Policy. 4. Sexual offences Act, 2006 5. The Employment Act,	Reporting made to the AU Commission once a year.	1. Failure to get enough qualified women to fill available positions. 2. Strong cultural beliefs and practices that enable FGM and wife inheritance to continue	1. Enhanced support to girl-child education and training of women. 2. Enhanced campaign against unprogressive cultural practices.	1. Has led to passing of legislation to protect women against various forms of mistreatment e.g. The Female Genital Mutilation Act 201 which criminalizes the practice and seeks to accelerate the abandonment of the practice in communities

2007 6. Counter Trafficking in Persons Act, 2010 7. Prohibition of Female Genital Mutilation Act, 2011. 8. Implementation on course.				where it is prevalent. 2. A process for Public declaration of abandonment of female genital mutilation was initiated in Garissa.

21. SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

Adopted on: July 2004

Obligation to government: To formulate policies, legislate and enforce to eliminate all forms of discrimination against women. Kenya is expected to subscribe to the AU for running of programs.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Policies and legislation developed as above. -Implementation is ongoing	Reporting made to the AU Commission once a year	1. Strong belief in unprogressive cultural practices. 2. Financial limitations for public sensitization, programme implementation, monitoring and evaluation	1. Enhanced support to girl-child education and training of women. 2. Enhanced campaign against unprogressive cultural practices.	1. There has been an improvement of the ratio of Girls to Boys as you move up the higher education levels (Primary-Secondary- Tertiary University). 2. Enhanced strategies to provide sanitary wares for school girls undergoing sexual maturation. 3. Provisions of scholarships for girls particularly in marginalized and pastoralists areas. 4. The Female Genital Mutilation Act 2011 was passed which criminalizes the practice in communities where it is prevalent.

22. COTONOU PARTNERSHIP AGREEMENT

Adopted on: June 2000

Entered into force on: 2003

Kenya is party to the Agreement.

Obligation to government: To coordinate implementation and necessary revisions of the Agreement between African, Caribbean and Pacific member countries with the European Union whose main objective is poverty alleviation and sustainable development.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Agreement has been revised twice in 2005 and 2012 to include emerging issues that were not included during the conception and signing in 2000. -EU supports Kenya in different sectors notably infrastructure, agriculture and in emergencies. -The current plan 2008 -2013 provided Kenya with Euros 390 million (approx. KShs. 40 billion). -Negotiations in the following areas have been concluded and the various texts have been migrated to the Consolidated EPA text: - • Trade in Goods • Fisheries • Customs and Trade Facilitation -Sanitary and Phytosanitary (SPS) and Technical Barriers	1. The Council of Ministers responsible for ACP meets twice in a year to review progress of activities and programme activities on a yearly basis. At the same time, a comprehensive review is done every five years. 2. The Ministry of Devolution and Planning puts in place an inter-ministerial Committee which meets twice in a year to review progress.	1. Some activities have taken long to be accomplished such as Economic Partnership Agreements. 2. Delays in contracting and disbursement. 3. Lack of capacity	1. Speed up negotiations within the EAC region 2. Improve on utilization and reporting of EU funds 3. Approval of proposed riders to existing Financing Agreements for signing by December 2013. 4. Committing all the resources under the National Indicative Programme (NIP).	1. The EPAs will provide an opportunity for Kenya to restructure or to continue to restructure its economy to adapt to a changing global environment. 2. The Cotonou help will promote and expedite the economic, cultural and social development of the ACP States and contribute to peace and security as well as promote a stable and democratic political environment 3. Has made easier for Kenya to work towards regional and international integration. This has enabled the country towards the achievement of the eighth millennium development goal which is to develop global partnership for development. 4. Improvement of infrastructure in Kenya

to Trade (TBT) -There is pending work in the following areas: ▪ Economic Cooperation and Development ▪ Rules of origin ▪ Agriculture Institutional Arrangement and final provisions				which is a key goal of Kenya's Vision 2030 which has enhanced urbanization and growth of the agricultural sector. 5. There has also been development of agricultural sector in form of value addition as well as in research conducted in the agriculture sector.

23. TOKYO INTERNATIONAL CONFERENCE ON AFRICAN DEVELOPMENT (TICAD)

Kenya is party to TICAD.

Obligation to government: Implement the Yokohama Declaration 2013 through the Yokohama Action Plan 2013-2017 according to the agreed matrix; No financial obligation to government except costs incurred while attending TICAD meetings

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya has participated in all the TICAD Conferences 2. Through TICAD, Kenya has received substantial support from the Japanese Government	1. Yokohama Plan of ActionMatrix of Implementation for monitoring. 2. Inter- Ministerial Committee chaired by Ministry of Devolution and Planning	No Challenges	1. *Preparation of* credible projects proposals that will attract funding from the pledged basket of funds from the last conference (TICAD V). 2. Each Ministry should align their proposals with the TICAD V Framework for discussion with Japan	1. Japan has assisted Kenya to implement major projects in inter alia energy, agriculture, Education Science and technology 2. Kenya hosts one of the largest Japanese communities in Africa and is the Regional Headquarters for all of Japan's major Agencies (JICA, JETRO and JBIC) as well as its largest trading houses. 3.

24. AFRICAN CHARTER ON STATISTICS

Adopted on: 11 July 2000

Kenya is party to the Charter.

Obligation to government: Commitment to the development of statistics in Africa; Undertake to institute appropriate measures, especially legislative, regulatory and administrative, to ensure that their laws, regulations, objectives and principles governing statistics at regional level are in conformity with this Charter

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
15 AU Member States have signed the Charter while Seven (7) have ratified. Kenya has started the process for ratification	African Union Commission (AUC) United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB), African Statistical System (ASS) and National Statistical Offices (NSOs)	In adequate capacity of producers of statistics at national, regional, and continental levels is significantly limited by inadequate human and financial resources,	Establishment a regulatory framework to coordinate of statistical activities and harmonize data among Member Countries.	1. Has boosted the production of quality statistics to inform public decision-making. 2. Leads to improvement of efficiency in monitoring and evaluation

25. STRATEGY FOR THE HARMONIZATION OF STATISTICS IN AFRICA (SHASA)

Kenya is party to the Strategy.

Obligation to government: Develop a National Strategy for Development of Statistics (NSDS)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Process of developing a National Strategy for Development of Statistics (NSDS) has been initiated	African Union Commission (AUC) United Nations Economic Commission for Africa (ECA), the African Development Bank (AfDB), African Statistical System (ASS) and National Statistical Offices (NSOs)	Lack of adequate resources (both financial and human). Gap between the supply of statistical information and to facilitate the monitoring of the African development and integration process.	Devise mechanism for the implementation of the Charter	Improvement of efficiency in monitoring and evaluation

26. AFRICAN PEER REVIEW MECHANISM (APRM)

Kenya party.

Obligation to government: The self-monitoring tool voluntarily acceded to by African Union Member States; accession entailing signing the APRM Memorandum of Understanding (MOU) and undertaking to submit to periodic peer reviews, as well as to facilitate such reviews, and be guided by

agreed parameters for good political governance and good economic and corporate governance. The Ministry of Devolution and Planning pays annual subscriptions to NEPAD (APRM and the NPAD Secretariat). The Ministry of Devolution and Planning pays annual subscriptions to NEPAD (APRM and the NPAD Secretariat, ACP, IDEP and G77				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. In 2006 the country became the third African state to be peer reviewed at AU Banjul Summit 2. 2011 Special review of Kenya conducted 3. 2013 Preparations of 2nd Country Review are on going	1. African Peer Review Forum of the AU Summit 2. National Plan of Action (NPOA) 3. NEPAD Secretariat 4. African Union Commission	1. Financial limitations for implementation of programmes 2. Late processing of payments	Timely processing of payment of subscription	1. The Mechanism has opened up the political space for citizens' participation in policy debates, fostered national dialogue, and increased advocacy for good governance and improved service delivery. 2. In Kenya, its findings have warned of impending crises, and indeed when crises erupted, APRM findings provided a useful framework for Agenda 4 reforms. 3. The APRM has created a platform for African peer learning and sharing of experiences and best practices. 4. The APRM National Programme of Action (NPoA), which emanates from the review exercise, is of crucial importance as a policy and planning instrument across sectors. The value addition of the mechanism lies in the implementation of the NPOA recommendations.

				5. APRM Mechanism has Enhanced Kenya's regional and International visibility in that areas of excellence identified in Kenya's 1st report have become benchmarks for other countries' peer reviews 6. Has created a platform for Kenya to promote its regional and international interests while enhancing cooperation. This creates a mechanism for the country to strive towards the achievement of the eighth millennium development goal which is to develop global partnership for development

27. CONVENTIONS ON SUSTAINABLE DEVELOPMENT

Kenya is party to the Convention.

Obligation to government: Mainstreaming climate change and issues of biodiversity in the planning process

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Process ongoing Climate change and biodiversity already included the 2nd Medium-Term Plan	Ministry of Devolution and Planning, United Nations Conventions on Climate Change and Biodiversity Conference of Parties	1. Inadequate resources to fund programmes on sustainable development. 2. Lack of human capacity	1. Develop enough skills on climate change and biodiversity 2. Provide adequate financial resources	Will ensure sustainable development especially in the area of non-renewable resources so as not to compromise the ability of the future generation to meet their own needs.

28. AFRICAN YOUTH CHARTER (AYC)

Adopted on: July 2006

Entered into force on:

Kenya became a state party to the Charter on: 23rd January 2014

Obligation to government: Signing and Ratification of the Charter. Article 2 of the AYC indicates that member states should ensure that youth are protected against all forms of discrimination on the basis of status, activities, expressed opinions or beliefs; Article 11 every State should facilitate the creation or strengthen platforms for youth participation in decision-making at local, national, regional, and continental levels of governance; indicates freedom of movement; Article 12 every State Parties shall develop a comprehensive and coherent national youth policy; Article 14 Recognise the right of young people to a standard of living adequate for their holistic development; Article 15 Every young person shall have the right to gainful employment; Article 17 indicates the role of youth in promoting peace and non-violence; Article 19 states to recognise the vested interest of young people in protecting the natural environment as the inheritors of the environment; Article 20 promotion and protection of morals and traditional values recognised by the community; Article 24 recognizes the right of physically challenged youth; Article 27 Popularization of the Charter

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya signed the Charter on 28th June 2008 but she is yet to ratify it 2. The seventh cabinet meeting held on 22nd November 2012 approved the signing and the ratification of the Charter. The then Ministry of Foreign Affairs was then to initiate the process of the ratification.	1. African Union Commission provides overall guidance at regional and at continental level, collects data from member states, monitors and reports progress 2. African Youth Forum discusses represented by the National Youth Councils discuss the progress of the flagships and report 3. Pan-African Youth Union 4. Evaluation is done by the Conference of Ministers in charge of Youth (COMY) through the Secretariat 5. Assembly of Heads of States and government 6. African Union summit	No progress seems to have been made by the Ministry of Foreign Affairs after the cabinet approval	Ministry of Foreign Affairs and International Trade to give an update of the ratification process initiated	1. Efforts to build capacity on youths have been made especially by the current Jubilee government under the Ministry of Devolution and Planning. 2. The government has made pledge to increase allocation of resources to enterprises led by youths and women through youth enterprise development fund, Uwezo Fund. 3. Legislation by the current government and strict laws on consumption of drugs by the youths. 4. Youth empowerment interventions such as 30 percent Public Procurement preference for all youths in all MDAs.

29. COMMONWEALTH YOUTH PROGRAMME

Kenya is party.

Obligation to government: CYP works to engage and empower young people (ages 15-29) to enhance their contribution to national development; Operates within the framework of the Commonwealth Secretariat and is funded by pledges from commonwealth Governments; Kenya is a member of the Commonwealth and abides with Commonwealth protocols; Contribute through pledges to the commonwealth institutions; Kenya makes payment of annually subscription and has an outstanding balance of about 22,262 Sterling Pounds as at September 2013

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
The Government supports, develops and implements result based youth policies, programmes and initiatives in cognizant of the resolutions passed	1. Ministry in charge of youth affairs through the Ministry of Foreign Affairs 2. Youth Ministers Meetings held after every 4 years. The 8th one was held in Port Moresby, Papua New Guinea in April 2013 and the next one will be held in Uganda in 2016 3. Commonwealth Heads of State meeting. The last one was held in Australia and the next one will be held in Sri Lanka November 2013 4. Youth Leaders Forums. Last one was held same time with the ministers and the 9th forum will be held in Sri Lanka, in November 2013 5. Senior Government Youth Officials Meetings 6. Youth Stakeholders Forums			1. *Empowerment of* youths to entrepreneurship. 2. Has enabled easier access of funds by the youths

	7. Sector-based meetings. The last meeting on Youth Employment was held in March 2011 in Nairobi Kenya			

30. DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME AND THE MODALITIES FOR THE PURSUIT AND ACCELERATION OF ITS IMPLEMENTATION

Obligation to government: Survey of Kenya's maritime boundaries

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Exclusive Economic Zone(EEZ) has been declared 2. Extended Continental Shelf (ECS)in progress	Auditing on the progress to be done in 2016	We are not Full members of IHO and so we cannot make hydrographic charts on our own.	Fast track upgrading of our membership in International Hydrographic Organization from associate memebers to full members.	1. Safety during navigation and surveillance 2. Promotion of International Trade which make use of the water transport corridors 3. Facilitation of Exploration and Research to enable exploitation of the resources in the EEZ and ECS

31. ADDIS ABABA DECLARATION ON GEOSPATIAL INFORMATION MANAGEMENT

Obligation to government: Establishment of a modern Geodetic Reference Frame (KENREF) through the National Mapping Agency; Establishment of National Spatial Data Infrastructure (NSDI)

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Zero' Order network established. 2. 'First' Order awaits implementatio 3. Developing of NSDI Policy and Bill	1. Reporting to United Nationa Economic Commission for Africa (UNECA) 2. Reporting to United Nationa Economic Commission for Africa (UNECA)	1. Inadequate funds for the exercise and purchase of equipment 2. Inadequate funding 3. Unstandardized geospatial data	1. Prompt funding to finish the task on schedule 2. Funding 3. Finalization of KNSDI policy and bill	1. More accurate and modern Geodetic. Reference Frame compartible with Space Based Survey and mapping technologies. 2. Reduced time of carrying out surveys. 3. Ease of connecting

				infrastructural projects like roads, railways, pipelines with neighbouring countries. 4. Homogeneity of maps across the country. 5. Across border seamless mapping . 6. Disaster mitigation through monotoring of crustal movement 7. Geospatial data sharing among all stakeholders dealing with geospatial data 8. Reduced cost and time on geospatial data collection as a result of data sharing

32. MEMBERSHIP TO AFRICAN MINISTERIAL CONFERENCE ON HOUSING AND URBAN DEVELOPMENT (AMCHUD)

Adopted on:

Entered into force on:

Kenya became a member state of AMCHUD on:

Obligation to government: Hosting of the Permanent Secretariat of AMCHUD; Annual Contribution of USD 10,000 to AMCHUD; Contributions(annual contribution of Kshs 8,000,000) and shareholding in Shelter Afrique

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Bi-annual Ministerial Conference 2. Bureau 3. Bureau and Ministerial Conference	1. Pending fianlization of Host Country Agreement 2. Indequate financial base 3. Improving member contributions	1. Fast track finalization of Hosting Agreement before the Ministerial Conference of 27th Feb 2014 2. Improve the institutional arrangments and	1. Africa specific housing and urban development policies and best practices. 2. Linkage with partners in housing and urban	

4. Annual General Meeting	4. Cost loans offered by shelter afrique are high and thus only benefit the high end segment of the the housing market.	coordination capacity. 3. Establish a subsidiary to address low-income housing	development. 3. Access to international support for development. 4. Improved investment and access to finance by Real Estate Developers in Kenya	

33. COMESA FISHERIES STRATEGY *Adopted on*: 2008 *Obligation to government:* Participate in programmes under CAADP				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
	State Department of Fisheries			Regional integration, development and implementation of common regional agricultural/fisheries policies and investments across the entire value chain.

C.

SUB-REGIONAL TREATIES
122. TREATY ESTABLISHING THE EAST AFRICAN COMMUNITY (there is more to this treaty than just health) *Adopted on*: 30 November 2009 *Entered into force on:* 7 July 2000 *Kenya became a state party to the treaty on:* 7 July 2000 *Obligation to government:* To cooperate and collaborate in all sectors to improve the political, economic and social status of the individual members States and their citizenry.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Programmes in various sectors on going.	1. Sectoral Councils 2. Council of Ministers Summit of Heads of State	Funds to convene meetings and finance projects	Need for improved coordination and facilitation	Expanded market for Kenyan products; Integration

123.EAST AFRICA COMMUNITY- STANDARDIZATION QUALITY ASSURANCE METROLOGY AND TESTING ACT (EAC SQMT ACT)

Obligation to government: Participation in various standards harmonization technical committees for various sectors of the economy; Being secretariat of various standards harmonization technical committees; Participation in testing and metrology activities

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Kenya participates in various organs created by the SQMT Act 2. Kenya participates in various standards harmonization technical committee 3. Kenya participates in various regional testing and metrology activities	Reports as provided for in the Standards Act and SQMT Act,	1. Limited resources to enable facilitation of various programmes under the SQMT Act 2. Implementation of the Regional Initiatives slow due to lack of favourable legislation and inadequate capacity for the implementation.	1. Implementation of various decision of the institutions of the SQMT Act and various EAC Council decisions 2. Monitoring mechanism for the action line under the SQMT Act	1. Increase market access and competitiveness of Kenya's goods in the regional markets 2. Health and safety of Kenya's human animal and environmental protection

124.MEMBERSHIP TO SADCMET

Obligation to government: To participate in General Assembly, Technical Committee meetings and capacity development programmes in SADCMET; No subscription fees but members sponsor their participants to the various meetings annually.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya through KEBS attends general assembly and related meetings annually	Annual member states delegates' statements at the General assembly.	KEBS has to sponsor all officers participating in the various meetings.	Kenya is encouraged to remain a member in order to benefit from the SADCMET metrological technology and development	1. Exchange of metrology expertise within the SADCMET. 2. Participating in measurement comparisons within SADCMET

125.MEMBERSHIP TO THE EAAB, ANCHORED ON THE EAC SQMT ACT

Obligation to government: To participate in activities that are aimed improving the capacity and capabilities to effectively undertake Accreditation Besides the other Quality infrastructure and related conformity assessment activities (inspection, testing and certification) in all fields both in the private & public sectors) for purposes of trade facilitation.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Membership subscription up to date. KENAS , the National accreditation Body participates and represents Kenya regularly .Kenya (KENAS) is currently the Chair of the EAAB	Annual member states delegates' statements at the Governing Council meetings held in June of every year.	1. Insufficient Budgetary allocation to the EAC secretariat to run EAAB programmes and hence attendant activities 2. Insufficient Commitment by some Partner States and hence inadequate provision of resources to fund the activities of the NAB's and NAFP's 3. Low awareness and understanding of Accreditation and its significant role in trade among the policy makers, regulators and other stakeholders, including the market 4.	Kenya encouraged to make full use of the EAAB platform to increase its share of trade within EAC, Africa and beyond	1. Exchange ideas on Accreditation activities with partner states 2. Forster closer cooperation with member states 3. Influence strategic direction of EAC and by extension Africa Union integration 4. Increase of its share of trade and hence creation of requisite wealth

126.EAST AFRICAN COMMUNITY PROTOCOL

Obligation to government: Implement the EAC protocol on Gender Equality and Women's Empowerment.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Policies and legislation developed as in 1 above. 2. EAC Gender Policy. Implementation is	Reporting made to EAC Council of Ministers of Gender once a year	1. Failure to get enough qualified women to fill available positions. 2. Strong cultural beliefs and practices that enable FGM	1. Enhanced support to girl-child education and training of women. 2. Enhanced campaign against unprogressive cultural	1. Affirmative action is practiced in admission of female students to public universities in Kenya. 2. Provisions of scholarships

ongoing		and wife inheritance to continue	practices	for girls particularly in marginalized and pastoralists areas. 3. There has been an improvement of the ratio o' Girls to Boys as you move up the higher education levels (Primary- Secondary- Tertiary University).

127. COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)

Adopted on: 5th November 1993

Entered into force on: 8th December 1994

Kenya became a state party on; 5th November 1993

Obligation to government: To promote regional integration through trade and investment; Pay assessed contributions

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya has signed and ratified almost all COMESA instruments		1. Non-tariff barriers particularly with regard to exports of Kenyan milk and milk products as well as palm-based cooking oil to Zambia; 2. COMESA sugar safeguards measures- Kenya is finding it hard to obtain an extension period for protection of her sugar imports		COMESA provides a market for Kenya's manufactured products accounting for 70% of Kenya's exports' market

128. GREAT LAKES PROTOCOL ON WOMEN, PEACE AND SECURITY *Obligation to government:* Implement the Great Lakes Protocol on Women, Peace and Security				
IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
National Action Plan UNSCR 1325 implementation is ongoing.	Reporting made to Council of ministers of Gender in the Great Lakes Region once a year.	1. Fewer women in leadership positions in politics and in public/private organizations. 2. Financial limitations for public sensitization, programme implementation, monitoring and evaluation	1. Enforcement of affirmative action measures already taken by government to empower women. 2. Adequate financial support to programs in the NAP for UNSCR 1325	3. Establishment of Women Funds to empower women on entrepreneurship and encourage them to start their own businesses 4. The constitution guarantees equal treatment of women and men and also commits to non-discrimination between men and women with respect to the political, economic, cultural and social arenas. 5. The Kenyan Penal Code recognizes the act of rape as a crime. 6. There has been an overall decline in FGM 7. There has been an increase in the number of women voters; 8. The number of women parliamentarians has been increasing;

129. INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT

Adopted on: 1996

Kenya is a founding member.

Obligation to government: Implement IGAD Treaty on Gender Equality and Women's Empowerment

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Policies and legislation developed as in 1 above. 2. IGAD Plan of Action on increasing Women's Participation in Politics	Reporting made to IGAD Council of ministers of Gender once a year	Inadequate financial resources for programs and for monitoring progress.	1. Increased Govt funding of gender activities 2. UN Agencies to be asked to give more support to gender activities.	1. Development of Health Sector Gender Policy to address gender issues in the Health sector. 2. Establishment of Women Enterprise Fund to empower women to be entrepreneurs.

130. PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES

Adopted on: 9th January 2002, Khartoum

Obligation to government: Kenya as a member state of IGAD is obligated under the protocol to contribute to the resources of CEWARN and disseminate information to the authorized networks under the protocol.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya has been contributing towards the resource needs of CEWARN and has been an active member of IGAD	Committee of Permanent Secretaries.			Kenya has benefited from exchange of information with member states on conflicts in the region through the Conflict Early Warning and Response Mechanism (CEWARN).

131. ENDING DROUGHT EMERGENCIES INITIATIVE (IGAD REGIONAL DISASTER RESILIENCE AND SUSTAINABILITY INITIATIVE - IDDRISI)

Obligation to government: Membership to the IDDRSI Regional Platform Creation of a National Platform; KeCPP: Need to develop country investment plans; Vision 2030 Sector MTP 2013-2017 on Drought Risk Management and Ending Drought Emergencies

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Already members through the Directorate of ASALs and National Drought Management Authority (DNMA) 2. Already created by NDMA	Through Ministry of Foreign Affairs	1. High poverty levels 2. Lack of funds 3. The poor human security 4. Poor and inadequate social and physical infrastructure, 5. Recurrent droughts 6. Overexploitation and poor management of rangelands and water resources. 7. Destruction and overuse of dry land vegetation by refugees. 8. Multitude of poorly organized actors 9. Lack of mainstreaming drought-preparedness and risk-reduction measures in planning processes and investments programs. 10. Youth (18–35 years) and unemployment: 11. Research and knowledge base:	1. Need to mobilize funds 2. Improve access to basic social services such as education, health, water, and housing. 3. Improve security 4. Improve infrastructure 5. Facilitate long-term resilience building, 6. Introduce and enforce controlled settlements 7. Speed up the repatriation of refugees 8. Coordinate the activities of the various actors. The ASAL Secretariat has been mandated to undertake this role. 9. The need for coordinated arrangements for preparedness, mitigation and response at all levels 10. Create more investments 11. Introduce more innovative research on dry land production	1. For adaptation of the effects of climatic change. 2. To enable the achievement of the Post 2015 Sustainable Development and the Vision 2030. 3. To hasten the achievement of eradication of extreme poverty and hunger. 4. To enable a healthy working population in Kenya. 5. To increase productivity in the economy. 6. To increase productivity in the economy for economic development. 7. For adaptation to the effects of climatic change and reducing the extent to which the drought stricken people are vulnerable to the climatic changes. 8. To hasten the achievement of the seventh millennium development goal which is to ensure environmental sustainability 9. To hasten the achievement of the seventh millennium development goal which is to ensure environmental sustainability

				10. For adaptation to the effects of climatic change and reducing the extent to which the drought stricken people are vulnerable to the climatic changes 11. Youth empowerment. 12. Innovation for development purposes. 13. For adaptation to the effects of climatic change and reducing the extent to which the drought stricken people are vulnerable to the climatic changes 14.

132. CONVENTION ON THE DEVELOPMENT OF THE EAST, CENTRAL AND SOUTHERN HEALTH COMMUNITY

Adopted on: 2002 , Entebbe

Kenya is party.

Obligation to government: To cooperate in health towards the attainment of the highest possible standards of health in the following areas: Public health; Health infrastructure development; Medical and allied professionals education; Dissemination of health information; Research and development; Annual subscription fee of Kshs. 10,000,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Ongoing training programs in nursing, surgery, laboratory, reproductive health 2. Food fortification programme (fortification of sugar, salt, cooking oil and maize floor)	1. Conference of Health Ministers 2. DJCC 3. Advisory Committee 4. Secretariat			Creates an opportunity for sharing best practices

133. CONVENTION ESTABLISHING THE GREAT LAKES INITIATIVE ON AIDS (GLIA)

Adopted on: July 2004

Kenya is party.

Obligation to government: To contribute to the reduction of new HIV infection and to mitigate the socio – economic impact of HIV and AIDS epidemic in the Great Lakes Region; Annual Contribution of USD 50,000.00

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Establishment of a secretariat Carrying out research and intervention programmes on the management and prevention of HIV/AIDS within communities living around the great lakes region	Directly to GLIA Secretariat through the Council of Executive Committee	1. Lack of resources 2. Intermittent remittance of country contributions 3. Staffing challenges	There is need to relook at the terms in the Convention to reflect the current status as there are no results being obtained.	

134. DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME AND THE MODALITIES FOR THE PURSUIT AND ACCELERATION OF ITS IMPLEMENTATION

Obligation to government: Survey of International Boundaries in conjunction with Kenya's neighbours.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Bilateral meetings with Uganda, Tanzania and Ethiopia on going	To submit Interrnational boundary surveys to AU and UN by 2017 together with accompanying treaties	1. Inadequate funding 2. Ambiguos description of boundaries	1. Support from AU/UN 2. Bilateral meetings with neighbouring countries	1. Peaceful coexistence with our neighbours 2. Facilitation of cross-border trade

135. MEMBERSHIP TO SOUTH EASTERN AFRICA MINERAL CENTRE(SEAMIC)

Adopted on: 1977

Entered into force on: 2007

Kenya became a member state party of SEAMIC on: 2006

Obligation to government: To participate in meetings and capacity development programmes in mineral related disciplines organized by the centre; Annual subscription of US$ 64,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA

1. Membership subscription up to date. 2. Kenya participates regularly and is currently the Chair of the Governing Council	Annual member states delegates' statements at the Governing Council meetings held in May of every year.	Institution based in Tanzania with no local presence t o enable the country to fully utilize the services offered	Kenya encouraged to make use of the services offered and the centre be asked to set up local satellite.	1. Exchange ideas on minerals with partner state s 2. Forster closer cooperation with member states 3. Influence strategic direction of mineral resources development

136. MEMBERSHIP TO INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (ICGLR) PROTOCOL

Adopted on: 2000

Entered into force on: 2004

Kenya became a state party to the ICGLR in: 2006

Obligation to government: The Government is obliged to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, as well as equitable sharing of the accruing benefits; Annual membership fees US$380,000

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Measures being put in place to ensure domestication and compliance with the relevant protocol on against illegal exploitation of natural resources. This includes formulation of necessary law and policy to guide in implementation of the protocol. Membership subscription balance of US$ 51,000	Reports from the Regional Committee members during Regional Initiatives on Natural Resources (RINR)	Implementation of the Regional Initiatives slow due to lack of favourable legislation and inadequate capacity for the implementation. Lack of ownership by other Government Partners has resulted in difficulty in keeping the actors involved, informed, engaged and empowered	Implementation of the six tools developed and approved during the Special Summit of 15th December, 2010 at Lusaka, Zambia	1. Enhancement of regional peace and security that h as led to improved security and stability 2. Opening up of markets f or Kenyan products and labour 3. Help in traceability of minerals within the Gre at Lakes Region 4. Monitor the mineral trac e flows and patterns 5. Help formalization of Artisanal Miners

137.LAKE VICTORIA FISHERIES ORGANIZATION (LVFO)CONVENTION

Adopted on: 1994

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya a member Pays subscription fees annually	State Department of Fisheries	1. LVFO in place since 1996 as a regional management body for Lake Victoria 2. Harmonized management o Lake Victoria Fisheries Resources 3. Built capacity for joint scientific research progammes such as Lake Victoria Research Programme, Implementation of the Fisheries Management Plan (IFMP) European Union Project costing 20.9 M Euros, 4. Establishment of 281 Beach Management Units (BMUs) in Kenya and 1, 032 in East Africa. 5. Trained staff	1. Low funding 2. Poor rate of payment of subscription fees	

138.LAKE VICTORIA BASIN COMMISSION

Adopted on: 2001

Entered into force on: December 2004

Kenya became a state party to the Commission: 26 September 2003

Obligation to government:

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
1. Member of the environment sectoral council 2. Member of the working group	3. State Department of Fisheries 4. Ministry of Environment and Natural resources			

139. PROTOCOL RELATING TO THE FUND FOR COOPERATION AND DEVELOPMENT OF THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA FUND).

Kenya ratified on: 17th Sept, 2003

Obligation to government: Kenya is bound by the COMESA Treaty to make contributions for running the COMESA Secretariat, COMESA Court of Justice and COMESA Leather and Leather Products Institute; Kenya has fully complied with her financial contributions.

IMPLEMENTATION STATUS	REPORTING MECHANISM	CHALLENGES	RECOMMENDATIONS	BENEFITS TO KENYA
Kenya has paid up her Assessed Contributions 2013 in all these obligations.	1. MEAAC&T is the Focal Point for coordination of COMESA programmes. 2. Line Ministries implement specific Programmes. 3. At regional level, the summit of Heads of State is the highest decision making organ supported by the Council of Ministers	1. Emerging Non-Tariff Barriers from COMESA Member States. 2. Multiple membership in different regional economic blocs 3. Different interpretation of the Rules of Origin 4. Lack of mutual trust among some Member States	1. Implementation of an online NTB Monitoring System. 2. Implementation of the proposed COMESA-EAC-SADC Tripartite Free Trade Area	1. Kenya has actively participated in COMESA Trade with exports increasing by 414.59%from Kshs.34.14 billion in the year 2000 to Kshs.175.73 billion in 2012. 2. Kenya has benefitted from COMESA Sugar Safeguard 3. COMESA is the leading destination of Kenya's exports