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THE EXECUTIVE OFFICE OF THE PRESIDENT

4th Annual Report

on

Progress Made in Fulfilling

the

International Obligations of the Republic of Kenya

H.E. HON. UHURU KENYATTA, C.G.H.
President of the Republic of Kenya
and Commander-in-Chief of the Defence Forces

March, 2017

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LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACS	African Charter on Statistics
AFFC	Africa Fit For Children
AFRAC	African Accreditation Co-operation
AIS	Automatic Identification System
ARIPO	African Regional Intellectual Property Organisation
AU	African Union
AUBP	African Union Border Programme
BMU	Beach Management Units
BTWC	Biological and Toxin Weapon Convention
CAADP	Comprehensive Africa Agriculture Development Programme
CAC	Codex Alimentarius Commission
CAMI	Conference of Africa Union Ministers of Industry
CBM	Confidence Building Measures
CBRN	Chemical Biological Radioactive and Nuclear
CBS	Community Based System
CCK	Communications Commission of Kenya
CCRF	Code of Conduct for Responsible Fisheries
CEDAW	Convention on Elimination of All forms of Descrimination Against Women
CFA	Co-operative Framework Agreement
CFI	Co-operative Financial Institutions
CMC	Calibration and Measurement Capabilities
CNTBT	Comprehensive Nuclear Test-Ban Treaty
COMESA	Common Market for Eastern and Southern Africa
CSW	Commission on the Status of Women
CWC	Chemical Weapons Convention
DSU	Dispute Settlement Understanding
EAAB	East African Accreditation Board
EAC	East African Community
EAF	Ecosystem Approach to Fisheries
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
ECS	Experts Communication System
EDI	Electronic Data Interchange
EEZ	Exclusive Economic Zone
EPA	Economic Partnership Agreements

EU	European Union
FAC	Food Aid Convention
FAO	Food and Agriculture Organisation
FGM	Female Genital Mutilation
FIACC	Five International Associations Coordinating Committee
GATT	General Agreement on Tariffs and Trade
GMDSS	Global Maritime Distress and Safety System
GOOS	Global Ocean Observing System
IAEA	International Atomic Energy Agency
IAF	International Accreditation Forum
ICA	International Co-operative Alliance
ICAO	International Civil Aviation Organisation
ICC	International Criminal Court
ESCR	International Covenant on Economic, Social and Cultural Rights
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICGLR	International Conference on the Great Lakes Region
ICJ	International Court of Justice
ICT	Information and Communication Technologies
IDD	Iodine Deficiency Disorders
IDP's	Internall Displaced Persons
IEC	International Electrotechnical Commission
IFAD	International Fund for Agricultural Development
IFCD	International Fund for Cultural Diversity
IFMP	Implementation of a Fisheries Management Project
IGC	Inter-Governmental Committee
IHL	International Humanitarian Law
IHO	International Hydrographic Organisation
ILAC	International Labouratory Accreditation Co-operation
ILO	International Labour Organisation
IMO	International Maritime Organisation
IOMU	Indian Ocean Memorandum of Understanding
IOTC	Indian Ocean Tuna Commission
IP	Intellectual Property
ISO	International Organisation for Standardisation
ISPS	International Ship Port Security
ISTA	International Seed Testing Association

IT	Information Technology
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
KMA	Kenya Maritime Authority
KMFRI	Kenya Marine and Fisheries research institute
KPA	Kenya Ports Authority
KPS	Kenya Prisons Service
LDC	Least Developed Countries
LOAC	Law of Armed Conflict
LRIT	Long Range Identification Tracking
LVFO	Lake Victoria Fisheries Organisation
MAR	Market Access Regulations
MC	Ministerial Conference
MCS	Monitoring, Control and Surveillance
MDG's	Millenium Development Goals
MFN	Most Favoured Nation
MRCC	Mombasa Regional Coordination Centre
NC	National Committee
NACADA	National Authority for the Campaign Against Alcohol and Drug Abuse
NDC	National Data Centres
NEP	National Enquiry Point
NIP	National Indicative Programme
NMI	National Metrology Institutes
NNWS	Non-Nuclear Weapon States
NSDS	National Strategy for Development of Statistics
NWS	Nuclear Weapon States
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OIE	Office International des Epizooties
OPCW	Organisation for the Prohibition of Chemical Weapons
OPRC	Oil Pollution Preparedness, Response and Co-operation
PCK	Postal Corporation of Kenya

PSMA	Port State Measures Agreement
RF	Radio Frequency
RFMO	Regional Fisheries Management Organisation
RIG	Robben Islands Guidelines
RMO	Regional Metrology Organisation
SACCOS	Savings and Credit Co-operatives
SADCME	South African Development Community Co-operation in Measurement
SAR	Search and Rescue
SDG	Sustainable Development Goals
SGR	Standard Gauge Railway
SHSA	Strategy for the Harmonisation of Statistics in Africa
SQMT	Standardization Quality Assurance Metrology and Testing
SWIOFC	South West Indian Fisheries Commission Convention
TAC	Technical Advisory Committee
TC	Technical Committee
TICAD	Tokyo International Conference on African Developement
TRIMS	Trade Related Investment Measures
TRIPS	Trade Related Aspects of Intellectual Property
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCRC	United Nations Convention on the Rights of the Child
UNFSA	United Nations Fish Stock Agreement
UNHCR	United Nations High Commission for Refugees
UNIDO	United Nations Industrial Development Organisation
UPU	Universal Postal Union
WADA	World Anti-Doping Agency
WHO	World Health Organisation
WIBA	Work Injury Benefits Act
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

PREFACE

The Constitution requires that annual reports be made on the progress towards Kenya's fulfilment of her international commitments. Since her independence on 12th December, 1963, Kenya has ratified and acceded to various Conventions and treaties and assumed various international obligations. Kenya is also a member of the United Nations family, the African Union (AU) and World Health Organisation (WHO) among others.

In fulfilment of the constitutional requirements, I have annually submitted a report on our treaty relations to Parliament as expected under the Constitution. I believe the reporting promotes public awareness of the country's foreign policy predisposition and the country's international engagements. It is my expectation that the reports will also serve as a general guide for our common engagement externally.

We must cherish the peace we have and strive to promote peaceful coexistence and improvement of human welfare. This is the overall objective of multilateral and bilateral treaties. As globalisation intensifies the world's interdependence in areas such as technological innovation, international trade and development, as well as cross-border cooperation movement of peoples, goods and services, brings with it corresponding security challenges. States therefore, will formulate correction treaties for purposes of cooperation and advancement of mutual interests. This 4th report for the year 2016, explores the international commitments derived from Kenya's international engagements and details their relevance and status of implementation to date.

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

EXECUTIVE SUMMARY

Under the Constitution of Kenya 2010, Article 132 (1) (c) (iii), the President of the Republic of Kenya shall "once every year… submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic." Moreover, Article 2(5) and (6) provide that "the general rules of international law form part of the laws of Kenya," and that "any treaty or Convention ratified by Kenya shall form part of the law of Kenya." This fourth edition of the report on international obligations for the period 2016 is made in compliance with the foregoing constitutional provisions.

Kenya is committed to her international obligations as expressed in various international treaties, Conventions, soft law instruments and inter-Governmental institutional arrangements among others. These various obligations are in form of global, regional (Africa) and sub-regional (Eastern Africa) instruments and other arrangements. As a sovereign nation, we take pride in our place in international relations and diplomacy.

Kenya's foreign policy is underpinned by our common desire for a peaceful, united and prosperous nation. This is embodied in our National Anthem, the Constitution, Kenya Vision 2030 and other Government Policy documents influenced by the Political Parties that have served the Country. Kenya's foreign policy is anchored on five interlinked pillars of diplomacy namely: Economic; Peace; Environmental; Cultural and Diaspora. It has undergone realignment in response to the emerging issues at the global and regional level influenced by issues like regional integration, trade, globalization, climate change and non-Conventional threats to peace and security.

This report demonstrates the progress made by Kenya over the years in honouring her international obligations. Our large cache of international treaty and other obligations traverse a variety of topics and fields as detailed in this report. The subjects of our international obligations reported herein include our membership to major international organisations led by the United Nations (UN) and the African Union (AU) among others. Key themes defining our international obligations include peace and security; trade, investments and development; human rights including special categories such as children, women, youth and persons with disabilities; environment, forestry and agriculture; intellectual property; education, science and technology; health; labour, social security and employment; sports, culture and the arts; and lands, housing and urban development. Other key themes are: transport including road, air, rail and maritime; law of the sea and fisheries; standardization; regional integration; ethics and integrity; ICT, radio regulations and telecommunications.

In 2016, Kenya ratified twelve (12) instruments. These include the Paris Agreement on Climate Change; EAC Protocol on Sanitary and Phytosanitary (SPS) Measures and Technical Barriers to Trade; General Convention on the Privileges and Immunities of the OAU; African Charteron Values and Principles of Public Service Administration; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; Financing Agreement for the

Annual Action Programme (AAP) with European Union; the Kigali Amendment to the Montreal Protocol; two Amendments relating to Marine Pollution and two Amendments on prevention of air Pollution. We also signed the African Charter on Maritime Security, Safety and Development on 15th October 2016. The African Charter aims at solidifying Africa's commitment towards efficient and effective management of its oceans, seas and waterways.

Prior to and during the reporting period, I held high-level engagements with other Governments and international organisations. I hosted high profile visits by leaders from other regions, namely, the Presidents of South Korea, Turkey, South Africa, Egypt, Nigeria, Uganda, the United Republic of Tanzania, the Federal Republic of Somalia, Prime Ministers of Israel, India, Japan and the Secretary General of the United Nations. These engagements led to major outcomes which included; signing of various Agreements and Memoranda of Understanding (MoUs) for provision of loans and grants to support development and rehabilitation of economic infrastructure and social programmes in the country.

Other deliverables during my presidency include commitment from the United States of America (USA) to Power Africa. President Obama announced US$1 billion towards supporting entrepreneurs in Africa at the Global Enterpreuneurship Summit, and later opened the Young African Leaders Initiative (YALI) Regional Centre at Kenyatta University. US also announced $800,000 to protect wildlife in East Africa, including a three-year wildlife poaching and trafficking assessment program in Kenya conducted in partnership with the International Union for the Conservation of Nature (IUCN) and TRAFFIC. The same year, His Holiness Pope Francis, the leader of the Catholic Church graced our great nation, bringing great jubilation and a message of peace and humanity.

On my part too, I made reciprocal visits to: His Holiness Pope Francis Benedict 16 of the Holy See, the President of the United States of America, the former President of the Republic of Sri Lanka, the Prime Ministers of the People's Republic of China, Italy, and Japan. The visits and high level engagement strenthened our relation. During the visits, I also interracted with Kenyan diaspora.

The Diaspora is a critical resource that needs to be integrated into national development. The purpose of Kenya's foreign and diaspora policies is to enhance the country's diplomatic ties and engagement and to secure her strategic interest. Top among these interests is securing employment, trade and investment opportunities in international Organisations; ensuring Kenyans working abroad are treated well and their interests secured, facilitating the Kenyan Diaspora to participate in nation building by investing back home. To this end, the successful bid by Kenya to the African Union to host the African Institute for Remittances (AIR) remains an important milestone. The AIR has been set up to harness diaspora resources for social and economic development in Africa through lower remittance cost, to harness untapped potential of remittance flows to the African continent.

Through e-Citizen, my Government improved service delivery to Kenyans and non – Kenyans worldwide. At the touch of a button, Kenyans are able to apply for birth certificates, PIN

certificates, driving licences etc, and non - Kenyans can apply for work permits, visa and resident permits etc. In addition, a help desk and a hotline have been put in place in the Ministry of Foreign Affairs to receive and handle distress calls from Kenyans abroad. My Government facilitated evacuation of over 3000 Kenyans during different occasions, from Southern Sudan, Libya, Liberia, Sierra Leone and Yemen. As a member of the world family, my Government contributed to the global effort of combating Ebola by providing Kenyan medical personnel to fight the scourge.

The diaspora Web Portal launched during my presidency is an online, one stop shop information facility that provides avenues for registration of Kenyan diaspora and serves as a reference for investment and employment opportunities. The Portal also provides actual information to Kenyans intending to travel abroad, and is a quick means for the diaspora to send distress messages for urgent attention.

Kenya also managed to lobby for recruitment, appointment and election of Kenyans as well as Kenya as a country into various positions of influence in the international system. Kenyans therefore, ought to be proud and supportive of our diplomatic role in the region and beyond.

On behalf of Kenya, I was favourably peer-reviewed by the Forum of Heads of State and Government participating in the African Peer review Mechanism (APRM) in Addis Ababa, Ethiopia on 28th January, 2017. This was the Second Country Review Report on the progress made since the first Country review in 2006. During the review, I outlined the measures that the Government will take to address the issues and recommendations made in the 2nd Country Review Report. It is worth noting that Kenya was the first country out of the 36 member States, to submit to a second review. My willingness to be scrutinized about the APRM thematic pillars, underscores my commitment to good governance.

My administration too had the opportunity to profile Kenya as a Meeting, Incentives and Convention and Exhibition (MICE) centre within Africa, by hosting key international conferences such the Tokyo International Conference on Africa Development (TICAD VI) 27th – 28th August 2016; Second High Level Meeting On Global Partnership For Effective Development Cooperation (HLM2) 28th November – 1st December, 2016; and the Fourteenth session of the United Nations Conference on Trade and Development (UNCTAD 14) 17th – 22nd July 2016. Environmental matters and global trade issues were reviewed. Capital flows towards tourism, trade, business and investments increased. No doubt these efforts will enhance regional integration.

My Government successfully lobbied for the upgrading of the United Nations Office in Nairobi (UNON) through creation of the post of Under Secretary General. During the 67th Session of the UN General Assembly, the United Nations Environment Programme (UNEP) was upgraded and secured regular and predictable funding from the UN Budget. Subsequently, we endeavour to strengthen the status of the UNON by increasing investment in the security and safety of UNEP, United Nations Human Settlement Programme (UN-HABITAT), other UN and interGovernmental Organisations and agencies based in the country.

The UN General Assembly on 14th March 2013 renamed the UNEP Governing Council as the United Nations Environment Assembly (UNEA) of UNEP. Consequently, the inter-sessional body of UNEP has a universal character and its membership increased from 54 to the entire membership of the United Nations of 193. Kenya successfully hosted the 2nd United Nations Environment Assembly at the UNEP Headquarters in 2016. Habitat III, the 3rd United Nations Conference on Housing and Sustainable Urban Development was held in October, 2016. This was the first global conference after the Post 2015 Development Agenda. During the Conference, the UN-Habitat, headquartered in Nairobi, was placed at the focal point to oversee implementation of the New Urban Agenda (NUA), placing Kenya in a critical position in determining the destiny of the people worldwide.

The Horn of Africa and the Great Lakes regions have a history of complex and fast evolving transnational security threats including intra-State conflicts, resource based conflicts, and the proliferation of small arms and light weapons. In more recent time the regions have also been confronted by a variety of other emerging threats including terrorism, radicalisation, organized crime and piracy. My Government has taken lead in addressing peace and security challenges in the region within regional blocs such as EAC, IGAD, ICGLR and COMESA within the African Union peace and security architecture. Under the IGAD, Kenya has made significant contributions to peace and security in the Horn of Africa.

Bilateral and IGAD led diplomatic efforts that have led to dramatic de-escalation of the conflict in S. Sudan and added impetus to peace building after the signing of the Agreement for the Resolution of the Conflict in the Republic of South Sudan (ARCSS) on 26th August, 2015 by the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), the SPLM Leaders (Former Detainees) and the Government. The Peace Agreement is forward looking and has all the ingredients of good governance intended to usher in the much needed peace, security and stability, for State-building and national reconciliation. An improved security situation in the region is key for our development.

Somalia is steadily regaining its rightful place in the community of nations. Diplomatic Missions, international businesses and Organisations have started operating from Mogadishu and other parts of Somalia. Kenya's Embassy to Somalia also relocated to Mogadishu in July 2015.

The country conducted its general and presidential elections, and for the first time in close to three decades, on 13th September 2016, Somalia hosted the 28th Extra-Ordinary Summit of IGAD in Mogadishu which I attended.

My Government has used regional and international fora to highlight the security and resource based challenges posed by the large number of refugees in Kenya particularly the Dadaab refugee complex. The Government in conjunction with the UNHCR is undertaking repatriation of Somali refugees back to Somalia. About 439 refugees have been resettled to

third countries while a further 110,000 have been registered for repatriation and are waiting facilitation from UNHCR to go back to Somalia.

To strengthen and further expand Kenya's diplomatic footprint in new and emerging markets, my Government opened four (4) new fully fledged diplomatic Missions; in Algiers-Algeria, Luanda-Angola, Havanna-Cuba and Nairobi-the United Nations Environmental Programme (UNEP). We now have a total of 56 full-fledged diplomatic Missions and 29 Honorary Consuls spread across the globe. Some of the Missions have multiple accreditations. The Missions showcase Kenya's cultural heritage including artefacts during national day celebrations, and facilitated Kenya's sports women and men. The presence and representation has enhanced the Country's ability to articulate the national interests abroad.

My Administration disrupted and prevented the planning and execution of a number of activities that could have compromised the security of citizens. On economic diplomacy, my administration coordinated, planned and organized trade and investment fairs and exhibitions, distributed promotional material and facilitated inbound and outbound trade and investment missions. This is to assist Kenyan companies penetrate international markets.Examples include; Kenya-Belgium Trade and investment Mission, Kenya-Greece Business Forum, Kenya-Egypt Business Forum, Kenya-Japan Business Forum, Kenya-Mozambique Business Trade and Investment Mission, Kenya-France Trade and Business Forum, and Kenya-USA Business Forum among others.

I trust that this report will not only promote public awareness of the country's foreign policy predisposition and the country's international engagements, but also serve as a guide for consistency and effectiveness in pursuit of our national interests and commitment to international obligations as expressed in various global, regional and sub-regional instruments. The progress of our international engagement demands a coordinated, coherent, informed and cross-sectorial approach across the Ministries, departments and agencies of the Government of Kenya. I therefore appreciate the Ministry of Foreign Affairs, all other Ministries, Departments and Agencies together with other key stakeholders that have diligently worked harmoniously to ensure Kenya's continued compliance with international obligations. I also express gratitude to Parliament for engaging in very fruitful deliberations that ensured our legislative processes are in tandem with our international obligations. Indeed, Kenya will remain steadfast in its commitment to honour her international obligations.

PART I

INTRODUCTION AND BACKGROUND

INTRODUCTION

1. The Vienna Convention on the Law of Treaties defines a treaty as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. "Treaties can be referred to by a number of different names: International Conventions, International Agreements, Covenants, Final Acts, Charters, Memoranda of Understanding (MOUs), Protocols, Pacts, Accords, and Constitutions for International Organisations. Treaties may be bilateral (two parties) or multilateral (between several parties) and a treaty is usually only binding on the parties to the agreement. An agreement "enters into force" when the terms for entry into force as specified in the agreement are met.

2. It is noteworthy that for a treaty to be binding, the contracting party must have capacity. This in turn, results in the creation of rights and obligations under international law which are distinct from those arising under Countries' national laws.[1]The fundamental principle underlying the law of treaties is *pacta sunt servanda* which means that treaties are binding upon the parties and must be performed by the parties in good faith. Without this principle, treaty relations would be shrouded in suspicion, resulting in a disorderly world.

3. The fundamental role and importance of treaties is that they are a means of developing peaceful co-operation among nations despite their constitutional political and social systems.

4. Therefore, having in mind the constitutional requirements under Article 132 (1) (c) (iii) and (5) of the Constitution, it is my duty to submit a report to the National Assembly annually on the progress made in fulfilling the international obligations of the Republic.

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

6. The Constitutional requirement envisages that this and subsequent reports will inform Kenyans of all treaties which have been entered into since independence including the documentation of their status of implementation.

7. Kenya attained independence from Britain on 12th December, 1963 and joined the United Nations (UN) on 16th December, 1963 as a member of the international community. Since then, Kenya has ratified and acceded to various Conventions and treaties thereby deriving benefits for the good of the Republic and in the process assuming various international obligations.

8. For the first time in the history of Kenya, a documented Kenya Foreign Policy was launched on 20th January 2015. The policy outlines the evolution of our foreign relations and engagements with our partners over the last five decades and its future strategic direction to ensure the achievement of the collective aspirations of Kenyans. The Policy aims to achieve several national objectives, *inter alia* to: Protect Kenya's sovereignty and territorial integrity; Promote integration; Enhance regional peace and security; Advance the economic prosperity of Kenya and her people; Project Kenya's image and prestige; Promote multilateralism; Promote the interest of Kenyan Diaspora and partnership with the Kenyans abroad. The achievement of national objectives enhances the fulfilment of international obligations. My Government has inclined its foreign policy towards

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

fostering better relations with our neighbors, the rest of the African continent and the world at large.

1.1. IMPORTANCE OF TREATIES

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

10. States rely on each other in different spheres such as trade, economic relations, political affairs and social welfare. Furthermore, treaties mirror the realities in contemporary international life.[2] Treaty relations are therefore key to formalizing and enhancing international relations with other States and non - state actors in the international sphere. Globalization has intensified the world's interdependence in areas such as technological innovation, international trade and development. Trans-nationalism and security challenges have also necessitated the need for States to enter into treaties for purposes of Co-operation and advancement of mutual interests.

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

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

13. Before the promulgation of the Constitution of Kenya, 2010, and the enactment of the Treaty Making and Ratification Act, No. 45 of 2012, the process of ratifying treaties was executive-centric. The legislature did not have any role to play. Due to the lack of a specific legal framework, the treaty making and ratification process was initiated by the relevant Ministry through a Cabinet Memorandum for approval. Upon approval, the Ministry of Foreign Affairs 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.

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

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

15. In general, Kenya has a strong record of ratifying major International and Regional Human Rights Instruments. Kenya has ratified numerous multilateral instruments which are considered to be in harmony with the Country's plans for sustainable development.

1.2 KENYA'S POLICY ON RATIFICATION OF INTERNATIONAL TREATIES AND CONVENTIONS

16. The President and the Cabinet Secretary of the Ministry of Foreign Affairs are empowered to enter into Treaties and Agreements on behalf of the Government. Similarly, the President and Cabinet Secretary in charge of Foreign Affairs can delegate authority with full powers to any Cabinet Secretary to conclude agreements that fall under their specific line Ministry.

1.3 TREATY MAKING AND RATIFICATION LEGAL FRAMEWORK

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

1.3.1 The Constitution

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

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

1.3.2 Treaty Making and Ratification Act No. 45 of 2012

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

21. The Act gives the Cabinet Secretary for Foreign Affairs and International Trade responsibility for its implementation in consultation with other relevant State departments. Under the Act, for a treaty to be ratified, the Cabinet Secretary of the

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

relevant State department in consultation with the Attorney-General submits the text of the treaty together with a memorandum to Cabinet for approval. If approved the Cabinet Secretary then submits the treaty together with the memorandum to the Speaker of the National Assembly who then subjects it to the rigours of legislation. According to Section 3 (2) (a), (b) (i-v) and (3) of the Act, Parliament has to sanction the ratification of treaties that touch on the following:

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

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

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

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

(e) The environment and natural resources.

1.3.3. Case Law

22. Case law embodies legal principles enunciated and embodied in judicial decisions that are derived from the application of particular areas of law to the facts of individual cases.The Courts in Kenya appear to have adopted a monist approach in the application of international law locally by virtue of the provisions of Section 2(6) of the Constitution of Kenya, 2010.There is however, a robust debate on how Courts should characterize international law within local jurisprudence. This debate is healthy and should act as a catalyst to the Judiciary's contribution to the evolution of law that stands the test of time.

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

23. The Constitution of Kenya 2010 established a two tier Government structure, namely the national Government and county Governments. Article 6(2) of the Constitution, which underscores the link between the two levels of Government, expressly provides that they are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

24. To facilitate the interrelationship between the two levels of Government, the Constitution in Schedule IV clearly outlines their individual roles. It is only the national Government which is mandated to transact the country's foreign policy and international trade affairs through the Ministry of Foreign Affairs. County Governments lack the legal authority to discharge this mandate. However, every Kenyan and indeed the second level of Government, in accordance with national values and principles of governance, should be involved in the formulation and implementation of these policies. Cooperation between national and county Governments is further espoused by Article 189 (1) and (2)[4] of the Constitution.

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[4] Article189. (1) and (2) provide that;

(1)Government at either level shall—

(a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of Government at the other level, and respects the constitutional status and institutions of Government at the other level and, in the case of county Government, within the county level;

(b) assist, support and consult and, as appropriate, implement the legislation of the other level of Government; and

(c) Liaise with Government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

(2) Government at each level, and different Governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.

25. The InterGovernmental Relations Act of 2012 expounds Article 189 by establishing a framework for consultation and cooperation between the two levels of Government and among the county Governments. The Act further creates a mechanism for resolution of interGovernmental disputes.

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

26. As stated earlier, Kenya's international obligations stem from the treaties and Conventions that it has ratified or acceded to. Article 2(6) of the Constitution introduced a new paradigm to the application of treaties in Kenya, such that any treaty that Kenya ratifies automatically becomes part of the Kenyan law. However, Article 94(5) vests the power of law making on Parliament, meaning that Parliament must sanction the ratification of a treaty for it to have the force of law in Kenya.

27. It is on the basis of these provisions that the Treaty Making and Ratification Act were enacted to outline the procedure for initiation, negotiation, adoption, signature and ratification of treaties.

28. The Act elaborates Parliament's role in the ratification process, which had hitherto been the prerogative of the Executive. In terms of Article 8(2) thereof, both the Senate and the National Assembly may play a part in the ratification, depending on the subject of the Treaty. Further, Article 8(3) obligates Parliament to subject the process to public participation. Any person who may be interested in or is likely to be affected by the treaty in question has to be given an opportunity to make submissions on the treaty. It is therefore at this point that county Governments can contribute to the ratification process. Some of the treaties will have a direct impact on the counties e.g. treaties on environmental management, natural resource exploitation and management. They should therefore scrutinize the treaties that are the subject of ratification process, examine their impact and make proposals for consideration by Parliament.

PART II

MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS

2.0. MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS

29. Kenya is part of the international community, and is a member of several international Organisations and institutions formed to bring order to an anarchic international system. These Organisations foster co-operation, political and economic integration or dialogue amongst States.
30. This part of the report explores these memberships and details their objectives, relevance and the subsequent arising obligations. It also highlights measures undertaken and progress made so far in fulfilling the international obligations of the Republic.

2.1. The United Nations (UN)

31. The UN is an Inter-Governmental Organisation established to promote international co-operation. The Organisation was formed after the Second World War to replace the ineffective League of Nations which had been formed after the First World War. The main objective of the Organisation as enshrined in the UN Charter signed on 26th June, 1945 and which entered into force on 24th October, 1945 is to promote international peace and security.
32. Kenya became a member of the UN on 16th December, 1963. Since then, Kenya has been a consistent and committed contributor to the UN, both in budgetary terms as well as to the substance of its work. Kenya is committed to continue playing a constructive role in all issues on the UN agenda and attaches special importance to undertaking active duties and responsibilities within the UN system. Today, Nairobi, Kenya is privileged to host one of the four UN headquarters world-wide, the only one in the developing world; hosting both the UN Environment Programme (UNEP) and UN Human Settlements Programme (HABITAT) headquarters. Moreover, Nairobi is home to a vibrant community of several UN agencies and Multilateral Organisations that include the Food and Agriculture Organisation (FAO), International Fund for Agricultural Development (IFAD), International Civil Aviation Organisation (ICAO), International Labour Organisation (ILO), International Maritime Organisation (IMO), International Monetary Fund (IMF), UN Development Fund for Women (UNIFEM), UN Development Programme (UNDP), UN Office on Drugs and Crime (UNODC), UN Educational, Scientific and Cultural Organisation (UNESCO), UN High Commissioner for Refugees (UNHCR), UN Industrial Development Organisation (UNIDO), UN Children's Fund (UNICEF), UN Political Office for Somalia (UNPOS), UN Peacekeeping Force (UNPF),UN Programme on HIV/AIDS (UNAIDS), World Bank (WB), World Food Programme (WFP), World Health Organisation (WHO) and UN Centre for Regional Development (UNCRD).
33. Kenya has accredited Missions to the various UN Headquarters and Offices for effective engagement on global issues. In addition, the Government successfully lobbied for the upgrading of UNEP from a Governing Council to an Environmental Assembly of the UN (UNEA) 2014. The Assembly has held two meetings in Nairobi (2014 and 2016). Kenya will take necessary steps to maintain this status and also urge the international community to match its commitments with action,

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

2.2. The International Court of Justice (ICJ)

35. 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.
36. Kenya recognised the compulsory jurisdiction of the Court in 1964. This means that Kenya submits to the jurisdiction of the Court and undertakes to comply with any decisions of the Court. The Country has recourse to the Court in case of any dispute with another Member State. Kenya can rely on the Advisory opinions of the Court, as authoritative and binding and are crucial in the maintenance of international peace and security. The ICJ has the backing of the UNSC and its decisions are binding on all States. Failure to comply with the Court's decision may result in the UNSC making recommendations or taking drastic measures to enforce the Court's judgments.
37. The ICJ however does not have jurisdiction in:
    1. Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
    2. Disputes with the Government of any State which, on 12th –April of 1965, the date of the declaration is a Member of the Commonwealth of Nations or may so become subsequently;
    3. Disputes with regard to questions which by general rules of International Law fall exclusively within the jurisdiction of Kenya;
    4. Disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an Organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

2.3. World Trade Organisation (WTO)

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

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

2.4. The African Union (AU)

38. The AU was established on 26 May 2001 in Addis Ababa and launched on 9 July 2002 in South Africa[5]to replace the Organisation of African Unity (OAU). Kenya was among the 33 founding members of the Organisation of African Unity (OAU) in 1963.
39. The AU spearheads Africa's development and integration in close collaboration with AU Member States, the Regional Economic Communities (RECs) and African citizens. Its vision is to accelerate progress towards an integrated, prosperous and inclusive Africa, at peace with itself, playing a dynamic role in the continental and global arena, effectively driven by an accountable, efficient and responsive Commission.
40. Membership to the AU opens up vast opportunities for Kenya in all spheres of life. The Union has enhanced cooperation for the socio-economic transformation of the Continent through sub-regional blocs such as EAC, COMESA, ECOWAS and SADC among others, on pertinent issues such as the creation of a free trade area, a customs union and a central bank.
41. The AU membership has reinforced the quest for fairness and impartiality in the international criminal justice system in the global administration of justice by the International Criminal Court.
42. The Charter of the African Union was adopted in 25th May, 1963 and entered into force on 26th May, 2001. Kenya became a State party to the Treaty on 16th December, 1963.
43. The obligation it imposes to the Government is to help achieve greater unity and solidarity between the African countries and Africans.
44. The Government of Kenya has been active in participating in the policy organs of the African Union. These include the Summit of Heads of State and other policy organs. Kenya has also offered candidates for positions within the African Union.
45. Kenya, through the Kenya School of Government, has continued to promote greater unity and solidarity between African Countries by providing training in the areas of governance, leadership for individuals and officers from the member states especially Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESSULO).

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

2.5. African Court on Human and People's Rights

46. The Court was established in June 1998 through a Protocol to the African Charter. The Protocol was adopted in Ouagadogu, Burkina Faso and entered into force on 25th January 2004. The Court became operational from November 2006 in Addis Ababa, Ethiopia. In 2007, it relocated its headquarters to Arusha, Tanzania.
47. The Court was established in order to complement the protective mandate of the African Commission on Human and People's Rights. Under Article 3 of the Protocol, the Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter.
48. The Court's jurisdiction only applies to States that have ratified the Protocol.
49. The following entities are competent to submit communication to the Court; The African Commission, State parties to the Protocol establishing the Court, African InterGovernmental Organisations, NGO'S with observer status before the Commission and individuals.
50. Kenya ratified the Protocol on 6th October 2010, hence is subject to its jurisdiction. The Court is currently handling a case where the Ogiek community has sued the Government for evicting them from their ancestral land under the auspices of a Notice to conserve Mau forest as a reserve water tower.
51. Kenya has also been a major proponent to the AU proposal to enhance the Court's jurisdiction to deal with international crimes under the Malabo Protocol. It was one of the five States to sign the Protocol. Kenya donated $ I million to the Court to demonstrate its commitment to the expansion of the jurisdiction.
52. However questions arise as to whether the extension of the jurisdiction will work for the continent and whether it is complementary or replacement of the International Criminal Court.

2.6. The East African Community (EAC)

53. The Treaty for Establishment of the East African Community was signed on 30 November 1999 and entered into force on 7th July 2000 following its ratification by the original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18th June 2007 and became full Members of the Community with effect from 1st July 2007. The Republic of South Sudan became a full member of EAC on 5th September, 2016.
54. Regional cooperation has led to increased regional trade, infrastructure development, free movement of goods, persons, labour, services, capital, the right of establishment, right of residence, agriculture and food security and increased foreign direct investments that has created more markets for goods and opportunities for Kenyans. The EAC framework has also led to elimination of internal tariffs, development of regional infrastructure projects, and reduction of non-tariff barriers to trade, efficient movement of people and goods and created additional job markets. Presently, the EAC has implemented the Customs Union, the Common Market and the Protocol on the establishment of the Monetary Union has been ratified by all Partner States and is currently under implementation.

55. A common foreign and security policy per Article 123 of the East African Treaty and related provisions provides a platform for the envisaged political federation of the Community. Regional integration is a fundamental pillar in Kenya's foreign policy to promote political stability for development through trade. Consequently, Kenya is expeditious in ratifying decisions by the EAC Partner States. Nonetheless, non-reciprocity, external meddling and extended bureaucracy in harmonisation of national laws and policies with EAC legislation poses a challenge to implementation. Hence, a national policy to address the issues is essential.
56. Kenya has designated a State Department to coordinate the implementation of EAC affairs and a number of milestones have been achieved under the Multilateral arrangements of EAC Partner States, and the entire Community. The Kenyan Government advocated for signing of the EAC – EU Economic Parnership Agreement, and ratified the Agreement, to allow Kenya and other EAC Partner States that have ratified the Agreement to have prefential market access to the EU. The challenge is that some Partner States have not ratified the Agreement, hence, it is yet to enter into force. To address this situation, Kenya negotiated an arrangement with the EU to allow her access the EU markets pending the entry into force of the Agreement.
57. The EAC Partner States are negotiating on Tripartite Free Trade Area Agreement under the COMESA-EAC-SADC arrangements. When concluded the Agreement will enhance intra-regional Trade by creating a wider market.

2.7. The East African Court of Justice

58. The EACJ is the judicial Organ of the East African Community under article 9 of the Treaty for the establishment of East African Community(EAC). The Court was inaugurated in November 2001 and is temporarily based in Arusha, Tanzania. The Court's mandate is to interpret and enforce the EAC Treaty among the Partner States. Kenya is bound by the Court's decisions and has seconded two judges to the Court in fulfilment of her obligation. However, the Judges are also employed on full time basis locally, thus constraining their availability to effectively perform their duties under the EACJ. Workload analysis needs to be undertaken to determine whether to appoint Judges on a permanent basis.

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

59. In compliance with Article 27(2) of the EAC Treaty, the Heads of State adopted and signed a Protocol to extend EACJ's jurisdiction to cover trade and investment matters, as well as issues associated with the implementation of the Protocol on the Establishment of the East African Monetary Union.
60. The Court can now constitute itself into an arbitral tribunal. In that regard, the Court's arbitral jurisdiction may be invoked over commercial contract disputes, given the expected increase of cross-border disputes that might be triggered by an increase in cross-border trade in the context of East African regional integration. The Court has developed rules of procedure and arbitration, and opened sub-registries in each Partner States to promote accessibility to the institution, and expedite administration of justice.

61. Current challenges are that there is lack of awareness on the operations of the Court in general amongst Kenyans thus limiting its exercise of jurisdiction. Kenya may explore arbitration before this Court in cross border disputes on trade by invoking the Court's jurisdiction in any new agreements concluded.

2.9. InterGovernmental Authority on Development (IGAD)

62. The InterGovernmental Authority on Drought and Development (IGADD) began as an environmental cooperation forum in 1986 to deal with drought in the Eastern Africa Region, and later transformed into conflict resolution machinery, hence change of its name to "the Inter-Governmental Authority on Development (IGAD)." Kenya together with Djibouti, Ethiopia, Somalia, Sudan and Uganda are founding members and were later joined by Eritrea.
63. IGAD provides a regular forum where leaders of Eastern African Countries are able to tackle regional political and socio-economic issues. Under the Chairmanship of Kenya, IGAD mediated the protracted conflict in Sudan in 2015 and is currently seized with the South Sudan peace process among other issues.
64. Kenya's primary focus has been to mobilize international support to facilitate consolidation of regional peace, particularly in Somalia, Sudan, the Eritrea/Ethiopia border and the Indian Ocean waters. Kenya supports efforts to strengthen IGAD's capacity to effectively confront the myriad and interlocking problems relating to ecological challenges, proliferation of small arms and light weapons, forced migration within and across borders, banditry, piracy, and more recently international terrorism linked to Islamic extremism.
65. Infrastructural developments e.g. highways, railways, airports, pipelines and seaports is central to effectively addressing the region's security, environmental, and developmental challenges. Hence, the construction of the Northern Corridor linking Kenya to its northern neighbours particularly Ethiopia, Somalia and Sudan to facilitate trade in order to promote development.
66. The Ministry of Devolution and Planning participates in IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI). The objective of this initiative is to develop a new framework to manage disasters in the region in the context of the Horn of Africa *Regional Disaster Resilience and Sustainability Strategy,* with a clarion call for stakeholders to act differently according to the specific needs of States.
67. Kenya is committed through the Ending Drought Emergencies (EDE) Initiative, to ensure drought in the Horn of Africa does not reach emergency levels. Kenya's Country Programming Paper (KeCPP) has six components, namely; peace and human security, humanitarian preparedness, climate proofed infrastructure development, building human capital, sustainable livelihoods adaptive to climate change and multi sector and multi stakeholder coordination that address IGAD's broader objectives.
68. Kenya has established a National Drought Management Authority (NDMA) and initiated new projects in ASALs to ensure the EDE goal is achieved. The NDMA has been institutionalized through an Act of Parliament.

69. Kenya implements the IGAD Treaty on Gender Equality and Women's Empowerment and The IGAD Plan of Action on increasing Women's Participation in Politics. HOW? SEE PARA 31 below and merge.
70. Reporting on implementation is made to IGAD Council of Ministers of Gender once a year.
71. Active participation by Kenya in IGAD has led to sustainable environmental management, regional Water Basins Cooperation and Coordination and regional peace.
72. Allocation of financial resources for programs and monitoring progress remains a priority, to this end, UN Agencies ought to lend more support to IGAD activities.
73. IGAD plan of action is in place to enable women participate in politics. Kenya has established the Women Enterprise Fund to empower women to be entrepreneurs.

2.10. The Common Market For Eastern and Southern Africa (COMESA)

74. The Common Market for Eastern and Southern Africa (COMESA) was established 'as an Organisation of free independent sovereign States which have agreed to co-operate in developing their natural and human resources for the good of all their people'. It has a wide-ranging series of objectives which include in its priorities the promotion of peace and security in the region. COMESA replaced the Preferential Trade Area for Eastern and Southern Africa (PTA) which had been established to take advantage of a larger market size and to share the region's common heritage and destiny. The Treaty for the establishment of COMESA came into force on 30th September 1982.
75. The overall objective of COMESA is to create an integrated market where there is free movement of goods, services, capital, labour and persons, in order to attain sustainable development within the region.
76. Kenya's benefits for joining COMESA include:- customs exemptions on all exports and imports originating from member States; an expanded market for goods and services; and co-operation of member States in financial and monetary matters that establishes convertibility of their currencies throughout the Common Monetary Union. The wider harmonized and more competitive market fosters greater industrial productivity and competitiveness; increased agricultural production and food security; rational exploitation of natural resources, harmonized monetary, banking and financial policies, reliable transport and communications infrastructure.
77. Kenya was awarded an extension of special safeguards on importation of duty-free sugar from the COMESA, allowing the country more time to complete reforms in its ailing industry. The Department of Livestock took advantage of the Country's membership in COMESA to appeal for arbitration in a case with Zambia, that restricted milk and camel meat exports from Kenya. The matter is yet to be concluded.

2.11 New Partnership for Africa's Development (NEPAD)

78. The New Partnership for Africa's Development (NEPAD) is both a vision and a policy framework for Africa in the twenty-first century meant to address critical challenges facing the continent. The primary objectives of NEPAD are to:- eradicate poverty,

promote sustainable growth and development, integrate Africa in World economy and accelerate empowerment of women.

79. The NEPAD/APRM Kenya Secretariat is a Semi-Autonomous Agency in the Ministry of Devolution and Planning mandated to:
    (a) Promote Kenya's effective participation in the activities of NEPAD and the domestication of the AU Mission Core Principles and Values.
    (b) Provide leadership, guidance and direction to the implementation of the Africa Peer Review Mechanism (APRM) in Kenya,
    (c) Facilitate coordination of NEPAD/APRM activities in the Eastern African Region; and liaise with the continental NEPAD/APRM offices with a view of incorporating and promoting Kenya's and the interests of the Eastern African region in NEPAD.

80. NEPAD Kenya Secretariat coordinates the implementation of a number of programmes along the NEPAD thematic pillars. These include the NEPAD E-Schools, Home Grown School feeding programme, Comprehensive African Agricultural Development Programme, Infrastructure programme and the APRM. The APRM is an instrument voluntarily acceded to by AU member States as a self-monitoring mechanism for good governance.

81. The Ministry of Devolution and Planning pays subscriptions to New Partnership for Africa's Development (NEPAD) which include both the African Peer Review Mechanism (APRM) and the NEPAD Secretariat. Currently, the subscriptions are fully paid up.

PART III

TREATIES AND CONVENTIONS

3.0. TREATIES AND CONVENTIONS

3.1. DIPLOMATIC PRIVILEGES AND IMMUNITIES

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

3.1.1. The 1961 Vienna Convention on Diplomatic Relations

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

84. Government fulfils its duty by ensuring that it grants diplomatic immunity to Missions and diplomatic agents accredited to Kenya, as well as delegations to meetings and conferences on her territory. Through reciprocity, Kenya's fifty six (56) Missions abroad and delegates to meetings out of the country are also accorded similar privileges and immunities, while ensuring that Kenya's views are heard. In the maintenance of good diplomatic relations and keeping Kenya relevant in the international sphere, 2015 and 2016 were exceptional years that saw the Government host numerous high level visits of persons of interest and high level investment delegations. Government facilitated State protocol, hosted numerous diplomatic conferences and meetings and held quarterly briefing for the diplomatic corps in Kenya.

85. The International conferences boosted greatly the economic and financial status of the nation as a great amount of financial resource was transferred into the economy and human resource deployed in gainful employment. For instance, in the WTO conference, majority of those deployed were the youth comprising of recent university graduates so as to empower them financially and develop experience in conferencing. Additionally, the meetings and conferences translated into steady restoration of the tourist industry and improved confidence in Kenya as a favourable investment destination.

86. Continuous training of Foreign Service officers to build capacity for effective performance is carried out by the Government. Kenya ensures that it pays all the relevant assessed contributions to the appropriate international Organisations and bodies so as to maintain strong ties and good working relations. Each assessment is based on the role of the Organisation, impact and obligations, hence they vary.

3.1.2. The 1963 Vienna Convention on Consular Relations

87. The Convention was ratified by Kenya on July 1st 1965. It defines the conduct of consular relations between countries. A consul performs the function of protecting in the

host country the interests of countrymen, and furthering the commercial and economic relations between the two countries. While a consul is not a diplomat, under this treaty they are afforded most of the same privileges, including a variation of diplomatic immunity called consular immunity.

88. Government facilitates assistance to Kenyans in fragile situations abroad. It also outsources business opportunities for Kenyan companies and businesses. Further, compilation of a skills data base of Kenyan diaspora in five countries has been initiated with a view to assembling a skills inventory. Locally, the Ministry of Foreign Affairs responds to public enquiries on information regarding Foreign Affairs and authenticates documentation intended for use abroad among other services offered.

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

89. The Convention, adopted by the UN General Assembly on 13th February 1946 to accord the UN the status of a legal person under the domestic law of its Member States, was ratified by Kenya on July 1st 1965. Such a domestic legal personality is a prerequisite for international Organisations to effectively manage numerous practical needs such as procurement contracts, the acquisition of property and the capacity to pursue private law rights before national courts. The UN Charter only very generally responded to these needs by providing in its Article 104 that "The Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes."

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

90. The purpose of the Convention that was approved on 21 November 1947 and came into force on 2 December 1948 is to protect the UN and its Specialized Agencies from being subject to more than 160 national laws and judicial systems. If the protection was not granted, then Governments and Courts would interfere with the work of the Organisation and its staff.

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

91. The Convention was signed and entered into force on 25th October, 1965. The Convention obliges member States to grant the OAU privileges and immunities within their territories for independence exercise of their functions. Government grants privileges and immunities to AU officials and delegates attending meetings in Kenya. Misuse of privileges and immunities has been experienced, but can be addressed through the collaboration of all relevant stakeholders.

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

92. The Protocol was adopted on 1st June 1980. Kenya signed the Protocol on 31st May 2016. The Protocol compliments the General Convention by extending the Privileges and Immunities of the Convention to the specialized agencies of the AU. Government extends the treatment accorded to the Organisation, to its Specialised Agencies.

3.1.7. EAC Protocol on Foreign Policy Coordination

93. This Protocol was preceded by Memorandum of Understanding on Foreign Policy Coordination between the Government of the Republic of Kenya, the Republic of Uganda and the Government of the United Republic of Tanzania. Kenya has ratified the Protocol.
94. It is envisaged that EAC co-operation will eventually translate into a political federation. Partner States agreed to collaborate in confronting global and regional issues in international fora on the basis of mutual trust, political will and sovereign equality.
95. In an increasingly globalised and competitive world, the framework provides an avenue to promote and consolidate unity of purpose and action on all fronts. Collective action in implementing common foreign policies is bound to yield more benefit to Partner States in all spheres of development. In line with this, Partner States of the EAC liaise on issues of mutual interest relating to regional and global affairs and adopt common position.
96. Kenya has domesticated the treaties under this category in the Privileges and Immunities Act, Chapter 179 of the Laws of Kenya, giving them force of law locally. Kenya ensures that the diplomatic Corp and international staff are afforded the privileged status due to them while ensuring that the diplomats respect the law.
97. Kenya has made great progress in the realization of its foreign policy and host Country obligations. Currently 119 Accredited Missions, 34 Consulates are hosted in the country, while 36 Non-Resident High commissions and Embassies engage with Nairobi. To expand global outreach, Kenya has opened its doors to various international organisations and 24 UN agencies.
98. The Ministry of Foreign Affairs is the implementing Organ of Government for the above mentioned instruments and the executor of Kenya's foreign policy.

3.2. PEACE AND SECURITY

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

99. 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.

100. Kenya has fully domesticated the four Geneva Conventions through The Constitution, The Geneva Conventions Act (Chapter 198 of the Laws of Kenya), and the Kenya Defence Forces Act,2012, The Geneva Conventions Act,1968 incorporates portions of the 1949 Geneva Conventions into Kenyan law. Section 3 provides for the punishment of persons who commit, or are accessories to and grave breaches of the Conventions. It also provides a basis for universal jurisdiction by permitting prosecution of any person, irrespective of nationality or the place where the breach was committed. Kenya signed the instrument ratifying the protocol in addition to the Geneva Conventions of 12th August 1949 relating to the adoption of distinctive emblem for the ICRC in addition to the Red Cross and Red Crescent on 26th September, 2013.

101. To ensure non-violation of International Humanitarian Law (IHL), Kenya Defence Forces has employed Military Legal advisors and taken disciplinary measures against service members who violate IHL. The members of the Kenya Defence Forces also undergo trainings on engagement under IHL. The Government has also established a National committee comprising of Government and relevant Humanitarian Organisations to coordinate implementation of obligations relating to IHL.

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

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

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

105. The Convention obliges the Government to prohibit production and use of chemical weapons, undertake destruction (or monitored conversion to other functions) of chemical weapons production facilities and ensure destruction of all chemical weapons (including chemical weapons abandoned outside the State parties territory. It aims to eliminate an entire category of weapons of mass destruction by prohibiting the development,

production, acquisition, stockpiling, retention, transfer or use of chemical weapons by State Parties.

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

107. Each State Party has a National Authority for the implementation of the Convention. The Government Chemist's Department in the Ministry of Health is Kenya's designated Focal Point on implementation of the Convention. Kenya is up to date in payment of its annual subscriptions to the OPCW and efforts to domesticate the Convention are ongoing through the development of the Chemical Conventions Bill.

108. Kenya is signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction. In addition, it is a member of the following International Organisations: Conference on Disarmament (CD), International Atomic Energy Agency (IAEA), Organisation for the Prohibition of Chemical Weapons (OPCW), and Comprehensive Test Ban Treaty Organisation Preparatory Commission (CTBTO-PC). As a result of its membership in these Organisations, Kenya can protect its citizenry and the environment from the harmful effects of chemical weapons with international co-operation and assistance.

109. Kenya is also receiving technical assistance in the areas of nuclear, chemical and biological weapons technology, identification of weapons of mass destruction. This will ensure the availability of technical devices to police officers and customs staff to assist such identification.

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

111. On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to the OPCW. Effectively, the OPCW shall enjoy in the territory of Kenya, such privileges and immunities as are necessary for the fulfilment of its purposes.

3.2.3. Biological and Toxin Weapon Convention (BTWC)

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

113. Through the implementation of this Convention, Kenya has received support in capacity building in areas of biosciences i.e. handling of toxin material and support in capacity building at the universities i.e. setting up of laboratories for testing and other activities related to Biological and Toxin Weapons. Kenya also benefits from trained personnel

with ability to detect and respond to outbreak of any biological danger i.e. terrorist threats, pandemics and others. The Government is obliged to domesticate the BTWC by having a legal framework in place, participate in the meeting of Experts and meeting of States Parties and to provide annual reports on specific activities relating to the BTWC. The Government is obliged never in any circumstances to develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons.

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

115. Inadequate funds and capacity in matters relating to biosciences in the relevant ministries and research institutions, and in management of biological and toxin weapons impacts on implementation of the Convention.

3.2.4. Comprehensive Nuclear Test-Ban Treaty (CNTBT)

116. Kenya ratified Treaty on 30th November, 2000. However, the Treaty has not yet entered into force. Under the Treaty, Kenya undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control. State Parties also undertake to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

117. Benefits of ratification of the Treaty are regional and international peace and security through information-sharing and participation in various initiatives by like-minded States. The Republic of Kenya remains steadfast in its commitment to not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

3.2.5. Treaty on the Non-Proliferation of Nuclear Weapons

118. This Treaty entered into force on 5th March, 1970. Kenya acceded to it on 11th June, 1970. The objective of the treaty is to control and monitor the spread and use of nuclear materials. It also prohibits Nuclear Weapon States (NWS) from transferring to any recipient whatsoever nuclear weapons or other nuclear explosive devices. NWS are also prohibited from assisting, encouraging, or inducing any Non-Nuclear Weapon States (NNWS) to manufacture or otherwise acquire them. NWS are obligated to place all nuclear materials in peaceful nuclear activities under IAEA safeguards.

119. 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.

120. Affirming the commitments made in the Non-Proliferation Treaty, and resolutions A/54/423, NPT/CONF.2000/16, NPT/CONF.2000/18 and A/54/2000, Kenya sees denuclearization as an essential issue. In addition, Kenya recognises only positive use of nuclear energy such as infrastructural development in the energy sector.

121. As a participant in the Comprehensive Test Ban Treaty (CTBT), Kenya has hosted two international monitoring stations under the trusteeship of the CTBT Organisation Preparatory Commission (CTBTO-PREPCOM). These monitoring stations consist of a primary seismic monitoring station (PS 24) and an infrasound station (IS 32), both of which are linked to 321 other stations worldwide in an effort to prevent and/or identify illegal nuclear testing. The United States and Kenya have worked together through the IAEA to promote the transfer of technology, Equipment, services and training on the peaceful use of nuclear energy.

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

122. Kenya became a State Party to the Treaty on 24th May 2007. It entered into force on 15th July 2009. The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties.

123. 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.

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

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

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

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

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

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

129. In 1966, during a debate in the First Committee of the UN General Assembly, Kenya supported the principle that international law prohibits the use of chemical weapons as a result of the 1925 Geneva Gas Protocol. In 1987, during a debate in the First Committee of the UN General Assembly, Kenya maintained that "all States should co-operate in efforts to prevent the use of chemical weapons, in accordance with the principles and objectives of the Geneva Protocol of 1925" until a general Convention prohibiting chemical weapons was enacted. At the First Conference of States Parties to the CWC in 1997, Kenya made statements in support of the object and purpose of the 1993 CWC.

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

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

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

132. Kenya's position in the region obligates her to be in the frontline in inter-African conflict mediation. She continues to be engaged in peace initiatives concerning conflicts in the region. Kenya sent its troops to Somalia to help fight the Al Qaeda-affiliated extremist group Al Shabaab, and other terrorist groups, with the aim of establishing peace and security in the African continent, and lobbied for the integration of Kenya Defense Forces (KDF) into AMISOM, elevating AMISOM's mandate from peace keeping to peace enforcement.

133. Kenya hosted the Peace and Security Council 455th Meeting at the Level of Heads of State and Government, which was held on 2ndSeptember 2014, on the prevention and combating of terrorism and violent extremism in Africa.

134. Kenya was elected into the Peace and Security Council of the AU during the 26th Ordinary Session of the Assembly in 2016. This provides an opportunity to influence the

decision making process on initiatives that consolidate peace, rehabilitation and governance on the continent.

3.2.9. East African Community Protocol on Cooperation in Defence Affairs

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

136. The Governments of Kenya, Uganda and Rwanda have since entered into a Mutual Defence Pact on the 20/02/2014. The instruments of ratification have been deposited with the AU Secretariat and the UN in New York. The Pact is open to other willing members of the East African region to accede.

137. In order to implement the Protocol, Kenya has been cooperating with other EAC Partner States in: Military Training; Joint Operations; Technical Cooperation; Visits and Exchange of information; Liaison in Military Affairs and Exchange of Military Instructors and Directing Staff to Defence Staff Colleges. In 2016, the Partner States organized participation in EAC Military command Post Exercise codenamed "Ushirikiano 2016" in Embakasi, Kenya to promote co-operation in the Defence forces. The Defence forces also organized an EAC Military and Cultural Event, 2016 in Kigali, Rwanda to enhance the spirit of co-operation and comradeship amongst armed forces of the EAC.

138. Challenges in matters of co-operation in defence relate to on-going instability in some of the Partner States which hampers full implementation of the Protocol.

3.2.10. UN Optional Protocol on Involvement of Children in Armed Conflict

139. The Protocol outlaws recruitment of children to serve in conflict areas as Armed Forces or any other forms of military engagement. Implementation of the Protocol ensures that persons under 18 years who are vulnerable by virtue of their age are not recruited to serve in armed forces. They are able to enjoy their rights as children.

140. Africa has seen proliferation of recruitment of child soldiers which is an international crime. Poverty and unemployment places children at the risk of being recruited into outlawed groups.

141. The Government has put in place, initiatives to protect children in areas prone to cattle rustling and militia activities in volatile borders. Some of the initiatives include, enhancing security, disarmament programs in cattle rustling areas and peace and reconciliation initiatives.

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

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

3.2.11. UN Convention against Transnational Organized Crime (2000)

144. The Convention was adopted on 15th November 2000 and entered into force on 29th September 2003. Kenya acceded to the Convention on 9th June 2004. The Convention aims at formulating policies, laws and their enforcement to eliminate all forms of transnational organized crime.

145. Organized crime transcends national boundaries. The Convention offers a framework for preventing and combating organized crime and a platform for cooperating with other State parties through technical assistance, mutual legal assistance and extradition as a platform for strengthening co-operation in law enforcement. Kenya can seek mutual legal assistance and extradition as a platform for strengthening law enforcement cooperation.

146. Kenya has domesticated the Convention vide the Counter-Trafficking in Persons Act, 2010 which prohibits human trafficking. A Counter-Trafficking in Persons Advisory Committee and National Assistance Fund for Victims of Trafficking in Persons has been established to fight human trafficking. The Government also declared an indefinite Moratorium on inter-country adoption of Kenyan children by foreigners to combat child trafficking, and established a Steering Committee in 2015 to review the existing framework on adoption and streamline adoption of children in the country.

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

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

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

150. Kenya has been a victim of terrorism, and is keen to partner with other States to confront the global threat through sharing knowledge and experiences. To this end, she is party to:-

3.2.12. International Convention for the Suppression of Terrorist Bombings

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

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

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

3.2.13. International Convention for the Suppression of Acts of Nuclear Terrorism

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

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

3.2.14. International Convention for the Suppression of the Financing of Terrorism

156. The Convention aims at enhancing international cooperation among States in devising and adopting effective measures for the prevention of the financing of terrorism, as well as for its suppression through the prosecution and punishment of its perpetrators. The

speed and ease with which funds can be moved within the international financial system allows terrorists to move funds efficiently and effectively and often without detection between jurisdictions. Thus, continuous monitoring of transactions and scrutiny of the sources of funds is critical to identifying and establishing patterns that may indicate possible financing of terrorism.

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

3.2.15. International Convention against Taking of Hostages

158. The Convention aims at developing international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism. It applies to the offense of direct involvement or complicity in the seizure or detention of, and threat to kill, injure, or continue to detain a hostage, whether actual or attempted, in order to compel a State, an international interGovernmental organisation, a person, or a group of persons to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.

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

3.2.16. OAU Convention on the Prevention and Combating of Terrorism

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

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

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

163. CCTV cameras have been installed in strategic areas to capture the movements of terrorists as an important step towards curbing terrorism. The Government has also been conducting crackdowns in places perceived to be recruiting the youth to join terrorist groups.

3.2.17. EAC Peace and Security Protocol

164. Under Article 124 of the Treaty Establishing EAC, Partner States agreed that peace and security are prerequisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. Subsequently, the EAC adopted the Protocol on Peace and Security. The Protocol identified over 20 objectives for fostering regional peace and security. These include combating terrorism and piracy; peace support operations; prevention of genocide; disaster management and crisis response; management of refugees; control of proliferation of small arms and light weapons; and combating transnational and cross-border crimes.

165. With a view of implementing the Protocol, the Government has established the Anti-Terrorism Unit, undertaken modernisation of the police service through purchase of modern equipment and machinery and employment of additional security personnel. The Government has also among others established a National Disaster Management Unit and is undertaking border patrols to enhance security.

3.2.18. The Nairobi Protocol for the Prevention, Control and Reduction of the Proliferation of Small Arms and Light weapons in the Great Lakes Region and Horn of Africa

166. Countless lives have been lost to the turmoil in the Great Lakes Region and the Horn of Africa, resulting from the conflicts owing to the Proliferation of Small Arms and Light weapons. Consequently, the Protocol was adopted to prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region; prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region; promote and facilitate information sharing and cooperation between the Governments in the sub-region, as well as between Governments, inter-Governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons.; promote cooperation at the sub-regional level as well as in international fora to effectively combat the small arms and light weapons problem, in collaboration with relevant partners; and encourage accountability, law enforcement and efficient control and management of small arms and light weapons held by State Parties and civilians.

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

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

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

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

170. Cross border co-operation and harmonisation of policies will lead to improved vigilance on border security and reduction of cross border conflicts, territorial disputes and concerted research on inter-territorial challenges such as the Hyacinth problem in Lake Victoria. There is need for continuous internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units and intelligence to reduce threats related to immigration.

171. Implementation of the objectives is hampered by scarce 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.

172. Border patrol, administration and border survey units 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 on-going.

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

173. The Protocol was adopted on 9th January 2002. It entered into force in August 2003. 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, enhance regional co-operation, and to eliminate all forms of threats thereto

174. Conflict Early Warning and Response Mechanism (CEWARN) was established in 2002 to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region; undertake and share analyses of that information; develop case scenarios and formulate options for response; share and

communicate information analyses and response options; carry out studies on specific types and areas of conflict in the IGAD region.

175. CEWARN undertakes livelihood projects to enhance communal resilience and to promote peace along border areas of Kenya and Horn of Africa Countries such as Ethiopia. The State Department of Livestock has however not participated in these projects at national level.

176. 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.

177. 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.

3.2.21. Protocol on Combating Drug Trafficking in the East African Region

178. The Protocol was adopted on 13th January 2001.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. Kenya is therefore obligated to ratify international instruments on narcotic drugs and psychotropic substances and promulgate enabling domestic legislation to eradicate narcotic drugs and psychotropic substances in the region plus offer mutual legal assistance to other States in the investigation and prosecution of illicit drug trafficking.

179. NACADA works with different partners and stakeholders in its effort to bridge the gap of knowledge about drug and substance abuse through campaigns. Its main role is to coordinate and facilitate an all-inclusive effort towards prevention, control and mitigation of alcohol and drug abuse in Kenya. In partnership with international partners it has been able to intercept large drug hauls. NACADA has also been active to ensure that alcohol production and consumption is controlled as well as ensuring that the production of illicit brews is curbed.

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

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

3.3. HUMAN RIGHTS

3.3.1. Universal Declaration on Human Rights (UDHR)

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

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

184. Chapter Four of the Constitution of Kenya, 2010 contains provisions in relation to the Bill of Rights which is based on the principles of international human rights law and other international human rights instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights.

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

186. The Constitution establishes the Kenya National Human Rights Commission to promote respect for human rights and develop a culture of human rights in the country. It also recognises the role of Non-Governmental Organisations which champion respect for Human Rights.

187. The Judiciary has been empowered to prosecute human rights violators.

188. The Kenya Prisons Service has included a subject on Human Rights in its training Curriculum. While reviewing its legislations (Prisons Act Chapter 90 and Borstal Institutions Act Chapter 92), provisions which violated human rights for both prisoners and officers were deleted. Cases of human rights violations have reduced in our penal institutions and prisoners are treated with human dignity.

189. The Government is also currently implementing the Persons Deprived of Liberty Act, 2014 pursuant to Article 51 of the Constitution. The Power of Mercy Committee has been operationalized and performs its functions as provided in Article 133 of the Constitution in order to reduce congestion in prisons. In 2016, the President on the recommendation of the Committee exercised his power of clemency and pardoned over 7000 prisoners.

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

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

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

192. The Judiciary has also taken an active role in ensuring the domestication of provisions of the ICCPR. In the Matter of Zipporah Wambui Mathara (2010) eKLR, the Court declared that provisions of Kenya's Civil Procedure Code were in conflict with Article 11 of the ICCPR which prohibits imprisonment for inability to pay civil debt. In this instance, the Court took on Article 11 of the ICCPR appreciating that Article 2(6) of the Constitution made the Covenant part of Kenya's law.

193. Kenya has been submitting reports to the Committee on the measures taken to implement the Covenant. Civil society and citizens' participation has been active in all aspects relating to the protection of human rights.

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

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

195. The Constitution of Kenya, 2010 recognises the Bill of Rights as an integral part of Kenya's democratic State and is the framework for social, economic and cultural policies. Under Article 43, it recognises Economic, Cultural and Social rights relating to access to health care, adequate and affordable housing, food, water, education and social security for all citizens.

196. The Government has been undertaking policy and legislative measures to ensure that these rights are progressively realized. Expenditure on education has been increased through provision of free compulsory primary education, subsidized secondary and tertiary education and rolling out of an e-learning program for primary schools.

197. Further, a free maternal health care policy is in place and being implemented. Youth, Women and Persons living with disabilities have been empowered through affirmative action in granting them thirty percent of the Government tenders. The Government is also providing relief food to those under threat of starvation. A revolving fund to take care of food insecurity is in the process of being established.

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

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

199. Provisions in relation to non-discrimination are spelt out in various pieces of legislations in Kenya. These include the National Cohesion and Integration Act, which was enacted to facilitate and promote equality of opportunity, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya. The Act establishes the National Cohesion and Integration Commission to discharge the mandate of facilitating processes and policies that encourage elimination of all forms of ethnic discrimination ad by doing so enhances the capacity for Kenyans to appreciate each other and appreciate the significance of diversity.

200. The HIV and AIDs Prevention and Control Act, 2006 also prohibits discrimination on the ground of one's actual, perceived or suspected HIV status. The Act expressly prohibits discriminatory acts and policies in employment, in schools, when travelling or in the choice of abode, in seeking elective or other public office, in accessing credit facilities or insurance, health care services and burial services. The Act provides that any person who commits these prohibited acts will be liable to a penalty.

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

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

202. Article 25 of the Constitution reinforces the Convention's provisions by embracing freedom from torture and cruel, inhuman or degrading treatment or punishment as fundamental rights which cannot be limited. The Prevention of Torture Bill, 2016 provides the definition of torture in line with CAT and criminalizes torture and other cruel, inhuman or degrading treatment. The proposed law provides stiff penalties for those convicted of offences and seeks to establish institutional mechanisms for the support and assistance of victims of torture.

203. Kenya has reviewed its legislations such as Penal Code, National Police Act, 2012, Prisons Act Chapter 90 laws of Kenya among others in order to embrace this instrument. The Government has also put in place mechanisms to sensitise relevant Government

personnel on matters related to eradication of torture. Cases related to torture within Government facilities have substantially decreased due to enhanced sensitisation.

3.3.6. The African Youth Charter

204. The African Youth Charter was adopted during the seventh ordinary session of the conference of Heads of State and Government held on 2nd July 2006 in Banjul, Gambia. Kenya ratified the Charter on 23rd January, 2014. Its objective is to ensure constructive involvement of youth in the development agenda of Africa, their effective participation in the debates and decision-making processes about the development of the continent and empowerment of youth in key strategic areas that would not only provide the youth with necessary tools for livelihood but also stem the flow of Africa's most important resource to other parts of the world.

205. The African Youth Charter, not only provides 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.

206. The other objectives of the Youth Charter are 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, provide important guidelines that would provide the youth with necessary tools for livelihood and stem the flow of Africa's most important resource to other parts of the world. It also outlines the responsibilities of youth to their own development and to their countries and continent.

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

208. The realization of Kenya's Vision 2030 and the attainment of the Sustainable Development Goals (SDGs) critically depend on the degree of inclusion of the youth in the development agenda. Kenya has established a National Youth Council, to boost the voice of the youth and increase their participation in decision making, youth empowerment and development.

209. Kenya has established Affirmative Funds that includes Youth Enterprise Fund and UWEZO Fund. The Funds have given credit advances to youth groups in the 47 counties for empowerment, development programmes and projects to enhance entrepreneurial culture among the youth and create employment to the youth in the country.

210. To date, Ksh.44 Billion has been disbursed towards Access to Government Procurement Opportunities (AGPO). 480 Youth development officers have been employed and deployed to all ministries, 47 county Governments and all constituencies.

211. 300 youths were trained during the ICT conference in September, 2016 in furtherance to Article 10 of the Charter, namely to provide access to information, education and

training to young people to learn their rights responsibilities and schooled in decision making, governance and leadership.

3.3.7. Conventions on the Status of Refugees

212. 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 grant refugees basic rights while in the host country. Kenya has domesticated the Conventions through the Refugee Act of 2006.

213. State parties to the UN Refugee Convention and its 1967 Protocol are required to cooperate with the UNHCR in the exercise of its functions and in supervision of the implementation of the provisions in the Convention and inform the UN Secretary General about the laws and regulations adopted to ensure application of the Convention.

214. Kenya has been host to a large number of refugees and asylum-seekers from the region and exceeded its obligations under the Conventions in terms of providing humanitarian assistance to the population of refugees and asylum seekers hosted in her territory.

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

216. In 2015, Somalia, Kenya and the UNHCR concluded and signed a tripartite agreement for the repatriation of Somali refugees back to Somalia. In order to facilitate the repatriation of the refugees, the Government announced the closure of Dadaab Refugee Camp. As at 10th November 2016 (the target date the Government had set for the closure of Dadaab refugee camp) thirty three thousand (33,000) refugees had been repatriated. The Government extended closure of the camp for another six months from November 2016 due to logistical reasons and to afford the Government adequate time to finalise the repatriation process.

217. A National Multi-Agency Refugee Repatriation Team is in place to monitor and oversee the process of repatriation.

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

218. The United Nations Convention on the Rights of the Child (UNCRC) entered into force on 2nd September 1990. Kenya ratified it on 30th July, 1990. States Parties are obligated to ensure respect for the rights of each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties are meant take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

219. The Children's Act of 2001 domesticates the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child. Since its ratification, Kenya has been working to implement its ideals in domestic legislation concerning childcare and protection. The Convention together with the African Charter on the Rights and Welfare of the Child recognises 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. 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.

220. 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, 2007 prohibits child labour including worst forms of child labour. Children enjoy human rights and are protected from abuse and child labour. They are able to enjoy the right to free basic education and develop their full potential.

221. On signing Optional Protocol 1 to the Convention on the Rights of the Child, Kenya made a declaration stating that "the minimum age for the recruitment of persons into the armed forces is by law set at eighteen years" and that recruitment is "entirely and genuinely voluntary", an interpretative declaration indicating that the Government considers its obligation to "ensure" that those under the age of 18 are not recruited into the armed forces. The declaration goes on to state that the Government of Kenya reserves the right to "add, amend or strengthen the present declaration".

3.3.9. The Convention on Rights of Persons with Disabilities

222. Kenya ratified the UN Convention on Rights of Persons with Disabilities (CRPD) on 19 May, 2008. The effect of this ratification was that the State undertook to ensure and promote the full realization of all human rights and fundamental freedoms for persons with disabilities, without discrimination of any kind on the basis of disability.

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

224. Kenya has enacted the Persons with Disability Act of 2003 which came into force in June 2004. The Act provides a legislative framework for access of services and inclusion of Persons with disabilities in all facets of life. It provides for the achievement of equalization to opportunities by prohibiting discrimination in employment, education and health among others. It promotes accessibility of physical structures and to information as well as establishes structures for the provision of services to persons with disabilities.

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

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

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

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

229. Kenya marked the International Day of Persons with disabilities on 3rd December 2016 in Kwale County. Kenya presented a candidate and secured a position in the UNCRPD Committee of Experts in June 2016.

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

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

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

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

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

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

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

236. Expansion of accommodation facilities of inmates and efforts to alleviate congestion in affected prisons are among obligations imposed on Kenya Prisons Service by the instrument. The construction of Vision 2030 flagship prisons was initiated in the first Medium Term Plan (MTP) and this include Kaloleni, Mwingi, Vihiga, Rachuonyo, Makueni and Nyamira. Construction and refurbishment of existing facilities is ongoing.

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

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

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

240. The Kenya Prisons Service collaborates with the Kenya National Commission of Human Rights (KNCHR) and other human rights Organisations to monitor human rights standards in prisons. Probation & Aftercare Services has mainstreamed human rights approach in their services by establishing a unit and forums for sharing best practices in offender management.

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

242. Review of The Prisons Act, 1977 (CAP 90) and The Borstal Institutions Act, 1991 (CAP 92) to align them with the Constitution of Kenya is ongoing. The State Department of Correctional Services is in the process of developing the Kenya National Correctional Policy, Aftercare Policy and Aftercare Bill to address post penal needs of prisoners and to facilitate reintegration and resettlement of ex-offenders.

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

244. Considerable progress in staff development and welfare in the Kenya Correctional Service has been made in the following ways; Scheme of Service for Uniformed Personnel in the Service was approved by the Public Service Commission in October 2014 and it is currently being implemented; Recruitment and capacity building to provide for Officer Cadets, Regulars, and officers with specialized training and skills; Salary and other remuneration are continually reviewed for improvement alongside other civil servants by relevant Government agencies; Construction of staff houses is ongoing based on a dedicated annual budget allocation of Kshs. 500 million every financial year.

245. The discipline of officers has been enhanced leading to reduction of malpractice of the past years such as trafficking of contraband in prisons and violation of diverse rights of inmates.

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

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

248. The Service through the Department of Justice at the Attorney General's Office (formerly the Ministry of Justice and Constitutional Affairs) submits periodic reports to various Committees in the United Nations (UN) and African Union (AU).

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

249. The Rules were adopted in 14 December 1990 and entered into force on 2 April, 1991.

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

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

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

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

253. The Government is keenly aware of the importance of States Parties providing the necessary Co-operation and assistance to the Court in line with the obligations of Part IX of the Rome Statute. The Government has been assisting and co-operating with the ICC whenever requests to do so are made. However, the Government has maintained that requests by the Court have to be guided by the Statute.

254. The Kenyan Government has taken measures to address the welfare of Post-Election Violence victims and Internally Displaced Persons (IDPs). These measures include the purchase of land for resettlement of the IDPs, construction of houses for the IDPs, offering counselling services, cash transfers, access to free medical attention for some IDPs in Government facilities; periodic food distribution to victims; An effective and robust witness protection program has been established and is available to all.

255. Member States to the Rome Statute are required to punish international crimes since the ICC cannot deal with all post-election violence cases. While Kenya's obligations under the Rome Statute require it to support the ongoing ICC process, it is equally important to create an institutional framework to ensure that national prosecutions for serious crimes take place. In this light, an International and Organized Crimes Division within the High Court to deal with International Crimes has been established.

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

jurisdiction are not limited to Africa, yet Africa has been targeted, creating the perception that international justice has become a tool of judicial neo-colonialism and imperialism. Stemming from this, Kenya championed for reform of the international Criminal Justice system within the framework of the Assembly of States Parties and the UN Security Council.

257. It is on this basis that the National Assembly of the 10th Parliament approved a resolution "To Suspend Any Links, Cooperation and Assistance" with the ICC. This position was subsequently affirmed by a Resolution of the National Assembly on 5th September 2013 and by the Senate on 11th September 2013 respectively. Parliament is urged to take such necessary measures to ensure the actualization of this Resolution but to do so in a manner that respects our Constitutional order.

258. Kenya is also engaged in efforts to create a robust continental judicial architecture to ensure that international crimes do not go unpunished. Consequently, Kenya is among African States that are keen on the ratification and implementation of the Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights which was adopted in Malabo, Equatorial Guinea on 27th June 2014. The Malabo Protocol extends the jurisdiction of the African Court to include an international criminal mandate. Once the Protocol enters into force, after ratification by fifteen countries, the Court will be vested with three distinct but interconnected jurisdictions. These are human and peoples' rights; 'general affairs' as well as individual criminal responsibility and corporate criminal liability for a wide range of international crimes. The Kenyan Government will fast track the ratification of the Malabo Protocol by the National Assembly in line with the provisions of our Constitution and the Treaty Making and Ratification Act, 2012.

259. The 26th Ordinary Session of the AU Summit held from 30th – 31st January 2016 noted the commitment of the AU and its Member States to fight impunity in accordance with the Constitutive Act of the AU. The AU Summit agreed on mass pullout from the Rome Statute should the UN and the Court continue to sideline and ignore the issues and concerns of the AU and its member States regarding the global administration of international criminal justice. To this end, urgent development of a comprehensive exit strategy including collective withdrawal from the Court will be developed to inform the next action of AU Member States to the Rome Statute. The Assembly resolved to support the work of the Open ended Ministerial Committee in this pursuit and in seeking all possible avenues to address the AU's concerns before the UN and the ICC.

260. During the 14th Assembly of State Parties in 2016, Burundi, South Africa and Gambia from Africa, Russia from Europe and the Philippines from Asia gave their intention to leave the ICC. These countries join Kenya in sending a strong message concerning the Court's functioning.

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

261. The Tokyo Rules were adopted on 14th December 1990 and entered into force on 11 July, 1991. The Standard Minimum Rules provide a set of basic principles to promote the

use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.

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

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

264. The implementation of the Community Service Order Act has been hampered by lack of funds for the Committee which implements the same.

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

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

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

267. The Criminal justice agencies have also ensured that prisoners get justice by timely producing them in courts, facilitating Community Service Orders among others. Judiciary has established mobile courts as well as utilizing effectively mentions in custody. The Kenya Prisons Service has introduced an "open door Policy" which ensures that prisoners are visited on regular basis by their relatives, friends, and advocates among others. KPS in liaison with stakeholders also provide legal aid clinics and seminars to those still facing trial and appellants of all stages.

3.3.15. Madrid Plan of Action on Ageing

268. The Madrid Action of Ageing was adopted in April 2002. Older persons represent a large and the fastest growing segment of the growing population. By 2050, there will be older persons than children under the age of 15 years and it is projected that the number of older persons will be more than double from 900 Million currently to nearly 2 Billion. A demographic transformation of such magnitude has far reaching implications for society

at all levels. The older population is also ageing. The group of persons aged 80 and over, which currently accounts for 14% will grow to 21% in 2050.

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

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

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

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

3.3.16. Convention on the Rights of Persons with Disabilities

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

274. Obligation to Government includes ensuring and promoting the full realisation of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. State Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. This is to be done through: Providing the highest level of health services that are acceptable, affordable, available and accessible to persons with disabilities: Development of legislation to protect and promote the rights of the disabled: Ensuring that public authorities and institutions act in conformity with the present Convention: Promoting, research and development of universally designed goods, services, equipment and facilities

275. Kenya submits periodic reports for review by the committee of experts on the rights of persons with disabilities.

276. A National Action Plan to implement the recommendations by the committee has been developed.

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

278. A Standing Committee comprising key stakeholders is in place to monitor the implementation of the National Action Plan for the next 3 years.

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

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

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

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

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

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

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

3.3.18. Convention on Elimination of All forms of Discrimination Against Women (CEDAW)

285. The Convention was adopted in 18th December 1979. It entered into force on 3rd September 1981. Kenya acceded to it on 16th May 1984. The Convention is used as a guide to formulate policies and implement programs to eliminate all forms of discrimination against women.

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

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

288. Kenya has made good progress on the third Millennium Development Goal of promoting gender equality and women empowerment through the development of gender awareness legislation, while non-discriminating in governance has been entrenched in law and practice. For instance, the welfare of women in all spheres of life and which include elective positions, recruitment and appointment as well as in public procurement among others is being addressed through the one third gender rule. There has been an increased number of women representation in leadership in Kenya which has in turn created access to finance by women entrepreneurs and increased investment opportunities for women in Kenya.

289. More women have been able to access governance and leadership positions both in Government and the private sector. However, retrogressive cultural practices such female genital mutilation (FGM), early and forced marriages have continued to deny girls and women opportunities for the realization of their full potential. Therefore, there is need to mobilize resources for the sensitization and empowerment of affected communities to bring them at par with the rest of the progressive communities.

290. The Government have taken measures to review the National Gender Policy, capacity development for gender mainstreaming for MCD and development of an award scheme for compliance of two thirds gender principle to public and private sector. Other measures include setting up of the Women Enterprise Fund (WEF) and implementation of Government detective on Access to Government Procurement Opportunities(AGPO).

291. Mainstreaming, monitoring and evaluation of gender should be carried out in all MDAs so as to facilitate implementation and promotion of equality between men and women and equal opportunities in, political and public life, as well as education, health and employment. To this end, all Government agencies should establish a data bank of their activities on gender and to report on regular basis to the National Gender and Equality Commission and the Gender Directorate.

3.3.19. Commission on the Status of Women (CSW)

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

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

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

295. Implementation has seen an increased number of women representation in leadership, there was a tremendous increase of Women in Parliament form 25% of elected representatives up from 9.9% in 2007. Women Cabinet Secretaries comprise 31.6 % and in strategic portfolios in Government Ministries.

3.3.20. Commonwealth Treaty on Gender Equality

296. The Commonwealth Treaty on Gender Equality objective is to implement Commonwealth resolutions on gender equality. The Government reports once a year to the Commonwealth Monitoring and Evaluation Unit that convenes on the side-lines of the CSW in New York.

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

3.3.21. Maputo Protocol

298. The Maputo Protocol was adopted on 11th July, 2003. Kenya ratified the Protocol on 6th October, 2010. The objective of the Protocol is to formulate policy and legislation on elimination of all forms of discrimination against women including on reproductive rights.

299. As a State party, Kenya is obligated to formulate policies, legislate and eliminate all forms of discrimination against women and violation of their reproductive rights. Kenya reports to the African Union Commission once a year.

300. The campaign against retrogressive cultural practices has led to passing of legislation to protect women against various forms of mistreatment. For instance, the Female Genital Mutilation Act 2011 which criminalizes the practice and seeks to accelerate the abandonment of the practice has been enacted.

301. The Anti-FGM Prosecution Unit and the Anti-FGM Board created a comprehensive FGM case-tracking tool. The tool aims to promote accountability in the reporting, investigation, and prosecutorial phases of cases, while also providing authorities with the ability to track successes where the girls were spared from FGM due to proactive judicial mechanisms and alternatives to criminal prosecution. Information gathered helps identify areas where interventions are needed to protect girls and women at risk and to ensure the successful implementation of the law. Piloting of the tool began in Narok County in September 2015.

302. The Anti-FGM Board also developed a simplified version of the anti-FGM law in English and Swahili. The booklet targets girls, teachers, chiefs, police, parents, medical practitioners and the general public to encourage them to protect, prevent and report the practice of FGM. It also includes information on the FGM hotline and girls rescue centres where the public can report and receive assistance.

303. Challenges include failure to get enough qualified women to fill available positions and strong cultural beliefs and practices that enable FGM and wife inheritance.

3.3.22. Solemn Declaration on Gender Equality in Africa (SDGEA)

304. The declaration was adopted during Africa Union Summit in July 2004.The object of the declaration is to promote gender equality and women empowerment and sustain the agenda at the highest political level

305. The SDGEA reaffirms its commitment to the principle of Gender Equality as enshrined in Article 4 (l) of the Constitutive Act of the African Union, as well as in other existing commitments, principles, goals and actions set out in the various Regional, Continental and International Instruments on Human and Women's Rights, including; the UN Security Council Resolution 1325 (UNSCR 1325); the Millennium Development Goals (MDGs) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

306. Pursuant to the SDGEA and the Constitution of Kenya, the Government is obliged to formulate policies, legislate and eliminate all forms of discrimination against women. Kenya is expected to subscribe to the AU gender mainstreaming related programs

307. Reporting is made to the African Union Commission once a year. Although there has been an improvement of the ratio of girls to boys as you move up the higher education levels, financial limitations for public sensitization, programme implementation, monitoring and evaluation hamper full implementation.

308. The objectives under this declaration which are to promote gender equality, women empowerment and sustain the agenda at the highest political level similar to the objective under and Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and therefore the matrix under CEDAW applies.

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

309. The Protocol recognises the need to prevent sexual violence and the exploitation of women and girls. It obligates States to put in place regional mechanisms for providing legal, medical, material and social assistance, including counselling and compensation assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.

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

311. Kenya has taken steps to facilitate the implementation of the Protocol such as recognizing in the Penal Code and the Sexual Offences Act, the act of rape. There has been an increased awareness of the effects of Female Genital Mutilation hence an overall decline in FGM practices.

312. The Government has put measures in place to establish Gender based Violence recovery Centres, operationalise the GBV Referral System, capacity building of the prosecution system duty bearers, (Judges, Police, Administration and Care Givers) on SGBV issues and launch of a GBV prevention campaign.

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

3.3.24. The Robben Island Guidelines

314. The Robben Island Guidelines (RIG), adopted by the African Commission in 2002, is the first regional instrument for the prohibition and prevention of torture in Africa.

315. The RIG consists of concrete guidance for African States on how to implement the provisions of African Charter on the prohibition and prevention of torture as well as providing redress for victims.

316. Kenya has criminalized torture, cruelty and inhumane or degrading treatment under the Constitution. The Prison Act Chapter 90 and Borstal Institutions Act Chapter 92 Laws of Kenya prohibit torture in penal institutions.

317. Kenya Prisons Service has established the Directorate of Legal and Human Rights to ensure compliance of human rights.

3.4. INTERNATIONAL TRADE AND INVESTMENT

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

318. The WTO supervises and liberalizes international trade. It officially commenced on 1st January 1995 replacing the General Agreement on Tariffs and Trade (GATT) of 1948. The organisation deals with regulation of trade between participating countries. It provides a framework for negotiating and formalizing trade agreements and a dispute resolution process aimed at enforcing participant's adherence to WTO agreements which are signed by representatives of member Governments and ratified by their parliaments. Most of the issues that the WTO focuses on derive from previous trade negotiations, especially from the Uruguay Rounds (1986–1994).

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

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

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

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

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

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

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

326. 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.

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

3.4.2. Bali Package

328. The Ninth Ministerial Conference which was held in Bali, Indonesia from 3rd to 7th December 2013 produced the Bali Package. The issues in the package included trade facilitation, agriculture, development and Least Developed Countries (LDC).

329. On trade facilitation, a new WTO Agreement on Trade Facilitation (TF) was adopted in Bali. The agreement aims at improving customs procedures and transparency with a view to accelerating cross-border movement of goods. It creates a common set of standards for the 161 countries and is expected to reduce bureaucracy, ease and harmonize customs formalities. The agreement is significant especially for small and medium sized enterprises (SMEs) including those in Kenya that are looking at connecting to and moving up value chains and participating in the global economy. Kenya has undertaken the National Needs Assessment on Trade Facilitation. A Regional Workshop is scheduled to be held from 2nd- 6th March 2017 to harmonize trade facilitation measures that have a regional bearing.

330. The agriculture issues included food security, export competition and Tariff Rate Quota (TRQ) administration. On the food Security issue, the present WTO rules on agricultural subsidies that hinder the ability of Government to purchase and stock staple foods from farmers were the focus of the discussions. An interim measure a "peace clause" whereby WTO legal cases will not be taken against countries having a public food stocktaking programme was agreed upon. It was agreed that WTO members would negotiate a permanent solution within four years, and that countries would refrain from taking cases to the WTO dispute settlement body until that solution was found. The interim measure is in line with Kenya's National Food and Nutrition Policy objectives. This will allow Kenya National Cereal Produce Board (NCPB) to procure staple food such as maize, rice, beans from poor resource farmers at Government administered prices (higher than the market price) and distribute to needy areas without facing any challenges at the WTO. Kenya's interest in this area is to negotiate for a permanent solution as agreed in Bali.

331. As regards development and Least Developed Countries (LDC), the issues in this area included the monitoring mechanism for special and differential treatment, preferential rules of origin for LDCs, a waiver on preferential treatment to services and services suppliers of LDCs, Duty-Free and Quota-Free (DFQF) Market Access for LDCs and cotton. The outcome on development was modest since for example the monitoring mechanism was adopted before the strengthening of special and differential treatment provisions as mandated by paragraph 44 of the Doha Ministerial Declaration. The decisions to assist LDCs adopted at Bali however were not binding and therefore these decisions should be seen as a starting rather than an end point, with further negotiations for future decisions.

332. For the Post-Bali Work Programme, ministers at the Bali Ministerial Conference reaffirmed their commitment to the Doha Development Agenda. The ministers instructed the WTO Trade Negotiations Committee (TNC) to prepare within the next 12 months a clearly defined Work Programme on the remaining issues in the Doha Development

Agenda. Discussions on the post- Bali work programme proceeded in two tracks namely: implementation of decisions and agreements reached at Bali; and clear work program on remaining DDA issues.

333. The Post-Bali Work Programme is intended to cover areas of the Doha Development Agenda that were not discussed and agreed upon by Ministers in Bali. The key issues of interest to Kenya include improving market access for goods (agricultural and industrial products) and services, improving trade in environmental goods and services, simplifying and improving WTO rules on trade and ensuring that the country has policy space to address its developmental concerns including Vision 2030 e.g. food security rural development and addressing poverty.

334. To ensure that Kenya complies with its international trade obligations, it has domesticated most of the WTO agreements through the enactment of the Industrial Property Act, implementing the WTO Agreement on customs valuation, setting up enquiry points at the Kenya Bureau of Standards (KEBS) and the Kenya Plant Inspectorate Service (KEPHIS) to ensure compliance with international standards on quality, technical regulations and safety in goods and plant health. In addition the Ministry finalized the preparation of the Trade Remedies Bill to address trade distortions (dumping, and import surges) in the domestic market. The Bill is awaiting enactment into law.

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

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

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

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

3.4.3. Economic Partnership Agreements (EPAS)

339. Kenya is part of the African, Caribbean and Pacific (ACP) member States that have previously benefitted from preferential market access to the EU. The preferential access and trade with the EU were based on the Lomé Conventions of 1975 to 2000 and the Cotonou Partnership Agreement of 2000 to 2007 and under the Market Access Regulation (MAR) 1528/2007 of 31st December 2007.

340. Kenya, along with other East African Community (EAC) Partner States concluded EPA Negotiations with the European Union (EU) on 14th October 2014. This ended a 12 years protracted negotiation of the trade agreement, whose negotiation was launched at all ACP regions in 2002 with the objective of contributing towards sustainable development, the gradual integration of the EAC into the world economy and fostering the structural transformation of EAC, among other objectives.

341. One of the key motivating factors for Kenya in the negotiation of the EPA was to safeguard the country's market interest in the EU, where Kenya exports have enjoyed duty free market access for over 30 years.

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

343. Full benefits of the EPA beyond the duty free market access that has been assured through MAR 1528/2007, will be realized once the EPA enters into force. According to the Agreement, this will be in the second month after EAC and the EU notify each other of having completed the process of ratification.

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

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

345. 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.

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

347. 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.

348. 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.

349. The Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT." It allows KEBS to more efficiently inform private and public sector stakeholders of notifications on technical regulations and standards that the WTO member countries propose to introduce. The purpose of informing the stakeholders of the proposed technical regulations and standards is to allow them to comment on any elements impeding market access before the WTO member country eventually introduces the regulations or standards. Under the WTO Technical Barriers to Trade (TBT) agreement, stakeholders are given 60 days, after which no comments can be entertained. This ensures that technical regulations, standards, testing, and certification procedures do not create unnecessary obstacles to trade.

350. Kenya, through its KEBS TBT National Enquiry Point has been disseminating WTO TBT notifications through a bi-monthly publication. The delays in disseminating the information reduced the comment period from 60 to about 45 days. The system was slow and reached only 1,600 users. A projected 50,000 stakeholders will use the electronic system. The system has improved the efficiency of KEBS National Enquiry Point significantly, particularly by reducing the time between receipts of notifications from the WTO to dissemination of that information to registered users from up to 15 days to real time.

3.4.5. WTO Trade Related Investment Measures (TRIMS)

351. The Agreement establishing TRIMS was negotiated in the Uruguay Round to deal with trade-restrictive and trade-distorting effects of investment measures on trade. The Agreement relates to goods only and not services. The objectives of TRIMS include the expansion and progressive liberalization of world trade. It facilitates investment across international frontiers to increase the economic growth of all trading partners, particularly developing country members, while ensuring free competition.

352. 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.

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

354. 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.

355. 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.

3.4.6. The WTO Dispute Settlement System

356. 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.

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

358. Kenya needs to enhance her domestic legal capability to handle the dispute settlement process on her own as well as start initiatives in the General Council for improvements in the dispute settlement process. In this regard, there is need to fast-track the enactment of the Trade Remedies Bill into law.

3.4.7. International Centre for Settlement of Investments Disputes Convention

359. Kenya became a State Party to the International Centre for Settlement of Investments Disputes Convention on 3rd January 1967. The Convention obligates the Government to provide structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States. The Convention is complemented by Regulations and Rules comprising of administrative and financial Regulations and rules of Procedures for institution of Conciliation and Arbitration Rules.

360. Accordingly, the Nairobi Centre for International Arbitration has been established. The Arbitration Act No.26 of 2013, has also been enacted and rules and procedure for Arbitration and Conciliation adopted. Currently Kenya is defending ***Case No. Arb/15/29 Cortec Mining Kenya Limited, (Cortec Pty) Stirling Capital Ltd V Republic of Kenya*** whose seat of Arbitration will be in Dubai.

361. High cost of the suits and the seat of Arbitration pose a challenge to the Government in defending Arbitration matters.Thus the Arbitration Centre should be fully operationalized to have adequate structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States.

3.4.8. Constitution of the United Nations Industrial Development Organisation (UNIDO)

362. The Constitution was adopted in Vienna on 8th April 1979 at the seventh plenary meeting of the UN Conference on the Establishment of the UN Industrial Development Organisation as a Specialized Agency. It entered into force 10th June 1985. Kenya ratified this Constitution on 13th November, 1981. The mandate of UNIDO is to promote industrial development for poverty reduction, inclusive globalization and environment sustainability.

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

364. To date 100 projects have been implemented in Kenya with a total disbursement of over US$ 30 million for the last 26 years. Other projects such as the Promotion of Special Economic Zones and Free Trade Zones are yet to be implemented. Kenya has also gained extensively from the services and deliberations at the Organisation.

365. Kenya through the Ministry of Industrialization and Enterprise Development pays an annual assessed contribution to UNIDO. The amount of assessed contribution has been rising due to the fact that several Countries from the developed world have been withdrawing, such as United Kingdom, France leaving the remaining States to foot the bill. A good example is that the assessed contribution to Kenya in 2014 was € 13876.

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

3.4.9. WTO/SPS/OIE Including Sub Regional Office

367. It was ratified in 1994 to facilitate international trade in animal and animal products. The WTO Sanitary and Phytosanitary Agreement was negotiated to ensure that agricultural products are safe, and do not pose risks to human, animal and plant health. It is also meant to ensure food safety, and to avoid the introduction of diseases and pests through trade. Countries are thus allowed to impose regulations to protect human and animal health (Sanitary) and plant health (Phytosanitary) measures.

368. Some of the obligations to Government include disease reporting, certification of animals and animal products for export. Members can raise specific trade concerns, for example when their products are facing Sanitary or Phytosanitary barriers to entry into other members' markets.

369. Kenya benefits by gaining access to international markets and obtaining assistance in the areas of processing technologies, research and infrastructure and in the establishment of national regulatory bodies. Developed Countries Members are requested to provide assistance especially where the imports are from developing countries.

370. The Government established the Kenya Plant Health Inspectorate Services (KEPHIS), a regulatory body, to co-ordinate all matters relating to crop pests and to establish services laboratories to monitor the quality and levels of toxic residues in plants, soils and crop

and animal produce. Dealing with Sanitary and Phytosanitary Measures (SPS) is a complex and expensive affair and KEPHIS' operations have been supplemented with donor funding. Furthermore, in an attempt to maintain and enhance market access for Kenyan exporters of horticultural products, the Government, rather than contest the regulations, is negotiating with the EU to ensure that in implementing SPS-related regulations, the EU takes into account the constraints faced by Kenya's exporters in complying.

371. 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. Kenya became a member so as to gain access to regional and international market for its fish and fish products. Assistance is provided bilaterally by developed Countries and since it is not an obligation, it must be actively lobbied and developed countries are not always willing.

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

373. Kenya's fish have access to lucrative European market (Kenya on list one at the EU). This has led to growth in fish processing and export industry and has guaranteed better incomes for the fishers. The fish industry has undertaken good management practices for sustainability of the fish resources. Kenya has developed the fish safety and quality assurance regulations 2007 under the Fisheries Act, Cap 378, Terrestrial and Aquatic Codes, Animal Diseases Act Cap 364, Fertilizers and Animal Foodstuffs Act Cap 345 to domesticate the requirements.

3.4.10. The Office International Des Epizooties (OIE)

374. The OIE is WTO's standard setting Organisation for safe trade in animals and animal products, and is mandated with informing members of the occurrence and course of animal diseases throughout the world. It also co-ordinates international research devoted to the surveillance and control of animal diseases and promotes the harmonisation of health regulations for trade in animal products among members.

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

376. 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.

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

3.4.11. Inter-African Bureau for Animal Resources (AU-IBAR)

378. The Inter-African Bureau for Animal Resources (AU-IBAR) was established as the Inter-African Bureau of Epizootic Diseases (IBED) in 1951. It now has a broader mandate to support and coordinate the improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas. The AU-IBAR coordinated the Pan-African Rinderpest Campaign (PARC) and the Pan-African Programme for the Control of Epizootics (PACE) which eradicated Rinderpest in the World. Kenya was declared Rinderpest free in 2007. The AU-IBAR is hosted in Kenya and the State Department of Livestock (Directorate of Veterinary Services) pays the rent for its offices. The Directorate also participated in the following projects coordinated by AU-IBAR and IGAD: Surveillance of Trade Sensitive Diseases (STSD) project [2013-2016]; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012-2016]; and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016].

3.4.12. Cotonou ACP-EU Partnership Agreement

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

380. The framework helps promote and expedite the economic, cultural and social development of the ACP States and contribute to peace and security as well as promotes a stable and democratic political environment. It has made it easier for Kenya to work towards regional and international integration in line with the eighth MDG-to develop global partnerships for development in conformity with Vision 2030 through development of infrastructure which has enhanced urbanization and growth of the agricultural sector.

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

regional integration by boosting intra-and inter regional trade are to be progressively realized.

3.4.13. Tokyo International Conference on African Development (TICAD)

382. This is a development cooperation arrangement between Japan and African countries. TICAD has become a major global framework for promoting dialogue on Africa's development and economic empowerment. Kenya hosted the Sixth Tokyo International Conference on African Development (TICAD-VI) Summit at the Kenyatta International Convention Centre in Nairobi, from 27-28 August 2016. This was the first time ever a TICAD Summit was being held in Africa since its inception in 1993.

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

384. The TICAD-VI Summit focused on the theme: "Advancing Africa's Sustainable Development Agenda – TICAD Partnership for Prosperity." This built on outstanding issues from the TICAD-V Yokohama Declaration and Action Plan, which addressed six critical areas, namely: boosting economic growth, accelerating infrastructure and capacity development; empowering farms as mainstream economic actors; promoting sustainable and resilient growth; creating inclusive society for growth and consolidating peace, stability, democracy and good governance.

385. TICAD-VI also had three additional thematic focus areas reflecting new and emerging challenges and opportunities that have occurred since TICAD-V in 2013, as well as the priorities for Africa contained in both Agenda 2063 and the 2030 Agenda for Sustainable Development. These thematic areas were: "promoting structural economic transformation through economic diversification and industrialization," "promoting resilient health system for quality of life," and "promoting social stability for shared prosperity."

386. The Nairobi Declaration was adopted at TICAD-VI, as an outcome document, outlining new commitments made towards Africa's development. Japan also pledged to invest $30 billion in Africa in the coming three years.

3.4.14. Sustainable Development Goals (SDGs)

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

388. Since October 2016, the Ministry has undertaken several activities towards the coordination of implementation of Sustainable Development Goals (SDGs). These include Capacity building of Ministerial staff on SDGs, Undertaking a mapping of all relevant stakeholders, Capacity building of SDGs contact officers, Training of six (6)

Regional Development Authorities (RDAs') staff on SDGS and Alignment of SDGs provisional indicators.

389. Capacity building of Ministerial staff on SDGs was meant to ensure a common understanding on SDGs and awareness on roles and responsibilities for the staff. This will enable them to participate effectively in SDGs mainstreaming processes within the country. The mapping of all relevant stakeholders was undertaken since given the universality of the SDGs, it is critical that all relevant stakeholders are involved in the implementation of the SDGs at the national and county levels in Kenya. MDAs, SAGAs and CSOs who will be involved in the implementation of SDGs have been identified and lead agencies assigned to each goal. The training involved staff of the six RDAs namely, Lake Basin Development Authority, Coast Development Authority, Ewaso Nyiro North Development Authority, Ewaso Nyiro South Development, Kerio Valley Development Authority and Tana and Athi River Development.

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

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

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

3.4.15. Africa Regional Action Plan for Investing in Youth

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

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

395. The Labour Market System and Data Base for unemployed youth has been proposed for implementation in the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3). The database is to be implemented jointly by the Ministry responsible for Youth affairs and the Ministry of Labour.

396. Modernization of agriculture and making it attractive for youth and environmental management as an employment avenue have been proposed for implementation in the

National Youth Empowerment Strategy (NYES, 2016-2021) jointly with the Ministry responsible for youth affairs and Ministry of Agriculture.

397. The Ministry of Sport, Culture and the Arts was established in 2013 to among others spearhead the development of sports, entertainment and creative industries as employment opportunities for youth.

398. The establishment of the youth enterprise economy and architecture is under implementation under the National Youth Service Youth Empowerment Program – Youth SACCOs Project. Over Kshs. 1 billion has been saved and is being accessed by the youth cohorts in various counties

399. Partnerships have been established with the Kenya Private Sector Alliance (KEPSA) and various other Local and International Development Partners, Non-Governmental Organisations and Community Based Organisations e.g. African Development Bank (AfDB), World Bank, National Housing Finance

400. Various funds have been established targeting to empower youth. These include: Youth Enterprise Development Fund, established in 2006, Women Enterprise Development Fund, established in 2007 and UWEZO Fund, established in 2013.

3.4.16. Protocol on the Establishment of the East African Community Common Market

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

402. The Common Market has ensured that goods produced in Kenya are able to move across East Africa's borders with minimal restrictions. Kenyans are also able to enter, leave or stay in any of the East Africa Partner States with minimal restrictions as the travel documents have now been standardized for all the EAC Partner States. Currently only require a national identification card to travel to the EAC Partner States of Uganda and Rwanda. The EAC Partner States are in the process of implementing an EAC E-Passport by March, 2017.

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

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

405. Under the Protocol, Partner States agreed to remove all barriers and restrictions on the movement, sale, investment and payment of capital. Kenya, Rwanda and Uganda have

already opened up their capital accounts which eliminate discrimination based on nationality, place of residence of persons or place where capital is invested. The EAC (Common Market Protocol) CMP provides for the right of establishment where self-employed persons who would like to establish themselves in another East African country and legal persons are able to work and establish commercial presence in any of the East African Countries in accordance with the Host Country's National Laws.

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

3.4.17. Protocol on the Establishment of the East African Customs Union

407. Kenya ratified the Protocol in April 2004. The framework has led to increased trade, enhanced interconnectivity of custom systems, upgrading and integration of customs system, establishment of the EAC Competition Authority, East African Standards Committee etc., Implementation of the Protocol impacts on State sovereignty to the extent of coverage of the East Africa Customs Management Act, 2004.

408. Implementation of single customs Territory is ongoing and clearance of goods and collection of revenue is being done at the first port of entry. Partner States have seconded staff to One Stop Border Posts e.g Taveta, Namang'a, Lungalunga, Isebania, Malaba and Busia.

409. There has been efforts through bilateral meetings to resolve Non-Tariff Barriers (NTBs) imposed on goods exported by Kenya to other EAC Partner States. ICT interconnectivity at the One Stop Border Posts has been a challenge particularly on the implementation of Single Customs Territory (SCT). Reading of budgets on the same day by all Partner States has also promoted implementation of the Customs Union in terms of taxes.

3.4.18. East African Monetary Union Protocol

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

411. The Draft Bills to establish the above institutions have been finalized and are awaiting approval by the Organs of the Community. According to the roadmap for the realization of the Monetary Union, the East African Monetary Institute should have been established by 2015. However there has been an overall delay due to bureaucracy within the decision making process of the EAC. The National Treasuries are responsible for implementation of the Road map of the Monetary Union through the East African Monitoring System (EAMS) Sectoral Council and Summit where decisions on this Protocol are monitored.

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

4.0. STANDARDIZATION

4.1.1. The Metre Convention

413. The Convention's objective is to establish the degree of equivalence of national measurement standards thereby providing Governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs. Kenya as a member State of the *Bureau international des poids et mesures* (BIPM) since 1st January, 2010; is obliged to pay annual contributions of (€ 56 123) and attend and vote at the Conférence générale des poids et mesures (CGPM). It also participates in BIPM activities.

414. Kenya's Membership subscription is up to date. Kenya's membership has led to International recognition of our national measurement system. Kenya also supports the national programme on ease of doing business by eliminating measurement related Technical Barriers to Trade (TBTs).

4.1.2. Codex Alimentarius Commissions

415. The Purpose of Codex Alimentarius Commissions which was established in 1963 in Rome, Italy is to develop international science based food standards aimed at facilitation of fair food trade and protection of consumer health. The role of Codex Alimentarius Commission [CAC] includes standards for all the principle foods, whether processed, semi-processed or raw, for distribution to the consumers for international trade.

416. Kenya Bureau of Standards adopts codex standards as a national food standard and implements them to facilitate trade nationally, regionally and worldwide for all of Kenya's animal and plant products.

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

4.1.3. African Accreditation Co-operation (AFRAC)

418. The AFRAC is an umbrella Organisation founded in 2009 comprising of members who are national accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies. These include inspection bodies, testing and calibration laboratories, medical laboratories and certification bodies for

systems, processes, products and persons. It is key in trade facilitation of intra and inter-African trade.

419. 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.

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

4.1.4. International Accreditation Forum (IAF)

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

422. 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.

423. The country has benefitted from exposure to new ideas in the field of accreditation and is able to keep up to date with emerging accreditation requirements taking into account the dynamism of the market/customer requirements, standards and applicable regulations requirements. It has also enabled the country to foster greater co-operation and institutional linkages with other members and stakeholders such as World Health Organisation (WHO), World Anti-Doping Agency (WADA), International Organisation for Standardization (ISO), International Telecommunication Union (ITU), World Trade Organisation (WTO), and United Nations Framework Convention on Climate Change (UNFCCC) etc.

424. The country pays a subscription of five hundred and forty (540) US dollars annually.

4.1.5. International Laboratory Accreditation Co-operation (ILAC)

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

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

427. The country pays membership subscription fee of USD one thousand five hundred (1500) dollars annually. Membership subscription payment is up to date.

4.1.6. International Measurement Confederation (IMEKO)

428. IMEKO is a non-Governmental federation of 38 Member Organisations individually concerned with the advancement of measurement technology. IMEKO's fundamental objectives are the promotion of international interchange of scientific and technical information in the field of measurement and instrumentation and the enhancement of international co-operation among scientists and engineers from research and industry.

429. Kenya became a member in order to achieve metrological capability in specific activities through exchange of knowledge in seminars, conferences and congresses. The country pays a subscription of 900 Euros annually.

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

4.1.7. International Organisation for Standardization (ISO)

431. ISO was established in 1947 and is based in Geneva, Switzerland. The role of ISO is to develop international standards that facilitate international trade. The members of ISO are national standards bodies. KEBS became a member of ISO in order to participate in international standardization and to ensure that international standards take into consideration the national interest of the country. The country pays a subscription of US$ 64,000 annually.

432. 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.

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

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

4.1.8. International Electro technical Commission (IEC)

435. The IEC was founded in 1906 and is charged with the responsibility of promoting international co-operation on all questions of standardization and related matters in the field of electrical, electronic (electro-technology) and related technologies. The IEC member in every country is the National Committee of the IEC. The National Committee has its Secretariat at KEBS and Kenya participates in four (4) IEC Committees as a P-Member with full voting rights due to its membership status as an Associate Member (the other class of Membership is Full Member).

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

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

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

438. The Convention of the Metre (*Convention du Metre*) is a treaty that created the International Bureau of Weights and Measures (BIPM), an inter-Governmental Organisation under the authority of the General Conference on Weights and Measures (CGPM) and the supervision of the International Committee for Weights and Measures (CIPM). The BIPM acts in matters of world metrology, particularly concerning the demand for measurement standards of ever increasing accuracy, range and diversity, and the need to demonstrate equivalence between national measurement standards.

439. 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.

440. The BIMP also serves as a liaison between its Member States and other inter-Governmental organisations and international bodies concerned with international coordination of various aspects of science, technology, and commercial quality infrastructure (e.g. OIML, ISO. ILAC, IAEA, UNIDO, IERS, ITU, IEC, IAF, WMO). In this role, the BIMP ensures that metrology is properly introduced in international accords

in order to help eliminate technical barriers to trade that might derive from metrology-related issues-a role that no country can achieve independently.

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

442. Kenya currently contributes Euros 56 126.00 as annual subscription.

4.1.10. African Electro-technical Standardization Commission (AFSEC)

443. AFSEC was founded in 2008 by a declaration of the Conference of African Ministers of Energy held in Algiers on 17th February 2008 and established as a subsidiary body under the auspices of the African Energy Commission. AFSEC enjoys legal status in accordance with Article 24 of the Convention of the African Energy Commission. The role of AFSEC is to facilitate trade on the African continent by removing the different technical obstacles, thus opening new markets and furthering economic integration and economic growth by creating the conditions guaranteeing the inter-operation of complex systems.

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

445. Interoperability is one of the key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. The Country pays an annual subscription of USD 5,000 to the Commission.

446. Kenya has managed to influence which IEC standards are to be adopted through the AFSEC TCs. IEC has provided KEBS with materials and equipment and carried capacity building for KEBS staff. This had made it possible for KEBS in collaboration with relevant National Organisation develop Kenyan Standards for Electrical/Electronic sector thereby being able to regulate the sector. Kenya has managed to influence which IEC standards are to be adopted through the AFSEC TCs.

4.1.11. The African Organisation for Standardization (ARSO)

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

448. Interoperability is one of the key factors towards success in integrating the African Continent as envisaged in the African Plan of Action under the Pan African banner. ARSO's presence in Kenya is key to understanding the emerging challenges and opportunities which can be addressed through standardization. The country pays an annual subscription of USD 16,000 to ARSO.

449. Through membership in ARSO, Kenya has the right to influence management decisions through its membership in the Management Committee. It also influences the decisions of

the 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 Organisation For Standardization Technical Committee (ARSOTCs). Kenya gains by influencing these decisions as KEBS heads most standards bodies in Africa. This will ensure that Kenyan products are able to access more market and also the standards of the products emanating from the Continent keeps improving.

4.1.12. Asia Pacific Metrology Programme (APMP)

450. The Asian Pacific Metrology Programme (APMP) is a grouping of national metrology institutes (NMIs) from the Asia-Pacific region engaged in improving regional metrological capability through the sharing of expertise and exchange of technical services among Member laboratories. APMP is also a Regional Metrology Organisation (RMO) recognised by the International Committee for Weights and Measures (CIPM) for the purpose of worldwide mutual recognition of measurement standards and of calibration and measurement certificates. The country pays an annual subscription of USD 600.

451. 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.

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

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

4.1.13. Conference of Africa Union Ministers of Industry (CAMI)

454. CAMI is the highest political forum in the AU where issues relating to industrial development of Africa are discussed and promoted. CAMI was inaugurated in 1971 by the United Nations Industrial Development Organisation (UNIDO), as a Pan-African response to promote accelerated and sustainable industrial development and is held every two years. It partners with the United Nations Industrial Development Organisation

(UNIDO) and United Nations Economic Commission for Africa (UNECA). Twenty conferences have been held to date with the most recent (CAMI 20) being convened in June 2013

455. 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.

4.1.14. Intra-Africa Metrology System (AFRIMETS)

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

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

458. Benefits accruing Kenya include the following; Regional interactions between metrology Organisations and exchange of members; Harmonisation of regulations and policies; Quality assurance in conformity with ISO 9000 and 17025; facilitates the removal of Tats; Improved standard of metrology; Capacity building at affordable rates; Establishment of databases for use by members; Use of African experts for training; Technical competence of personnel; and adoption of a culture of continued learning.

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

459. The SADC Co-operation in Measurement Traceability co-ordinates metrology activities and services in the Region with a view of providing regional calibration and testing services, including regulatory bodies, with readily available traceability to the SI units of measurement, through legally defined and regionally and internationally recognised national measurement standards.

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

4.1.16. East African Accreditation Board (EAAB)

461. 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) .

462. 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 150 million people.

463. 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 establishing a free trade area and promoting Africa regional trade.

464. Kenya's trade has been enhanced through mutual recognition of accredited conformity assessment results products accompanied by inspection reports, test reports/certificates or certificates based EAC harmonized standards and or regulations. This enables products to gain access to the EAC markets without the need for retesting, re-inspection or recertification. This enables faster movement of products in the national markets and across borders besides reducing the cost of doing business to the business community.

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

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

466. Currently the EAC is undertaking a review of the EAC SQMT Act, 2006 and has developed a Draft EAC Metrology Bill, 2016. To facilitate the operations of EAC Bureaux of Standards, Quality Assurance, Metrology and Testing, the EAC Secretariat has also drafted the EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2016.

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

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

4.1.18. African Accreditation Co-operation (AFRAC)

469. AFRAC was founded in 2009 as an umbrella organisation of national accreditation Bodies, National Accreditation Focal points and other stakeholders that include conformity assessment bodies. AFRAC administers a mutual recognition scheme that enables recognition of the results and or certificates issued to Conformity assessment

Bodies by accreditation bodies. This is critical in facilitating free movement of products and services across borders. The Union encourages international co-operation and participation in the Earth sciences with a view to understanding earth processes and earth resources especially in relation to human welfare.

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

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

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

4.1.19. Gaming Regulators Africa Forum (GRAF)

473. Regulation of gaming industry in Kenya is the mandate of the Betting Control and Licensing Board established by Cap 131 Laws of Kenya. Gaming Regulators in Africa developed and negotiated a Multi-lateral Agreement establishing the Gaming Regulators Africa Forum (GRAF).

474. GRAF is comprised of National gambling regulators from the African Continent, specifically from Botswana, Kenya, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe whose Gaming regulators agencies perform their duties under their respective laws, regulations and requirements.

475. The main objectives of the GRAF are providing a forum in which members can meet to exchange views and information and discuss policy on gaming matters, liaising with any foreign or international body having any objectives similar to the objectives of the forum, serving as a focal point for enquiries by authorities and international organisations with similar or related objectives, keeping gambling crime-free, co-operating on probity and information sharing, protecting consumers and maintain fairness or equity of the games, promoting responsible gambling, ensuring that member States and African nationals benefit visibly from gambling and promote harmonisation and mutual recognition of standards.

476. Due to the increased activities and the evolution of betting and gaming, there is need to review the current legislation to ensure that consumers are protected and responsible gambling is promoted. The Government has developed a Bill to regulate Betting and

Gaming taking into account the evolving nature of betting activities. The Bill is under consideration by Parliament.

4.2. CO-OPERATIVES

4.2.1. World Council for Credit Unions (WOCCU)

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

478. Kenya became a member so as to gain from experiences of other CFIs in the world for purposes of boosting the Cooperative movement in Kenya. Subscription is by individual co-operative institutions. The obligation of the Government is to participate in the Council for purposes of boosting the co-operative movement in Kenya.

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

480. Kenya is the best ranked African country in terms of number of enterprises, membership, capital and contribution to national economy. Today, Kenya has an estimated 15,000 registered Co-operatives which can be broadly categorized as financial and non-financial Co-operatives. As an integral part of the financial services sector, the Sacco industry is expected to continue playing a critical role in mobilizing savings and providing credit to the middle and low income segment.

481. The Sacco industry is fully supporting the financing needs of the small and micro enterprises (SMEs) which hold the greatest potential in creating employment for the many unemployed Kenyans.

4.2.2. International Cooperative Alliance (ICA)

482. This is a worldwide co-operative body with headquarters in Geneva, Switzerland. It has an Africa Regional Office in Kenya. The ICA Regional Office for Africa is based in Nairobi with a main aim of forming networks within the co-operative movement in Kenya and the rest of the World. The Co-operative movement in Kenya is the best ranked movement in Africa hence it is used to spearhead the Co-operative initiative in Africa. Subscription of US $ 20,000 yearly.

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

484. The Co-operative Bank has been cooperating with the Cooperative Movement in South Sudan to establish the Cooperative Bank of South Sudan as a partnership. The bank has

opened a branch in South Sudan. Kenya has a Co-operative University that is instrumental in training Co-operative Officers within the region.

485. Kenya has marketed and exported expertise of Cooperative products in the African region.

4.2.3. African Confederation of Co-operative Saving Association

486. ACCOSCA is an African Co-operative body with headquarters in Kenya. Its aim is to form a network within the cooperative movement in Kenya and African Countries. Kenya's co-operative movement is used for benchmarking in Africa.

487. Kenya became a member so as to benefit from networking for the purpose of boosting the cooperative movement in Kenya.

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

4.3. INTELLECTUAL PROPERTY

4.3.1. Convention Establishing the World Intellectual Property Organisation

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

490. Kenya Industrial Property Institute, a parastatal under the Minister of Industrialization and Enterprise Development has the mandate of nationally coordinating Intellectual Property matters. Kenya has established policy, legal and institutional frameworks necessary for the promotion, protection, and utilization of all aspects of IP within its territory.

491. In addition, as a commitment to regional and international co-operation, Kenya is actively involved in formulation and implementation of regional and international policy and law on IP.

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

493. Nonetheless, the Government has continued to improve its IP system including intensification of creation of public awareness, enhancement of service delivery by the IP offices, improvement of IP legislation including those on geographical indication, finalization of the National IP policy and operationalisation of an IP.

494. Presently enforcement of Intellectual Property Rights (IPRs) in Kenya is undertaken by various Government agencies in conjunction with the Anti-Counterfeit Agency. These include agencies such as the police, Weights and Measures Department in the Ministry responsible for trade, Kenya Copyright Board (KeCoBo), Kenya Plant Health Inspectorate Services (KEPHIS), Customs Department of the Kenya Revenue Authority and Pharmacy and Poisons Board (PPB), among others.

495. Criminal proceedings for counterfeiting or infringement of IPRs can be initiated before the subordinate courts (Magistrate's Courts) while civil proceedings may be pursued before the Industrial Property Tribunal or the High Court.

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

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

4.3.2. Paris Convention for the Protection of Industrial Property

498. The Paris Convention is an international Convention for promoting trade among the member countries, devised to facilitate protection of industrial. It also ensures administrative Co-operation among the IP Unions established by the Treaties that WIPO administers. All the member countries provide national treatment to all the applications from the other member countries for protection of industrial property rights.

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

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

500. Kenya became a party to the Madrid Agreement in 1998. The objective of this Agreement is to ensure that nationals of contracting countries secure protection for their marks applicable to goods or services by filing the said marks at the International Bureau of Intellectual Property through the intermediary of the office of the country of origin.

501. The Treaty has enhanced protection of trademarks, helped the applications from Kenya, reduced costs by filing a single trademark application and designating countries one seeks for protection. The Government is obliged with Protection and registration of trademarks

and is actively involved in protecting Industrial Property Rights through KIPI. The trademark law is in place.

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

4.3.4. Patent Co-operation Treaty, Washington, 1970

503. The main objective of this treaty is the mainstreaming of patent application, filing and novelty of such procedures for applicants wishing to obtain patent protection in a wide number of countries around the world. The Government is obliged with the protection and registration of patents. Kenya became a party in 1994.

504. 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.

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

4.3.5. Singapore Treaty on the Law of Trademarks

506. The objective of the Singapore Treaty is to create a modern and dynamic international framework for the harmonisation of the administrative trade mark registration procedures by establishing common standards for procedural aspects of trademark registration and licensing and Patent Cooperation Treaty. The Singapore Treaty on the Law of Trademarks establishes common standards for procedural aspects of trademark registration and licensing and Patent Cooperation Treaty.

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

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

4.3.6. Berne Convention

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

510. In meeting the obligations arising from the Convention, Kenya has enacted the Copyright Act Cap 130 Laws of Kenya.

A key challenge that Kenya has encountered in trying to meet the objectives of the Convention is that there is lack of understanding of copyright and related rights.

4.3.7. Trade Related Aspects of Intellectual Property Rights (TRIPS)

511. The objectives of TRIPS are to reduce distortions and impediments to international trade; promotion of effective and adequate protection of intellectual property rights; and

ensuring that measures and procedures to enforce IP rights do not themselves inhibit legitimate trade. It sets out minimum standards that allow members to provide more extensive protection of intellectual property. It gives members a free choice to determine the appropriate method of implementation within their own legal systems and practice.

512. The Government has amended laws such as the Copyright Act, Trademarks Act and the Industrial Property Act to comply and conform to TRIPs and regional instruments. It has also enacted the Protection of Traditional Knowledge and Cultural Expressions Act, 2016 which provides that every community shall have the exclusive right to authorise the exploitation of their traditional knowledge and prevent any person from exploiting it without their prior informed consent.

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

4.3.8. Lusaka Agreement (1976) and Harare Protocol (1982)

514. The agreement led to the development of the African Regional Intellectual Property Organisation (ARIPO). The organisation is mandated with the registration of patents and industrial designs. Kenya became a party in 1976.

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

516. 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.

5.0. EDUCATION, SCIENCE AND TECHNOLOGY

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

517. Kenya acceded to the Dakar Framework for Action, Education for All (EFA), in the World Education Forum held in Dakar, Senegal in 2000 where about 188 countries decided to endorse the Jomtien goals. Under the agreement Kenya committed to provide quality basic education for all children, youth and adults. In order to achieve the EFA objectives, six goals were developed. These are:

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

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

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

521. Goal 4: Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
522. **Goal 5**:Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus to ensuring girls' full and equal access to and achievement in basic education of good quality;
523. **Goal 6:** Improving all aspects of the quality of education and ensuring excellence of all so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.
524. Kenya has developed several policies and legislations in the education sector to ensure that education is accessible to all. These include: Free Primary Education Policy, 2003; Early Childhood Policy, 1985 (The Government is in the process of reviewing the early Childhood policy); 8-4-4 Education Policy, 1985 (also under review); The Kenya Literature Bureau Act, Cap 209; Science and Technology Act Cap 250; Higher Education Loan Board Act, No 6 of 2005; Kenya National Examinations Council Act and the Basic Education Act, No. 14 of 2013. The Free Primary Education Fund, 2003 (FPEF) was introduced to cover Primary Education and Free Day Secondary Education Program, 2008 (FDEP) to cover Secondary Education.

525. The 2008 Global Campaign for Education ranked Kenya (3rd) third in Africa and position 47 globally for its efforts to attain the Education for All by 2015 target set in Dakar in 2000. Each of the EFA goals had definite targets with clear timelines to be achieved. Several changes have been made in the education sector to ensure compliance with the agreement. Some of which include; restructuring of the school calendar to increase the quality of education, waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education, improvement of infrastructure in public schools, introduction of E-learning in public schools, audit of schools and universities for transparency and accountability, increased allocation to the HELB to cater for needy students, reform of the Kenya National Examination Council and established the Free Primary Education Fund (FPEF) in 2003 and the Free Day Secondary Education (FSDE) Programme in 2008.

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

526. The Protocol was signed in September 2002 between Kenya, Tanzania and Uganda and the other Partner States ratified it later. The Protocol establishes an Inter-University Council to implement the objectives of the Protocol. The Council's functions are to coordinate inter-university cooperation in East Africa; facilitate the strategic development of member universities; and to promote internationally comparable higher education standards and systems for sustainable regional development.
527. The Government of Kenya has continued to meet its international obligations related to higher education by the following: Payment of subscriptions and subventions to

international organisations such as: Inter University Council for East Africa- 200,688 USD paid in the current financial year 2016/2017.

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

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

5.2. Protocol on the establishment of the East African Kiswahili Commission

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

531. On 23rd June, 2016 the Commission held a validation workshop for the strategic plan of the East African Kiswahili Commission at the Kenya Institute of Curriculum Development. Currently the Commission is experiencing slow pace in terms of implementation and funding of their activities.

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

532. The objectives of the ICGEB are to promote the development, production and wide application of biotechnology in the interest of developing countries; promote the transfer

of technology to member countries and overcome difficulties encountered by developing countries in fostering innovation, ownership and in-house application in line with ICGEB statutory mandate. Kenya acceded to the ICGEB in July 2010.

533. 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.

534. 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 ICGEB funds. However, minimal resource provision for sensitization at the county level and limited opportunities under ICGEB slows down progress. As a result, Kenyan Researchers have been linked with those of South Africa (2013) to promote partnership.

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

535. AFRA is an inter-Governmental Agreement established by African Member States to strengthen and enlarge the contribution of nuclear science and technology to socio-economic development on the African continent. Kenya became a member of AFRA in 1991 and acceded to the Agreement in 2011.

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

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

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

5.5. The African Resource and Environment Management Satellite Constellation Initiative

539. In the recognition of its strategic location and its history of space science and technology, Kenya teamed up with South Africa, Nigeria and Algeria to form a consortium-ARMC Initiative. The main objective of the Initiative is to establish African satellite management

constellation for monitoring management of African resources and environment. The collaborating countries signed the Agreement in Algiers, Algeria on 7th December 2009.

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

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

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

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

543. The Protocol was adopted on 18th April, 2007, and entered into force on 1st July, 2014. 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. 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. The Commission is based in Rwanda. Through its membership, Kenya can improve its research capacity through co-operation with other partner States in the EAC. Current challenge is slow operationalisation of the Commissions which in turn delays implementation of the Protocol.

5.7. OUTER SPACE

544. 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.

545. 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). Benefits attributable to this treaty include: Capacity building in outer

space programmes, Information sharing on outer space activities, Access of data from member States and Assistance with establishing legal framework for States Parties. Kenya has nominated two nationals for capacity building in 2015 in Vienna.

546. 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.

547. Scarce resources and lack of a legal frame work for co-ordination of outer space activities and promote adequate transfer of technology inhibits the emergence of space science and technology as a tool for national development.

5.8. PLANNING AND STATISTICS

5.8.1 Cotonou ACP-EU Partnership Agreement

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

549. The 2nd revision streamlines the Cotonou Agreement adapting it to global changes in trade and aid policies that have occurred over the last five years. It will further strengthen the relationships between ACP and the EU, address critical issues of aid effectiveness, economic and financial crisis, climate change, poverty eradication, and achievement of sustainable development and gradual integration of the ACP States into the world economy.

550. The Agreement also underpins the EPA negotiations centre for Enterprise Development established in Nairobi as a result of the cooperation. The third and last review of the Agreement was undertaken in 2015 before its expiry in the year 2020.

5.8.2 The African Charter on Statistics.

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

552. The Charter was adopted by the Assembly of Heads of State and Government in February 2009 in Addis Ababa, Ethiopia. The African Charter on Statistics pursues, inter alia, the following objectives:

553. Serve as policy framework and advocacy tool for the development of statistics in Africa; To ensure improved quality and comparability of the statistics; Strengthen the

coordination of statistical activities and facilitate the harmonisation of development partners' interventions in order to avoid duplications in the implementation of statistical programmes; Promote compliance with the fundamental principles of public statistics in Africa and a culture of evidence-based policymaking; and Build up the institutional capacity of African statistical authorities by ensuring their autonomy in operations, while paying attention to adequacy of human, material and financial resources.

554. The process of ratification of the African Charter on Statistics by a country generally follows the procedure used for the international treaty. Fifteen countries have already deposited the instruments of ratification. The African Charter on Statistics came into force on 8 February 2015, thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States. Two countries have signed and their respective Parliaments have adopted the African Charter on Statistics but have not yet deposited the instruments of ratification. Sixteen countries currently, have only signed the African Charter on Statistics of which Kenya is among them.

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

555. In order to support the African integration agenda and enhanced coordination and collaboration with National Statistical Offices (NSOs), Regional and continental statistical organisations as well as development partners, the Strategy for the Harmonisation of Statistics in Africa (SHaSA) was developed. The main purpose of the SHaSA is to enable the Africa Statistical System (ASS) to generate timely, reliable and harmonized statistical information, covering all aspects of political, economic, social and cultural integration for Africa. It intends to contribute to the attainment of the continental integration agenda which is a pivotal goal of African Heads of State and Government. By also articulating a strategy, vision, objectives and initiatives, as well as a mechanism for implementation, monitoring and evaluation, the document will serve as a valuable tool to statistical users including practitioners, policy and decision makers, institutions for harmonized planning, projection, and programming for accelerated regional integration and development. The SHaSA was launched during the meeting of Directors-General of National Statistical Offices in December 2010 in Yaoundé, Cameroon.

556. The emergence of consistent and harmonized African statistics remains limited by institutional capacity weaknesses, duplication and dispersion of efforts by our institutions, and lack of adequate resources (both financial and human). Kenya has already initiated the process of developing a National Strategy for Development of Statistics (NSDS). This is part of implementation of the SHaSA in dealing with challenges of the developing and producing statistics in a holistic way, taking into account key stakeholders and sectoral concerns. NSDS is therefore a framework to strengthen statistical capacity across the National Statistical System in Kenya. It expected that the NSDS will be completed by June 2015.

5.8.4. Statistical Harmonisation and Coordination In Africa

557. Conscious of the major role of statistics and their importance in the continental integration process undertaken by the African Union, and the monitoring-evaluation of on- going programmes and projects in the Continent, the Heads of State and Government of African Union Member States adopted two key instruments for the development of statistics in Africa, namely, the Strategy for the Harmonisation of Statistics in Africa (SHASA), on 25 July 2010 in Kampala, and the African Charter on Statistics, on 4 February 2009 in Addis Ababa.

5.8.5. Statistical Peer Review Mechanism of the African Charter on Statistics

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

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

5.9. HEALTH

5.9.1. The Constitution of the World Health Organisation

560. The World Health Organisation (WHO) is a specialized agency of the United Nations that is concerned with international public health. It was established on 7th April 1948, headquartered in Geneva, Switzerland. The WHO is a member of the United Nations Development Group. Its predecessor, the Health Organisation, was an agency of the League of Nations. Since its creation, it has played a leading role in the eradication of smallpox. Its current priorities include communicable diseases, in particular HIV/AIDS,

Ebola, malaria and tuberculosis; the mitigation of the effects of non-communicable diseases; sexual and reproductive health, development, and aging; nutrition, food security and healthy eating; occupational health; substance abuse; and driving the development of reporting, publications, and networking.

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

5.9.2. WHO Framework Convention on Tobacco Control

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

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

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

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

5.9.3. Protocol to Eliminate Illicit Trade in Tobacco Products (ITP)

566. The Protocol to Eliminate Illicit Trade in Tobacco Products is based on Article 15 of the WHO FCTC. The objective of the treaty is to eliminate all forms of illicit trade in tobacco products through a package of measures to be taken by countries acting in cooperation with each other. Illicit trade poses a serious threat to public health because it increases access to – often cheaper –tobacco products, thus fuelling the tobacco epidemic and undermining tobacco control policies. It also causes substantial losses in Government revenues, and at the same time contributes to the funding of international criminal activities. Kenya has signed and is in the process of ratifying the treaty.

5.9.4. Conventions on Illicit and Psychotropic Drugs

567. 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.

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

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

570. These Conventions guide countries in the formation of clear guidelines in the management of persons addicted or abusing narcotic substances. Kenya as a State party to the above International Drug Control Conventions has enacted the Narcotic drugs and Psychotropic substances (control) Act, 1994 to domesticate the treaty provisions. It details the regulations pertaining to the production, trafficking, possession and consumption of narcotic drugs, and psychotropic substances in Kenya. The Government established "The Anti-Narcotics Unit" within the Criminal Investigations Department (C.I.D) of the Kenya Police to enforce the Act throughout Kenya and beyond.

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

572. Government launched the National Substance Use Management Technical Coordinating Committee in March 2016 mandated to coordinate and harmonize multi-sectorial activities on substance use, management, monitoring, evaluating and review progress as well as address challenges in substance use management.

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

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

575. With regard to heroin use disorder treatment, the Government has ensured availability of Methadone in licensed centers. Kenya has three Medically Assisted Therapy clinics but there are plans to have three more additional clinics, one in Kisumu and the other two in Mombasa.

5.9.5. The Convention on Psychotropic Substances, 1971

576. This Convention was adopted in Vienna on 21st February 1971 and entered into force on 16th August 1976. Kenya ratified the Convention on psychotropic substances on 18th October 2000.

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

5.9.6. The Single Convention on Narcotic Drugs (1961)

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

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

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

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

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

582. **Protocol on the Establishment of the EAC Health Research Commission (EACHRC)** Protocol for the establishment of the EACHRC, signed by the Heads of State of the EAC Partner States in 2008, marked a new era of close cooperation on health research in the region.

583. EACHRC is established as the principal advisory institution of the community on all matters of health research and development. To achieve this objective, the commission undertakes research and findings that are necessary for knowledge generation, technological development, policy formulation, practice, and other related matters. Kenya Medical Research Institute coordinates collaboration and participation in the activities of the Commission.

584. The vision of EACHRC is high quality health research for improvement of health and wellbeing of the people of East Africa.

5.10. TRANSPORT

5.10.1. Air Transport

5.10.1.1. Convention on International Civil Aviation (1944 Chicago Convention)

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

586. The Convention establishes the International Civil Aviation Organisation which is the specialized UN body for civil aviation matters. The Convention has 19 Annexes through which ICAO has developed Standards and Recommended Practices (SARPs) to govern and standardize the conduct of civil aviation amongst States. ICAO conducts safety and security audits on States based on its Standards and Recommended Practices to establish the level of effective implementation. Kenya was re-elected to the ICAO Council in October, 2016 for a period of 3 years.

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

588. In implementing the Convention, Kenya has enacted the Civil Aviation Act, 2013 which was amended in 2016 to empower the Director General to ground air craft and make certain decisions to manage the operations of the Authority. The Government has also developed the Civil Aviation Regulations as the main instruments of implementation of the Convention. It has also established the Kenya Civil Aviation Authority. Kenya makes reports to ICAO which also conducts regular Audits.

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

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

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

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

592. The Convention was adopted on 28th May, 1999 and entered into force on 4th November, 2003. Kenya ratified the Convention in 7th January 2002. The Convention attempts to re-establish uniformity and predictability of rules relating to the international carriage of passengers- airline liability in the case of death, injury or delay to passengers or in cases of delay, damage or loss of baggage and cargo. Whilst maintaining the core provisions which have served the international air transport community for several decades (i.e. the Warsaw regime).

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

594. Airlines world-wide have a challenge when dealing with damages and lost baggage, due to human emotions, and the amounts of compensation especially when relating to aircraft accidents subsequent litigation. It is recommend that safety and consumer protection should be enhanced.

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

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

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

597. The Convention was adopted on 1st march, 1991 and entered into force on 21st June, 1998. Kenya became a State Party to the Convention on 21st October, 2002. The Convention on the Marking of Plastic Explosives for the Purpose of Detection is a multi-lateral and anti-terrorism treaty that aims to prohibit and prevent the manufacture or storage of unmarked plastic explosives. The Convention notes the implications of acts of terrorism for international security and the fact that plastic explosives have been used for terrorist acts aimed at destruction of aircraft, other means of transport and other target. It further takes cognizance that marking such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts. The main obligation is for Kenya to ratify and implement the Convention.

598. 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.

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

600. Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. It is recommended that there be continuous surveillance to prohibit the manufacture, storage, transport or entry of unmarked plastic explosives in our territory.

Implementation of the framework reduces the ability and risk of terrorists utilizing plastic explosive within our territory.

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

601. The Convention and the Protocol were adopted on 16th November, 2001 and entered into force on 1st March, 2006. Kenya became a State Party to the Convention and Protocol on 13th October, 2006. The Convention and its Protocol recognises the need to acquire and use mobile equipment of high value or particular economic significance to facilitate the financing of the acquisition and use of such equipment in an efficient manner. The Convention and its Protocol emphasis on the advantages of asset-based financing and leasing for this purpose and desiring to facilitate these types of transaction by establishing clear rules to govern them; the need to ensure that interests in such equipment are recognised and protected universally; to provide broad and mutual economic benefits for all interested parties; takes cognizance that such rules must reflect the principles underlying asset-based financing and leasing and promote the autonomy of the parties necessary in these transactions; and the need to establish a legal framework for international interests in such equipment and for that purpose to create an international registration system for their protection.

602. The main obligation was for Kenya to domesticate and implement the Convention. Kenya enacted the International Interests in Aircraft Equipment Act, in January 2013.

603. The challenges include; weak enforcement mechanisms by the Authority of the Convention and its Protocol. Lack of capacity and technical know-how at the Kenya Civil Aviation Authority to implement the Convention and use of the International Registry at Dublin, Ireland.

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

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

605. The Convention was adopted on 23rd September, 1971 and entered into force on 26th January, 1973. Kenya ratified the Convention on 11th January, 1977. The Convention recognises that unlawful acts of seizure or exercise of control of aircraft in flight jeopardizes the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts; there is an urgent need to provide appropriate measures for punishment of offenders.

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

607. Kenya reports to the International Civil Aviation Organisation (ICAO).

608. Terrorism is a challenge to most States and terrorists will use any means to achieve their goals. It is recommended that our security agencies continue to undertake surveillance and be strengthened to promote and enhance deterrence. In addition, it is proposed that the Beijing Convention 2010 which modernizes and consolidates the Montreal Convention, 1971 and the Montreal Protocol, 1988 be ratified.

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

5.10.1.6. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988 Montreal)

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

611. The Civil Aviation Act, 2013 recognises acts of unlawful interference as a crime.

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

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

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

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

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

616. The challenge is the inadequacy of compensation especially when relating to aircraft accidents tends to lead to litigation.It is recommended that the two (2) Conventions that seek to modify the Rome Convention and provide for better and adequate compensation be ratified. The two Conventions are the Compensation for Damage to third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009 (the Unlawful Interference Convention) and the Convention on Compensation for Damage caused by aircraft to Third Parties, 2009 (General Risks Convention).

617. The benefit is that this standardizes compensation relating to damage suffered.

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

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

619. The Protocol seeks to promote safe, secure and efficient use in development of civil aviation within and outside the Partner States. It assists the Partner States in meeting their safety and security oversight obligations and responsibilities under the Chicago Convention and its annexes. It also provides the Partner States with an appropriate forum and structure to discuss, plan and implement common measures required for achieving the safe and orderly development of civil aviation through the implementation of international standards and recommended practices relating to the safety and security of civil aviation. The Agency has developed several regulations to facilitate the operations and implementation of the Protocol.

620. The Agency is challenged by the untimely release of funds, and attracting and retaining qualified technical staff. Conformity with the Protocol will improve aviation safety in the region. Kenya will host the EAC Centre of Aviation Medicine at Kenya Civil Aviation Authority Headquarters.

5.10.1.9. Convention on the International Recognition of Rights in Aircraft (1948 Geneva Convention)

621. The Convention was adopted on 19th June, 1948 and Kenya became a State Party to the Convention on 15th January 1997. The spirit of the Convention is to encourage investors to make financial assistance possible for the purchase of new aircrafts to be used internationally.

622. Ratification of the Convention demonstrates Kenya's commitment to international commercial sale and leasing of aircrafts. Kenya reports to the International Civil Aviation Organisation (ICAO).

623. Upcoming airlines are not strong to offer international services. It is recommended that an enabling environment be created to encourage more airlines to operate internationally.

5.10.1.10. Protocol to amend the Rome Convention of 1952 (1978 Montreal) on the International Recognition of Aircraft (1948 Geneva Convention)

624. The Protocol was adopted on 23rd September, 1978 and Kenya became a State Party to the Protocol on 23rd October, 2002. The Protocol addresses compensation relating to damage caused by the international flights on the ground. The ratification of the Protocol demonstrates the Government's commitment towards adequate compensation to those who suffer damage caused by an aircraft on the ground.

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

5.10.1.11. Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 Warsaw)

626. The Convention was adopted on 12th October, 1929 and Kenya became a State Party on 12th December, 1963. The Convention is about compensation of damage or loss to all international carriage of persons, luggage or goods performed by aircraft for reward. The ratification of the Convention demonstrates the Government's commitment towards compensation. Kenya reports to the International Civil Aviation Organisation (ICAO).

627. Airlines experience challenges dealing with claims for damages from loss of baggage and human emotions. The Kenya Civil Aviation Authority has established a Consumer Protection Unit to address claims for damages and loss of baggage. Implementation of the Convention enhances passengers' confidence.

5.10.1.12. Protocol to Amend the Warsaw Convention of 1929 (1955 Hague)

628. The Protocol was adopted on 28th September, 1955 and Kenya became a State Party to the Protocol on 4th October 1999.The Protocol improved compensation of international carriage of persons, luggage and goods. Ratification of this Protocol demonstrates Kenya's commitment to consumer protection. The challenges experienced remain the same as for the 1929 Warsaw Convention.

5.10.1.13. Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 Tokyo)

629. The Convention was adopted on 14th September, 1963 and Kenya became a State Party on 20th September, 1970.The Convention is applicable to offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft. Ratification of the Convention demonstrates Government commitment to fighting terrorism and punishment of offenders. Kenya reports to the International Civil Aviation Organisation (ICAO).

630. Kenya has incorporated the offence of jeopardizing the safety of persons or property on board civilian aircrafts as an offence under the Penal Code and the Prevention of Terrorism Act No. 30 of 2012. The Office of the Director of Public Prosecutions is undertaking prosecution of acts which jeopardize the safety of persons or property on board civilian aircrafts. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences.

631. The benefit is that there is improved security of persons on board aircrafts with amendment of the Penal Code and the Prevention of Terrorism Act No.30 of 2012 to incorporate the offence.

5.10.1.14. Convention for the Suppression of Unlawful Seizure of Aircraft (1970 Hague)

632. The Convention was adopted on 16th December, 1970 and entered into force on 14th October, 1971. Kenya became a State Party to the Convention on 11th January 1977. The Convention provides for the punishment of offenders to deter unlawful seizure or exercise of control of aircraft in flight. Ratification of this Convention demonstrates the Government's commitment to fighting terrorism. Reporting is made to the International Civil Aviation Organisation (ICAO).

633. Kenya has incorporated the punishment of offenders for this crime of unlawful seizure or exercise of control of aircraft in flight under the Penal Code and the Prevention of Terrorism Act No. 30 of 2012. The Office of the Director of Public Prosecutions is undertaking prosecution of the offence and investigations are undertaken by the National Police Service and Anti-Terrorism Unit at the airports. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences.

634. The benefit is that there is improved security of persons on board aircrafts with amendment of the Penal Code and the Prevention of Terrorism Act No.30 of 2012 to incorporate the offence.

5.10.1.15. The Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing Convention 2010) and the Protocol Supplementary to the Convention on the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol 2010)

635. The Convention was adopted on 10th September, 2010 and entered into force on the same day. Kenya became a State Party to the Convention on 10th September, 2010 and ratified the Convention and its Protocol on 18th August, 2015. The Convention and its Protocol seek to criminalise a number of acts constituting emerging threats against civil aviation including certain preparatory acts of the offences and using aircraft as a weapon. The main object of the Convention and Protocol is to promote aviation security by addressing unlawful acts against civil aviation that may jeopardize the safety and security of persons and property, seriously affect the operations of air services, airports and air navigation facilities.

636. Kenya participated in the diplomatic conference held in Beijing, China from the 30th August 2010 to 10th September 2010 which was aimed at modernizing the Hague Convention of 1970 and the Montreal Convention of 1971 as amended by the Montreal Protocol of 1988 to address emerging threats to civil aviation security.

637. Kenya has incorporated the punishment of offenders for this crime under the Penal Code and The Prevention of Terrorism Act No. 30 of 2012. The Office of the Director of Public Prosecutions is undertaking prosecution of the offence and investigations are undertaken by the National Police Service and Anti-Terrorism Unit at the Airports. Terrorism remains a big challenge to civil aviation as well as investigation and jurisdiction challenges in the prosecution of the offences. However, the implementation of the Convention and the Protocol will contribute to the enforcement of the United Nations Global Counter-Terrorism Strategy adopted in 8th September 2006.

5.10.1.16. Protocol to Amend the Convention on Offences and Certain other Acts Committed on Board Aircraft (Montreal Protocol, 2014)

638. The Protocol was adopted on 4th April, 2014. Kenya became a State Party on 4th April, 2014. Currently the Protocol is pending ratification before the National Assembly. The main object of the protocol is to empower Governments to take measures as may be necessary to initiate appropriate criminal, administrative or any other forms of legal proceedings against any person who commits an offence on board an aircraft.

639. The Tokyo Convention, 1963 limits jurisdiction over offences and other acts committed on board aircraft to the State of registration of the aircraft in question. A jurisdictional gap arises when an unruly passenger is handed over to competent authorities in another State other than the State of registration. Such State of landing can decline to exercise jurisdiction on the basis that the aircraft is registered in another State. Similarly,

authorities in the State of registration may have little connection with an incident taking place on board an aircraft operated in another State. As a result, unruly passengers get released to continue their journey without facing punishment for their misconduct, which may jeopardize the safety of aircrafts.

640. Implementation of the Montreal Protocol, 2014 will enhance civil aviation safety and security by: Extending jurisdiction to the State of landing and State of Operator; Clarifying conduct that constitutes an offence and encourages States to take appropriate criminal or other legal proceedings. Such conduct includes physical assault or threat to commit such assault against a crew member and refusal to follow a lawful instruction given by or on behalf of aircraft commander (for safety purposes); Recognizing that airlines have a right to and may seek compensation from unruly passengers for costs incurred as a result of their unruly behavior where this involves diversions to disembark an unruly passenger; and recognizing that States may establish an in-flight security officer programme on a bilateral or multilateral basis.

5.11. Road Transport

5.11.1. Geneva Convention on Road Traffic Accident

641. The Convention entered into force on 19th September 1949 and Kenya became a State Party to the Convention on 21st May 1977. The Convention mandates State parties to develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally. State Parties have agreed to establish nationwide emergency response system; equip emergency providers with adequate means for safety evacuation of casualties; improve health facility capacity to respond to casualties of road traffic crashes and enhance data management on road traffic injuries. This Convention is implemented through the National Transport and Safety Authority Act No. 33 of 2012 and the Traffic Act (Cap. 403).

642. The Government has established a National Transport and Safety Authority whose objective is to harmonize the operations of the key road transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes.

643. The Government has enacted measures aimed at reducing road carnages which stands at 3000 deaths per year. All public service vehicles are now required to belong to a Savings and Credit Cooperative Society (SACCO) which has self-regulation mechanisms. Bus companies are now required to employ two qualified drivers for night travels. Fleet owners are now tasked to manage the speed limits of their vehicles using a fleet management system capable of recording speed and locating the vehicle at any time.

644. In a bid to reduce drunk driving- related accidents, breathalyzers have been deployed throughout the country. There has been a reduction of fatal road accidents. Licensing of

individual Matatu owners was stopped and instead only owners of a minimum of 30 vehicles are licensed to operate Public Service Vehicles (PSVs).

645. The Government has developed a new Standardized Curriculum for driver training and testing for use in all driving schools in Kenya. This will ensure standardized training and testing of all driver trainees in the country. In addition, digital driving license with demerit points, supported by the Transport Information Management System (TIMS), was rolled out in mid-2016 to enhance monitoring performance of all drivers.

646. The Government has entered to an Agreement with a number of companies to supply, equip and maintain critical equipment and facilities in major hospitals in all Counties. This has improved the capacity of many health facilities to offer quality health services including emergency response and evacuation.

647. Secondly, many County Governments have contracted the Kenya Red Cross teams and Ambulances to provide emergency and evacuation services in the Counties. The sector faces several challenges in terms of inadequate resources, implementation challenges due to lack of capacity and conflict of roles amongst the various implementing Partners.

5.11.1.1. The Northern Corridor Transit and Transport Agreement, 2007

648. The new Northern Corridor Transit & Transport Agreement (NCTTA) was signed in Nairobi, Kenya, on October 7, 2007, between the Governments of Burundi, Democratic Republic of the Congo, Kenya, Rwanda, and Uganda. It entered into force on 6th December, 2012. The Republic of South Sudan acceded to the Agreement as the sixth member State on March 7, 2013. The Agreement extends the mandate and scope of the 1985 Agreement.

649. Obligations under the agreement include; Ratification, Implementation to ensure freedom of transit on the member States, Safeguard right to access to/from the sea for landlocked countries, Develop and integrate the regional transport facilities and services, Facilitate inter-State and transit trade, and yearly subscriptions.

650. The Government has established the Northern Corridor Transit and Transport Coordination Authority to co-ordinate implementation of the Agreement and to carry out decisions and resolutions reached by policy organs of the Authority.

651. The Agreement mandates NCTTCA to promote co-operative transport policies and foster an efficient and cost-effective transit transport system within the Corridor. The treaty has contributed significantly to improved corridor performance, and has brought member States together, facilitating trade and commerce, cooperation and bilateral agreements between member States of funding for the rehabilitation of major highways along the Corridor. The rehabilitation of major highways has led to the reduction of transit time between Mombasa, Kenya, and Bujumbura, Burundi, by half, from over 30 days to about

15 days, as a result of transit facilitation measures undertaken. Some unnecessary border formalities along the Corridor have been removed.

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

652. The LAPSSET was first conceived in 1975 but was not implemented until it was put under the Kenya Vision 2030 Projects. The Lamu Port Southern Sudan-Ethiopia Transport (LAPSSET) Corridor project aka the Lamu corridor is a Vision 2030 transport and infrastructure flagship project and Kenya's second transport corridor, besides the Mombasa port and Mombasa -Uganda transport corridors. It passes through Nairobi and much of the Northern Rift. Its objectives are to foster transport linkage between Kenya South Sudan and Ethiopia; dynamic promotion of the region's socio-economic development along the transport corridor especially North, Eastern, North-Eastern and Coastal Parts of Kenya; and it is anticipated that when the project is complete it will impact a growth value of approximately between 2% to 3% of GDP.

5.11.1.3. Regional Customs Transit Guarantee (RCTG) Agreement

653. The Regional Customs Transit Guarantee (RCTG) scheme is a system designed to facilitate efficient movement of goods in transit in the COMESA region under a system of secure seals and motor vehicles, standardized declaration documents and a reliable guarantee mechanism that will protect the interest of all stakeholders. The RCTG provides a uniform basis for transit movement throughout the region. Kenya is a participating surety.

5.11.1.4. 1993 COMESA Protocol for the Establishment of Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation

654. As a requirement under Article 85 of the COMESA Treaty, the Third Party Motor Vehicle Insurance (Yellow Card) Protocol, seeks to provide minimum guarantees for vehicles required by the laws in force in Member States when a vehicle is transiting.

655. In Kenya, it is a mandatory minimum for motorists who cannot take out a comprehensive insurance policy for their vehicles, to have at third party (motor vehicle risks) insurance cover.

5.11.1.5. Tripartite Agreement on Road Transport between the Government of the Republic of Kenya, the Government of the Republic of Uganda and the Government of the United Republic of Tanzania

656. Obligations under the tripartite agreement include; to harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services, and people and the establishment of residence; and to develop and improve a coordinated and complementary infrastructure,

particularly in the areas of transport and energy. The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at Mombasa, and is also aggressively seeking to enhance the link between the port and Northern Corridor land transport routes. In addition, KPA envisages developing a second international trade port, with Lamu located along Kenya's north eastern coast considered a candidate site, although a corridor would need to be developed to provide an inland connection.

657. Construction of a railway line connecting Lamu port with the Sudan and Ethiopia is ongoing. The new $US 4.7 billion network will reduce transit time and improve the cost of transporting freight from Mombasa to Kisumu by as much as 79%. The first phase of a standard gauge railway line linking the Kenyan port city of Mombasa to Uganda, Burundi, Rwanda and South Sudan is funded by China. The standard gauge railway is envisioned to provide efficient and cost-effective rail transport for both freight and passengers.

5.12. Rail Transport

5.12.1.1. Protocol for the Development and Operation of the Standard Gauge Railway

658. The Protocol was signed by Kenya, Uganda, South Sudan and Rwanda in May 2014. The aim of the Protocol is to enable development and operationalisation of a Seamless Railway network from Mombasa to Kigali and Juba.

659. The Tripartite Agreement on the creation of the Standard Gauge Railway to address infrastructure development, energy, trade facilitation and regional integration within the countries was signed on 28th August 2013.

660. The SGR is to reduce the cost of doing business in the region and improve competitiveness in investment through:
    a. Reduced freight transportation tariff charges on average by 41.5% per tonne-kilometre;
    b. Reduced transit time by freight trains on average by 26.6%;
    c. Increased rail transport share in the Northern corridor;
    d. Reduced damage to the roads on the Northern Corridor.

661. Phase 1 of the SGR (Mombasa to Nairobi section – 485 km) is complete. On 2nd February, 2017, three (3) flight locomotives and thirty two (32) passenger coaches were flagged off from Mombasa to Nairobi on the SGR for a test drive. The Government has also created a Railway Development Fund supported by a 1.5% levy on the cost of all imports to support the railway development.

662. The Government of Kenya has also entered into an agreement with the Governments of Rwanda, South Sudan and Uganda to build a SGR connecting the Port of Mombasa to Kampala in Uganda and Kigali in Rwanda and Juba in South Sudan.

663. Economic growth and development will result in improved welfare of Kenyans.

664. Development and Operation of the Standard Gauge Railway will entail Kenya to:
   (a) Ensure the harmonisation of the policy, legal and institutional framework for SGR;
   (b) Adopt a common logical framework of project management;
   (c) Adopt agreed common SGR standards;
   (d) Cooperate and co-ordinate human resource capacity building strategies;
   (e) Cooperate and coordinate in joint mobilization of financial resources;
   (f) Ensure sufficient budgetary allocations and funding mechanisms including exploring the establishment of a Railway Development Fund;
   (g) Undertake joint implementation of any other matter related to SGR inter-parties;
   (h) Undertake joint monitoring and evaluation of SGR projects;
   (i) Cooperate and coordinate Research and Development and transfer of technology; and
   (j) Develop and adopt mechanisms to ensure seamless operations

5.12.1.2. RVR Concession Agreement

665. Kenya and Uganda in 2004 agreed to concession their respective railways. Rift Valley Railways signed concession agreements in 2006 and Amending Deeds in relation to this agreement in 2010. The Concession is to rehabilitate, operate and maintain the railway networks as one Railway system so as to improve the management, operation and financial performance of the rail networks in a coordinated manner.

666. The railway design and its current state limits its capacity and delivery speed and it cannot therefore meet the future demand for rail transport in the country and the region.

667. The Government therefore decided to build a new, modern, high capacity Standard Gauge Railway Line between Mombasa and Malaba with a branch line to Kisumu. The railway is to be extended to Kampala (Uganda) and Kigali (Rwanda) and later extend to Juba following South Sudan's accession to the Tripartite Agreement.

5.13. Maritime Transport

5.13.1. International Maritime Organisation (IMO Convention) as Amended

668. The International Maritime Organisation (IMO) is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. Kenya became a signatory to the Convention on 22nd August, 1973.

669. IMO provides a mechanism for co-operation among Governments in the field of Governmental regulation and practices relating to technical matters of all kinds affecting shipping in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety; and ensure efficiency of navigation and prevention and control of marine pollution from ships". The Organisation is also empowered to deal with administrative and legal matters related to these purposes.

670. Kenya is a member of the IMO Governing Council. The Government implements IMO programs and pays yearly subscriptions to the Organisation, besides participating in IMO meetings.
671. Inadequate budget delays implementation of the Agreement.

5.13.2. Maritime Labour Convention (MLC), 2006

672. The Maritime Labour Convention, 2006 or MLC, is an international labour Convention adopted by the International Labour Organisation (ILO), widely known as the "seafarers' bill of rights." The MLC, 2006 was adopted by Governments, employer and workers representatives at a special ILO International Labour Conference in February 2006.
673. The object of the Convention is to ensure the universal protection of the rights of seafarers; ensure a level playing field for countries and ship owners committed to providing decent working and living conditions for seafarers, protecting them from unfair competition on the part of substandard ships.
674. Kenya is to ensure that ships flying its flag are duly inspected and certified in accordance with international standards set out in the Convention and that it provides effective protection for Kenyan seafarers.
675. The framework also provides opportunities for capacity building.

5.13.3. International Convention for the Safety of Life at Sea, 1974, as Amended (SOLAS 1974)

676. The SOLAS Convention is a very important treaty as it concerns the safety of merchant ships. The SOLAS Convention specifies minimum standards for the construction, equipment and operation of ships. Flag States are responsible for ensuring that ships under their flag comply with the requirements under the Convention, and certification issued as prescribed in the Convention. Port State control allows Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ships and their equipment do not substantially comply with the requirements of the Convention.
677. Kenya ratified the Convention on 21st October, 1999 and is implementing it through the Merchant Shipping Act, 2009 vide several regulations elaborated to enforce the Act.
678. Shortage of human and financial resources, have been an impediment to achieving the objectives in this treaty.

5.13.4. Protocol to the 1974 Safety of Life at Sea (SOLAS) Convention (SOLAS 78 Protocol)

679. Kenya is a Contracting Party to the 1974 SOLAS Convention, effective 21st October, 1999 and acceded to the Convention's Protocol of 1978 on 7th July, 2015. The 1978 Protocol entered into force in 1981.
680. The 1978 SOLAS Protocol made important changes to Chapter 1 of SOLAS 74 by introducing unscheduled inspections and/or mandatory annual surveys thus strengthening port State control requirements. This ensures seaworthiness of vessels. Port State control inspection is done by the Kenya Maritime Authority (KMA).

681. This Protocol is important to Kenya considering that about fifty ships of various types voyage through the major shipping lanes off the Kenyan coastline at any given time. Of these, approximately nine are oil tankers whose risks to the marine environment in case of oil spill are enormous.

5.13.5. Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974

682. The SOLAS Protocol introduced a new coordinated system of surveys and certification. It Harmonized Ship Survey and Certification (HSSC) as provided in the Load lines 1966 Convention and MARPOL 73/78 as well as with various codes dealing with construction and equipment of ships carrying dangerous chemicals in bulk.

683. The aim of the 1988 Protocol is to alleviate difficulty caused by the varying requirements in the three instruments. Ships may be obliged to go into dry-dock for a survey required by one Convention shortly after being surveyed in connection with another. By enabling the required surveys to be carried out at the same time, the system will reduce costs for ship Owners and the KMA in carrying out Port State Control activities.

684. The 1988 SOLAS Protocol entered into force in 2000 and Kenya acceded to it on 7th July, 2015.

685. The SOLAS Protocol is domesticated vide the Merchant Shipping Act, 2009. Implementing the Protocol will ensure ship and crew safety, and protection of the marine environment from pollution by ships. Apart from ensuring that unseaworthy vessels do not call at our ports, the surveys and inspections will also enhance revenue generation for the country.

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

686. 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.

687. Kenya ratified annexes I 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.

688. Measures for handling packed dangerous goods, port reception facilities for sewage and oil waste are in place. Other implementation activities include and port State Control measures, and continuous stakeholders' workshops and seminars. The process of developing a Shipping Operations (Marine Pollution) Bill, 2014 and regulations to domesticate the Convention is on-going.

689. The KMA regulates ship and offshore installation sources pollution in all Kenyan navigable waters for safe navigation and protection of the marine environment.

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

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

691. 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.

692. 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. Compliance will ensure legislation of relevant laws and regulations, training facilities (simulation facilities, training ship for sea-time, swimming pools etc.), capacity building, sensitization etc.

693. This is being implemented through the MSA and STCW regulations that have already been gazetted and are operational. Appropriate curricula has been developed for training and monitoring, Institutions for training have identified and accredited (JKUAT), Concept paper for training in shipping is under development, and negotiations with other maritime nations to train Kenyan seafarers are ongoing.

694. Inadequate trainers in technical areas, lack of training ships and limited funding remain an impediment.

5.13.8. International Convention on Load Lines, 1966 (LL 1966)

695. The Convention establishes uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea.

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

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

697. Kenya enforces the Convention through the MSA, the Maritime Authority Act, port State Control, and inspections and survey. Currently, draft regulations are under consideration.

698. Inadequate human capacity poses a challenge during implementation.

5.13.9. 1988 Protocol to the Load Lines Convention, 1966

699. Kenya became a contracting party to the 1966 Load Lines Convention on 12th September, 1975 and acceded to the 1988 Protocol amending the Convention on 7th July, 2015.

700. The 1988 Protocol to the Load Lines Convention of 1966 was primarily adopted in order to harmonize the Convention's survey and certification requirements with those contained in the Safety of Life at Sea (SOLAS 74/78) Convention and the Marine Pollution Convention of 73/78 (MARPOL).The harmonized system resolves the problems caused by survey dates and intervals between surveys which do not coincide. A ship therefore does not have to go to a port or repair yard for a survey as required by one Convention shortly after going through the same process in connection with another instrument.

701. When implemented, the 1988 Protocol of the Load Lines Convention will enhance KMA's powers to conduct Port State Control functions and render our coastline free from unseaworthy ships among others.

702. Enhanced safety of life, property and protection of the marine environment in connection with ships on international voyages calling at Kenyan Ports will be achieved. The Country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured. The country will also benefit from the IMO's Technical Co-operation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

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

703. 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, survey measures and implementation will be enhanced through regulations elaborated from time to time as needed.

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

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

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

706. 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.

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

708. 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.

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

5.13.12. International Convention for Safe Containers, 1972, as Amended

710. The Convention for Safe Containers has two goals:

711. 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.

712. 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.

5.13.13. International Convention on Maritime Search and Rescue (SAR)

713. 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 coordinated by a SAR organisation and, when necessary, by co-operation between neighbouring SAR organisations. Parties to the Convention are required to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters. Parties are encouraged to enter into SAR agreements with neighboring States involving the establishment of SAR regions, the pooling of facilities, establishment of common procedures, training and liaison visits. The Convention stipulates that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties.

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

715. Following the adoption of the 1979 SAR Convention, IMO's Maritime Safety Committee divided the world's oceans into 13 SAR areas, in each of which the countries concerned

have delimited SAR regions for which they are responsible. The Mombasa Regional Co-ordination Centre (MRCC) is the regional center for SAR.

716. 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.

717. 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, the Government is to establish full time rescue co-ordination centers with trained staff that have working knowledge of English; ensure the closest practicable co-ordination between maritime and aeronautical services; co-ordinate SAR organisations, and, where necessary, SAR operations with those of neighboring States; authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory for rescue units of other Parties solely for the purpose of SAR; update rescue Co-ordination Centers and Rescue Sub-Centers with information on search and rescue facilities and communications in the area and equip them with detailed plans for conduct of SAR operations. Procedures during an emergency must be followed and SAR activities should be coordinated on scene for the most effective results, and continue, when practicable, until all reasonable hope of rescuing survivors has passed.

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

719. Inadequate capacity and equipment to set up SAR sub centers are the major inhibitions.

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

720. 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.

721. 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.

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

5.13.15. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, (London Convention), 1972

723. 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.

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

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

5.13.16. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, (London Convention), 1972 & The Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992)

726. 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.

727. 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.

728. 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.

729. 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.

730. 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.

5.13.17. Convention on the International Mobile Satellite Organisation, as Amended (IMSO C 1976)/INMARSAT C 76 /INMARSAT OA 76)

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

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

733. 3.13.3.18 Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992)

734. 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.

735. 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.

736. 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.

2.5.4.14 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

737. 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.

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

5.13.18. International Convention on Salvage, 1989 (Salvage 1989)

739. 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.

740. Kenya acceded to the Convention in 1993 which is implemented through the MSA and the East African Harbor regulations (under revision).

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

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

742. 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 coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the Convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents.

743. Parties to the Convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided. The IMO is obliged to Co-ordinate.

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

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

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

746. 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.
747. 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.
748. A number of guidelines have been developed to facilitate the implementation of the Convention.
749. 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.

5.13.21. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

750. The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) was adopted by an International Conference held during the IMO Legal Committee meeting on 23rd March, 2001. 11 member States excluding Kenya signed the Convention during its adoption. To-date 77 more contracting States have ratified the instrument. Kenya acceded to the Convention on 7th July, 2015. The driving force for the development of the Bunkers Convention was the realization by many countries that bunker spills were causing significant damage and there was no orderly international regime to insure coverage or to establish limits. The Convention was adopted to ensure that adequate, prompt, and effective compensation for damage caused by oil spills, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties.

751. The Bunkers Convention is primarily meant to improve the process by which claimants are able to recover costs incurred as a result of pollution from ships' bunker fuel oils, whether in responding to a bunker pollution incident or as a result of damage caused by bunker oil pollution. The Bunkers Convention establishes a strict liability regime on the ship-owner for pollution damage arising from all types of oil used in the operation or propulsion of ships (i.e. the ship-owner is liable regardless of fault); all registered owners of vessels over 1,000 gross tons entering or leaving a Kenyan Port or terminal are required to maintain insurance certified by the State to meet their liability; and; a provision that entitles claimants to sue ships' insurers via the right of direct action is in place in accordance with the Convention.
752. The Convention is modeled after the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969, as amended by the 1992 Protocol, but is not applicable to oil tankers and vessels transporting 2000 DWT of persistent oils as cargo, the bunkers

from which are already covered by the CLC. As with the CLC Convention, a key requirement in the Bunkers Convention is the need for the registered owner of a vessel to maintain compulsory insurance cover.

5.13.22. 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC)

753. The protocol of 1996 which entered into force in 2004 increases the amount of compensation payable in the event of an incident and also introduces a "tacit acceptance" procedure for updating these amounts. The main purpose of the 1996 LLMC Protocol is to increase compensation in the event of an incident and to introduce a "tacit acceptance" procedure for updating the amounts. Kenya acceded to the Protocol on 7thJuly, 2015.

754. When implemented, the 1996 LLMC Protocol will enable Kenyans who are importers to draw increased amounts in compensation in case of an incident where their property is lost at sea. Compensation will be 1 million SDR (US $ 1.586 Million) in a ship not exceeding 2,000 gross tonnage. Further, Kenyans who serve in the ships as seafarers are to be adequately compensated in case of personal injury or loss of life, to the tune of 2 Million SDR equivalent to US $ 3.17 Million if they were serving in a ship whose gross tonnage does not exceed 2,000.

5.13.23. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001

755. The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 was adopted at an International Diplomatic Conference at the International Maritime Organisation Headquarters in London on 5th October, 2001. It came into force on 17th September, 2008. Kenya as a Port State needs to ratify the Anti-fouling Systems Convention as a big number of ships call at our ports and some of them have paint coats that endanger our marine environment.

756. To-date, the Convention has 68 contracting Member States whose combined merchant fleet is approximately 83.2% of gross tonnage of world merchant fleet. The Convention requirements forbid application of anti- fouling coatings to new and existing ships, fixed and floating platforms, floating productions and/or storage units, regardless of size after January 2003. Enforcement would reduce any risk to the marine environment, human health, marine life and resources from the use of compounds that contain harmful anti-fouling systems. Ships are required to comply with the requirements of the Convention since January 2008.

757. Anti-fouling systems are a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms. The anti-fouling paints are used to coat the bottoms of ships to prevent sea life such as algae and molasses being attached to the hull, thereby slowing down ships and increasing their fuel consumption. Anti-fouling paints replaced lime, later arsenical and mercurial compounds and pesticides which were used in the past as anti-fouling systems, but have proved to persist in the water killing sea life, harming the environment and possibly entering the food chain. The Anti-Fouling Systems 2001 Convention's main objective is to; Prohibit

the use of harmful compounds in anti-fouling paints used on ships; Establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems; Encourage contracting Parties to the Convention to have national laws that prohibit and restrict the use of harmful anti-fouling systems on ships flying their flag, as well as foreign ships not entitled to fly their flag but which operate under their jurisdiction.

758. The Convention is incorporated in the Merchant Shipping Act, 2009 as it provides enforcement mechanism for Port State Control Surveys and Inspections amongst others.

5.13.24. InterGovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended

759. Kenya ratified the ISCOS Protocol in 2013.The obligations include Ratification and implementation, yearly Subscriptions and active participation at meetings. Kenya reports to the Council of Ministers and Executive Board meetings

760. The benefits include, representing the interests of Member Governments and Shippers in the region, especially in the field of Ocean Freight rates, port productivity, and research among its activities.

5.13.25. African Maritime Charter

761. Formulation of the African Maritime Charter and its articles began in Dec. 2008. Kenya ratified the Reviewed African Maritime Charter in 2014.The obligation to the Government is implementation of the Charter.

762. The benefits include opportunities for job creation and Investments in the maritime sector.

763. The Charter will strengthen cooperation in maritime transport and inland waterways navigation in member States. The Charter will further address the challenges of the African continent in marine transportation. Kenya recognises the role of maritime transport in the facilitation and development of trade between her, Africa and the rest of the World.

5.13.26. Nairobi International Convention on Removal of Wrecks, 2007

764. The International Convention on Removal of Wrecks 2007 was adopted at Diplomatic Conference held at the United Nations Office in Nairobi (UNON) on 18th May 2007. Kenya signed the Convention on the date of adoption and acceded to it on 14th April, 2015 and the Convention came into force for Kenya on 14th July, 2015. The Convention to-date has more than 11 contracting States. It entered into force in April 2015 having met the entry into force requirement of 10 contracting States.

765. The Convention provides an international legal framework aimed at ensuring prompt and effective removal of wrecks located beyond the territorial sea.

766. The Convention's provisions contain a clause enabling State parties to apply certain provisions to their territory and territorial sea. Though marine casualties have decreased

in recent years, there are a big number of abandoned marine wrecks that have posed big challenges to Coastal States and shipping.

767. Wrecks pose a hazard to the safety of navigation or to the marine and coastal environments or both environments hence the regime obliges Coastal States to remove or have hazards removed from their coastlines. It makes ship owners financially liable and requires them to take out insurance or provide other financial security to cover the costs of wreck removal. It also provides States with a right of direct action against insurers.
768. Implementation of the Convention creates a safe marine and coastal environment for operations.

5.14. LAW OF THE SEA AND FISHERIES

5.14.1. United Nations Convention on the Law of the Sea (UNCLOS)

769. The Convention, often described as a "constitution for the oceans" was adopted in 10th December, 1982 and ratified on 2nd March 1989. The Convention defines the rights and responsibilities of nations in their use of the world's oceans. It outlaws militarization of the sea, and lays out rules for delimitation of maritime zones, safeguarding the marine environment and protecting freedom of scientific research on the high seas; and mineral resource exploitation in deep seabed areas beyond national jurisdiction through the International Seabed Authority. 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.
770. 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 Exclusive Economic Zones (EEZ), The Fisheries Act, Cap 378 of 1989 (Revised in 2012) which domesticates part of the treaty to guide in governance of the living marine resources in Kenya's EEZ; as defined in the Maritime Zones Act, Cap 371 and, the Presidential Proclamation of 9 June 2005 published in the Kenya Gazette Notice No. 55 of 22nd July, 2005 in respect of Kenya's territorial sea and EEZ (Legal Notice No. 82 (Legislative Supplement No. 34). Kenya enacted a new Fisheries Management and Development Act 2016, which repealed the Fisheries Act Cap 378, in September 13th 2016.
771. Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ). It also creates several new Institutions, namely: The Kenya Fisheries Service, The Kenya Fisheries Marketing Authority and The Fisheries Advisory Council.
772. This proclamation, which was deposited with the UN and reproduced in Law of the Sea Bulletin No. 61, contains an illustrative map number SK 90 (edition 4) and two lists of geographical Co-ordinates of points, specifying the straight baselines from which the breadth of the territorial sea is measured and the outer limits of the EEZ.

773. Proclamation of the outer limits of the continental shelf is pending determination.

774. Kenya benefits from this treaty through having a legal instrument to help it settle disputes that are concerned with exploitation of living marine resources within its territorial waters, EEZ and the high seas.

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

776. Kenya is obliged to ensure a sustainable exploitation and management of her marine resources while observing rights of other nations with regards to the same. The treaty is enforced through the operationalisation of the Fisheries Act, Cap 378, and (now repealed by the Fisheries Management and Development Act, 2016,) in combination with Cap 371.

777. In the economic, social, cultural and environmental effects, this Law enabled Kenya to designate the 200nm Exclusive Economic Zone (EEZ), and use it to explore the living and non –living marine resources for economic gains. So far Kenya has been able to gain economically by giving foreign fishing vessels access to the fishing in the EEZ. These vessels pay a royalty of USD 50,000 annually.

778. On implementation, Kenya is yet to build capacity to patrol the vast area. Administratively, collaboration between the Kenya Navy and the Fisheries Department has undertaken limited surveillance. Fisheries Department has procured the Vessel Monitoring System and has a new Offshore Research Vessel and has further procured an Offshore Patrol Vessel.

779. 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.

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

780. This Convention was adopted on 4th August 1995 and entered into force on 11th December, 2001. 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 Organisations for a Co-ordinated management of the migratory fish such as IOTC, South West Indian Ocean Commission (SWIOFC) 2005 and Lake Victoria Fisheries Organisation (LVFO).

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

Cap 378 (now repealed by the Fisheries Management and Development Act, 2016). Its role has been more of advisory. Some States have not ratified this Agreement.

782. 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 Organisations (RFMOs) are at their infancy and lack the capacity to support the States to conduct joint enforcements. Kenya has procured an Off Shore Patrol Vessel that should be operational by the first quarter of 2017.

5.14.3. UN 1993 FAO Compliance Agreement, 1993

783. The agreement was adopted on 24th November, 1993 and entered into force on 11th December, 2001. 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.

784. The Fisheries Management and Development Act, 2016 has now been enacted into law. The aim of amending the law was to provide for the conservation, management and development of fisheries and other aquatic resources. This shall now enable Kenya to have a comprehensive legislative framework for the conservation, development, governance and investments of fisheries and other resources.

785. Several institutions have also been established under the Fisheries Management and Development Act, 2016: Kenya Fisheries Service, Kenya Fisheries Marketing Authority and The Fisheries Advisory Council to facilitate the implementation of the objectives of the Act and the agreement. Challenges experienced by the Implementers are inadequate resources and technical capacity to fully implement the objectives of the Act and the agreement. It is recommended to build capacity of the institutions and allocate sufficient funding to support these institutions

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

786. This is a non-obligatory instrument developed under the UN in 1995 and entered into force on 11th December, 2001. The Code of conduct seeks to address emerging issues in management of fisheries. States are encouraged to use it in developing their policies and legal frameworks.

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

788. 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.

789. The Code was domesticated through the National Oceans and Fisheries policy, 2008 and the Fisheries Act; Cap 378 (revised 2012) - (now repealed by the Fisheries Management

and Development Act, 2016). 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.

5.14.5. International Convention for Regulation of Whaling, 1946

790. 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.

791. Kenya domesticated the Convention through the Fisheries Act, Cap 378 (now repealed by the Fisheries Management and Development Act, 2016) 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.

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

5.14.6. The World Conservation Union (IUCN)

793. 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.

794. Kenya avails information and provides project counterparts for prioritized Indian

5.14.7. Ocean Tuna Commission (IOTC) Agreement

795. The IOTC Agreement establishes the IOTC, a Regional Fisheries Management Organisation (RFMO) within the framework of the Food and Agriculture Organisation (FAO) of the UN. The IOTC has 31 State Parties. The RFMO co-ordinates the regulation and management of the highly migratory and straddling tuna and tuna like fish species in the Indian Ocean and adjacent seas. The Agreement came into force in 1996. Kenya is obliged to pay an annual subscription fee of USD 18,000.

796. The Agreement is open to any coastal State within the Indian Ocean region (or adjacent seas) as well as States that fish for tuna in the Indian Ocean region. The agreement is also open to economic Organisations.

797. On implementation, Parts of this Agreement and the IOTC resolutions (2010) were domesticated during the review of the Fisheries Act, Cap 378 (now repealed by the Fisheries Management and Development Act, 2016) and the Maritime Zones Act Cap 371. Kenya benefits from membership by getting data from the IOTC and assistance from

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

5.14.8. South West Indian Fisheries Commission Convention (SWIOFC)

798. Kenya is a signatory to the establishment of a regional fisheries advisory commission, known as the South West Indian Ocean Fisheries Commission (SWIOFC). It 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.

799. 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.

800. The largest project in the SWIO Fisheries Project was in Kenya, where valuable data on our marine resources and capacity building for observer programme was undertaken. On implementation, Kenya participates in the technical and scientific committees. Through the organisation, the regional SWIOFP project was initiated and Kenya with the headquarters in Kenya.

5.14.9. InterGovernmental Oceanographic Commission/ UNESCO's (UNESCO-IOC)

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

802. 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.

803. 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.

5.14.10. Western Indian Ocean Marine Science Association (WIOMSA)

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

805. 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.

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

806. Kenya signed the agreement in 2010 and is a member of the Indian Ocean Tuna Commission (IOTC), which adopted most of the PSMA for application in the region under the IOTC Resolutions of 2010. Kenya is also a signatory to the Code of Conduct for Responsible Fisheries (CCRF) which encourages States to form Regional Fisheries Management Organisations (RFMOs) and to apply the Ecosystem Approach to fisheries management (EAF).Kenya pays annual subscription fees of KES 23 Million.
807. The Agreement obligates States parties to establish a legal inter- agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU. Kenya participates in the technical and scientific Committee meetings and capacity building activities.
808. The Agreement has been domesticated in the revised Fisheries Management Act, 2016. 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.
809. 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.
810. On implementation, Kenya has so far been able to participate as a full member. However, the major challenges include inadequate legal framework and capacity for enforcement of the regulations, lack of a designated fish port and minimal resource allocation for operations.

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

811. Kenya became a signatory to the COMESA fisheries strategy in 2008 and participates in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at restoring agricultural growth, food security, reduce poverty and promote rural development partner States and Africa as a whole.
812. 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.

5.14.13. Lake Victoria Fisheries Organisation (LVFO) Convention of 1994

813. The Lake Victoria Fisheries Organisation (LVFO), was established in June 1994 following the signing of the Convention. This institution is a Regional Fisheries Management Organisation (RFMO) under the UN and so the depository of the Convention is FAO. This is an institution of the East African Community. Kenya pays annual subscription fees of KES 23 Million.
814. The aim of the Organisation 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.
815. Kenya benefits from the membership through participating in harmonized fisheries conservation, management and development initiatives and increase fish trade and advocate for better prices for their fish exports. This ensures sustainability and an improvement in the socio-economic status of its population that draws its livelihood from the lake' fisheries resources. The Organisation also serves as the depository for fisheries data.
816. The Organisation has managed to get funding for capacity building in fisheries management, research and trade has been given through the Organisation. Through the Organisation, harmonized fisheries Policies, fisheries management measures, EAC Sanitary and Phyto-sanitary Standard Operating procedures and Protocols have been developed.
817. Regional donor funded projects through the Organisation have been successfully implemented by the Partners States. These include: Lake Victoria Fisheries Research Project I and II, Implementation of a Fisheries Management Project (IFMP) for Lake Victoria and the Lake Victoria Environmental Management Projects I and II.
818. As a member Kenya is able to work together with the Partners States to apply harmonized fisheries conservation, management and development initiatives and increase fish trade. Under the Code of Conduct for Responsible Fisheries, States are encouraged to form Regional Fisheries management Organisations (RFMOs) and to apply the Ecosystem Approach to fisheries management (EAF).
819. Kenya is obliged to participate in the technical and scientific Committee meetings and capacity building activities, the Regional Policy Steering Committees and the Council of Ministers for LVFO meetings and activities. Kenya implements the harmonized agreed actions for sustainability of Lake Victoria.
820. As a member Kenya is able to manage her fisheries resources as a single ecosystem and to market her fish in the European Union as Lake Victoria Fish.
821. On implementation, Kenya has so far been able to participate as a full member. However, minimal resource allocation for operations slows down progress.

6.0. ENVIRONMENT, FORESTRY AND AGRICULTURE

6.1 United Nations Framework Convention on Climate Change (UNFCCC)

822. The Convention was adopted in 9th May, 1992 and entered in force in 30th August 1994. Kenya ratified the United Nations Framework Convention on Climate Change (UNFCCC) on 30th August 1994. The objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

823. Non-Annex I Parties, such as Kenya, must periodically prepare and submit a National Communication (NC) as part of their commitment to the UNFCCC. Article 4, paragraph 1, and Article 12, paragraph 1, of the United Nations Framework Convention on Climate Change (UNFCCC), provide for each Party to report to the Conference of the Parties (COP) information on its emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol (greenhouse gas inventories); national or, where appropriate, regional programmes containing measures to mitigate, and to facilitate adequate adaptation to climate change (general description of steps taken or envisaged by the Party to implement the Convention); and any other information that the Party considers relevant to the achievement of the objective of the Convention, forms the National Communication (NC).

824. To implement the Convention Kenya enacted the Climate Change Act 2016 which establishes climate change governing council, a secretariat and a fund; developed the National strategy on climate change, and the national climate change action plan; participated in climate change meetings. In addition, a National Adaptation plan and climate Change Framework policy Sessional Paper No 3 of 2016 has been finalised.

825. The country needs to; enhance capacity building, mainstream climate change in all sectors; increase funding; and reduction of Green House gases among others.

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

826. The Kyoto Protocol was adopted on 11th December 1997. Ratified by Kenya on 25th February, 2005 and it entered into force on 26th May, 2005. The main objective of the Protocol is to stabilize greenhouse concentrations in the atmosphere. It sets mandatory and binding greenhouse emissions limitation or reduction targets for industrialized countries and economies in transition during the first commitment period (2008-2012). This is in order to reduce emissions by these countries by at least 5% below 1990 levels during this period.

827. It enables countries to meet their targets through international emissions trading. Countries trade emissions quotas among themselves and or receive credit for financing emissions reductions in developing countries.

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

829. Though Kenya is a developing country with no binding targets she is committed to reduce her emissions with a view to mitigating the negative impact of climate change. The Country is however allowed to grow her emissions in accordance with her development agenda.
830. Kenya has made impressive legislative and institutional progress on climate change response. This includes the constitutional recognition of sustainable development, public participation in environmental decision making, and socioeconomic rights, the intensification of forest rehabilitation and reforestation through a set level of mandatory forest cover, and the requirement for agro-forestry practices on all farms, amongst many others. Kenya has enacted climate change Act 2016.
831. Within the current institutional framework, a range of institutions have been created with specific mandate to address climate change issues. These include the National Climate Change Secretariat and desks in relevant Ministries.
832. The National Climate Change Action Plan(NCCAP) launched on 27th March 2013 provides a low-carbon climate resilient development pathway as Kenya adapts to climate impacts and mitigates growing emissions. The plan also addresses the enabling aspects of finance, policy and legislation, knowledge management, capacity development, technology requirements and monitoring and reporting.
833. Kenya ratified the Doha amendment to the Kyoto Protocol that was adopted at the eighteenth session of the Conference of the Parties of the United Nations framework Convention on climate change on 3rd March 2014.The amendment establishes a legal framework on reduction targets of Green House Gas(GHG) emissions by developed Countries or individually.

6.3 Paris Agreement

834. Kenya signed the Paris Agreement on 22nd April, 2016 and ratified on 28th December, 2016. It entered into force on 27th January 2017.The main objectives of the PA is to re-affirm the goal of limiting global temperature increase well below 2 degrees celsius, while urging efforts to limit the increase to 1.5 degrees celcius.
835. The Paris Agreement (PA) enhances the implementation of the United Nation Convention on Climate Change, including its objective, aim to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty. Parties to Paris Agreement are parties to United Nations Framework on Climate Change. Since the adoption of the Agreement Kenya has Completed the ratification process and as submitted Nationally Determined Contribution (NDCs) for the implementation of the Agreement. Further the country has formulated the National Adaptation Plan as per the National Climate Change Action Plan. There is need to enhance public awareness on climate change and in particular the provisions of the Paris Agreement across sectors and mainstream the Nationally Determined Contributions, (NDCs) into sector planning of both County and National Governments.

6.4 United Nations Convention to Combat Desertification (UNCCD)

851. The Convention was adopted in 17th June, 1994 and Kenya signed on 24th October, 1994. Kenya ratified on 24th June, 1997.
852. The Country has been implementing the Convention per the UNCCD 10 year strategy and has aligned the National Action Plan (NAP) to the strategy. Further, the country has been participating in COPs and other UNCCD international engagements. Kenya participated in the COP12 in Ankara in October, 2015. The country hosted the UNCCD Committee for the Implementaion of the Convention as subsidiary of the Convention in Nairobi in October, 2016. The country is continuing to mainstream desertification, land degradation and Suistainable Land Management (SLM). The main challenge is increasing land degradation and low budgetary provision for implementing the Convention. It is recommended that SLM be upscaled for the country to halt land degradadtion.

6.5 Convention of Biological Diversity (CBD)

853. Kenya signed the Convention on 11th June 1992. The Convention entered into force on 29th December, 1993. Kenya acceded to it on 26th July 1994. The Government is reviewing and updating the National Biodiversity Strategy and Action Plan to align them with the CBD strategic plan and Aichi targets.
854. Development of the natural Captial Atlas is complete. The Atlas takes into account national wealth and how it can be sustainably used in the context of poverty alleviation and food security for development. The country is also promoting bio-enterprises such as ecotourism.
855. The Government reports its to the progress to the CBD Secretariat.

6.6 Convention on Sustainable Development

856. The Convention is meant to ensure mainstreaming of climate change and biodiversity issues in the planning process for sustainable development of non-renewable resources, to ensure future generations meet their own needs.
857. The Government has already included climate change and biodiversity issues in the 2nd Medium-Term Plan.
858. Competing priorities for resources to fund programmes on sustainable development and inadequate human capacity on climate change and biodiversity issues negatively impact on the implementation of the Convention. Capacity building in climate change and biodiversity, and the provision of adequate financial resourcesare key to meeting the Convention's goals.

6.7 Vienna Convention and its Montreal Protocol on Substances that Deplete the Ozone Layer

859. Kenya adopted the Convention on 16th September, 1987. It entered into force on 9th November 1989. Kenya has ratified 4 Amendments to the Montreal Protocol, namely; the London Amendment of 1990, Copenhagen Amendment of 1992, Montreal Amendment of 1997 and Beijing Amendment of 1999. Kenya participates in meetings of the

Conference of Parties and commemorates the International Day for the Preservation of the Ozone Layer, to enhance public awareness on ozone protection issues.

860. The Government has been promoting adoption of ozone friendly technologies to replace ozone depleting substances (ODS) and 80% of them have been phased out Government in collaboration with training institutions has trained over 100 technicians dealing with refrigeration services on good practices during repair and maintenance of refrigeration and air conditioning equipment. Further, it coordinated the training of 32 customs and NEMA officers) on control measures of ODS imports. The Government supported the adoption of Kigali Amendment on Hydro fluorocarbons (HFCs) management under Montreal protocol

6.8 Minamata Convention on Mercury

861. Kenya participated and engaged in developing a legally binding instrument on mercury. The instrument was adopted at the fifth session of the Inter-Governmental Negotiating Committee (INC) in Geneva, Switzerland in January 2013. Kenya signed the Convention on 10th October, 2013. Kenya is yet to ratify the Convention.
862. Kenya has been implementing the Dental Amalgan phase down project with activities which include training and installation of Mercury Separation in major dental institutions.
863. Government is in the process of actively engaging with stakeholders to put in place measures to domesticate the Convention. In addition, Kenya is bidding to host the Secretariat established through the Convention, to be based at UNEP in line with Rio+20 outcome document.

6.9 The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity

864. The Protocol was adopted by the COP 10 to the CBD at its 10th meeting on 1st February, 2012 and ratified on 7th April, 2014. It entered into force on 12th October, 2014. The Protocol provides for access and equitable benefits sharing of genetic resources under the Convention on the Conservation of Bio-Diversity.
865. Government participates in meetings of Parties the Protocol, and has prepared regulations for conservation on Biodiversity, access to genetic resources and benefit sharing to be aligned with the provisions of the Protocol.
866. Implementation of the regulations will enable Kenya exploit its Genetic Resources and safeguard them from misappropriation.
867. The Check-point is Kenya Wildlife Service, Kenya Forest Service, KEPHIS, Department of Immigration and Kenya Industrial Property Institute. Since ratification the Government has issued seventy (70) access permits for research and development.
868. Government has put in place a Committee to vet access and benefit sharing proposals.
869. Current challenges in implementing the Protocol are low awareness and inadequate capacity at both national and County levels. Domestication of the Convention and finalize harmonisation of the benefit sharing regulations with the provisions of the Convention.

6.10 Stockholm Convention on Persistent Organic Pollutants

870. Kenya signed the Convention on 23rd May 2001, and ratified it on 24th September 2004. It entered into force on 17th May 2005. The Convention aims to eliminate or restrict the production and use of Persistent Organic Polluters (POPs) to protect human health and the environment. The Government has adopted a National Implementation plan for action.
871. The Government has developed a concept on solid Waste disposal embracing corporate partnership in solid waste management. Mobilization of financial resources from Global Environment facility (GEF) for a project to finance management of medical waste disposal in Nairobi, Nakuru and Kisumu is being undertaken. There is also a proposed JICA/GoK project to establish a modern incinerator in Nairobi that will receive medical waste from any hospital in the country for disposal.

6.11 United Nations Environment Assembly (UNEA)

872. United Nations Environment Assembly (UNEA) is the central body within the UNEP that coordinates environmental issues. Two UNEA meetings have been held in Nairobi (2014 and 2016).
873. The meetings attracted universal membership following the upgrading of UNEP. Several side events and meetings were held and key decisions on environment were passed including on illegal trade in Wildlife, Sustanable Development Goals, Green Growths Initiatives among others.

6.12 The Cartagena Protocol on Bio Safety

874. The Cartagena Protocol is an international agreement on bio safety which aims to ensure the safe handling, transport and use of living modified organisms (LMOs), also referred to as genetically modified organisms (GMOs) resulting from modern biotechnology that may have adverse effect on biological diversity, taking also into account risks to human health. Kenya signed the Protocol in the year 2000 and ratified it in 2013.
875. The Protocol obliges members States to establish Competent Authorities which act as the National Focal Point for the Protocol and serve as the Biosafety Clearing House (BCH) for the purpose of providing international linkages and exchanges of information. Member States are also obliged to pay an annual subscription fee determined during Conventions of the CBD.
876. Kenya enacted the Bio safety Act in 2009 and established the National Bio safety Authority (NBA) to manage bio safety issues and also serve as the national focal point for the BHC. The Government has met and continues to meet her obligations under the Protocol through the National Competent Authority.
877. The Authority is to facilitate responsible research into genetically modified organisms, to ensure adequate level of protection for the safe transfer, handling and use that may have an adverse effect on the health of the people and the environment. It is also supposed to

regulate activities in genetically modified organisms. Research is being conducted by Kenya Agriculture and Livestock Research Organisation (KALRO).

6.13 Convention on International Trade in Endangered Species (CITES)

878. CITES was adopted on 3rd March, 1973 in Washington DC and ratified by Kenya on 13th December, 1978. It entered into force on 13th March, 1979. Its objective is to manage international trade in parts or products of, and endangered species. The Government's obligation is to ensure that Kenya's endangered species are protected from dangers of international trade; protect their survival and regulate international trade in endangered species.
879. Kenya has designated KWS to coordinate CITES, and the Scientific Authority on animals together with National Museums of Kenya deal with plants. The Government has strongly lobbied for decisions regarding illegal trade on ivory and rhino horn among other endangered species to be adopted by the international community. In 2016, Kenya burnt 105 tonnes of ivory. Intelligence, investigation and prosecution of poachers and traffickers has been enhanced. The penalties under the Wildlife Conservation Act have also been enhanced to curb the illegal trade in endangered species.
880. The Government submitted proposals on the protection of several species including the African elephants, African pangolin, sharks, lions, species of viper snakes, East African sandalwood tree species and African rosewood tree species amongst others for consideration by the COP 17 held in Johannesburg, South Africa.
881. The Government has made several regulations under the Wildlife Conservation Act, 2013 to implement CITES.

6.14 Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

882. The Convention was concluded on 26th March, 1979 in Bonn, Germany and entered into force on 1st November, 1983. Kenya acceded to the Convention on 26th February, 1999. The Convention provides for the protection and conservation of migratory species, their habitats and migratory routes. CMS complements and co-operates with a number of other international organisations, NGOs and partners in the media as well as in the corporate sector.
883. CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range. The agreements may range from legally binding treaties (called Agreements) to less formal instruments, such as Memoranda of Understanding, and can be adapted to the requirements of particular regions. The development of the models are tailored according to the conservation needs throughout the migratory range is a unique capacity to CMS.
884. In that regard Kenya has signed and ratified several agreements and MOUs under the CMS as follows:

    i. Africa/ Eurasia migratory Water Bird Agreement;

ii. Sharks MOU signed internationally;
iii. Dugongs MOU signed internationally;
iv. Turtles MOU internationally;
v. Raptors MOU internationally;

885. The KWS is the institution that coordinates and implements our obligations under the Convention.

6.15 Convention on Wetlands of International Importance especially as Waterfowl (RAMSAR Convention)

887. The Convention is an interGovernmental treaty adopted on 2nd February, 1971 in RAMSAR, Iran. The Convention came into force in 1975. Kenya ratified the Convention and it came into force on October 5, 1990. The first obligation under the Convention is for a party to designate at least one wetland at the time of accession for inclusion in the List of Wetlands of international importance in accordance with Article 2 (4) (The Ramsar List) and to promote its conservation. Kenya is home to six wetland types: Riverine (Ewaso Ngiro, Nyando and Yala Rivers); Lacustrine (Lake Naivasha, Lake Baringo and Lake Victoria); Palustrine (King'wal Swamp in Nandi area and Nyando Flood plains); Estuarine (Tana River Delta and Turtle Bay); Marine (Mombasa Marine National Park and Watamu Marine National Reserve); and constructed wetlands (Mwea Irrigation Scheme, Ahero Irrigation Scheme and Bunyala Irrigation Scheme). Under the Convention, Kenya is required to have an inventory of all the wetlands

888. Kenya Wildlife Service (KWS) is designated as the Convention's implementing authority and national focal point (RAMSAR Convention Secretariat 2012a).
889. Under the three pillars of the Convention the contracting parties commit to: work towards the wise use of all their wetlands; designate suitable wetlands for the list of wetlands of international importance (The RAMSAR List) and ensure the effective management; and co-operate internationally owing to Kenya's diverse climate and topography.

890. The Environmental Management and Coordination Act and its regulations contain a number of innovative wetland provisions. The National Environment Management Authority has developed a Wetlands Policy which was approved by National Assembly in December, 2015. Insufficient funds and weak coordination hampers focal point actors from carrying out their obligations under the Convention.

6.16 The African Convention on the Conservation of Nature and Natural Resources.

891. The African Convention for the Conservation of Nature and Natural Resources of 1968 (the "Algiers Convention") was adopted on 15th September, 1968 and came into force on 16th June 1969, and revised on 11th July 2003. The objectives of the Convention are: to co-operate and collaborate in the sustainability, protection, conservation and rehabilitation of shared natural resources; and to domesticate the Convention.

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

892. Kenya is required to participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources. Implementation will promote partnership in the conservation of shared natural resources at regional level, besides proper management and conservation of shared natural resources in Kenya.
893. Kenya has actively participated in the negotiations of the CFA on the River Nile.

6.17 Convention on the African Migratory Locust

894. The Convention on the African Migratory Locust aims to eliminate the trans-boundary pest which is very destructive to all kinds of vegetation. It was adopted on 25th May 1962 and entered into force on 13th April 1963. Kenya became State Party in November, 1963.
895. State parties contribute money, supplies or services to the operations of the Organisation on the basis of the proportions indicated in the annex to the Convention. Contracting Governments shall also facilitate the construction on their own territory of the buildings necessary for the operation of the Organisation.
896. The Contracting Governments shall, when necessary, give assistance requested by the Organisation for the destruction of incipient swarms.
897. Kenya has put in place the necessary infrastructure at the Wilson Airport's Plant Protection Unit manned by a team of officers trained to control migratory pest. The team works directly with the Locust Control Organisation (LCO). It is however, recommended that more budgetary allocation be given to the LCO.

6.18 East Africa Community Protocol on Environment and Natural Resources Management.

898. The Protocol was adopted in the year 2005, Kenya ratified the Protocol in 2010, though the Protocol is yet to enter into force as the United Republic of Tanzania has not ratified it. The objective of the Protocol is to coordinate Partner States to adopt a common vision in addressing the challenges of achieving sustainable development at the local, national and regional levels through sound environment and Natural Resources Management.
899. There is however, a delay in implementation of the Protocol due to non-ratification by some Partner States.

6.19 The 1997 UN Watercourses Convention

900. The Convention deals with broad concept of the use of waters in trans-boundary Rivers. The UN established International Law Commission framework, which was accepted by the General Assembly in 1997. The Convention has the advantage of being broad in concept and encompassing all aspects associated with water use. However, there is a serious weakness which limits its utility as a working document by permitting the riparian States in dispute to engage in almost endless discussion over divergent issues.
901. The Convention seeks to provide multilateral framework with regard to use and protection shared water resources. Kenya is supposed to co-operate internationally with

regard to use and protection of shared water resources. A Draft Cabinet Memo for ratification of the Convention has been developed and is waiting for approval.

902. The Convention provides a multilateral framework for use and protection of shared water resources. Kenya is committed to equitable utilisation of shared water resources.

6.20 The 1992 Helsinki Convention (The Water Convention)

903. The Convention's main objective is to promote international cooperation and national measures in the protection and sustainable use of Trans-boundary Watercourses and international lakes.

904. It provides an inter-Governmental platform for the day-to-day development and advancement of trans-boundary cooperation. Initially negotiated as a regional instrument, it turned into a universally available legal framework for trans-boundary water cooperation, following the entry into force of amendments in February 2013, opening it to all UN Member States.

905. Kenya stands to benefit from the opportunity to partner internationally in the sustainable management and development of trans-boundary water resources.

906. Successful implementation will contribute to the maintenance of peace and security.

6.21 The 2010 Nile Basin Cooperative Framework Agreement (CFA)

907. The Nile River Basin negotiations started in 1997 to come up with a new Nile River Basin Agreement that is in the name of "The Nile River Basin Cooperative Framework." The Completed NBI CFA was opened for signature in May 2010 and so far six countries namely; Kenya, Uganda, Tanzania, Rwanda, Burundi and Ethiopia have signed it.

908. The Negotiated Agreement will provide an agreement that will give all the riparian States of the River equal opportunity to have equitable and reasonable access to water resources of the Nile River. The Nile River Basin is a very important and indispensable water resource to the people of Kenya.

909. Kenya is not a party to any other Nile Treaty apart from the 2010 Nile Basin Cooperative Framework Agreement (CFA).

910. Kenya has been an active participant and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands.

911. The CFA has been approved by Cabinet and the ratification process of the instrument has commenced.

6.22 East Africa Community Protocol for the Sustainable Development of Lake Victoria Basin

912. The Protocol was concluded on 29th November, 2003 and Kenya ratified it in December 2004. The Protocol provides a framework for cooperation among the Partner States in the conservation and sustainable utilization of the resources in the L. Victoria basin. EAC Partner States and stakeholders are therefore obliged to protect, conserve, and where necessary rehabilitate L. Victoria basin and its ecosystems; and to develop programmes to reduce environmental degradation within the Lake Victoria basin and explore means of

having co-ordinated implementation of programmes on the Lake's basin by different institutions.

913. The Protocol provides for establishing of The Lake Victoria Basin Commission. The secretariat headquarters is based in Kisumu City, Kenya after being relocated from Arusha in January 2007. The objectives and broad functions of the Secretariat is to promote, coordinate and facilitate development initiatives within the Lake Victoria basin.
914. 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. The National Focal Point is Ministry of Environment and Natural Resources.
915. Programmes and Projects being implemented in the basin include the strategy to manage water hyacinth, improved sanitation across the basin, rehabilitation of catchments, community development projects among others, implemented by LVBC and LVEMP II under the focal point Ministry.
916. Current challenges experienced in implementing the Protocol are: conflict in use of the shared resource, financial Constraints, insufficient public awareness amongst the communities living in the basin area and lack of consensus on strategies and programmes proposed by the Commission to be undertaken by Partner States. There is need to build full consensus among stakeholders through continuous engagement.
917. The East African Community has designated Lake Victoria and its Basin as an "area of common economic interest" and a "regional economic growth zone" to be developed jointly by the Partner States. Accordingly, a joint programme is to be developed for the overall management and rational utilization of the shared resources of the Lake. Benefits include the development of infrastructure, and revamping the transport system on and around the Lake.
918. Currently, there is an (LVEMP-II) project which is an East African Community (EAC) regional initiative coordinated by the Lake Victoria Basin Commission (LVBC) Secretariat and currently implemented by the five EAC Partner States that share the Lake Victoria Basin. It is a trans-boundary project designed to achieve two development/global environmental objectives. Firstly, the project is meant to improve collaborative management of the trans-boundary natural resources of the Lake Victoria Basin among the Partner States and, secondly, to improve environmental management of targeted pollution hotspots and selected degraded sub-catchments for the benefit of communities who depend on the natural resources of Lake Victoria Basin.

6.23 Food and Agriculture Organisation of the United Nations (FAO).

919. As a UN member State, Kenya automatically becomes a member of FAO which is an Organisation of the UN tasked with handling issues of food security, water and environment. Programmes under FAO are supposed to lead to eradication of Hunger and poverty and conservation of the environment for sustainable development.
920. Kenya has enacted the Crop Development Act, 2014, the Agriculture and Livestock Act, 2014 and the Agriculture, Fisheries and Food Authority Act, 2014. The Agriculture,

Fisheries and Food Authority is in place. Further, Kenya has signed the Comprehensive African Agricultural Development Programme and has also launched Kenya Agricultural Sector Development Strategy, 2010-2020.

921. Collaboration with FAO aims at eradicating hunger and poverty and conservation of the environment for sustainable development. Staffing at the Kenya Embassy in Rome includes an Agricultural Attachee to monitor agriculture related issues and inform Nairobi.
922. There is need to harmonise existing policies and laws to avoid duplication of efforts and initiatives.

6.24 Agreement Establishing International Fund for Agricultural Development (IFAD)

923. The Agreement was adopted in 1977, entered into force in 1979 and Kenya became State party in 1979. IFAD is a specialized agency of the UN focused on eradication of rural poverty and improvement of food security in developing countries through empowerment and capacity building of the rural poor for job creation, contribution of affordable financial services, and improved agricultural technologies. Kenya's annual subscription to IFAD is KES.6,786,196.
924. Kenya has undertaken agricultural reform legislation. Fertilizer cost-reduction initiative has been launched. Setting up of five livestock disease-free zones in the ASAL regions and ASAL development projects is in progress.
925. Kenya's Agricultural Attachee monitors the work of IFAD in Rome and advises Government through the Mission on appropriate engagement.
926. Challenges include financial constraints and slow implementation due to delay in release of funding from IFAD.

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

927. The treaty was adopted on 9th November, 2001, Kenya became party on 27th May 2003, and it entered into force on 29th June, 2004. The ITPGRFA aims at guaranteeing food security through the fair and equitable benefit sharing from the use of the world's genetic plant resources.
928. Article 9 of the treaty obligates States to take responsibility for realizing Farmers' Rights, relating to plant genetic resources for food and agriculture. Farmers are to freely access genetic resources without intellectual property rights restrictions particularly the right to use, save, sell and exchange seeds that they have produced on their farms.
929. Kenya ratified the treaty to ensure protection of traditional knowledge relevant to plant genetic resources for food and agriculture in conformity with Article 43(1) (c) of the Constitution which provides that every person has the right to be free from hunger and to have adequate food of acceptable quality.
930. The treaty recognises the enormous contribution of local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, make to the conservation and development of plant genetic resources, as a basis of food and agriculture production throughout the world.

6.26 WTO Agreement on the Application of Sanitary and Phytosanitary Measures

931. The Agreement was adopted on 15th April 1994, Kenya ratified on 1st January 1995 and it entered into force 1st January 1995. The Agreement sets out the basic rules for protection of human, animal and plant life to ensure safe trade. The measures (standards) for animal health and zoonosis and food safety are developed by the World Organisation for animal health (OIE) and Codex Alimentarius Commission (CAC) respectively.
932. These standards are embedded in national legislation and sector policies to protect Kenya's trade on both animal and plant products. The Kenya Veterinary Department is 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.
933. As a member of the World Trade Organisation (WTO), Kenya is obliged to be party to this agreement.
934. Kenya participates in WTO-SPS Committee meetings, and notifies of measures taken to comply with standards in a timely manner to allow members make comments before adoption. Kenya also participates in the work of international standard setting bodies i.e. OIE, CODEX & IPPC.
935. In compliance with the Agreement, Kenya Plant Health Inspectorate Services (KEPHIS) was established to handle Phytosanitary issues. Compliance ensures stringent sanitary and phytosanitary standards not only for export but also for local products.

6.27 Phytosanitary Convention for Africa

936. The Convention was adopted in Kinshasa, DRC, on 13th September, 1967. It was reviewed in 1997. The Convention does not contain any provision relating to its entry into force. Kenya has neither signed nor ratified the Convention. However, Kenya being a member of the inter African Phytosanitary Council it is bound by the Convention.
937. Kenya is a major producer and exporter of agricultural commodities especially of the plant variety, and adherence to the Convention helps the country protect its plant genetic resources and biodiversity.
938. The implementation of the Convention helps minimize the introduction and spread of diseases.
939. The treaty obliges Kenya to take measures of quarantine, certification and inspection or such other measures as may be considered necessary in respect of any living organisms, animal, plants, plant material, seeds, soil, compost or packing material (including containers) and any other article the importation of which is considered to constitute a threat to agriculture in any part of Africa, to minimize threats to the agricultural industry.
940. Kenya started adhering to the Convention on 7 May 1974 and abides by the revised Convention (1997). Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity is a challenge.

6.28 East Africa Community Protocol on Sanitary and Phyto-sanitary (SPS) Measures

941. The Protocol was concluded on 12th July, 2013 and ratified by Kenya in August 2016. The Protocol aims to promote trade in food and agricultural commodities and strengthen

the application of a harmonized approach for implementation of SPS measures and activities within the Partner States. Only Uganda, Rwanda and Kenya have ratified the Protocol and it has not come into force as it awaits ratification by Republic of Burundi and United Republic of Tanzania.

942. Ratification of the SPS Protocol will provide the country with the legal basis for further reforms to guarantee food safety measures, plant protection and animal health. The Protocol will improve mitigation of risks arising from pests, diseases and food safety concerns; improve competitiveness of produce originating from EAC in external markets; and help the region effectively contain disease and pest major threats. Ratification of the Protocol will make Kenya compliant with the EAC Common Market Protocol which requires Partner States to harmonize and mutually recognise sanitary and phyto-sanitary standards and technical barriers to trade.

6.29 Agreement of the World Organisation for Animal Health (OIE)

943. The Agreement was adopted on 25th January 1924 and Kenya acceded to it in 1924. 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.

944. The Department of veterinary services is the technical reference point for this Agreement. Kenya hosts the sub-regional office for OIE in Nairobi with the purpose of coordinating animal health and welfare in Africa. Focal points on veterinary products, on veterinary public health, on animal welfare, communication and World Animal Health Information System (WAHIS) are yet to be appointed. It is recommended that the appointments be done.

6.30 Treaty Establishing the Common Fund For Commodities

945. The treaty establishing the Common Fund for Commodities (CFC) was adopted on 27th June 1980, Kenya ratified it on 6th April 1982 and it entered into force on 19th June 1989. The CFC is an autonomous inter-Governmental financial institution established within the framework of the United Nations. Its mandate is to enhance socio-economic development of commodity producers and contribute to the development of society as a whole through commodity development projects financed from its resources which consist of voluntary contributions and capital subscriptions by Member Countries. Through co-operation with other development institutions, the private sector and civil society, CFC endeavours to achieve overall efficiency and impact on commodity development.

946. CFC supported interventions cover all aspects of the value chain from production to consumption. The Fund has financed development projects for nearly two decades to enhance social and economic development in commodity dependent developing countries such as Kenya. Innovative projects target new opportunities in common markets and value chains with potential to generate positive impact on social, economic and environmental development of stakeholders. The CFC is currently funding a Programme

on Cotton Value Chain Development in the country to accelerate growth; contribute to poverty reduction and increase employment, livelihoods and incomes of targeted beneficiaries.

6.31 International Seed Testing Association (ISTA)

947. The treaty establishing the International Seed Testing Association (ISTA) was adopted in 1924. The Organisation was founded with the aim of developing and publishing standard procedures in the field of seed testing. The Organisation facilitates seed trading nationally and internationally. Kenya's objective is to produce high quality seeds and also ensure that imported seeds meet the required standards. Quality enables Kenya to export and import high quality seeds to improve agricultural production and productivity. Kenya pays Kes.47, 520 annually towards the operations of the ISTA. Kenya also participates in meetings in the decision making process of the Organisation, and hosts ISTA meetings.
948. One laboratory has been accredited by ISTA for seed testing. Acquisition of necessary equipment for accreditation for a second laboratory has been a challenge. Resource mobilisation is encouraged to complete the second laboratory for accreditation.

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

949. The International Convention for the Protection of New Varieties of Plants was adopted at a Diplomatic Conference in Paris on December 2 1961 to recognise the rights of plant breeders internationally. Kenya acceded to the Convention on 3rd March 2014.
950. The UPOV Convention provides a unique form of intellectual property protection, specifically adapted for the process of plant breeding, and developed with the aim of encouraging breeders to develop new varieties of plants. Kenya acceded to UPOV under the 1978 Convention on 13th May 1999. Kenya pays UPOV an annual membership fee of KES. 985,000.00.
951. UPOV membership offers possible mechanisms for stimulating research, enables access to technology, and promotes enterprise growth, and increases potential for further agricultural development (e.g. for supporting public agricultural research, regulating seed production and marketing, providing an enabling environment for agribusiness development, and empowering smallholders).
952. Kenya enacted the Seeds and Plant Varieties Act (Cap 326) of 1972, which became operational in 1975. Regulations to guide seed operations were made in 1977 and revised in 1991, while plant breeder's rights (PBR) regulations were published in 1994.
953. KEPHIS is mandated to regulate quality of agricultural inputs and produce. Seed Quality Assurance Services are managed within the guidelines and procedures stipulated in the Seeds and Plant Varieties Act (Cap 326) of the Laws of Kenya.
954. Kenya actively participates in formulation and implementation of regional and international policy and law on plant variety protection and, besides the UPOV Convention, is party to the Lusaka Agreement and therefore a member of ARIPO.
955. The Government has continued to improve its plant variety protection system including amendment of the Seeds and Plant Varieties Act (1972) in 2012 to incorporate aspects of the 1991 Act of the UPOV Convention. The process of acceding to the 1991 Act of the UPOV Convention has been initiated. Review of the official regulations to guide

implementation of the Seeds and Plant Varieties Act (1972) in 2012 is currently underway.

956. KEPHIS is implementing the UPOV system of plant variety protection.

6.33 International Grains Agreement

957. The Agreement was adopted on 7th December, 1994 and came into force on 1st July 1995. Kenya became party to the agreement in 1994. The objective of the agreement is to further international co-operation in all aspects of trade in grains, especially insofar as these affect the food grain situation and contribute to world food security and improve the ability of the international community to respond to emergency food situations and other food needs of developing countries. The agreement has two components namely; Grain Trade Convention (GTC) and Food Aid Convention (FAK). The GTC's main aim is to provide for information-sharing, analysis and consultations on grain market and policy developments while the FAC creates a forum where donor countries pledge to provide annually specified amounts of food aid to developing countries in the form of grain suitable for human consumption, or cash to buy suitable grains in recipient countries. Kenya has a well-developed seed industry and strives to access the world market and promote expansion, openness and fairness in the sector. 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.

958. A draft Cereals Policy to provide an enabling policy, legal and regulatory framework that addresses constraints in; technology development; input accessibility; adoption of technologies; marketing systems; products quality and infrastructure for the development of the subsector along the cereal commodity value chains has been developed.

959. Any member may withdraw from this Convention at the end of any fiscal year by giving written notice of withdrawal to the depositary at least ninety days prior to the end of that fiscal year, but shall not thereby be released from any obligations under this Convention which have not been discharged by the end of that fiscal year. The member shall simultaneously inform the Council of the action it has taken.

6.34 International Sugar Agreement 1969 (ISA)

960. The Agreement was adopted on 1st January 1992 by United Nations Convention on Trade and Development. The objective is to promote trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for inter-Governmental discussions on sugar.

961. Kenya undertakes to adopt such measures as are necessary to enable it fulfill its obligations under this Agreement and fully to cooperate with other members in securing the attainment of the objectives of this Agreement.

6.35 International Coffee Agreement (ICA)

962. The Agreement was adopted in 1962. It was reviewed and approved on 28th September 2007 by member States. It entered into force on 2nd February 2011. The main objective

of the Agreement is to offer a forum for inter-Governmental consultations, facilitation of international trade through increased transparency and access to relevant information, and promotion of a sustainable coffee economy for the benefit of all stakeholders and particularly of small-scale farmers in coffee producing countries.

963. Certificates of Origin are important sources of information in coffee trade. The Coffee Directorate is responsible for the proper issuing and use of Certificates of Origin to Kenyan coffee exporters.

964. Kenya, therefore furnishes regular and accurate information on re-exports, in the form and manner determined by the Council. Participation has led improvement of coffee prices in the international market and increased earnings for farmers for coffee farmers. Nonetheless, the challenge of middlemen in the trade requires to be addressed.

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

965. The Convention was adopted on 1st July, 1985. The objective of the Convention is to promote establishment of national institutions as for fertilizer technology by Member States. A fertilizer blending plant has already been established in Eldoret.

966. Member States are expected to facilitate the collection, exchange and dissemination of information; and to make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre.

967. Low intake of fertilizer use is because of exorbitant prices and availability. The Agreement is therefore important in promoting increased fertilizer use for increased production in the Agriculture Sector.

968. Kenya stands to benefit from technologies on fertilizer use to attain food security and increased export earnings.

6.37 Organisation for Economic Co-operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes

969. The OECD was formed in 1960 and entered into force in 1961. The main objectives of the Organisation is to provide a worldwide reference for the certification and standardization of seeds, agricultural and forestry tractors, forest reproductive materials and fruit and vegetables. The Organisation provides a platform to compare policy experiences, seek answers to common problems, and identify good practices and co-ordinate domestic and international policies of its members.

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

971. 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.

972. Joining the Organisation ensures easier integration of Kenya's seeds, fruits and vegetables into the international markets through application of OECD standards in inspection and labelling of seeds. Kenya contributes towards the day to day running of OECD schemes

and participates in decision making meetings of OECD schemes and shares information/data with other OECD schemes' members.

973. Kenya Implements OECD seed schemes, fruits and vegetables schemes and forestry seed schemes.

7.0 TOURISM

7.1 United Nations World Tourism Organization (UNWTO)

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

7.2 Association of Hotel Training Schools in Africa – AHTS

975. The State department in charge of tourism through the Kenya Utalii College (KUC) is obligated to the Association of Hospitality and Tourism Schools in Africa (AHTSA) to ensure that member schools offer first class training in hospitality. Utalii college is the Secretariat for AHTSA. The association comprises 27 member schools drawn from 15 African countries. The institution has greatly contributed to the development of other African Hotel Schools through consultancy services and exchange programs. Kenya Utalii College has cultivated linkages with renowned institutions the world over with an aim of benchmarking and adopting best global practices. The College has collaborated with Manchester Metropolitan University, U.K, Livingstone International University of Tourism Excellence and Business Management (LIUTEBM), Zambia, Makerere University, Uganda and the University of Nairobi, Kenya. KUC is in the process of establishing linkages with more institutions in the world to ensure that quality. The collaborations include exchange programs for lecturers and students. The linkages are also aimed at creating the much required connection between the African safari experience and the global Hospitality and Tourism industry, to harness the untapped, rich African market.

8.0 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

8.1 International Telecommunications Union (ITU)

976. The International Telecommunication Union (ITU)'s main objective is to set and publish regulations and standards relevant to electronic communication and broadcasting technologies of all kinds including radio, television, satellite, telephone and internet.

977. The Organisation conducts working parties, study groups and meetings to address current and future issues and to resolve disputes. The ITU organizes and holds exhibitions and

forums known as the Global TELECOM every four years. It also helps emerging countries to establish and develop telecommunication systems of their own.

978. The Communications Commission of Kenya established in 1999 by the Kenya Communications Act (KCA) No. 2 of 1998 which has since rebranded to Communications Authority (CA), is the regulatory authority for the communications sector in Kenya. CA's initial mandate was regulation of the telecommunications and postal/courier sub-sectors, and the management of the country's radiofrequency and television spectrum.

979. Kenya ratified 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.

980. In recognition of the rapid changes and developments in technology which have blurred the traditional distinctions between telecommunications, Information Technology (IT) and broadcasting, the Government in January 2009 enacted the Kenya Communications (Amendment) Act, 2009 which was later revised in 2011. This Statute enhanced the regulatory scope and jurisdiction of CCK, and effectively transformed it to a converged regulator.

981. The Communication Authority is responsible for facilitating the development of the information and communications sectors (including broadcasting, multimedia, telecommunications and postal services) and electronic commerce.

982. 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; Enhanced 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.

983. The Government has promoted development of ICT infrastructure through laying of fast internet fibre optic cables, and initiation of the Konza Technopolis which strategically position Kenya as a regional ICT hub. These measures have lowered the cost of internet and as a result increased accessibility to internet.

984. The implementation of e-Government policy has increased access to Government services e.g. e-Citizen for processing of passports, increased Government revenue collection, reduced bureaucracy, reduced cost of doing business and improved management and security of Government records.

8.2 African Telecommunications Union

985. ATU was formed in 1977 as the leading continental Organisation fostering development of information and communications technologies infrastructure and services. The Union's vision is to accelerate info-communication interconnectivity in Africa for rapid development.

986. 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.

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

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

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

8.3 Universal Postal Union

990. The Universal Postal Union (UPU) is a specialized agency of the United Nations formed in 1874 in order to organize and improve postal service throughout the world and to ensure international collaboration in this area.

991. It helps to ensure a truly universal network of up-to-date products and services. The Organisation provides advisory, mediation and liaison services, as well as technical assistance where needed. It sets rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial services volumes and improve quality of service for customers.

992. 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.

993. 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 Cabinet Secretary may assign.

994. Kenya derives benefits from being a member, provides delivery of mail services to the desired destination in a timely manner, provides employment opportunities for the people living in rural areas and improves varied facilities like banking in the rural areas besides mailing facilities.

8.4 Pan African Postal Union (PAPU)

995. The PAPU was established in 1980, as a specialised agency of the African Union. Its objective is to coordinate all decisions pertaining to the development of postal services in Africa and aims to maintain and extend co-operation among Member-States for the improvement and rational use of postal services, and harmonise tariff structure among Member-States. Compatibility in tariffs on goods and services, and a sound financial management of postal services will promote establishment of multi-national regional and sub-regional postal training institutes in Africa, in co-operation with international and African Regional and sub-regional Organisations. The PAPU harmonizes as far as

possible the position of its Member-States during international meetings in the field of postal services and in particular at UPU meetings, publishes information and research material on postal services for the benefit of Member-States of the Union and encourages exchange of information and staff between Member-States and acts as a servicing institution for its Member-States for integrated postal development through provision of necessary technical support.

8.5 The Conventions/Agreements/MOU's between Government of Kenya and the Governments of Iran, Egypt, Burundi and China

996. Parties to the Agreement take appropriate measures to facilitate, strengthen, expand and diversify Information Communication Technology between them within the frame work of the agreement subject to the laws, regulations and rules enforced in their respective countries. The Parties are obliged to cooperate in business Process Outsourcing (BPO); Development of Data Centres and Disaster Recovery Centre; Establishment of Digital Villages for provision of Government Services; Capacity Building in Information Communication Technology; Development of ICT Application Systems; Multimedia digital Contents Development; Exchange Visits between media personnel; Technical co-operation in areas of news reporting and acting techniques; Collaboration by National News Agencies of both countries; Co-production of Radio and Television programs; Joint productions of Films, Radio, Television programs; Exchange of Radio and Television programs, press photographs, feature articles, publications, News Stories and any other information material as may be agreed between the two countries; Benchmarking on the ICT training standards, Contents and Curriculum development for Schools, Colleges, Universities and tertiary Institution; Benchmarking ICT policy, legal and regulatory framework in the two countries and, ICT Hardware and Software Development.

8.6 Convention relating to UPU, ITU and IPU

997. The objective of this Convention is to enhance ICT usage globally. The international bodies provide training, advise, research, and allocation of frequencies for States.

8.7 The African Advanced Level Telecommunications Institute (AFRALTI)

998. Founded in 1992, the African Advanced Level Telecommunications Institute (AFRALTI) is an inter-Governmental organisation headquartered in Nairobi, whose key mandate is to provide human resources capacity building through high-level quality training. AFRALTI also offers consultancy and advisory services to both management and technical personnel in the ICT sector in Africa.

999. AFRALTI collaborates with a number of regional and international Organisations. Partnership ITU has made AFRALT a Center of Excellence node within the ITU Center of Excellence project.

9.0 ETHICS AND INTEGRITY

9.1 United Nations Convention against Corruption (UNCAC)

1000. The objectives of UNCAC are preventing corruption, criminalizing certain conducts, strengthening international law enforcement and judicial co-operation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for implementation of the Convention, including the Conference of the States Parties to the United Nations Convention against Corruption.

1001. It requires State Parties to implement several anti-corruption measures which may affect their laws, institutions and practices.

1002. Kenya has implemented the electronic procurement and payment system in order to eliminate middlemen and corruption in the country's procurement system.

1003. The establishment of a treasury single account from which all payments shall be processed in compliance with the Financial Management Act will greatly help in curbing corruption.

1004. 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.

1005. 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.

1006. 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.

1007. In 2016, Kenya also established the Asset Recovery Agency that is mandated to track and seize properties and funds which have been acquired with proceeds of corruption.

1008. 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.

(a) Expert advice on model laws, policies and strategies for effective onslaught against corruption.

(b) 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.

(c) Exchange of new ideas, techniques and best-practices in the war on corruption as may arise from time to time through research.

(d) 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.

(e) Assessment of technical assistance needs to address the gaps identified in the implementation of UNCAC and the fight against corruption generally.

(f) 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.

(g) Demonstration of Kenya's commitment to co-operating with other countries and international organisations, to the fight against corruption locally and internationally.

(h) 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

(i) Improved rankings in corruption perception surveys.

1009. Some of the challenges faced in the fight against corruption include: poor collaboration between investigating and prosecuting institution; the complex nature of corruption related crimes and difficulties in prosecuting due to interference of witnesses and tampering of evidence while prosecuting of corruption matters.

1010. There is need to improve coordination between the investigating institutions and prosecuting institution

9.2 African Convention on Preventing and Combating Corruption

1011. 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.

1012. 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.

1013. 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.

1014. 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.

1015. Kenya has also been represented in the AU Advisory Board on Corruption.

1016. There is enhanced transparency in the management of Government affairs, however, delays of feedback from the Commission is hindering implementation.

10 LABOUR, SOCIAL SECURITY AND EMPLOYMENT

1017. Under this thematic area, there are three types of Conventions, namely, fundamental, governance and technical Conventions. Kenya has, ratified 7 out of 8 Fundamental Conventions; 3 out of 4 Governance (or Priority) Conventions, and 39 of the 177 Technical Conventions.

10.1 Fundamental Conventions:

1018. 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.

1019. All ILO member States are bound by the provisions of the fundamental Conventions.

1020. The Fundamental Conventions are:

1. Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
2. Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
3. Forced Labour Convention, 1930 (No. 29)
4. Abolition of Forced Labour Convention, 1957 (No. 105)
5. Minimum Age Convention, 1973 (No. 138)
6. Worst Forms of Child Labour Convention, 1999 (No. 182)
7. Equal Remuneration Convention, 1951 (No. 100)
8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

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

1021. Governance (or Priority) Conventions:

The ILO's Governing Body has also designated another four Conventions as "priority" instruments, because of their importance for the functioning of the international labour standards system. Since 2008, these Conventions are now referred to as Governance Conventions as they were identified by the ILO Declaration on Social Justice for a Fair Globalization as the standards that are the most significant from the viewpoint of governance.

(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)

Kenya has not ratified Convention 122 Employment Policy Convention.

1022. Technical Conventions:
Technical Conventions are all other Conventions that set out basic principles and rights at work.

10.2 Fundamental Conventions

10.2.1 Forced Labour Convention, 29 of 1930

1023. It was adopted in 28th June 1930, entered into force on 1st May, 1932 and was ratified by Kenya on 13th January 1964.

1024. It forbids forced labour which refers to all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

1025. Its provisions are entrenched in the Constitution Article 30(2) and in the Employment Act. Section 4 of the Employment Act, 2007 prohibits use or assistance to any person in recruiting, trafficking or use of forced labour.

1026. Application of the Convention is done through inspectorate service by the department of labour to ensure that the country complies with international labour standards. However, sensitization and awareness creation should be enhanced to complement these efforts.

10.2.2 Right to Organize and Collective Bargaining Convention, 98 of 1949

1027. The Convention was adopted on 1st July 1949, entered into force on 19th July 1951 and Kenya ratified it on 13th January 1964. This Convention covers the rights of union members to organize independently without interference by employers and requires positive creation of rights through collective bargaining. The Convention guarantees protection against anti-union acts of discrimination. It prohibits in particular, unions being dominated by employers through financial or other means.

1028. Article 41 of the Constitution and the Labour Relations Act, 2007 have domesticated the ILO Convention and enabled workers enjoy the right to collectively bargain in order to realize the labour rights guaranteed in Convention.

1029. The exercise of the right to collective bargaining has enabled workers to negotiate for higher wages translating to better living standards. However, this has led to high wages leading to retrenchment of workers where firms are unable to maintain the negotiated wages.

1030. Following the entrenchment of labour rights in the Constitution, the Courts have ordered for registration of multiple trade unions in a sector and increasing the enjoyment of the right. On the other hand there has been increased litigation and industrial unrest and strikes in the country particularly in the public sector. In the last four years, many collective bargaining agreements have not been concluded due to delays or failure of the Salaries and Remuneration Commission, which is a creation of the Constitution,to give its advise on remeuneration. Consequently, it is deemed to be an impediment to enjoyment of the right to collective bargaining. This has affected the service delivery, sometimes, in essential sectors such as health and water in the economy of the country, sometimes leading to loss of jobs.

1031. It is important to have the role of the Salaries and Remuneration Commmission clarified and its capacity built to perform its functions appropriately.

10.2.3 Equal Remuneration Convention, 100 of 1951

1032. The Convention was adopted in 29th June 1951, entered into force on 23rd May 1953 and Kenya ratified it on 7th May 2001.The Convention requires labour rights for both men and women to be established without discrimination on the basis of sex. Men and women must be paid equal remuneration for work of equal value. The Constitution in Article 27 and section 5 of the Employment Act, 2007 provide for the enjoyment of labour rights by both men and women without discrimination.

1033. The Government is required to ensure compliance with the provisions of the Convention which are guaranteed in the Constitution and by section 5 of the Employment Act. Out-dated occupational standards, subjective employment evaluation and cultural biases negatively impact on undervaluing certain jobs thereby negatively impacting on achievement of gender parity in remuneration.

1034. There exist different wage fixing mechanisms and criteria leading to disparities in remuneration levels. There is need for a comparative and integrated Wages and Remuneration Policy in the country to progressively achieve gender parity in remuneration in all sectors of the economy. The National Labour Board initiated review of the Kenya National Occupational Classification Standards (KNOCS) to meet contemporary standards and social equity in remuneration. There is urgent need to provide technical assistance to the Wages Councils to enable them conduct sectoral and national studies on wage, job evaluation and the impending review of the KNOCS.

10.2.4 Minimum Age Convention, 138 of 1973

1035. The Convention was adopted on 6th June 1973, entered into force on 19th June 1976 and was ratified by Kenya on 9th April 1979.

1036. 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.

1037. Implementation of the Convention protects children against child labour. The Basic Education Act, 2013 stipulates the minimum age for engagement in work as 18. Section 53 of the Employment Act prohibits employment of children as harmful to the health, safety or morals of a child. Section 56 prohibits employing a child below 13 years in any form of undertaking. However it allows employment of children from the ages of 13 to16 years for light work, and defines those of 16 to 18 as employable. In sections 58 and 59, the minimum age for employment in an industrial undertaking is 16, unless he/she is an apprentice under the Industrial Training Act.

1038. Section 7 of the Children's Act, 2001 guarantees the right to education while section 10 guarantees the right to protection from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the

child's health or physical, mental, spiritual, moral or social development and recruitment to hostilities/armed conflicts, and where armed conflict occurs.

1039. Children engage in child labour due to high levels of poverty and low awareness on their rights. Inadequate data on children engaged in child labour is a challenge to obtain, and the different provisions regarding the minimum age for admission to work.

1040. There is inadequate institutional and policy framework for protection of children against child labour and the Government is making significant steps in this area. The National Policy on the elimination of Child Labour (Sessional Paper No. 1 of 2015) was approved by the Cabinet and adopted by Parliament in October 2016. In addition, the varied interpretation of the term "child," in relation to labour matters negatively impacts on implementation. Hence, harmonisation of the laws and creating public awareness will cure the problem.

10.2.5 Worst Forms of Child Labour Convention, 182 of 1999

1041. The Convention was adopted on 17th June 1999, entered into force on 19th November 2000 and was ratified by Kenya on 7th May, 2001. Only 7 countries are yet to ratify this Convention i.e. India, Tonga, Palau, Eritrea, Cook Islands, Marshall Islands and Tuvalu. 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.

1042. 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.

1043. The Convention has been domesticated in the Constitution, labour laws, and the Government in collaboration with ILO and Partners such as IPEC and TACKLE implements various programs aimed at eliminating the worst forms of child labour targeting vulnerable populations. The root causes of child labour, such as poverty and lack of access to education are being addressed through education, skills and livelihood training for adolescent children and empowerment of local communities. In Turkana, the local communities have been supported to start up income generating activities to discourage practice in child labour and ensuring that children attend school.

1044. Challenges arise due to high levels of poverty, low awareness on the rights of children, inadequate data on children engaged in child labour and the effects of HIV/ AIDS make many children leave school to engage in child labour including the worst forms of child labour. The labour inspectorate requires strengthening to be able to carry out inspections.

10.3 Governance Conventions

10.3.1 Labour Inspection (Industry) Convention, 81 of 1947

1045. This Convention was adopted on 11th June 1947, entered into force on 7th April 1950 and was ratified by Kenya on 13th January 1964. It requires maintaining a system of labour inspection in industrial workplaces to ensure compliance with minimum labour standards.

1046. The Convention targets enforcement of labour standards through effective inspection of workplaces to ensure adherence to terms and conditions of employment and safety of workers at the work place.

1047. Compliance with labour standards ensures that employees work under reasonable conditions to reduce the likelihood of industrial unrest. Industrial harmony is vital for the political stability, economic and social development of countries.

1048. The Convention has been domesticated in the Constitution, the WIBA, 2007, Occupational Safety and Health Act, 2007, NHIF Act and NSSF Act. In accordance with Section 6 of the Occupational Safety and Health Act, 2007 it is obligatory on employers to ensure health, safety and welfare of persons at workplace.

1049. Convention 150 on labour Administration has not been ratified. It requires separation of the enforcement function from the inspectorate function. The Labour is hampered in ensuring full compliance owing to capacity challenges and competing priorities for resources. Labour officers carry out enforcement duties like inspections and dispute resolution through conciliation. There aren't adequate tools, equipment and vehicles to carry out inspections effectively. It is recommended that Convention 150 on Labour Administration be ratified to facilitate enforcement through strengthening of the inspectorate with the necessary tools.

10.3.2 Labour Inspection (Agriculture) Convention, 129 of 1969

1050. This Convention was adopted in 25th June 1969, entered into force on 19th January 1972 and ratified by Kenya on 9th April, 1979. It aims to protect workers engaged in various sub sectors of Agriculture including cultivation, animal husbandry including livestock production and care, forestry and horticulture. It also covers the primary processing of agricultural products by the operator of a holding or any other form of agricultural activity. The Regulation of Wages (Agricultural Industry Wages Council Establishment) Order determines maximum working hours. For male workers, the limit is 42 hours over six days per week (72 hours over seven days for some occupations, e.g. herdsmen); for female workers, the limit is 36 hours over six days per week. Kenya has challenges in enforcement due to shortage of inspectorate personnel, limited funding and material resources.

10.3.3 Tripartite Consultation (International Labour Standards) Convention, 1976

1051. This Convention was adopted on 21st June 1976, entered into force on 16th May 1978 and ratified by Kenya on 6th June 1990. It requires Governments to set up procedures which ensure effective consultations, between representatives of the Government, of employers and of workers with respect to the matters concerning the activities of the

International Labour Organisation (ILO). Tripartite Consultations among representatives of the Governments, of employers and of workers is an important pillar for harmonious industrial relations.

1052. The National Labour Board (NLB) was set up under the Labour Institutions Act, 2007 (No. 12 of 2007). The Board is a key tripartite advisory body to the Government on labour policy and law. This includes labour market issues, employment, productivity, wages, industrial training, employment relations, trade unionism, settlement of labour disputes, and Kenya's participation in international organisations, regional and continental institutions on labour and employment issues.

1053. The Convention requires tripartite consultations between representatives of the Government, employers and workers. This is an important pillar for harmonious industrial relations.

1054. Tripartite consultations are important in matters related to international labour standards especially those related to ratification of Conventions.

1055. The under-funding of tripartite institutions inhibits their performance and threatens their continuity. The role of the Government in tripartite consultation and disputes resolution is often misunderstood. Sometimes it is difficult to build consensus amongst the Social Partners and Stakeholders. Hence there is need to sensitize workers and employers on the system of social dialogue and tripartism.

10.4 Technical Conventions

10.4.1 Unemployment Convention, 2 of 1919

1056. This Convention was adopted on 28th November 1919, entered into force on 14th July 1921 and ratified by Kenya on 13th January 1964. Member States are required to communicate to the ILO all available statistical information, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. They must also establish a system of free public employment agencies under the control of a National authority.

1057. The Convention promotes effective monitoring of unemployment and proper planning to combat unemployment.

1058. There is a large number of unemployed but qualified persons whose training does not match the requirements of the job market. The number of job seekers exceeds the available job opportunities.

1059. Job seekers should be encouraged and supported to venture into entrepreneurships. The Government has created Affirmative Funds to support Women, Youth and Persons With Disabilities. There is also need to transform Technical and Vocational Education Training (TVET) to respond to the contemporary labour market need.

1060. Kenya has been providing and shall continue providing statistical information concerning unemployment to the ILO.

10.4.2 Right of Association (Agriculture) Convention No. 11 of 1921

1061. This Convention was adopted on 12th November 1921, entered into force on 11th May 1923 and ratified by Kenya on 13th January 1964. It requires Member States to ensure the

right of association for workers engaged in agriculture just as industrial workers. It also requires Governments to put in place legislative, policy and institutional framework to ensure workers in the agriculture sector are properly compensated through set wage fixing mechanism.

1062. The Government set up Agricultural Wages Council which determines the minimum wage in the agricultural sector every year. It has also registered trade unions to represent workers in the agriculture sector.

10.4.3 C014 - Weekly Rest (Industry) Convention, 1921

1063. This Convention was adopted on 17th November 1921, entered into force on 19th June 1923 and ratified by Kenya on 13th January, 1964. The Convention requires that all workers in both private and public sector enjoy at least one rest day in every period of seven days.

1064. The Convention ensures protection of labour rights for workers. Section 27 of the Employment Act, 2007 provides that employees shall be entitled to at least one rest day in every period of seven days. Workers enjoy the labour rights guaranteed in the Constitution and the labour laws.

1065. The compliance level is commendable.

10.4.4 C017 - Workmen's Compensation (Accidents) Convention, 1925

1066. This Convention was adopted on 10th June 1925, entered into force on 1st April 1927 and ratified by Kenya on 13th January 1964.The Convention is aimed at ensuring adequate compensation of workers injured or killed in the course of employment.

1067. Equality of Treatment (Accident Compensation) Convention No. 19 of 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.

1068. 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.

1069. There are challenges in ensuring effective inspections to ensure compliance. Key sections including section 7(1) requiring employers to be insured with an insurer approved by the Cabinet Secretary, section 16 excluding common law claims, section 23(1) giving the Director of Occupational Safety and Health quasi- judicial powers to investigate work injury claims and section 52 giving only one party the right to appeal against the Director's decision to the Industrial Court were annulled by the High Court rendering implementation of the Act difficult.

1070. Review of WIBA should be fast tracked to ensure effective institutional and legislative measures for adequate compensation for persons injured or killed in the course of employment.

10.4.5 C026 - Minimum Wage-Fixing Machinery Convention, 1928

1071. This Convention was adopted on 16th June 1928, entered into force on 14th June 1930 and ratified by Kenya on 13th January 1964.

1072. C026 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 (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or are exceptionally low. 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.

1073. 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.

1074. 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.

1075. The Labour Inspectorate Department should be strengthened to ensure compliance and a Wages and Remuneration policy should be adopted to provide guidelines on wage fixing.

1076. The Productivity Centre of Kenya is being revamped and will be able to give productivity indices to help in determination of wages in the future.

10.4.6 C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929

1077. The Convention was adopted on 21st June 1929 and ratified by Kenya on 9th February 1971.

1078. 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.

1079. 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.

1080. There are challenges in ensuring compliance through inspections. The Labour Inspectorate Department should be strengthened.

10.4.7 C032 - Protection against Accidents (Dockers) Convention (Revised), 1932

1081. The Convention was adopted in 27th April 1932, entered into force on 30th October 1934 and ratified by Kenya 13th January 1964.

1082. It requires the States to ensure safety and protection of dock workers against accidents. Compliance is ensured through effective inspections.

1083. A curriculum has been developed for the purpose of ensuring uniformity, consistence and standardization of the scope and content of the occupational health and safety training for the workplaces Safety and Health Committee members. Every trainer approved under the Factories and Other Places of Work (Safety and Health Committees) Rules, Legal Notice No.31 of 2004, shall strictly adhere to this curriculum.

1084. Kenya Ports Authority has a fully-fledged department of Safety with competent officers covering all the operational shifts. All programmes on accident prevention are

run and coordinated by this department. This includes issuance of personal protective clothing, awareness and training. New employees undergo a Safety induction before deployment and all visitors to the port. For the already employed, they undergo periodic safety courses in industrial safety and handling of dangerous cargo. Tool box talks are encouraged before start of work and workplace risk assessment using approved checklists. To continually address safety issues in various workplaces, there are departmental safety committees with representation of both management and unionizable staff meeting monthly and cascaded to Corporation Safety Committee chaired by the MD quarterly.

10.4.8 C063 - Convention Concerning Statistics of Wages and Hours of Work, 1938

1085. This Convention was adopted in 20th June 1938 entered into force on 22nd June 1940 and ratified by Kenya on 13th January 1964.

1086. The Government's obligation is to undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. It should publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively.

1087. The Government collects and publishes data to ensure effective monitoring for compliance with labour standards.

1088. Kenya has a weak labour market information system due to inadequate technical capacity and funds to collect collate and analyse data on wages.

1089. The Government should improve on data collection and management and publication of the same.

10.4.9 C088 - Employment Service Convention, 1948

1090. The Convention was adopted on 9th July 1948, entered into force on 10th August 1950 and ratified by Kenya on 13th January 1964.

1091. The Government is required to maintain or ensure the 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 Organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

1092. The Convention ensures effective management of employment services and labour market information.

1093. The Government is in the process of operationalizing the Labour Market Information System for Kenya which has been developed with the support of the ILO.

1094. The public employment services offered through the Department of Employment under the Ministry responsible for labour are affected by lack of centralization and integration of data.

1095. The Government should fast-track the operationalisation of the Labour Market Information System for Kenya.

1096. The Government also recently introduced a new law, the National Employment Authority Act, No. 3 of 2016, whose object is to establish an authority to provide a comprehensive institutional framework for employment management and to enhance

employment promotion interventions. It is expected to enhance access to employment for youth, minorities and marginalized groups.

10.4.10 C089 - Night Work (Women) Convention (Revised), 1948

1097. This Convention was adopted in 9th July 1948, entered into force 27th February 1951 and ratified by Kenya on 30th November 1965.The Convention requires regulation of conditions for night work for women. The Employment Act, 2007 no longer contains any general prohibition of night work for women.

1098. The Government has taken into consideration comments made by the Committee of Experts to discuss the possibility of denouncing Convention 89 and ratifying Convention 171 since the Employment Act, 2007 no longer contains any general prohibition of night work in industry, except for children under 18 years of age as provided for in Section 59(1) of the Act. Night Work is generally regulated through regulations under the Act and the various Wages Orders.

10.4.11 C094 - Labour Clauses (Public Contracts) Convention, 1949

1099. This Convention was adopted on 22nd June 1970, entered into force on 29th April 1972 and ratified by Kenya on 9th April 1979. It requires proper and effective management of public employment contracts.

1100. The Government has put in place measures for effective management of employment contracts involving public funds by ensuring compliance with the Public Finance Management Act, 2012.

10.4.12 Migration for Employment Convention No. 97 of 1949

1101. This Convention was adopted on 1st July 1949 and ratified on 13th January 1964.

1102. 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.

1103. Implementation of the Convention ensures migrant workers enjoy full labour rights like all other workers.

1104. Persistent conflicts in neighbouring countries and a porous border have led to illegal migration for economic reasons. Demand for employment has also made some Kenyans migrate to work abroad without following the required procedures making them prone to exploitation and poor terms and conditions of employment.

1105. Labour migration is currently managed under existing immigration laws and the Employment Act which provides for attestation of foreign contracts of employment and the Labour Institutions Act which governs employment agencies. The Government should develop a National Labour Migration Policy to ensure effective strategies for labour migration.

10.4.13 Minimum Wage Fixing Machinery (Agriculture) Convention No. 99 (1951)

1106. This Convention was adopted on 28th June 1951 and entered into force on 23rd August 1953. Kenya ratified the Convention on 9th February 1971, and is therefore obligated as a State party to undertake to create or maintain adequate machinery whereby minimum

rates of wages can be fixed for workers employed in agricultural undertakings and related occupations. In Kenya, there is the Agricultural Wages Council established under Section 43 of the Labour Institutions Act 2007 but many in the informal sector are not paid the minimum wages stipulated by the regulation. Currently the Government is conducting a study on development of a National Wage Policy with the assistance of the International Labour Organisation.

10.4.14 Minimum Age (Fishermen) Convention, 1959

1107. This Convention was adopted on 19th June 1959 and entered into force 7th November 1961. The Convention requires the Government to regulate involvement of children in maritime activities like fishing to avoid being exposed to hazardous work.

1108. 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.

1109. The Employment Act, 2007 and the Children Act, 2001 prohibit employment of children under the age of 18 years in worst forms of child labour or hazardous work though children may undertake light work that may not interfere with their education.

10.4.15 C118 - Equality of Treatment (Social Security) Convention, 1962 (No.118)

1110. This Convention was adopted in 28th June 1962 and entered into force 25th April 1964 and Kenya ratified it on 9th February 1971.

1111. 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.

1112. Implementation of the Convention ensures social security for Kenyans through the National Social Security Fund, National Hospital Insurance Fund, Retirement Benefits Authority Act, Work Injury Benefits Act, social assistance programmes to older persons, Orphans and Vulnerable Children (OVCs) and persons with severe disabilities.

1113. Due to the prevailing economic conditions in the country it is a challenge to provide effective social security for all, especially in respect of the unemployment benefit. Implementation of the National Social Security Fund is also posing a challenge and it is difficult to ensure compliance.

1114. The Government should engage in more consultations with stakeholders on discussion regarding provision of the unemployment benefit.

10.4.16 C131 - Minimum Wage Fixing Convention, 1970

1115. This Convention was adopted on 22nd June 1970 and entered into force 29th April 1972. Kenya ratified the Convention on 9th April 1979.

1116. The Convention requires Governments to establish a system of minimum wage which covers all groups of wage earners whose terms of employment are such that coverage

would be appropriate. The competent authority in each country shall, in agreement or after full consultation with the representative organisations of employers and workers concerned, where such exist, determine the groups of wage earners to be covered.

1117. The Labour Institutions Act, 2007 establishes wages councils for purposes of fixing wages in various sectors. This ensures reasonable terms and conditions of employment for workers in the relevant sectors.

1118. There are still workers who are not covered by the wage fixing machinery by virtue of being in the informal sector. There should be an effective system of ensuring workers who are not covered by set by the wage fixing machinery are included so that they are not disadvantaged.

1119. Wage fixing should be done using objective criteria and in consultation with the Salaries and Remuneration Commission in the case of the public sector.

10.4.17 C132 - Holidays With Pay Convention (Revised), 1970 (No. 132)

1120. The Convention was adopted on 24th June 1970 and entered into force 30th June 1973. Kenya ratified the Convention on 9th April 1979. It is aimed at ensuring provision of holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

1121. The applicable law is the Employment Act, 2007 and the Public Service Commission Act in addition to which the Government has formulated the Human Resource Policies and Procedures for the Public Service of May 2016 that provides annual paid leave for the public service.

10.4.18 United Nations Convention on the Rights of Persons with Disabilities

1122. Kenya is a signatory to the rights of persons with disabilities having signed the Convention on 30th March 2007 and ratified on 19th May 2008.

1123. Kenya prepared a report and submitted for review in the committee of experts in relation to the Convention on rights of persons with Disabilities Geneva, Switzerland August 2015.

1124. Kenya developed a national action plan to implement the recommendations by the Committee of experts.

1125. A standing Committee made up of key stakeholders for the next three years has been put in place to monitor the implementation of the national action plan.

1126. There is a National Disability Policy is in place.

1127. There's a Persons with Disabilities Act No. 14 of 2003 providing legal framework for disability issues.

10.4.19 C135 – Workers' Representatives Convention, 1971

1128. The Convention was adopted on 23rd June 1971, entered into force on 13th June, 1973 and Kenya ratified this Convention on 9th April 1979. Its objective is to ensure that Member States put in place mechanisms where Workers benefit from representation by their representatives and enjoy effective protection against any act prejudicial to them, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

1129. Kenya has domesticated its provisions in the Constitution and the Labour Relations Act, 2007. There is low public awareness on the provisions of the law protecting workers' representatives and there is need to educate employers and workers on the same.

10.4.20 C140 - Paid Educational Leave Convention, 1974

1130. The Convention was adopted on 24th June 1974, entered into force on 23rd September, 1976 and ratified on 9th April 1979. The Convention aims at ensuring that Member States formulate and apply policies designed to promote, 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. Labour Institutions Act, 2007 provides the determination of The Public Service Human Resource Policies and Procedures Manual, May 2016 which provides that an officer will continue to draw his substantive salary for the duration of courses. All Government employees are granted paid educational leave.

1131. The National Labour Board is yet to develop a policy for paid educational leave.

10.4.21 C141 - Rural Workers' Organisations' Convention, 1975

1132. The Convention was adopted by the General Conference of the International Labour Organisation on 23rd June 1975. It entered into force on 24th November 1977 and was ratified by Kenya on 9th April, 1979. It's applicable to all types of Organisations of rural workers, including Organisations not restricted to, but representative of, rural workers. It is intended to ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.

1133. The Constitution and the Labour Relations Act domesticate this Convention. There's low unionization of rural workers hence there's need to create awareness and develop programmes to have a wider outreach in recruitment of workers and strengthen the unions' capacity.

10.4.22 C142 - Human Resources Development Convention, 1975

1134. This Convention was adopted on 23rd June 1975, entered into force on 19th July 1977 and was ratified on 9th April, 1979. The Convention's main aim is to ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems in line with the Convention.

1135. The National Industrial Training Authority established under the Industrial Training (Amendment) Act, 2011 is responsible for industrial training. Its key mandate is to

ensure adequate supply of skilled manpower at all levels in industry through development of comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training. Government has also developed a Sessional Paper, No. 14 of 2012, Act No.29 of 2013, National Industrial Training and Attachment Policy, July 2015, and a National Industrial Training Board with an oversight mandate.

1136. Government has further institutionalized vocational training through upgrading, equipping and establishing new TVET institutions offering industrial attachment to equip the youth with the necessary skills to meet the current labour market demands. The Government has increased the number of service men and women transiting to technical vocational training from 4200 in 2013 to 8889 in 2016.

1137. There is lack of an integrated labour market information system. Such a system would ensure effective linkages between the training institutions and the labour market and ensure that training is relevant to the requirements by the labour market. The Government is in the process of operationalizing the Labour Market Information System for Kenya which has been developed with the support of the ILO.

10.4.23 Migrant Workers (Supplementary Provisions) Convention 143 of 1975

1138. The Convention was adopted on 24th Jun 1975, entered into force on 9th December 1978 and was ratified on 9th April 1979. It ensures 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.

1139. The labour laws and the Counter Trafficking in Persons Act prohibit employment of illegal migrant workers.

1140. Lack of job opportunities and qualifications by migrant workers, and language barriers leads to their exploitation. Cases of unreported illegal migrants and the clandestine nature of movements of migrants for employment make it difficult to offer effective protection of migrant workers.

1141. The Government has established three offices in the Middle East Countries that is United Arab Emirates, Qatar and Saudi Arabia to cater for Kenyan migrant labour needs and concerns in the region. The Government has negotiated bilateral labour agreements with some Gulf States.

1142. The Government also introduced new regulations for registration of private employment agencies and to supervise the conduct of their business.

10.4.24 C149 - Nursing Personnel Convention, 1977

1143. The Convention was adopted in 21st June 1977 and entered into force on 11th July 1979. The Convention was ratified by Kenya on 6th June 1990.

1144. The Convention aims at ensuring adoption and application by Governments, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed within the framework of a general health programme within the

resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

1145. Member States to this Convention are expected to adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population. In particular, countries shall take the necessary measures to provide nursing personnel with:

a. Education and training appropriate to the exercise of their functions; and

b. Employment and working conditions, including career prospects and remuneration.

1146. Implementation will ensure retention of qualified nurses to meet the country's needs in providing accessible and affordable health care for Kenyans. Better terms and conditions of employment abroad has led to migration of huge numbers of trained nursing personnel causing grave concern.

1147. The Government should inform the ILO Office of any specific measures taken or envisaged with a view to controlling or mitigating the consequences of the continued migration of qualified nurses. It is also required to ensure that the terms and conditions of employment applicable to nurses in the private sector are determined through negotiation between employers' and workers' organisations.

1148. In Kenya, nurses provide the bulk of direct patient care at all levels of health services delivery. Yet even as nurses comprise a substantial portion of the health workforce in Kenya, areas remain where there are insufficient nurses to meet patient demand.

1149. The Ministry of Health has established a Nursing Services Unit headed by a Director of Nursing. In addition, the Nursing Council of Kenya (NCK) was established in 1948 as authorized by the Colony and Protectorate of Kenya ordinance No. 16 of 4th June 1946. It was then called the Nurses, Midwives and Health Visitors' Council of Kenya (NMCK). Presently, the Nursing Council of Kenya is established under the Nurses Act CAP 257 of 1983 as amended in 2011.

1150. The Nursing Council of Kenya (NCK) set standards related to the education and practice of nurses. The NCK uses the Regulatory Human Resources Information System (RHRIS) to track nurses through the process of training, examination and registration to practice nursing.

1151. The Revised Scheme of Service for Nursing Personnel, 2014 establishes five (5) grades of Enrolled Nurses, seven (7) grades of Registered Nurses and eight (8) grades of Nursing Officers. It provides clear and concise job descriptions and specifications at all levels within the grading structure.

1152. The National Nurse Association of Kenya not only looks after the welfare of its

members but also ensures that its members continuously maintain and update their competencies by providing accredited CPD programmes that meet required standards and guidelines.

1153. Challenges facing the nursing profession in Kenya are;

a) Many functional health facilities are understaffed leading to nurses being overloaded with work-*Increase the number of facilities offering nursing training programmes to be able to increase the number of nurses being trained per year*
b) Working conditions are poor – *Improve working conditions by allocating additional resources to ensure that health facilities are well equipped and maintained.*
c) Lack of resources and low education opportunities- *Ministry of Health and County Governments to invest more in offering scholarships and study opportunities for nurses in the public sector.*

10.4.25 The African Regional Labour Administration Centre (ARLAC)

1154. The African Regional Labour Administration Centre (ARLAC) was jointly formed by the ILO and UNDP in 1974 as a project for the development of Labour Administration issues.

1155. It became a legally autonomous inter-Governmental institution in October 1981.

1156. The mandate of ARLAC is to strengthen labour administration systems in English-speaking African member countries through training, research, consultancy and advisory services.

1157. ARLAC has been based in Harare since 1986 and serves a membership of 20 countries. (+4 observers)

1158. ARLAC has two sister organisations in Africa:

- CRADAT for French speaking African countries.
- ACLAE for Arabic speaking African countries.

1159. Objectives of ARLAC

(a) To provide training for officials at all levels of the labour administration system;

(b) To provide consultancy and advisory services directed towards strengthening labour administration systems in member countries;

(c) To undertake studies and research in all aspects of labour administration;

(d) To provide information services for the benefit of member countries.

1160. ARLAC has the distinction of being one of the oldest regional institutes in the continent, which imparts training at the tripartite level, both at the national and regional levels in the field of labour administration, industrial relations, occupational safety and health and related subjects.

1161. During the last 35years of its existence it has made significant strides in promoting the development of scientifically trained human capital in all aspects of labour management; health and safety, industrial relations, labour welfare and workers education.

10.5 Social Protection

10.5.1 The Hague Convention on the Protection of Children and Cooperation in Respect of Inter Country Adoption

1162. The Convention came into force on 28th of April 1995. Kenya acceded to the Convention on 1st June 2007.

1163. State parties are to ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.

1164. The Children Act has been enacted and the implementation of the Children (Adoption) Regulations 2005 is ongoing. Further, Guidelines for the Alternative Family Care of Children in Kenya 2014 are being disseminated. Celebrations for the World Adoption Month are done in November every year.

1165. There are challenges associated with adoption of children in Kenya such as stigma and perceived high costs of the process but efforts awareness campaigns from the Government and other stakeholders.

10.5.2 Optional Protocol on the Sale of Children Child Prostitution and Child Pornography

1166. Kenya signed the Protocol on 8th September 2008 but has not ratified it. The Convention requires Governments to have in place measures that ensure prohibition of the sale of children, child prostitution and child pornography.

1167. Implementation of the Convention will ensure effective protection of children from abuse and worst forms of child labour. The Sexual Offences Act prohibits child sex tourism, trafficking, pornography and all sexual offences related to children.

1168. The Government issued a Moratorium on inter-country adoptions and set up a Steering Committee in 2015 to review existing framework on adoptions and make recommendations for improvement so as to fill the gaps and address the loopholes in the adoption process especially in inter-country adoptions that may expose children to trafficking and other related abuses.

10.5.3 International Plan of Action on Ageing Adopted in 1982 in Vienna, Austria during the First World Assembly on Ageing

1169. 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.

1170. The National Policy on older Persons and Ageing is being implemented. The NSSF Act , NHIF Act and the Social Assistance Act provide for social protection and assistance, and welfare of old people and other vulnerable members of society like persons with

severe disability and orphaned children The Government runs Cash Transfer programmes for Older Persons together with those for Orphans and vulnerable Children and Persons with severe Disabilities.

1171. The Scheme is not universal so it leaves out deserving beneficiaries. There are also challenges in identification of beneficiaries while financial logistics result in deserving persons being left out.

1172. Finalization of the National Social Protection Bill to provide effective institutional and legal framework for social protection should be fast tracked. More resources should be made available to ensure that more deserving persons benefit from the social assistance programmes.

10.5.4 World Fit for Children (WFFC) - A Special Declaration by World Leaders at the UN General Assembly in 2002.

1173. 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. Being a member of the UN, Kenya implements and reports on programmes on children.

1174. Poverty, HIV/AIDS, lack of awareness on children rights, conflicts and financial logistics hamper full realization of children's rights.

10.5.5 African Charter on the Rights and Welfare of the Child (ACRWC)

1175. The African Charter on the Rights and Welfare of the Child (ACRWC) is intended to address the specific and peculiar conditions of children in Africa such as poverty, internal conflicts and displacement, and harmful cultural practices.

1176. Based on the UNCRC, the African Charter on the Rights and Welfare of the Child recognises a child as any human being under the age of 18 years. It provides that the child has rights as any other human being appertaining to issues concerning a child shall 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 UNCRC and the ACRWC without discrimination of any of the grounds including the legal status of the child's or his or her parent's or legal guardian' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property and disability.

1177. Provisions of the Convention and the ACRWC are entrenched in the Constitution, the Children's Act, 2001 and other legislations including the labour laws which also protect the rights of children. They guarantee protection against child abuse and exploitation. The Employment Act prohibits child labour including worst forms of child labour. Children enjoy human rights and are protected from abuse and child labour. They are able to enjoy the right to free basic education and develop their full potential.

1178. Finalization of the National Children Policy (Sessional Paper No. 6 of 2014) and the National Policy on the elimination of Child Labour (Sessional Paper No. 1 of 2015) which are before the National Assembly should be fast racked.

10.5.6 Medical Examination of Young Persons (Sea) Convention, 1921

1179. The Convention ensures protection against young persons who are employed at sea.
1180. There are challenges in ensuring effective monitoring of examination of all children who work at sea.

10.5.7 International Day of Older Persons

1181. Kenya marked this year's International Day of Persons with Disabilities on 3rd of December in Kwale County.
1182. The national policy of older persons and aging has been developed, which aims at providing an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their right, freedoms and live in dignity.
1183. The older members of society Bill , which is in the process of being developed , intends to give effect to Article 57 of the constitution of Kenya by establishing a framework aimed at empowerment and protection of the rights of older members of society.
1184. The social protection Policy aims at ensuring that all Kenyans live in dignity and exploiting the human capabilities for their own social and economic development.
1185. The National family promotion and protection policy being developed requires families to take up responsibility of caring for their vulnerable members, including older persons.
1186. The Ministry through the social assistance program is providing support to vulnerable households through the older persons, orphans and vulnerable children and persons with severe disabilities cash transfer program.
1187. Development of guidelines on establishment of institutions of older persons. This will provide a bench mark of good practice upon which institutions for older person will be established and managed to ensure that the constitutional provision on reasonable care is realized.
1188. International Day of Older Persons is observed on 1st of October each year. In 2016, the Day of Older Persons was celebrated on 6th of October in Kisii County. The celebrations gave an opportunity to highlight the important contributions that older people make to society. It also an opportunity to raise awareness on the issues and challenges facing the aged in today's world.
1189. World Elder Abuse Awareness Day is observed annually on the 15th of May, a UN designated day. The objectives of the day are: To provide an opportunity for communities in Kenya to promote a better understanding of abuse and neglect of older persons; To raise awareness of the cultural, social, economic and demographic processes affecting older persons and resorting to elder abuse and neglect; Create awareness on elder abuse in Kenya and the world; initiate process to address elder abuse and to curb the vice in Kenya and resource mobilization by the stakeholders to address elder abuse in Kenya.

10.5.8 International Volunteer Day

1190. Kenya has developed a National Volunteerism Policy and cabinet approved its implementation on 18th February 2016.
1191. The Ministry of East African Community, Labour and Social Protection has initiated the development of Volunteerism legal framework through which the country at both the

National and County levels can tap the volunteer resources to augment and attain planned national goals.

1192. Volunteerism provides an invaluable opportunity for accessing and utilizing the skills of volunteers for enhanced peace and development.

11 The International Volunteers Day is annually marked on 5th December. In 2016, Kenya marked the International Volunteers Day in Garrisa.

12 SPORTS, ARTS AND CULTURE

12.2 International Convention against Doping in Sport

1193. The Convention was adopted in 19th October, 2005 and entered into force on 1st February, 2007. Kenya became a State Party on 28th August, 2009. The main aim is to restrict the availability of prohibited substances or methods to athletes except for legitimate medical purposes. It includes putting into place measures against trafficking, facilitation of doping controls and support for national testing programmes. It also advocates withholding of financial support to athletes and athletes support personnel who violate anti-doping rules, or from sporting Organisations that are not in compliance with the Code.

1194. 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.

1195. Although there is no law to deal with doping issues, Kenya complies through the WADA Code which allows international federations to conduct regular testing of athletes.

1196. Kenya pays its statutory annual subscriptions in good time and is a member Regional Anti-doping Organisation which Communicates to WADA on progress made. Kenya has undertaken Public-Private Partnership with the private sector to raise funds for Anti-doping education programmes.

1197. Kenya established the Anti-Doping Agency of Kenya (ADAK) to cooperate in the field of anti-doping, share ideas and resources to build a strong and robust anti-doping movement in Kenya in order to protect clean athletes.

1198. Challenges include prioritising resources to conduct education on anti-doping issues, and lack of a legal framework on anti-doping.

12.3 The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

1199. The Convention was adopted on 17th October, 2003 and entered into force on 20th April, 2006. Kenya ratified the Convention on 24th October 2007. The Convention requires State Parties to take necessary measures to ensure the safeguarding of intangible cultural heritage present in its territory.

1200. Kenya is obligated to pay annual subscriptions; provide funding for implementation of the programs in collaboration with UNESCO; and formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural

expressions and to strengthen international Co-operation to achieve the purposes of the Convention.

1201. Implementation of the Convention is weakened by among others; 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 logistics between County and National Government resource allocation and in delivery of services.

1202. Kenya has implemented the Convention as follows:

(a) Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008.

(b) Translated the Convention from English language to Kiswahili language version in September, 2008 to make it accessible and well-understood by a wider section of members of the public in the country.

(c) Carried out a baseline survey out in Western region of Kenya by the Department of Culture and National Museums of Kenya to identify ICH elements, for documentation and nomination for submission to UNESCO for consideration for safeguarding.

(d) The "Isukuti Cultural Dance" elements were nominated and submitted and are in the process of consideration by UNESCO.

1203. Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions include:

(a) The "Enkipasia, Eunoto and Olng'esherr" – three male-rites of passage of the Maasai,

(b) "Indigenous Knowledge of Woodcarving of the Akamba", and

(c) The 'Kiti Mikayi' shrine of the Luo elements;

(d) Joint implementation with the National Museums of Kenya of the "Traditions and Practices associated to the Kayas in the sacred forests of the Mijikenda", project in the Coast Region, through part funding by UNESCO.

(e) Hosted UNESCO's regional capacity building workshop for Directors of Culture in the East African region in November 2012 in Nairobi where eight (8) countries participated. This was collaboration between the Ministry and the UNESCO Nairobi office.

(f) Hosted the UNESCO 5th Session of the Inter-Governmental Committee (IGC) on ICH Conference in Nairobi, Kenya in November 2010 which was attended by over 500 delegates from member States signatory to the Convention.

(g) The Government intends to issue timely notifications; allocate more funds for the project; and provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage.

12.4 The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions

1204. The Convention was adopted 20th October 2005 and came into force in 18th March, 2007. Kenya ratified on 24th October, 2007. The Convention seeks to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory, while ensuring the free flow of ideas and works. Kenya is required to:

a. Formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.

b. Strengthen international Co-operation to achieve the purposes of this Convention.

c. Train artists in the music sector by building capacity for them to come up with strategies for marketing themselves.

d. Pay Annual Subscriptions.

e. Provide funding for implementation of programmes in partnership with the UNESCO.

1205. Kenya has done the following to implement the Convention:

(a) Organized the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON), which was funded by the International Fund for Cultural Diversity (IFCD);

(b) Conducted the "Unearthing of the Gems of Culture – Mapping Exercise for Kenya's Creative Cultural Industries", in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI), which was funded by IFCD.

(c) Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012 under the European Union – funded UNESCO programme to strengthen the artists' capacity in implementing the 2008 Convention.

1206. There is low investment in the cultural sector due to lack of co-operation among the sector players leading to competing interests, minimal resource mobilization and follow ups.

1207. UNESCO funds are inadequate to meet the demands from all African countries and there is lack of community awareness on the Convention's opportunities due to inadequate sensitization. There is also lack of a mechanism for monitoring and evaluation of funded programmes which makes impact assessment difficult. Lack of statistical data on cultural/creative industries is also an impediment.

1208. More will be done to ensure adequate allocation of funds for the project, provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage, recognise the importance of culture sector to the growth of the economy and carry out a national mapping of the cultural/creative industries in order to meet our obligations under the Convention.

13 LANDS, HOUSING AND URBAN DEVELOPMENT

13.2 The United Nations Agency for Human Settlement and Urban Development (UN Habitat Programe)

1209. Human Settlements Programme (UN–Habitat) is a UN agency for human settlements and sustainable urban development. It was established in 1978 after Vancouver meeting in Canada in 1976 as an outcome of the First UN Conference on Human Settlements and Sustainable Urban Development (Habitat I).

1210. UN-Habitat works towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all.

1211. Kenya's International Obligation is to:

1212. Fulfil its social function, including the social and ecological function of land, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living, without discrimination, universal access to safe and affordable drinking water and sanitation, as well as equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, mobility and transportation, energy, air quality and livelihoods.

1213. The United Nations Conference on Housing and Urban Development (UN HABITAT) focuses on policies and strategies that can result in housing and sustainable urbanization. Kenya being a Member State of the United Nations endorsed the 1976 Habitat Agenda and Istanbul Declaration of 1996.

1214. The Presidential Circular No. 1 of 2008 designated the Ministry of Housing as the National Focal Point on housing and human settlements issues and this has been the position to date. Subsequently, in the year 2012, the National focal point constituted a broad based National Habitat Committee with permanent and alternate members. The National Habitat Committee has spearheaded all housing and human settlements programs and activities which have included Kenya's participation in national, regional and international fora such as United Nations Governing Council and General Assembly meetings, World Urban Forum and World Habitat Day among others. Outcome of these forums have informed Government policies and legislations.

1215. The country has made great strides in some areas while others remain a work in progress. Some of the achievements include development of key policy instruments; legal and institutional frameworks, strategies and programmes; heavy investment by the Government in infrastructure development; and, promotion of policy dialogue among all

levels of Government, the private, community sectors and other representatives of civil society.

13.3 Shelter Afrique

1216. Shelter Afrique (SA) is a continental housing mortgage company formed in 1985 with members restricted to African States. Kenya is a founding member. The headquarters are in Nairobi. Each year, Shelter Afrique holds its Annual General Meeting (AGM) with its shareholders in the month of June. Kenya is the biggest beneficiary and gains from its membership as the Kenyan private developers and investors are able to borrow from the company for investments in real estate. Kenyans also benefits from employment opportunities of the agency and its activities.

13.4 DELIMITATION AND DEMARCATION OF BOUNDARIES

13.4.1 Declaration on The African Union Border Programme (AUBP)

1217. The declaration is for all African States to be in agreement as regards their common international boundaries. The AUBP has a unifying aspect in the pursuit of peace on the continent.

1218. The Declaration was necesitated to minimize conflicts between African States on border delimitation and demarcation issues and address cross-border criminal activites while enhancing regional integration. AU States are to submit boundary surveys to the AU Commission and the UN, together with accompanying treaties.

1219. The cost of carrying out surveys, boundary maintenance and capacity building for the next five years is approximately KES. 5.55 billion.

1220. Pursuant to the Declaration's aims, the Government has established the Kenya International Boundaries Office (KIBO) to coordinate and reaffirm Kenya's international boundaries in laiaison with our neighbours. The logistics involved require substantial budget, time and commitment to sychronise survey and mapping programmes, boundary maitenance and capacity building for the next few years. Already, reaffirmation of the common border with the United Republic of Tanzania is ongoing, to be followed by the other sections.

1221. The boundary dispute with neighbouring Somalia is being handled appropriately in defence of Kenya's sovereignty and territorial integrity.

1222. The ambiguous description of our international boundary, heavy funding required for the survey work and capacity building, and the fact that Kenya cannot carry out surveys alone but with her neighbours poses intricacy. Thus logistics involved require lengthy periods to synchronize survey and mapping programmes of all the States involved.

1223. Besides the above, Kenya is yet to become a full member of International Hydrographic Organisation (IHO) and so we cannot make hydrographic charts on our own necessary for exploitation of marine resources and for facilitation of surveillance and navigation in the sea.

1224. Through this declaration, the African Reference Framework (AFREF) programme to facilitate the development of a common spatial reference system is supported. AFREF is a referencing framework for the whole of African continent. It will among other things facilitate cross border development of infrastructure.

13.4.2 Addis Ababa Declaration on Geospatial Information Management

1225. Kenya is a party to this declaration by virtue of being a member of African Union.

1226. By being party to the development of AFREF a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies will be realized in Kenya and the rest of the continent. This will lead to reduced time of carrying out surveys, ease of connecting infrastructural projects like roads, railways, pipelines with neighbouring countries and disaster mitigation through monitoring of crustal movements. There will be homogeneity of maps across the country and across border seamless mapping will be possible. National Spatial Data will facilitate sharing of geospatial data among all stakeholders dealing with and applying geospatial data.

1227. Kenya is in the process of establishment of Kenya Geodetic Reference Frame (KENREF) at a cost of Kenya shillings one (1) billion. It is also required to develop Geospatial Information for the whole country at a cost of Kenya Shillings one (1) billion.

1228. Apart from resource constraints, the existing geospatial data sets are not compatible so as to create the National Spatial Data Infrastructure to collect geospatial data uniformly.

14.0 CONCLUSION

14.1 In conclusion, Kenya should review its investment treaty regime, with a view to developing legislation to protect Kenyan investments abroad. These legislations should also conform to best practices, while taking into account public interest and promotion of development.

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APPENDIX I: STATE VISITS

MEMBERSHIP TO INTERNATIONAL AND REGIONAL ORGANISATIONS

1. Charter of the United Nations

Adopted in: 26th June, 1945

Entered into force on: 24th October, 1945

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

Obligation to Government: To maintain international peace and security: To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples: To promote international co-operation in solving international problems, and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion: and To be a centre for harmonizing the actions of nations in the attainment of these common ends.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya accredited a Permanent Mission to the UN for active and effective engagement and participates in decision making at various UN Organs. Kenya has served twice as a non-permanent member of the UN Security Council (1973-1974 and 1997-1998).	Financial constraints	Increase budgetary allocation and resource mobilization
Kenya steered the UN negotiations that led to the adoption of the 2035 Sustainable Development Goals (SDG's).	Ignorance of the public on UN activities and programmes	Upscale political goodwill for UN activities
Kenya is host to the UN headquarters in Africa and several UN Agencies. To provide leadership on global environmental policy, Kenya lobbied for the upgrading of UNEP from a governing council to an Environmental Assembly of the UN (UNEA) with universal membership of all the UN member States. Two UNEA meetings have been held in Nairobi (2014 and 2016) to address environmental issues. Kenya continues to host other numerous high level meetings.	Low funding on environmental programmes	Enhance funding of environmental programmes
Participation in international fora, peace keeping missions, and meetings on global issues.		Create public awareness on the role of the UN
Kenya is compliant with its financial obligations through its Mission to the UN.		
Kenya draws lessons and best practises that enhance good governance		

2. Statute of the International Court of Justice

Adopted on: 26th June, 1945

Entered into force on: 24th October, 1945

Kenya recognised the compulsory jurisdiction of the Court in 1964.

Obligation to Government: Compliance with decisions of the Court in any case to which Kenya is a party , failure of which the other party may seek assistance from the UN Security Council, which if it deems necessary may make recommendations or decide on measures to be taken to give effect to the judgment.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya recognises judgments and advisory opinions emanating from the Court.	Complex Court Procedures.	Participate in trainings and seminars organized by the judicial body.

3. The Constitutive Act of The African Union

Adopted by: African State parties of the Organisation of African Unity on the 11th July 2000

Entered into force on: 26th May, 2001

Kenya became a State party to the Charter on: 4th July 2001.

Obligation to Government: To help achieve greater unity and solidarity between the African countries and Africans.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Contribution to peace building, peace-keeping and peace-enforcement efforts.	Sustenance of the peace processes due	Enhance good governance in the region, and reduce

		to transnational conflict, terrorist threats in the region, and competing priorities.	dependence on non-AU donor support.
	Participated in decision-making in various AU Organs.	Weak coordination in formulating decision/country positions.	Consistent and unified African State political supports.
		Inadequate financial, human resource, technological challenges governance structures of various actors.	Enhance budgetary allocation, good governance, human resource and adopt up-to-date technology to effectively implement regional obligations.
4.	**The African Court on Human and People's Rights** **Adopted by**: African State parties of the Organisation of African Unity on June 1998. **Entered into force on:** 25th January 2004. **Kenya became a State party to the Charter on:** 6th October 2010 **Obligation to Government:** To comply with the decisions of the Court in which Kenya is a party to the Protocol, failure of which sanctions shall be issued.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya recognised the Court's jurisdiction in 2010	It has not yet made a Declaration on the admissibility of cases brought by individuals and NGO'S.	Make a permanent Declaration to allow the parties submit their cases directly.
	Kenya has signed the Malabo Protocol on the extension of the Court's jurisdiction to deal with International crimes.	The Court has been questioned on whether the extension is self-preserving to the African leaders or a replacement of the ICC.	Sensitization of the citizens on the existence, jurisdiction and integrity of the Court.
	Kenya has donated $1million dollars to contribute to the extension of the Court's jurisdiction.		
5.	**The East African Community** **Treaty Establishing the East African Community (EAC)** **Adopted in**: 30th November, 1999 **Entered into force on:** 7th July, 2000 **Kenya became a State party to the Treaty on:** 7th July, 2000 **Obligation to Government:** To co-operate and collaborate in all sectors to improve the political, economic and social status of the individual members States and their citizenry.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Designation of a State Department to coordinate the implementation of EAC affairs.	Scarce resources Slow progress in implementation of the Protocols	Prioritize programmes to be implemented Increase funding for EAC Programmes and projects
	Ratification of EAC-EU Economic Partnership Agreement	Delays in ratification by other Partner States	Heads of Summit to encourage the other Partner States to ratify the EPA.
	Implementation of a Single Customs Territory which eliminates internal tariffs and facilitates trade	Partner States are still implementing national laws in Customs	Harmonisation of national laws to EAC laws

	Finalization of One-Stop Border Posts (OSBP):- The implementation of OSBP is aimed at facilitating cross-border movements through reduction of the time taken in clearance procedures.	Delayed ICT interconnection at One Stop Border Posts has made it difficult for border agencies to start operating as OSBPS.	Fast track ICT interconnection at the OSBPs.
	Infrastructure development where there is commencement of works on Voi-Taveta-Arusha road:Namanga –Arusha road - construction of the road commenced in 2014 and is completed on the Kenyan side while completion in the other Partner States is scheduled to be completed in three years.(ADDITIONAL ROADS TO BE INCLUDED).	Lack of sufficient financial resources to support the implementation of major EAC regional projects. Domestic savings in the Partner States still very low; and capital markets as a source of investment resources underdeveloped.	Promotion of regional infrastructure projects as one so that they can start enjoying the Multinational window of funding.
	Negotiating on COMESA-EAC-SADC Tripartite Free Trade Area agreement on intra-regional trade	Negotiations have also dragged due to disagreements between the Partner State.	Building of consensus amongst Partner states.
6.	**Protocol to Operationalize Extended Jurisdiction of The East Africa Court of Justice** **Adopted and concluded by Partner States**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Conducting sensitization activities on the operations of the Court	Shortage of funds	Partner States to conduct sensitization activities on the operations of the court. Additional allocation of funds to the Court
	Sub –registry established in Kenya and located at the Supreme Court building	Kenyan citizens not aware of the existence of the sub-registry within the Country.	Create awareness on existence of the subregistry.
7.	**Inter-Governmental Authority on Development (IGAD)** **Adopted in**: 1996 **Kenya is a founding member.** **Obligation to Government:** Implement IGAD decisions on Peace and Security and other measures		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	IGAD Plans of Action in place e.g on increasing Women's Participation in Politics and implementation is on course	Minimal resource mobilization for programs and monitoring progress.	UN Agencies to be requested to give more support to activities under IGAD plans of action
	All IGAD Heads of state and Government in a summit held in Nairobi in September 2011 committed to end drought emergences (EDE) in the region by the year 2027. Kenya has established a National Drought Management Authority (NDMA) to ensure the EDE goal is achieved. Implementation is ongoing in national and county Governments.	Inadequate resources to fund EDE activities	Provision of more funds
	New projects have been initiated in ASALS in line with EDE	Inadequate resources to fund EDE programmes	Provision of more funds

	NDMA has been institutionalized through the NDMA Act 2016		
	Participation in Regional Peace efforts.		
8.	**Common Market for Eastern and Southern Africa (COMESA)** **Adopted on**: 5th November, 1993 **Entered into force on:** 8th December, 1994 **Kenya became a state party on:** 5th November, 1993 **Obligation to Government:** To promote regional integration through trade and investment and Pay assessed contributions		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has signed and ratified most of the COMESA instruments	Non-tariff barriers particularly with regard to exports of Kenyan milk and camel meat as well as palm-based cooking oil to Zambia.	Reciprocity.
	Kenya obtained an extension of special safeguards on importation of duty free sugar from COMESA, awaiting completion of reforms in the ailing sugar industry	COMESA sugar safeguards	Overhaul the entire sugar industry in Kenya.
	Government is in the process of developing a Strategy to implement the Buy Kenya Build Kenya Policy.		
9.	**New Partnership for Africa's Development (NEPAD)** **Obligation to Government:** To formulate policies and implement programs to: Eradicate poverty; Place African countries, both individually and collectively, on a path of sustainable growth and development; Accelerate the empowerment of women and; Fully integrate Africa into the global economy. The Government through the Ministry of Devolution and Planning pays annual subscriptions to the NEPAD Secretariat.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUTERED**	**RECOMMENDATIONS**
	Enforced through Presidential Executive Order vide Gazette Notice No. 6225, of 2002.	Minimal resource mobilization hamper implementation of programmes Inadequate coordination.	Need for innovative ways of mobilizing resources Improved coordination
	Programmes implemented include: CAADP E-Schools Infrastructure Homegrown School Feeding Program APRM	Inadequate monitoring and evaluation structures.	Improved M&E structures
	Annual thematic reporting to the AUC is undertaken , and evaluation is on-going in readiness for APRM review in January, 2017	Weak monitoring and evaluation system	Empower all institutions to follow up implementation in their respective thematic areas
DIPLOMATIC PRIVILEGES AND IMMUNITIES			
10.	**1961 Vienna Convention on Diplomatic Relations** **Adopted on:** 18 April 1961 **Entered into force on:**24 April 1964 **Kenya became a State party to the Convention on:** 1 July 1965 **Obligation to Government:** Adhere to the set rules on diplomatic relations in its diplomatic engagement		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities: Political interference: Weak monitoring Lack of Regulations to implement CAP 179	Collaboration with stakeholders to enhance implementation and minimize political interference Increase budgetary allocation to the Ministry of Foreign Affairs Develop regulations
	110 Missions, 26 Consulates, 24 UN Agencies and 130 International Organisations are accredited to Kenya	Financial Constraints	Enhanced budgetary allocation
	To expand her global outreach, Kenya has fifty six (56) diplomatic Missions abroad, the latest one being Havana, Cuba opened in September, 2016		
	Government grants diplomatic immunity to missions and diplomats accredited to Kenya, as well as delegations to meetings and conferences to Kenya. The gesture is reciprocated to Kenyan Missions and delegations to meetings abroad.	Reciprocity is unmatched to that offered by Kenya hence Service	Reintroduce service passports.
	Facilitated state protocol, hosted numerous diplomatic conferences and meetings (6th TICAD, and 14th UNCTAD etc.), and held quarterly briefings for the diplomatic corp in Kenya.		
	Payment of assessed contributions to various International Organisations.		
	Foreign Policy blue print launched	Inadequate funds	Increase budgetary allocation to the Ministry of Foreign Affairs
	Capacity building of Foreign Service Officers through Continuous training.	Misuse of privileges and immunities	Develop regulations to assist in monitoring foreign NGO's who use host country agreements to avoid regulations under the NGO Act
11.	**1963 Vienna Convention on Consular Relations** Adopted on: 24th April, 1963 Entered into force on: 19th March, 1967 Kenya became a State party to the Convention on:1st July, 1965 Obligation to Government: has to adhere to the set rules on consular relations in its engagement with foreign missions in the country.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities: Political interference: Weak monitoring. Lack of Regulations to implement CAP 179	Collaboration with stakeholders to enhance implementation and minimize political interference Increase budgetary allocation to the Ministry of Foreign Affairs Develop regulations
	Diaspora Policy developed and launched	Ignorance by the public on the existence of the policy	Enlighten the public on the policy
	Facilitate assistance in Kenyans in fragile situations abroad.		
	Authentication of Documents.		
	Outsourcing for business opportunity for Kenyan companies and businesses.		

	Initiation of a skills database of the Kenyan Diaspora in Five Pilot countries.		
	Responding to public enquiries on information regarding to foreign affairs issues.		
12.	**Convention on the Privileges and Immunities of the United Nations** **Adopted on:** 13th February, 1946 **Enters into force** for each State on date of deposit of Ratification/Accession Instrument. **Kenya became a State party to the Convention on:** 1st July, 1965 **Obligation to Government:** To grant privileges and immunities to the UN, necessary for the fulfilment of its purposes on the Kenyan territory. The Government must respect the immunity that the U N has from every legal process including its property and assets and the inviolability of its premises.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated vide the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities due to weak monitoring.	Collaboration with stakeholders to enhance implementation, and control.
		Lack of Regulations to implement Privileges and Immunities Act Cap 179.	Develop Regulations for the better discharge of the Act.
	Government grants privileges and immunities to UN Officials, and Delegates attending meetings in Kenya.		
	Grant of privileges and immunities to the UN Office in Kenya and Agencies		
	Ad hoc Host Country Relations Committee in place.	The Ad hoc nature of the Host Country Committee.	Institutionalize and strengthen the Ad Hoc Host Country Committee.
13.	**Convention on the Privileges and Immunities of the UN Specialised Agencies** **Adopted on:** 21st November, 1947 **Entered into force in:** 1948 **Kenya became a State party to the Convention on:** 1st July, 1965 **Obligation to Government:** grant the UN specialised Agencies privileges and immunities necessary for the fulfilment of their purposes in the Kenyan territory. The Government is to respect the immunity that the specialised agencies have from every legal process including their property and assets and the inviolability of their premises.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the Privileges and Immunities Act Cap 179	Misuse of privileges and immunities	Collaboration with stakeholders to enhance implementation, and control.
	Grant of Privileges and immunities to the UN Specialized Agencies and staff.	Weak monitoring.	Develop Regulations for the better discharge of the Act.
14.	**General Convention on Privileges and Immunities on the OAU (GENERAL CONVENTION)** **Adopted on:** 25th October, 1965. **Entered into force in:** 25th October, 1965. **Kenya became a State party to the Convention on:** 25th October, 1965. **Obligation to Government:** Member states are to grant the OAU privileges and immunities within their territories for independence exercise of their functions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Government grants privileges and immunities to AU officials and delegates attending meetings in Kenya.	Misuse of privileges and immunities	Collaboration Of All Relevant Stakeholders.
15.	**Additional Protocol to the OAU General Convention on Privileges and Immunities (Additional Protocol)** **Adopted on:** 1st June 1980. **Obligation to Government:** To extend the Privileges and Immunities of the Convention to the specialized agencies of the AU.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Government extends the treatment accorded to the Organisation, to its specialized agencies	Misuse of privileges and immunities.	Collaboration Of All Relevant Stakeholders.
16.	**East Africa Community Protocol on Foreign Policy Co-Ordination** **Signed on:** 2010 **Obligation to Government:** To collaborate with other member States in multilateral diplomacy, economic & social activities, liaison and exchange of information, administration and capacity building.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation is through the Ministry of Foreign Affairs.	Lack of comprehensive sensitisation of the East Africans on the Protocol.	Sensitize the public on matters of foreign policy.
	Kenya undertakes financial arrangements to meet arising obligations.		
	Diplomatic outreach and negotiations on issues of mutual interest relating to regional and global affairs	Building consensus is time consuming.	Promote political good will
	Adopting common position for candidates and reciprocating on Partner states in international and regional agenda	Dynamics of foreign policy	
	An established Directorate dedicated to serve the African Region and the EAC sub region.	Financial and personnel constraints.	Need to enhance funding and personnel.

PEACE AND SECURITY			
17.	**Geneva Conventions (Convention I to IV and Additional Protocols I, II, and III)** **Adopted in:** 12th August 1949 **Entered into force on:** 12th August 1949 **Kenya became a State party** **Obligation to Government:** Respect of the human being and human dignity. The additional Protocols obliges warring sides and combatants not to attack civilians and civilian objects and to guarantee the provision of military operations in compliance with generally accepted principles of humanitarian law.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Fully domesticated the four Geneva Conventions through the Constitution namely: Geneva Conventions Act, Chapter 198 of the Laws of Kenya, Kenya Defence Forces Act, 2012 and Geneva Conventions Act, 1968 incorporates portions of the 1949 Geneva Conventions.		
	Signed the instrument ratifying the protocol in addition to the Geneva Conventions of 12th August 1949 relating to the adoption of a distinctive emblem for the ICRC in addition to the Red Cross and Red Crescent on 26th September, 2013.		
	Enforcement of the Rules of Engagement for KDF conduct.		
	Kenya's LOAC manual (1997) specifies that medical and religious persons are non-combatants.		
	Prohibition on attacking persons and objects displaying the distinctive emblems.		
	Implementation of the National legislation that include the Constitution of Kenya, 2010, Kenya Defence Forces Act, 2012 and the Humanitarian Law.		

	Employment of Military Legal advisors on application and compliance with International Humanitarian Law (IHL).		
	Disciplinary measures taken against service men that violate IHL.		
	Training of all service personnel on the distinctive emblem and instruction programs incorporated in peacetime. Establishment of National Committee comprising of Government and relevant Humanitarian Organisations to coordinate implementation of Obligations relating to International Humanitarian Law.		

18. **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons on their Destruction (CWC)**

Adopted on: 15th January, 1993

Entered into force on: 29th April, 1997

Kenya became a State party to the Convention on: 25th April, 1997

Obligation to Government: Prohibition of production and use of chemical weapons: 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 Organisation for the Prohibition of Chemical Weapons in the case of use of chemical weapons: An Organisation for the Prohibition of Chemical Weapons inspection regime for the production of chemicals which might be converted to chemical weapons: International Co-operation in the peaceful use of chemistry in relevant areas.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Development of the Chemical Conventions Bill to domesticate the Convention is on-going.	Lack of a legal and institutional framework for the domestication and implementation of the Convention.	There is need to fast track the development of a Bill to domesticate the Convention.
Designated the Government Chemist in the Ministry of Health as Focal Point on the implementation of the Convention	Inadequate personnel	Training of technical personnel for this area
Signatory to the International Code against Ballistic Missiles,	Evolving nature of designs of missiles	Enhance partnerships with other countries for effective implementation
Member State to international Organisation: CD, IAEA,OPCW,CTBTO-PC	Differences in commitment levels of Member States	Mobilise support from all member States
Undertook capacity building and technical assistance in the area of nuclear, chemical and biological weapon technology, provision of necessary technical knowledge and technical devices to customs and police officers to enable them identify weapons of mass destruction.	Inadequate technical capacity in the handling of the issues	Enhance resource allocation
On 24th March 2014, Kenya ratified an instrument that confers privileges and immunities to the OPCW.		

19. **Biological and Toxin Weapon Convention (BTWC)**

Adopted in: 7th January 1976 in Geneva

Entered into force on: 26th March 1975

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

Obligation to Government: To domesticate the BTWC by having a legal framework in place: Participating in the Meeting of Experts and Meeting of States Parties: To provide annual reports - using agreed forms - on specific activities related to the BTWC: The Government under the Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain: (a) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes: (b) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes, or in armed conflict.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Training of personnel to detect and respond to outbreak of any biological danger.	Inadequate Legal and Regulatory framework.	Domestication and implementation of the BTWC.
			Develop comprehensive Policy and Regulatory Legal framework
	Setting up of Laboratories for testing and carrying out other activities related to biological and toxin weapons.	Inadequate capacity in matters relating to biosciences in the relevant Ministries and Research Institutions; and in management of biological and toxin weapons.	Sensitize the relevant bodies including the Counties on the BTWC.
			Improvement on inventories and safe custodies of valuable biological materials
			Introduction of curriculum at secondary and institutions of higher learning on bio-safety and bio-security.
			Establishment of rapid response systems on bio-safety and bio-security issues.
		Inadequate funds	Allocate resources
	Establishment of an inter-Ministerial National Biological and Toxin Weapons Committee to address issues relating to bio-security and develop a policy and legal framework..	Inadequate capacity for implementation of the Convention	Build capacity of the committee to assist in the implementation of the Convention
20.	**Comprehensive Nuclear Test-Ban Treaty New York (CNTBT)** **Adopted in**: 10th September, 1996 **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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	A commitment by the Government not to carry out any nuclear weapon test explosion	Threat of clandestine nuclear programs by terrorist Organisations	Await the entry into force of the treaty to domesticate the Convention.
	In the process of establishing a national data centre.	Inadequate capacity and Funding	Regional and International Co-operation and inter-Organisation collaboration.
21.	**Treaty on The Non-Proliferation of Nuclear Weapons** **Adopted on**: 1st July, 1968 **Entered into force on:** 5th March, 1970 **Kenya became a State party to the Treaty on:** 11th June, 1970 **Obligation to Government:** Nuclear weapon States (NWS) are not to transfer to any recipient whatsoever of nuclear weapons or other nuclear explosive devices and not to assist, encourage, or induce any Non-Nuclear Weapon States (NNWS) to manufacture or otherwise acquire them: NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them: NNWS must place all nuclear materials in all peaceful nuclear activities under International Atomic Energy Agency (IAEA) safeguards: All Parties are obligated to facilitate and participate in the exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy: All Parties must pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Promoting the transfer of technology on positive uses of nuclear energy.	Threat of nuclear terrorism.	More cooperation among State parties.
22.	**African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)** **Adopted in**: July 1995 and 31st January, 2005 **Entered into force on:** 15th July 2009 **Kenya became a State party to the Treaty on:** 24 May, 2007 **Obligation to Government:** Take appropriate legal and administrative measures to prevent and punish any prohibited nuclear activity; Renunciation of nuclear explosive devices: Prevention of stationing of nuclear explosive devices: Prohibition of testing of nuclear explosive devices: Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture: Prohibition of dumping of radioactive wastes: Peaceful nuclear activities: Verification of Peaceful Uses.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	The Government has adopted positive and safe use of nuclear energy.	Asymmetric warfare posed by terrorist groups.	International Co-operation with States for peaceful uses of nuclear science and technology.
	Developing the appropriate legal framework on Nuclear Radiation and Safety to support the implementation of the treaty	Inadequate capacity in technical skills	Capacity building
23.	**Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare** **Adopted on**: 17th June, 1925 **Entered into force on:** 8th February, 1928 **Kenya became a State Party to the Protocol on:** 6th July, 1970 **Obligation to Government:** Measures to account for/ secure production, use, storage, and transport of such materials: regulations for physical protection of facilities materials transports: licensing registration of facilities and people handling biological materials: reliability check of personnel: measures to account for secure physically protect means of delivery: (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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Prohibition of the production, uses, storage, and transport of asphyxiating, poisonous or other gases and of bacteriological methods of warfare in the LOAC Manual.	Complex and constantly changing nature of terrorist activities	Continued Co-operation with other States to secure dangerous pathogens and enhance the Kenyan Government capability to prevent the sale, theft, diversion or accidental release of chemical, biological or radiological weapons related materials
24.	**Protocol Relating to the Establishment of Peace and Security Council of the African Union** **Adopted in**: 9th October, 2002 **Entered into force on:** 13th December, 2006 **Kenya became a State party to the Protocol on:** 29th December, 2006 **Obligation to Government:** Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity: undertake peace-making and peace-building functions to resolve conflicts where they have occurred: implement the common defence policy of the Union: ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional Conventions.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya Defence Forces are actively involved in peace keeping and peace building missions of the African Union.	Emerging security threats from terrorist groups. Inadequate financial support from Member States	Enhance Regional Co-operation. Lobby for financial support from relevant International Organisations.
25.	**East African Community (Mutual Peace and Security Pact / Peace and Security Protocol)** **Obligations created to Government:** Ratify and operationalise the two policy instruments		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The two documents are at ratification stage.	Summit of Heads of State.	Establishment of coordination framework.
26.	**East African Community Protocol on Cooperation in Defence Affairs** **Adopted on**: 28th April, 2012 **Entered into force on**: 19th November 2015 **Obligation to Government**: to enhance collective efforts to promote peace, security and stability within the EAC region.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATION**
	Signing of Mutual Defence Pact has the benefits of consolidation of peace in the region to promote development. Depositing of the Instrument with AU Secretariat and UN Secretary General.	Instability in some Partner States frustrates co-operation efforts.	Encourage Partner States to co-operate in matters of Defence. Promote peace in the instable Partner States to resolve the conflict issues.
	Organized participation in EAC Military Command Post Exercise codenamed "Ushirikiano 2016" in Embakasi, Kenya Organized for EAC Military and Cultural Event, 2016 in Kigali, Rwanda to enhance co-operation and spirit of comradeship amongst armed forces of the EAC	inadequate funding of activities	Additional funding of activities to implement the Protocol
27.	**United Nations Optional Protocol on Involvement of Children in Armed Conflict** **Adopted in**: 25th May 2000 **Entered into force on:** 28th January, 2002 **Obligation to Government**: ensure children are not recruited to serve in armed conflict or other forms of military engagement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATION**
	Enhancement of security and disarmament in areas prone to cattle rustling and militia activities	Presence of illegal weapons in porous borders	Enhancing security and strengthening the existing mechanisms for protecting children in conflict prone areas
	Continuous implementation of children Act,2001	Poverty, unemployment, Retrogressive Cultural Practices, and Extremisms lead to risk of children being recruited into outlawed groups.	Continuous enforcement of the Children's Act,2001
28.	**United Nations Convention Against Transnational Organized Crime** **Adopted in**: 15th November, 2000 **Entered into force on:** 29th September, 2003 **Accession:** 9th June, 2004. **Obligation to Government:** The Convention requires the Government to take measures to prevent, suppress and		

	punish transnational organized crimes such as trafficking in persons.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of Counter trafficking in Persons Act, 2010 and National Plan of Action for Counter-Trafficking In Persons was launched in 2013.	Non-operational mechanisms for combating trafficking in persons and assisting victims.	Provide adequate resources to combat trafficking and assist victims of trafficking in persons.
		Poverty and unemployment	Employment creation and sensitization on available facilities for start-ups
	Adoption of a declaration demanding total ban on ivory ban worldwide.	Poaching	Enhance regional cooperation and implementation of the existing laws.
	Counter-Trafficking In Persons Advisory Committee and National Assistance Fund for Victims of trafficking in Persons in place.	Inadequate funding	Allocate adequate resources
		Inadequate technical personnel	Enhance capacity building
29.	**Convention for the Suppressing of Terrorist Bombings, 1997** **Adopted in**: December, 15th 1997 **Entered into force on:** May, 23rd 2001 **Kenya became a State party to the Protocol on:** November, 16th 2001 **Obligation to Government:** Establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention, to extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences, and to assist each other in connection with criminal proceedings under the Convention.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government has established a National Counterterrorism Centre, which is responsible for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.	Inadequate technical capacity in detecting and suppressing terrorist bombings.	Facilitate capacity building for counter-terrorism stakeholders to effectively detect and suppress terrorist bombings, and conduct public awareness on prevention of terrorism, and undertake activities towards the implementation of the Convention.
		Low public awareness.	
		Radicalization	
	Establishment of the Anti-terrorism Police Unit.	Inadequate capacity radicalization	Adequate resources for training and capacity building Create public awareness in the fight against terrorism
30.	**International Convention for the Suppression of Acts of Nuclear Terrorism** **Adopted on**: September, 15th , 2005 **Entered into force on:** June 6th 2007 **Kenya became a State Party to the Convention on:** April 13th , 2006 **Obligation to Government:** To adopt measures as may be necessary to establish criminal offences under its national law and to make them punishable by appropriate penalties for criminal acts within the Convention. To Cooperate in preventing terrorist attacks by sharing information and assisting each other in criminal investigations and extradition proceedings		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government has established the Anti-Terrorism Police Unit and the National counterterrorism Centre, which is responsible for the co-ordination of national counterterrorism efforts in order to detect, deter and disrupt terrorism acts.	Inadequate technical capacity in preventing acts of nuclear terrorism.	Facilitate capacity building for counter-terrorism stakeholders to effectively detect and suppress acts of nuclear terrorism.
31.	**International Convention for the Suppression of the Financing of Terrorism** **Adopted on**: 9th December 1999 **Entered into force on:** 10th April, 2002 **Kenya became a State Party to the Convention on:** 4th December, 2001 **Obligation to Government:** To take steps to prevent and counteract the financing of terrorists and terrorism		

organisations; to consider, where appropriate, adopting regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements; and to intensify the exchange of information concerning international movements of such funds.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Establishment of Financial Reporting Centre to assist in the identification and financing of terrorism.	Inadequate capacity to effectively identify and combat financing of terrorism.	Build the capacity of the Financial Reporting Centre
The Central Bank of Kenya (CBK) has issued guidelines to Commercial Banks aimed at stopping finances to terrorist organisations and activities.	Non-compliance by some banks in enforcing the legal provisions on banking rules	Enforce the law on Banking to the letter.
	Lack of adequate capacity to monitor compliance	Strengthen collaboration and partnerships for adequate monitoring
The NGO Board deregistered NGOs which failed to comply with the provisions of the Act and for security concerns.	Inadequate capacity to monitor the work of all national and international Non-Governmental Organisations operating in Kenya.	To enforce the NGO code of conduct that regulates the conduct of the Non-Governmental Organisations, and their activities in Kenya.
Freezing of the bank accounts of non-compliant NGOs	Inadequate capacity to monitor	CBK to continue monitoring and to enhance compliance with issued guidelines
	Inadequate Legal Capacity	Fast track commencement of the Public Benefits Organisations Act, 2013 Act
Revoking work permits for foreign employees of deregistered NGOs	Enforcement of revocation status	Ensure strict vetting before issuing permits
Enactment of the Public Benefits Organisations Act, 2013	Operationalisation of the Act	Fast track commencement of the Public Benefits Organisations Act, 2013 Act

32. International Convention Against Taking of Hostages

Adopted on: December 18, 1979

Entered into force on: June 3, 1983

Kenya became a State party on: June 3, 1983

Obligation to Government: To establish jurisdiction over the offense of taking of hostages. To make offenses in the Convention punishable by appropriate penalties. To take all measures it considers appropriate to ease the situation of the hostages and secure their release. To facilitate the departure of the hostages.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATION
Enactment of the Prevention of Terrorism Act, 2012 makes Kidnapping and hostage taking an offence,	Inadequate capacity to investigate, deter and combat Kidnapping and hostage taking.	Facilitate capacity building for counter-terrorism stakeholders to effectively curb Kidnapping and hostage taking.
Establishment of the National Counter-Terrorism Centre responsible for detecting, deterring and disrupting Kidnapping and hostage taking.	Inadequate funding	Allocate more resources and enhance stakeholder partnerships in the fight against terrorism

33. OAU Convention on the Prevention and Combating of Terrorism

Adopted in: July 1, 1999

Entered into force on: December 10, 2001

Kenya became a State party to the Protocol on: 28th November, 2001

Obligation to Government: Review of national laws, and establish criminal offences for terrorist acts; to consider, as a matter of priority, the signing or ratification of instruments related to terrorism; establish jurisdiction over terrorism as defined in the Treaty. refrain from acts aimed at supporting or financing terrorists or providing safe havens for terrorists. States are expected to provide mutual legal assistance. States are required to establish jurisdiction over terrorism if committed in their territory by their nationals or over vessels flying its flag. States are required States are required to inform the Chairperson of the AU Commission of the jurisdiction they have

	established over terrorism.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Government has conducted crackdowns in places perceived to be recruiting the youth to join terrorist groups.	Complacency among law enforcers.	Strengthen the Ethics and Anti – Corruption Commission in their fight against corruption.
	CCTV cameras have been installed in strategic areas to capture the movements of terrorists.	Inadequate technical personnel to handle the technology	Train more personnel to handle the technology
	Guidelines have been issued to commercial banks meant to stop finances to terrorist Organisations and activities.	Porous borders which make it easy for terrorists to cross over.	Reinforce the Security along the Kenyan Borders by deploying more security personnel.
	Capacity development of Law enforcement Agencies through acquisition of additional machinery to curb terrorism.	Inadequate funding	Increase funding for capacity development
34.	**EAC Peace and Security Protocol** **Obligation to Government:** In order to promote the achievement of the objectives of the Community set out in the Treaty the Partner States agreed under Article 5(3)(f)to promote peace, security, and stability within, and good neighbourliness among themselves; Article 124,the Partner States agreed that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community; the Partner States further agreed to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner States with a view to the prevention, better management and resolution of disputes and conflicts between them: Article 151 of the Treaty, the Partner States undertook to conclude such protocols as may be necessary in each area of cooperation which shall spell out the objectives, scope of, and the institutional mechanisms for cooperation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Establishment of the Anti-Terrorism Unit in the National Police Service	Inadequate funds to recruit adequate Staff	Resource mobilisation and allocation of sufficient funds
	Undertaken modernisation of the police service through purchase of modern equipment and machinery.	Lack of technical knowledge and appropriate skill to handle the equipment and devices.	Capacity building and training on the use of the modern equipment and machinery.
	Employment of additional security personnel	Inadequate security personnel	Employment of additional security personnel.
	Establishment on National Disaster Management Unit	Lack of coordination amongst the designated disaster management agencies	Development of appropriate policy and legal framework and Strengthening the Coordination of the mandate.
	Undertaking border patrols to enhance security in the region.	Porous borders and inadequate skilled personnel and resources	Joint border patrol among member states, resource mobilisation and adequate allocation of funds.
35.	**The Nairobi Protocol for the Prevention, Control and Reduction of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa** **Adopted by**: 21st April 2004 **Entered into force on:** 5 May 2006 **Kenya became a State party to the Protocol on:** 5 May 2006 **Obligation to Government:** Criminalize the illicit manufacturing of, trafficking in, possession and use of small arms and Light Weapons: to review national procedures for issuing and withdrawing SALW licences and maintain databases of licences of SALW: maintain inventory of SALW held by security forces and other state bodies: mark each SALW with unique marking providing the name and place of the manufacturer and serial number and provide mutual legal assistance and cooperation in the eradication of illicit manufacturing, trafficking and possession of SALW.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Development of a policy on small arms and light weapons	Emerging security threats	Fast track development of policy on small arms and light weapons and Finalize the development of the Small Arms and Light Weapons Management Bill.

	Marking of firearms and procurement of security equipment	Number of illegal small arms due to porous borders	Fast track procure border/entry/exit points scanners, metal detectors and screening facilities.
		Inadequate resources for purchase of the border security installations	

36.	**African Union Strategy for Enhancing Border Management in Africa (2012)** **Adopted by all AU Member States.** **Entered into force on:** March 2010. **Obligation to Government:** Co-operation and co-ordination of border management all levels.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Border patrol, administration and border survey unit launched and operationalized.	Implementation of the objectives is plagued by competing priorities other than training and equipment	Strengthen internal consultation among immigration service, border police, coast guard, customs, armed forces, specialized units, and intelligence to reduce threats related to immigration.
		Water hyacinth will hinder movement of security personnel	
	Cross border consultative meetings among security agencies, CEWERNs and National focal points.	There is lack of follow up on agreed upon areas of co-operation i.e. joint deployment for Simultaneous sensitization and disarming.	Enhance regional cooperation in border control Develop a mechanism for follow up
	Continuous and select training of personnel at the HPSS/IPSTC on border control is being enhanced	Scarce funding for training and equipment.	Adequate funding for training
	Use of development/peace dividends along cross border areas in co-option of community members is on-going.	Inadequate research to inform policy on boarder security.	Undertake research on border management and control
37.	**Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States** **Adopted in**: 9th January, 2002, Khartoum **Entry in to force :** August 2003 **Obligation to Government:** Kenya as a member State of IGAD is obligated under the protocol to contribute to the resources of the Conflict Early Warning and Response Mechanism CEWARN and disseminate information to the authorized networks under the protocol.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Contribution towards the resource needs of CEWARN	Delayed contribution by some member States	Fast track contributions by Member States
	Exchange of information with Member States	Lack of information and coordination between the various actors	Strengthen information sharing mechanisms among member States and improve communication infrastructure. End internal Conflicts in the Horn of Africa.
		Complexity of conflicts in the region	
		Poor infrastructure and inaccessibility of the areas of coverage	
		Inadequate capacity in addressing conflicts	

38.	**Protocol on Combating Drug Trafficking on the East African Region** **Adopted on**: 13th January, 2001 **Obligation to Government:** Co-operate with other State parties in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Creation of awareness on dangers of drug trafficking	Inadequate involvement of community in enforcing anti-narcotic drug laws. Weak coordination of, and non-cooperation from some actors	Strengthen coordination and Review of the Anti-narcotic drug Act and other enabling laws.
	Implementation of legislation on Drug trafficking	Complexity in prosecuting drug related matters due to intimidation of witnesses, status of drug barons and poor preservation of evidence	Government to maintain zero tolerance on drug trafficking Need for capacity building of law enforcement officers
	Implementation of the Alcoholic Drinks Control Act, 2010.	The legal framework in place is weak in terms of penalties and enforcement	Review of the Alcoholic Drinks Control Act, 2010. Expedite the finalization of the draft Alcoholic Drinks Control Bill, 2016
	The Government established The Anti-Narcotics Unit within the Criminal Investigations Department (C.LD) of the Kenya Police Service to monitor the drug related activities.	Inadequate budgetary allocation	Increase budgetary allocation
		Integrity issues, skills and competency gaps	Enhance community participation Training and empowerment of enforcement personnel
HUMAN RIGHTS			
39.	**Universal Declaration of Human Rights (UDHR)** **Adopted in:** 10 December 1948 **Entered into force on:** 1976 **Acceded to in**: 31 July 1990 **Obligation of the Government:** Governments commit themselves and their people to progressive measures which secure the universal and effective recognition and observance of the human rights set out in the Declaration.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Promulgation of the Constitution of Kenya 2010, with an elaborate Bill of Rights	Enforcement and implementation of the progressive Bill of Rights	Relevant actors to endeavour to adhere to the Human Rights standards as set out in the constitution
	Enactment of legislative framework supporting implementation of the Bill of Rights e.g Kenya Human Rights Commission Act, 2002; Persons Deprived of Liberty Act 2014; Power of Mercy Committee e.t.c	Inadequate funding Delayed operationalisation of some of the acts	Fast track full implementation of the relevant acts
	Sensitization of Government departments on Human Rights	Slow change of mentality	Enhance sensitization and training
	Judiciary has been empowered to prosecute human Rights violators	All institutions in the criminal justice system have not fully implemented the Persons Deprived of Liberty Act 2014	Institutions in the criminal justice system to fast track the implementation of Persons Deprived of Liberty Act, 2014 pursuant to Article 51 of the Constitution.

40. International Convention on Civil and Political Rights (ICCPR)

Adopted in: 19th December, 1966

Entered into force on: 23rd March, 1976

Kenya became a State party to the Convention on: 1st 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

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has been reporting to the Committee since it acceded to the Covenant. The reports indicate measures taken by Kenya to fulfil its obligations under the Covenant.	Difficulty in accessing data particularly disaggregated statistical data to monitor the implementation the recommendations of various treaty bodies.	Establishment of a system of compiling national statistics and disaggregated statistical data relevant to the monitoring of the implementation of the various human rights treaties that we are a State party to.
Development of a legislative framework through enactment of relevant laws	Delayed operationalisation of some laws that may facilitate implementationof the Covenant e.g including the Victims of Offences Bill, The Persons Deprived of Liberty Bill.	Fast track the operationalisation of appropriate legislation and policies.
The establishment of a National Legal Aid and Awareness Programme.	Financial constraints in establishing a comprehensive legal aid programme that will enable all Kenyans access justice.	Adequate resources to ensure that the programme is fully rolled out to all parts of Kenya for the provision of legal aid to the poor and vulnerable.

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

Adopted in: 16th December, 1966

Entered into force on: 3rd January, 1976

Kenya became a State party to the Covenant on: 1st May, 1972

Obligation to Government: Article 16 of the Covenant obligates all State Parties to submit reports in conformity with the Covenant on the measures adopted and the progress made in achieving the observation of the rights recognised under the Convention.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATION
Development of legal and policy framework to implement economic and social right, that includes free primary education, free maternal health, Affirmative Action Policies,	Inadequate funding enable the progressive implementation and actualization of economic, social and cultural rights	Resource mobilization and allocation of more funds.
Submission of periodic report on the economic, social and cultural rights	Inadequate resources for collection of credible data	Allocate adequate resources for preparation of the reports
Implementation of the existing policies and legal framework	Lack of human rights indicators to monitor implementation of these rights	Development of human rights indicators.
Establishment of Affirmative Action Funds namely, Women Enterprise Fund, UWEZO, Youth Enterprise Fund, National Government Affirmative Action Fund amongst others.	Lack of disaggregated data to effectively monitor how these rights are implemented	Development of disaggregated data for monitoring the implementation and the impact of the
	Low absorption of the funds and lack of data on the impact of the Affirmative Funds on the target groups.	

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

Adopted in: General Assembly on 21st December, 1965

Entered into force on: 4th January, 1969

Kenya became a State party to the Convention on: 13th September, 2001.

Obligation to Government: Article 9 of the ICERD obligates State Parties to submit report on the legislative, judicial, administrative and other measures adopted,which give effect to the provisions of this Convention. The State Parties are expected to report every two years or as requested by the Committee.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation of policies and legal framework that includes National Cohesion and Integration Act, 2008 and The Persons with Disabilities Act,2013 amongst others.	Institutional capacity to implement the provisions of the relevant legislations.	Strengthen institutional and human capacity of National Cohesion and Integrity Commission.
		Inadequate funding	Resource mobilisation and allocation of adequate funds.
	Establishment institutions to address non-discrimination issues and concerns	Challenge in redressing historical injustices and foster reconciliation.	
43.	**The Convention Against Torture and Other Cruel, in Human or Degrading Treatment or Punishment (CAT)** **Adopted by the** UN General Assembly on 10th December, 1984 **Entered into force on:** 26th June, 1987 **Kenya became a State party to the Convention on:** 21st February, 1997 **Obligation to Government:** Article 19 of the Convention requires all States Parties to submit a report to the Committee against torture on the measures they have taken to give effect to the undertakings under this Convention within one year after entry into force of the Convention by the concerned State Parties and submission of periodic reports every four years.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
		Existing legislative gaps like the Prevention of Torture bill, 2016 that is yet to be enacted	Enactment of relevant Bills to close in the existing gaps i.e Prevention of Torture Bill 2016, and the Victims of Offences Bill amongst others.
		Inadequate statistical data disaggregated by crime on prosecution as well as criminal and disciplinary actions against law enforcement officers and other persons	Development of disaggregated data.
	Kenya Prisons service sensitized over 20,000 officers on Human rights concerns	Inadequate funds to train more prison officers on human rights concerns.	Resource mobilisation and adequate allocation of funds.
44.	**African Youth Charter (AYC)** **Adopted in**: July, 2016 **Kenya signed the Charter:** 28th June 2008. **Kenya became a State party to the Charter on:** 23rd January, 2014 **Obligation to Government:** member States are to protect the youth against all forms of discrimination.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of National Youth Policy 2007, National Youth Council Act, 2009 and Youth Empowerment Programmes integrated in the 1st and 2nd MTP of Vision 2030.	Inadequate finances to implement youth empowerment programmes	Resource mobilization and allocation of funds.
	Alignment of National Youth Policy and National Youth Act, 2009 with the Constitution OF Kenya, 2010. governance	Lengthy procedures for policy and law making	Fast-track the process to improve the National Youth Policy and National Youth Council Act.
		Inadequate infrastructure at the County level	
	Ksh.465 million advanced to youth entrepreneurs through the Youth Enterprise Development Funds.	Low uptake of the Affirmative Funds	Sensitization, awareness creation and capacity building on access to Affirmative Funds.
	51 youths have been awarded tenders worth Ksh.37,892, 042/= under Access to Government procurement opportunities (AGPO	Low uptake of funds reserved under the AGPO	Sensitization, awareness creation and capacity building of the youth and youth groups.
	74,230 Youth Entrepreneurs trained on entrepreneurial skills	Inadequate funds to reach out to more youths..	Recourse mobilization and adequate allocation of funds
	480 senior youth officers deployed in County and National Government and Ministries to mainstream youth issues in all levels of national development	Inadequate personnel	Strengthen the existing structures in the counties.
			Training and capacity building of Youth Officers

	Development of macro-economic policies that focus on job creation for youth.	Inadequate capacity in the existing Youth Enterprises	Capacity building of the Youth enterprises and the Youths.
	Strengthening the capacity of young people and youth organisations in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning or youth exchange programmes	Inadequate facilitation to access the grassroots level	Resource mobilization and allocation of more funds.
	Kenya steered the UN negotiations that led to the adoption of the 2035 Sustainable Development Goals (SDGs);	Adequate resources for implementation of the SDGs	Mobilisation of resources through partnerships
	Strengthening the capacity of young people and youth organisations in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning or youth exchange programmes.	Inadequate facilitation to access the grassroots level	Resource mobilization and allocation of more funds.
	Kenya, through the Kenya School of Government, has continued to sensitize as well as provide training to the youth leadership especially at the University level in the areas of decision making, governance and leadership in accordance to Article 10.	Financial constrains which limit the number of youth leaders to be trained and the number of courses.	There is need to seek financial support to ensure that the process remains sustainable as well as allow for a wider reach of youth. There is need to conduct a capacity assessment to ensure that the training is structured.
	Government, hosted a series of Youth ICT Conference in the month of September, 2016 aimed at empowering the youth as per Article. 10 of the Charter.	Inadequate sponsorship for the youth groups which limit the number of participating groups.	Increase training and capacity building on ICT and innovation.
	Government, has continued to sensitize as well as provide training to the youth leadership especially at the University level in the areas of decision making, governance and leadership in accordance to Article 10 of the Charter	Inadequate funds to increase training for youth leaders.	There is need to seek financial support to ensure that the process remains sustainable as well as allow for a wider reach of youth. There is need to conduct a capacity assessment to ensure that the training is structured.
	Government developed the curriculum under AGPO targeting the 30% procurement preservation and reservation for the Youth, Women and Persons with Disabilities	Sensitizations are yet to be rolled out but there is also inadequate financing from private sector	Need for consultations on how to involve private sector in Government procurement
	480 youths trained on access to Affirmative Action Funds(National Government Affirmative Action Fund(NGAAF),UWEZO Fund, Youth Enterprise Development Fund(YEDF) in four counties that includes Kakamega, Kirinyaga, Mombasa and Garissa	Inadequate fund to roll out the program in all the counties and constituencies	Public Private Partnership with development partners and Youth Serving Organisations (YSO) for funding
	National Youth Council has carried out profiling of 118 of Youth Serving Organisation(YSO) to coordinate and enhance youth empowerment in the Country	Duplication of efforts and lack of coordination among the (YSO) among Government agencies and the private sector	Aligning the current structures and coordination of the youth sector to have regulatory and implementing bodies.
	Government has carried out training and awareness creation on Access to Government Procurement Opportunities(AGPO) to 480 youths in Kakamega, Garissa,Kirinyanga and Mombasa	Inadequate funds to roll out the training and awareness creation and low uptake on AGPO	Increased budgetary allocation from Government and PPPs with YSOs and development partners
	Government has conducted a series of Immigration trainings for officers from the Republic of South Sudan with the aim of fostering region, in the spirit of promoting freedom of movement among the member states as per Article 11.	Inadequate funding to Kenya School of Government limiting the number of courses and participants to be trained. Internal Conflict in the Republic of South Sudan that has slowed the progress in building the capacity of the officers.	Resource mobilisation and increase budget allocation. Enhance peace efforts for the warring factions to stop the war and make peace.

45.	**1951 Convention Relating to the Status of the Refugees** **Adopted on:** 1951 **Entered into force on:** 4th October, 1964 **Kenya became a State party to the Convention on:** 16th May, 1966 **Obligation to Government:** The Convention grants refugees and asylum seekers basic rights while in the host country. Parties to the Convention are required to Co-operate with UNHCR under Article 35.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of Refugee Act 2006 is ongoing. In this regard Kenya has exceedingly empowered and provided humanitarian assistance to refugees and asylum seekers.	The refugees have been abusing the liberal provisions of the Act	Fast-track the amendment to the Refugee Act 2006 make implementation effective
			Enhance screening of refugees and asylum seekers
			Monitor refugees movement and activities
	Conclusion of a tripartite agreement on repatriation of Somali refugees 2015 and repatriation of refugees at Dadaab and Kakuma refugee camps is ongoing.	Lack of funding	Government to outsource more funding from international partners
		Reluctance of the refugees to leave	More persuasion efforts
46.	**The United Nations Convention on the Rights of the Child** **Adopted in:** 20 November 1989 **Entered into force on:** 2 September 1990 **Kenya ratified the Treaty on:** 30th July 1990 **Obligation of the Government:** States Parties are obliged to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Constitution of Kenya provides for child protection against any form of violation.	There are a number of cases of child abuse and poor coordination of interventions to protect children who have been violated or abused sexually, physically or psychosocially.	Integration of the management of children who suffer sexual, physical or psychological abuse or violation.
			Concerned authorities to be more vigilant in dealing with children cases appropriately.
		Cultural beliefs with regards to the place of a child in the society	Public awareness on the rights of the child and what constitutes child abuse
	Convention is domesticated in the Children Act 2001 which guarantees the rights in the Convention and prohibits child abuse and exploitation. Currently the Children Act, 2001 is being repealed	Extreme poverty, inadequate resources to support children programmes and children in conflict with the law,	Strengthen institutions dealing with children issues.
			Review legislations and policies in line with international instruments
			Improve on data collection, management and analysis for effective planning of children programs
			Capacity building of officers handling children issues
	The KPS has established three (3) Borstal institutions and one Youth Corrective Training Centre to hold and train juvenile offenders	Inadequate infrastructure	Treasury to increase budgetary allocations to enable the department expand its infrastructure. More Borstal institution to constructed at least in the main prisons

	Witness Protection for children	Inadequate sensitization on the provisions of children protection	Enhance sensitization and enforcement
	Employment Act prohibits child labour.	Lack of reliable data on children in Child labour	Strengthen data collection procedures
	The National Children Policy Sessional Paper and National Policy on Elimination of child Labour were approved by National Assembly in October 2016.	Implementation process	Initiate the implementation process
	The Government has put 353,000 households under cash transfer program for orphans and vulnerable children	The program is yet to cover the entire country	Strengthen and upscale social protection programs to cushion vulnerable children and families
	The Government is also paying fees under Presidential Bursary for 17,912 Secondary School students from poor families	HIV and AIDS which deprives children of parents, thus affecting their education and leading to child headed households	Allocate more money to enable for the increase the number of beneficiaries
	National celebrations of the World Orphans Day in May 2016 at Kisumu and the International Day of the Girl child in November, 2016 in various counties	Financial constraints	Enhance budgetary allocation
	Kenya Children Assemblies have been established and operationalized in all the counties to enable voice their concerns. The 2016 National meeting was held in April, 2016 at Multi Media University	Not all children have access to this structure	Upscale the Kenya Assembly structure to the location and ward level
	Reproductive health policy and Child survival and development strategy 2008-2015 in place	Inadequate sensitization on the policies	Implementation of existing policies
	Free comprehensive maternal child health programme, Neo-natal and post-natal services and free treatment of under five year old children.	Low funding allocations to children's disabilities.	Integration of child health services.
	Free prevention of mother to child transmission (PMTCT) of HIV and provision of free ARVs for all children across the country.	Gap in financial support by GoK, most funding is from donors.	Integration of child health services.
	Protecting the right to life, survival and development through Kenya Expanded Programme immunization- 87% immunization coverage	Compartmentalization of services offered to the child.	Integration of the management of children who suffer sexual, physical or psychological abuse or violation
	Training manual for health workers on prevention and early detection of disabilities.	Challenges in mainstreaming children with vulnerabilities to various sectors and social environment.	Enhance resources for mainstreaming
	National Guideline and Manual on the Identification and referral of all children with disabilities and special needs 2010.	Gap in financial support by GoK, most funding is from donors.	Implementation of existing policies
	School health policies and guidelines 2008 Diarrhoea policy.		Implementation of existing policies
47.	**United Nations Convention on the Rights of Persons With Disabilities** **Entered into force:** 3rd May 2006 **Adopted on** 30th March 2007 **Kenya ratified:** 19th May, 2008 **Obligation to Government:** To promote the rights and freedoms of persons with disabilities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya has put in place rehabilitations and Cash Transfer Programme for persons with severe disabilities.	Inadequate budgetary allocation	Increase budgetary allocation
	1mplementation of the National Policy on Disability and the Persons with Disabilities Act,2003 to ensure that persons with various	Low funding	Enhance funding Need for continuous

	types of Disabilities are not discriminated and have access to public services.	Low public awareness on the provisions of the Convention	awareness creation on the rights and freedoms of persons with disabilities.
	Prepared a report and submitted for review by the committee of experts on the rights of Persons with Disabilities in relation to the Convention.	Implementation of the existing policy	Enforcement of existing disability laws and policies and providing for equal opportunities
	Mainstreaming of disability in various spheres of life is being undertaken.	Lack of adequate resources for implementation	Increase budgetary allocation for training sensitization
	A National Action Plan to implement the recommendations by the committee has been developed.	Inadequate funding. Weak institutional frameworks and partnerships for effective Mainstreaming of disability issues and concerns.	Allocate adequate funding to facilitate implementation
	Kenya presented a candidate and secured a position in the UNCRPD Committee of Experts in June 2016	Inadequate support for the candidate,	Provide financial, material and moral support to vying candidates as they represent the country
	A Standing Committee comprising key stakeholders was put in place to monitor the implementation of the National Action Plan for the next 3 years.	Inadequate funds	Increase budgetary allocations
	The Convention is also being implemented through programmes in Vocational Rehabilitation Centres, disability mainstreaming in various spheres of life and cash transfers to 47,000 households with persons with severe disabilities.	There is low awareness on disability issues There is also lack of adequate technical skills for mainstreaming disabilities	Allocation of more resources for programmes for persons with disabilities. Strengthening of the coordination of institutions dealing with disability issues More awareness creation on disability issues
	Kenya marked the International Day of Persons with disabilities on 3rd December 2016 in Kwale County.	Inadequate funding necessary for facilitation, preparation and marking of the UN day.	Allocate funding that will adequately cater for mobilization, awareness creation and celebration of the day.
	Implementation of the 30% on Public Procurement Preference for persons with Disabilities.	Very few persons with disabilities apply for tenders due to lack of adequate awareness.	Create awareness amongst persons with disabilities on the provisions for public procurement.
	Disability mainstreaming to ensure inclusion and accessibility.	Slow pace in enforcement of existing laws that make provisions for disability friendly environment.	There is need for monitoring of implementation of laws relating to disability mainstreaming.
48.	**Convention on Prisoners' Rights - The UN Standard Minimum Rules for the Treatment of Prisoners (UNSMRTP) – Mandela Rules** **Adopted in:** 30th August 1955 **Entered into force on:** 31st July 1957 **Obligation of the Government:** The UNSMRTP provides that there shall be no discrimination of prisoners and detainees on basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is the responsibility of all member States to ensure that all prisoners and detainees **should** be treated with respect for their human dignity with regard to their conditions of detention such as health, complaints records, work and creation treatment and discipline among others.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Draft Kenya National Correctional Policy has been developed	Inadequate funding to finalize the instrument	Increase funding to finalize the Policy
	Development of Aftercare Policy and Aftercare Bill to address post-penal needs of prisoners and to facilitate reintegration and resettlement issues is ongoing	Inadequate funding to finalize the Bill and Policy	Increase funding to finalize the Policy

	The construction of prisons as part of Vision 2030 flagship projects, the on-going construction of additional prisoners' accommodation blocks, refurbishment of the existing facilities.	Incomplete projects due to low levels of funding from treasury	Increase funding of the Vision 2030 flagship prisons to complete the projects
	Introduction of diverse rehabilitation programmes for inmates	In some cases ex-prisoners upon release cannot fully be integrated back to the society. They reoffend to return to prison	Kenya Prison Service to introduce effective rehabilitation programs in prisons to make prisoners self-reliant upon release, Implementation of Non-Custodial Sentences to reintegrate them into the community.
	Upgrade prison health centres and dispensaries to enhance health services.	Budget and medical supplies constraints	Increase medical supplies and funding
	Formation of a legal and human rights directorate. It has integrated human rights issues in the curriculum for staff. It collaborates with KNHCR.	Inadequate capacity in terms of staffing, infrastructure and funds	Enhance capacity through allocation of funds, and resource mobilization from Government and development partners.
	Implementation of Persons Deprived of Liberty Act 2014 and Transfer of Persons Act 22 of 2014.	Lack of guidelines to operationalize the law Prisoner transfer is subject to pre - determined agreements between the two countries	Develop guidelines. Develop Prisoners' transfer agreements
	The provision and improvement of access to clean and safe water.	In some stations there is no piped water. Initiated drilling of boreholes but the water is not enough	Rain water harvesting and other long term solutions are critical
	Ongoing review on the Prisons Act and the Borstal Institutions Act to align it with the Constitution of Kenya.		Fast tracking of the review of the Acts

49. **United Nations Rules for the Protection of Juveniles Deprived of their Liberty**

Adopted in: 14 December 1990

Entered into force on: 2 April, 1991

Obligation of the Government: `he deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The department is implementing Children's Act of 2001	The Act's recommendations have not been fully implemented for lack of funds	Treasury to increase funds to KPS to fully implement the Children's Act
Kenya Prisons Service amended the Borstal Institutions Act to uphold children's rights	Inadequate Borstal facilities to hold young offenders	Government to increase funding to expand facilities.
The Department has introduced formal and informal education for young offenders	Inadequate funding to expand infrastructure	Fast track construction of Kamai Borstal.

50. **The Rome Statute of the International Criminal Court (ICC)**

Adopted in: 11th August 1999

Ratified: 15th March 2005

Obligation to Government: The Statute obliges parties to be accountable internationally for international crimes committed on their territories and by their nationals: duty to surrender perpetrators to the ICC: complimentarily and pay assessed contributions.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Implementation of the International Crimes Act, 2008 which domesticated the Rome Statute.		

	Implementation of the Prevention of Organized Crimes Act, 2010; Prevention of Terrorism Act, 2012; the Mutual Legal Assistance Act, 2011; and the Proceeds of Crime and Anti-Money Laundering Act, 2009. Supplemented by institutional reforms in the criminal justice system, which include the Kenya National Police Service, Independent Policing Oversight Authority, the Judiciary, and Office of the Director of Public Prosecutions. Member States to the Rome Statute are required to punish international crimes since the ICC cannot deal with all cases.	Manipulation of the ICC as a political tool by external actors continues to affect the Court's credibility. Poor investigative capacity because of partiality towards prosecution by the OTP. Procedural re-characterization of charges Perjury by intermediaries Corruption in recruitment etc.	Prompt and effective national prosecutions of mass atrocity crimes to ensure that the ICC remains a Court of Last Resort as envisaged in the Rome Statute. Strengthening the African Courts to deal with such cases. Continue to support complimentarily.
	A war crimes division at the High Court was established in 2016	Inadequate personnel capacity regarding the court's infrastructure and funding.	Enhance capacity and funding.

51.	**United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)** **Adopted in:** 14 December 1990 **Entered into force on:** 11 July, 1991 **Obligation of the Government:** The Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has reviewed its laws to embrace non-custodial measures instead of imprisonment	Majority of the judicial officers grant custodial sentences to petty offenders instead of utilizing the non-custodial sentences. This has in turn led to congestion of the prisons	Judges and Magistrates will be sensitised on the importance of utilizing non- custodial sentences. Courts will implement Article 49 (2) of the Constitution of Kenya, 2010.
	Enacted new laws and policies such as the Bail and Bond policy and the sentencing policy	Community Service Order Act, is not effective due to lack of funds for the Committee which implements the same.	Government to increase budgetary allocation for Community Service Order Committee to enable it to perform its work.
52.	**Body of Principles for the Protection of Persons Under Any Form of Detention or Imprisonment** **Adopted in:** 9 December 1988 **Obligation of the Government:** To undertake that no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Criminal justice agencies ensure that prisoners get justice by timely producing them in courts, facilitating Community Service Orders among others.	Inadequate vehicles to transport prisoners to courts, hospitals among others	Government to establish courts where prisons are situated.
	Judiciary has established mobile courts as well as utilizing effectively mentions in custody	Insufficient mobile courts delaying access to justice for those in the rural areas	Encourage Judiciary to establish mobile courts as well as utilizing effectively mentions in custody.
	Kenya Prisons Service has introduced "open door Policy" which ensures that prisoners are visited on regular basis by their relatives, friends, and advocates among others	Inadequate facilities to hold prisoners	Expand prison facilities.

53. Madrid Plan of Action on Ageing

Adopted: Second World Assembly on Ageing in April 2002

Obligation to the Government: UN Members are required to ensure supportive environments for older persons and development: advancing health and well-being into old age: and ensuring enabling and supportive environments.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The National Policy on Older Persons and Ageing has been reviewed and awaits cabinet approval.	More resources required to support programmes for old persons	Allocation of resources to facilitate finalization of the Policies and Bills for implementation.
The Older Members of Society Bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society	Low public awareness on issues of older persons and ageing including elder abuse	The Bill to be enacted into law to facilitate enhancement of awareness creation.
The social protection policy which aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development	Social Assistance Cash transfer is not universal and many vulnerable persons are not covered.	To make the Cash transfer universal by allocating more funds to the Social Protection Policy.
The National family promotion and protection policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons	The traditional social structures that used to ensure protection of older persons has changed due to migration and urbanisation.	Allocate adequate resources towards establishment of institutons of vulnerable older persons
Development of guidelines on establishment of institutions of older persons is in progress	Various institutions of older persons run without guidelines and regulation that would ensure uniform standards.	Allocate adequate funds to facilitate dissemination of the guidelines. Monitoring of the institutions
We also marked the UN international day for older persons at Gusii Stadium on 1st October 2016 Kenya marked the world elder abuse awareness day on 15th June 2016 at Mwea in Kirinyaga County.	Inadequate funding to facilitate the celebratory marking of the UN designated day which is necessary for awareness creation.	Allocate adequate funds to help mark the day

54. Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons

Entered into force via the Prevention, Protection and Assistance of the Internally Displaced Persons and Affected Communities, 2012

Obligations to Government: Establish a legal framework for the adoption of the Guiding Principles on Internal Displacement and a legal basis for their implementation in national law: Ensure legal protection of the physical and material needs of IDPs: Reinforce Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict.

Other Objectives are: Ensure resettlement of IDPs and implementation of the IDP Policy: Conduct timely resettlement and relocation of vulnerable communities and IDPs: Conduct training of trainers in counselling and conflict management: Conduct community education on peace and democracy: Provision of psychosocial support services to disaster victims.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES	RECOMMENDATIONS
Provision of food and resettlement schemes.	IDP resettlement conflicts Social integration and, Property acquisition.	Enhance dialogue to resolve outstanding issues.

55. Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)

Adopted in 18th December 1979,

Entered into force on 3rd September 1981.

Kenya acceded to it on 9th March 1984.

Objectives: It is a guide to formulate policies and implement programs to eliminate all forms of discrimination against women.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation and Review of the National Gender Policy.	Inadequate data to inform timely policy direction and decision.	Development and maintenance on gender segregated data.
	Development of National Equality Policy.	Lengthy procedures in policy development	Fast track the process of policy development. Enactment of Gender Equality Bill, 2016
	Capacity development for gender mainstreaming for MCDA.	Sensitisation and awareness creation	Collaboration with key stakeholders
	Development of an award scheme for compliance on two thirds gender principle to public and private sector.	-	Fast-track
	Start 9,000 new enterprises and expand 9,000 existing enterprises through the Women Enterprise through the Affirmative Fund (UWEZO, WEF, and NGAAF).	Low uptake of the Affirmative Action Fund. Limited understanding on accessibility of the Funds	Capacity building of the women enterprise to enhance uptake
	Implementation of Government directive on Access to Government Procurement Opportunities (AGPO) by sensitizing 35,000 women and youth.	Low uptake	Sensitisation and capacity on access to AGPO

56.	**Great Lakes Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children** **Adopted and Signed on 20th November, 2004** **Obligation of Government:** The Protocol recognises need to prevent sexual violence and the exploitation of women and girls. States guarantees to put in place regional mechanisms for providing legal, medical, material and social assistance, including counselling and compensation, aimed at providing legal assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the Sexual Offence Act, 2006	Retrogressive cultural practices.	Sensitization and awareness creation on SGBV issues and approaches.
	Establishment of Gender base Violence recovery Centres	Inadequate resources	Resource mobilization from development partners and Government
	Operationalise the GBV Referral System	Inadequate resources	Resource mobilization from development partners and Government
	Capacity building of the Prosecution system duty bearers, (Judges, Police, Administration and Care Givers on SGBV issues.	Inadequate resources Poor perception of SGBV issues	Sensitization and awareness creation on SGBV issues and approaches.
	Launch of a GBV prevention campaign	-	Fast track
57.	**The Robben Island Guidelines** **Adopted** in 2002 by the African Commission **Objectives:** Guidance for African States on how to implement the provisions of the African Charter on the Prohibition and the Prevention of Torture as well as providing redress for victims.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Established the Directorate of Legal and Human Rights to ensure compliance of Human Rights	Inadequate capacity that include infrastructure, personnel and funding	Resource mobilization from development partners and adequate allocation by Government
58.	**The Constitutive Act of the African Union** **Adopted in: 25th** May, 1963 Signed on 2nd March 2001 Ratified 4th July 2001 came into force on 10th July 2001 **Entered Into force on**: 26th May, 2001		

	Kenya became a state party to the Treaty on: 16th December, 1963 **Obligation to Government:** To help achieve greater unity and solidarity between the African countries and Africans.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Kenya, through the Kenya School of Government, has continued to promote greater unity and solidarity between African Countries by providing training in the areas of governance, leadership for individuals and officers from the member states especially Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESSULO).	Inadequate funding to KESSULO thereby limiting the number of courses and participants to be trained.	Enhanced budget to KESSULO to support the capacity building programme.
59.	**Africa Regional Action Plan for Investing in Youth** **Adopted in:** 2011 **Entered into force on:** 2011 **Kenya became a State party to the Charter on:** 1963 **International Obligation:** Developing of Labour Market System and Data Base for unemployed youth: Modernization of agriculture and making it attractive for youth: Development of sports, entertainment and creative industries as employment opportunities for youth: Promote environmental management as an employment avenue: Develop support structures for youth enterprise initiatives: Promote public and private partnerships in youth enterprise development: Establishment of youth empowerment funds.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Proposed Labour Market System and Data Base for unemployed youth for implementation in the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3). To be implemented jointly by the Ministry responsible for youth affairs and the Ministry of Labour	Financial constraints	Resource mobilization from development partners and increase allocation from Government funding for both financial and technical support.
	Proposed modernization of agriculture making it attractive for youth for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021) jointly with the Ministry responsible for youth affairs and Ministry of Agriculture.	Technological and infrastructure constraints.	Strengthening of technological transfer and infrastructure development to attract youth in the sector.
	The Ministry of Sport, Culture and the Arts was created in 2013 to spearhead the development of sports, entertainment and creative industries as employment opportunities for youth.	Financial and infrastructure constraints. Lack of Policy on creative industries and Legal framework	Mobilization of adequate finances and non-financial resources towards establishment of key infrastructure such as talent and sports academies to promote the industry.
	Environmental management as an employment avenue is proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021).	Technological constraints.	Strengthen technological transfer in emerging environmental management models.
	The establishment of the youth enterprise economy and architecture is under implementation under the National Youth Service Youth Empowerment Program – Youth SACCOs Project. Over Kshs. 1 billion has been saved and is being accessed by the youth cohorts in various counties.	Capacity constraints.	Enhancement of capacities of youth and youth serving organisations to be able to establish, manage and sustain the youth enterprise economy.
	Partnerships have been established with the Kenya Private Sector Alliance (KEPSA) and various other Local and International Development Partners, Non-Governmental Organisations and Community Based Organisations e.g. African Development Bank	Sustainability of partnerships.	Enhancement of incentives strategies to the public-private partnership initiatives.

	(AfDB), World Bank, National Housing Finance.		
	Various funds have been established targeting to empower youth. These include: Youth Enterprise Development Fund, established in 2006, Women Enterprise Development Fund, established in 2007, UWEZO Fund, established in 2013.	Infrastructure constraints.	Strengthen structures for integrated management of youth empowerment funds for greater impact generation.
60.	**Commonwealth Action Plan on Youth Enterprise Development (CAPYE)** **Adopted in**: 2009 **Entered into force on:** 2009 Kenya became a State party to the Treaty on: 1963 International Obligation**:** Carry out baseline survey to collect relevant data: Convening of National Consultative Forum on CAPYE: Crafting of National action Plan for youth Enterprise Development (Replaced by developing of a log frame):Development of an advocacy strategy and creating an enabling environment (Separated as a) Advocacy strategy b) Resources mobilization and c) Legal Requirements)		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	All the above obligations are yet to be implemented.	Financial Constraints	To mobilize financial resources to facilitate implementation.
61.	**Recognition of Young People in the Post-2015 Development Agenda** **Adopted in**: 2015 **Entered into force on:** 2015 **Kenya became a State party to the Treaty in 1963** **International Obligation:** Promote youth inclusion in the SDGs of five additional youth-specific targets. New targets would read: Goal 3: ensure early detection, treatment of and support for mental health issues and promote universal healthcare and education on sexual health and reproductive rights among adolescents and youth: Goal 5: ensure equal access for young women to all employment opportunities, and encourage their participation in traditionally male dominated professions: Goal 16: ensure that all young people access to opportunities to participate effectively in peace-building and civic life of their societies, and in decision-making and monitoring across all sectors of national development: Goal 16: ensure young people have opportunities for sustained participation, ownership and leadership in local, regional and international mechanisms to prevent, manage and resolve conflict and maintain peace: Goal 17: ensure universal access to information and communication technology (ICT), and achievement of targeted outcomes in education, healthcare, social cohesion, training and employment opportunities among youth, through greater use of ICT: Protect existing youth-specific targets in the SDGs: Target 4.4 By 2030 substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship: Target 4.6 By 2030 ensure that all youth and substantial proportion of adults, both men and women, achieve literacy and numeracy: Target 8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value: Target 8.6 By 2020 substantially reduce the proportion of youth not in employment, education or training: Target 8.b By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact on the International Labour Organisation Target 13.b Promote mechanisms for raising capacity for effective climate change related planning and management in least developed countries and small island developing states, including focusing on women, youth ant local marginalized communities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	All the above obligations are yet to be implemented.	Financial Constraints	To mobilize financial resources to facilitate implementation.

INTERNATIONAL TRADE AND INVESTMENT			
62.	**Treaty Establishing the World Trade Organisation (THE MARRAKECH AGREEMENT)** **Adopted in**: April 1994 **Entered into force on:** January 1, 1995 **Obligation to Government:** To create an integrated multilateral trading system		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya established the Permanent Inter-Ministerial Committee (PIMC) in May 1995 to advise the Government on all matters pertaining to the WTO.	Unfavourable trade environment at the international level	Enhance multilateralism and strategic partnerships on WTO issues affecting Kenya and developing countries.
	Government has formulated a Buy Kenya Build Kenya Policy.	High cost of local products	Provide subsidies in production
63.	**DOHA – Development Agenda Round and Bali Package (2001-2013)** **Launched in 2001** **Obligation to Government:** Obliged to meet stiff export standards, when exporting both Agricultural and Industrial products to developed countries		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticating most of the WTO agreements such as; implementing the WTO Agreement on customs valuation	Domesticating most of the WTO agreements such as; implementing the WTO Agreement on customs valuation	Domesticating most of the WTO agreements such as; implementing the WTO Agreement on customs valuation
	The enactment of the industrial property Act	The enactment of the industrial property Act	The enactment of the industrial property Act
	Setting up enquiry points at the Kenya Bureau of Standards (KEBS)	Setting up enquiry points at the Kenya Bureau of Standards (KEBS)	Setting up enquiry points at the Kenya Bureau of Standards (KEBS)
	Ministry has finalized the preparation of a trade remedies bill and once approved by the Cabinet will address trade distortions (dumping, and import surges) in the domestic market.	Lack of legislation to fully domesticate WTO agreements	Fast track the process of enacting the trade remedies bill
64.	**EAC-EU Economic Partnership Agreements** **Obligation to Government:** To coordinate implementation and necessary revisions of the EAC-EU EPA		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR**	**MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR**
	Kenya, along with other East African Community (EAC) Partner States concluded Economic Partnership Agreement (EPA) negotiations with the European Union (EU) on 16th October 2014. This ended a 12 years protracted negotiation of the trade agreement, whose negotiation was launched at all ACP level in 2002.	Difficulties in achieving consensus hinder implementation of the EAC-EU EPA.	The EU and EAC Partner States should expedite the signing and ratification of the EPA.
65.	**World Trade Organisation Technical Barriers to Trade (WTO/TBT) Agreement – National Enquiry Point** **Adopted in**: May 2013 **Obligation to Government:** To use international standards in trade of goods, and avoid unnecessary barriers to trade.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya Bureau of Standards (KEBS) launched an electronic notification system called "Notify Kenya TBT." It allows KEBS to more efficiently inform private and public sector stakeholders of notifications on technical regulations and standards that the World Trade Organisation (WTO) member	The standards are developed on inquiry causing delay	Early development of standards

	countries propose to introduce.		
	Kenya, through its KEBSTBT National Enquiry Point has been disseminating WTO/TBT notifications through a bi-monthly publication. The delays in disseminating the information reduced the comment period from 60 to about 45 days. The system was slow and reached only 1,600 users. A projected 50,000 stakeholders will use the electronic system.	Technical regulations and standards may vary from country to country, posing a challenge for producers and exporters.	Strengthening implementation of the TBT Agreement.
	The system has improved the efficiency of KEBS National Enquiry Point significantly, particularly by reducing the time between receipt of notifications from the WTO to dissemination of that information to registered users from up to 15 days to real time.	This system is accessible to limited number of users and no sensitization on existence of the system done	More sensitization to be done
66.	**WTO Trade Related Investment Measures (TRIMS)** **Adopted in:** 1994 **Obligation to Government:** Facilitate investment across international frontiers to increase the economic growth of all trading partners while ensuring free competition.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The establishment of "enquiry points" – offices that provide information about the country's technical regulations, test procedures, and adherence to various international standards.	Conversely, outdated, overly burdensome, discriminatory, or otherwise inappropriate standards related measures can reduce competition, stifle innovation, and create unnecessary obstacles to trade.	Kenya to consider initiating calls for reform measures
67.	**The WTO Dispute Settlement System** **Obligation to Government:** Comply with the all the WTO multi-lateral Agreements		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has proposed reforms and development of the WTO dispute settlement in WTO meetings.	There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy. It has operated against the interests of the developing countries as it is costly to initiate the dispute settlement process for exercise of their rights unlike the developed countries.	Kenya 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. Kenya to start initiatives in the General Council for improvements in the dispute settlement process.
68.	**International Centre for Settlement of Investments Disputes Convention** **Kenya became a State party to the to the Convention on** :3rd January 1967 **International Obligation:** The Convention obligates the State Parties to provide structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Convention is complemented by Regulations and Rules comprising of administrative and financial Regulations and rules of Procedures for institution of Conciliation and Arbitration Rules Kenya. Nairobi Centre for International Arbitration has been established, Arbitration Act of 2013, enacted and rules adopted. Currently Kenya is defending Case No.Arb/15/29 Cortec Mining Kenya Limited, (Cortec Pty) Stirling Capital Ltd V Republic of Kenya whose seat of Arbitration will be in Dubai.	Inadequate funds owing to high cost of the suits and the seat of Arbitration pose a challenge to the Government and in the defending of Arbitration matters.	Thus the Arbitration Centre should be operationalized to have adequate structures for conciliation, and arbitration of investments disputes between Contracting States and nationals of other contracting States

69.	**Constitution of the United Nations Industrial Development Organisations (UNIDO)** **Adopted in**: 8th April,1979 **Entered into force on:** 21st June, 1985 **Kenya became a State party to the Convention on:** 13th November, 1981 **Obligation to Government:** Payment of Assessed contribution: Attend a bi-annual General Conference: Attend Conference of AU Ministers of Industry: Participate in UNIDO decision making organs the Program and budget committee and the Industrial Development Board: Annual subscription of approx. €13, 000 but varies yearly: Participate in Industrial Development Board meetings.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription up to date. Kenya participates regularly and is currently the Chair of CAMI and member of the Program and Budget Committee of UNIDO.	Inconsistence attendance to UNIDO activities	Need for Kenya to attend all meetings.
		Late payment of subscription	Quick payment of assessed contributions in order to participate fully in UNIDO activities.
70.	**WTO/ SPS/ OIE Including Sub Regional Office** **Kenya ratified in**: 1994 **Obligation to Government:** Some of the obligations to Government include disease reporting, certification of animals and animal products for export.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has been adopting the international standards developed by Office of Epizooties (OIE) for fish and fish products and Codex Alimentarius Commission (CAC) for food safety.	Inadequate resources to effectively ccollect and analyze the latest scientific information on prevention and control of animal diseases.	Provide funds to enhance efforts aimed at prevention and control of animal diseases. Ensuring the sanitary safety of world trade in terrestrial and aquatic animals and animal products. Improve animal welfare.
	Kenya has developed the fish safety and quality assurance regulations 2007 under the Fisheries Act, Cap 378, Terrestrial and Aquatic Codes, Animal Diseases Act Cap 364, Fertilizers and Animal Foodstuffs Act Cap 345 to domesticate the requirements.		
71.	**The Office International Des Epizooties (OIE)** **Kenya is party to the Agreement**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Ministry of Devolution and Planning put in place an inter-ministerial Committee which meets twice in a year to review progress.	Financial constraints.	Resources should be committed to the National Indicative Programme (NIP) There should also be improvement on utilization and reporting of EU funds.
72.	**Inter-African Bureau for Animal Resources (AU-IBAR)** **Kenya is party to the Agreement.** **Obligation to Government:** The Inter-African Bureau for Animal Resources (AU-IBAR) was established as the Inter-African Bureau of Epizootic Diseases (IBED) in 1951. It now has a broader mandate to support and coordinate the improved utilization of animals as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas.		
	The Directorate also participated in the following projects coordinated by AU-IBAR and IGAD: Surveillance of Trade Sensitive Diseases (STSD) project [2013-2016].; Reinforcing of Veterinary Governance in Africa (VET-GOV) [2012-2016];and Standards, Methods and Procedures in Animal Health (SMP-AH) [2012-2016]		
	Kenya hosts the AU-IBAR the State Department of Livestock (Directorate of Veterinary Services) pays the rent for its offices .		

73. Cotonou ACP-EU Partnership Agreement

Adopted in: June, 2000

Entered into force in: 2003

Kenya is party to the Agreement.

Obligation to Government: To Co-ordinate implementation and necessary revisions of the Agreement between African, Caribbean and Pacific member countries with the European Union whose main objective is poverty alleviation and sustainable development.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
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.	Some activities have taken long to be accomplished such as Economic Partnership Agreements.	Speed up negotiations within the EAC region
EU supports Kenya in different sectors notably infrastructure, agriculture and in emergencies. The current plan 2008 -2013 provided Kenya with Euros 390 million (approx. KSh. 40 billion).	Delays in contracting and disbursement of EU funds.	Improve on utilization and reporting of EU funds and Committing all the resources under the National Indicative Programme (NIP).
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 to Trade (TBT)	There is pending work in the following areas: Economic Co-operation and Development Rules of origin Agriculture	Approval of proposed riders to existing Financing Fast track the completion of the pending work

74. 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

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya hosted TICAD conference in August 2016 in Nairobi and has participated in all the TICAD Conferences.	Delay in commencement of Japanese funded projects (e.g. roads) due to slow internal processes.	Preparation of credible projects proposals that will attract funding from the pledged basket of funds from the last conference (TICAD V).
Through TICAD, Kenya has received substantial support from the Japanese Government.	Too many project proposals from Ministries	Each Ministry should align their proposals with the TICAD V Framework for discussion with Japan.

75. Sustainable Development Goals (SDGs)

Signed on: 26th September 2015

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Capacity building of ministerial staff and contact officers on SDGs Undertaking a mapping of all relevant stakeholders Training of 66 regional development staff on SDGs Alignment of SDGs provisional indicators Mainstreaming of SDGs activities in performance contracts	Low budget allocation	Review of budget

76. Protocol on the Establishment of East African Community Common Market

Obligation to Government: To accelerate economic growth and development by maintaining a liberal stance towards the four Freedoms of movement for all the factors of production and two Rights between themselves. These Freedoms and Rights include: Free Movement of Goods, Free Movement of Persons, Free Movement of Labour / Workers, Right of Establishment, Right of Residence, Free Movement of Services and Free Movement of Capital.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Partner States have standardized travel documents and work permit requirements for East Africans	Lack of uniformity on requirements for work permit and travel documents	Partner States to standardize requirements for work permits and travel documents
	To facilitate the free movement of people the EAC has adopted implementation of an EAC E-Passport by March, 2017.	Though the launching of the E-Passport by January was a directive of the Summit, there were delays in launching the same as some of the Partner States were not ready to proceed with the launch on the agreed dates. This led to delays	Fast-tracking the implementation of key projects under EAC should be encouraged to avoid delays in the launch of very important projects like the E-Passport.
	Enhanced opportunities for cross-border investment especially financial and distribution services. Kenyan companies have invested across the borders in the EAC due to the cooperation among member states.	National Sovereignty concerns and protectionism that has limited liberalization in certain areas	Promoting political good will
	Access to employment opportunities has increased under the EAC Common Market commitments on free movement of labour and professionals list of .	Charging of work permit fees in some Partner States The link between Annex V (trade in services commitments) and Annex II (free movement of workers) to the Common Market Protocol	Review the Common Market Protocol in order to de-link the two annexes, clean up the schedules, and amend the Protocol; Bilateral negotiations on going with Partner States to waive work permit fees within member states.
77.	**Protocol on the Establishment of the East African Customs Union** **Ratified** April 2004 **Kenya is party to the Agreement** **Obligation to Government:** To establish a framework where there is a free trade (or zero duty imposed) on goods and services amongst themselves and agreed on a common external tariff (CET), whereby imports from countries outside the EAC zone are subjected to the same tariff when sold to any EAC Partner State.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of Single Customs Territory is on-going where clearance of goods and collection of revenues is being done at the first port of entry.	Increased costs in implementing the Single Customs Territory. ICT interconnectivity is a challenge on implementation of Single Customs Territory (STC)	Additional funding to fully implement the Single Customs Territory.
	Removal of Non-Tariff Barriers	Non- tariff barriers imposed on goods exported to other EAC partner states is a challenge.	Removal of Non-Tariff Barriers by enhancing cooperation between Partner States by enhancing the operations of the NTBs Monitoring Committee. Promote negotiation of Bilateral agreements between Partner States to eliminate NTBs.
	Installation of ICT connectivity systems at the One Stop Border Posts to fully operationalize the OSBPs.	High costs implications in developing ICT infrastructure at OSBPs.	Fast track installation of ICT connectivity systems at the One Stop Border Posts to fully operationalize the OSBPs.
		Delays in drafting of regulations to implement the ICT interconnectivity at the OSBPs.	Additional funding to the installation of ICT connectivity at OSBPs.
	Completion of construction of One Stop Border Posts in Taveta, Lunga Lunga, Namanga, Busia, Isebania and Malaba.	High costs implications in construction of the OSBPs. Coordination problems in the management of the OSBPs.	Additional funding for the construction projects.

	EAC reading of Budgets on the same day by all Partner states promotes the implementation on the Customs Union in terms of taxes.		
78.	**Protocol on the Establishment of East African Community Monetary Union (EACMU)** **Signed on:** November, 2013 **Kenya Ratified on:** 28th November, 2014 **Obligation to Government:** Harmonize the financial frameworks: achieve certain fiscal and monetary policy targets for eligibility to the Monetary Union.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Draft Bills to establish the key Institutions under the Monetary Union are awaiting approval by the organs of the Community. The Institutions are: East African Monetary Institute, East African Surveillance, Compliance and Enforcement Commission, East African Financial Services Commission; and East African Central Bank.	Draft Bills to establish the key Institutions under the Monetary Union are awaiting approval by the organs of the Community. The Institutions are: East African Monetary Institute East African Surveillance, Compliance and Enforcement Commission East African Financial Services Commission; and East African Central Bank.	Draft Bills to establish the key Institutions under the Monetary Union are awaiting approval by the organs of the Community. The Institutions are: East African Monetary Institute East African Surveillance, Compliance and Enforcement Commission East African Financial Services Commission; and East African Central Bank.
79.	**Protocol on the Establishment of the East African Customs Union** **Ratified** April 2004 **Kenya is party to the Agreement** **Obligation to Government:** To establish a framework to increase trade, enhance interconnectivity of customs systems, costs related to upgrading and improvement of customs systems, establish EAC Competition Authority, East Africa Standards Committee. Implementation of the Protocol to impact States sovereignty to the extent of coverage of the East African Customs Management Act 2004.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of single customs territory is ongoing	Non- tariff barriers imposed on goods imported to other EAC partner states is a challenge	Kenya to hold bilateral meetings with partner states that impose for removal of non-tariff barriers on Kenyan goods
		Customs interconnectivity is a challenge on implementation of Single Customs Territory (STC)	Improve communication infrastructure
	Clearance of goods and collection of revenues is being done at the first port of entry	The process of clearing goods at the ports of entry is long and inefficient	Shorten clearance processes
	Partner States have seconded staff in major clearance centers for goods	Inadequate qualified staff	Build capacity
STANDARDIZATION			
80.	**The Metre Convention** **Adopted in**: 20th 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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription is up to date.	Limited resources (personnel, equipment, funds, facilities etc) to fully participate in BIPM activities.	Avail adequate resources.

	KEBS continues to fully participate in the BIPM activities	Weak legal framework, coordination and monitoring	Review legal framework and improve coordination and monitoring
81.	**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 adhere to the international food standards and participate in international codex food standards development and capacity development programmes		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription is up to date.		
	Regular participation in CAC meetings and capacity building of stakeholders in the sector to adhere to food safety standards	Limited funding g for participation in international codex meetings.	Coordinate budgetary allocation to enable the multiple actors participate in the scientific based codex standards development
	The National Codex Committee is in place for coordination and adoption of international food safety standards	Weak legal and institutional framework	There is need to improve coordination of the agencies concerned with food safety standards
82.	**African Accreditation Co-Operation (AFRAC)** **Adopted in**: 2007 **Entered into force on:** 2010 **Kenya became a member State of AFRAC in:** 2009 **Obligation to Government:** Pay annual membership fees US$540 and ensure compliance with assessment standards, market requirements and applicable regulatory requirements to ensure global competitiveness in trade		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription is up-to-date		
	Kenya has fostered greater cooperation and institutional linkages with other members	Inadequate funds to effectively facilitate trade and contribute to the protection of health, safety and the environment.	Enhance funding to facilitate trade and contribute to the protection of health, safety and the environment.
83.	**The International Accreditation Forum (IAF)** **Adopted in**: 28th January, 1993 **Entered into force on:** 28th January, 1993 **Kenya became a member State to the Forum on:** 24th July, 2013 **Obligation to Government:** Pay annual membership fees US$ 1234 and observe the accreditation process in respect of the technical competence personnel and the attendant infrastructure		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya Accreditation Service (KENAS) is pursuing full membership to IAF	Limited resources and information to meritoriously accredit businesses and assure its customers that the accredited certificates may be relied upon to become globally competitive in trade	Enhance budgetary allocation and capacity building
84.	**Membership to the International Laboratory Accreditation Co-operation (ILAC)** **Adopted in**: 1996 **Entered into force on:** 2th November 2000 **Obligation to Government:** Pay annual membership fees US$ 1469 and cooperate in improving global accreditation activities among the Accreditation bodies community relating to all fields i.e. construction, transport, health, mining, agriculture, aviation etc		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Payment of membership subscription is up to date.		
	Kenya has fostered greater cooperation and institutional linkages with other members.	Lack of a Mutual Recognition Arrangement (MRA) to hasten the process of peer evaluation	Enhance Kenya's participate in ILAC activities in order to articulate country's position and increase access of Kenyan goods to international markets.
85.	**International Measurement Confederation (IMEKO)** **Adopted in**: 1958 **Entered into force in:** 1958 **Obligation to Government:** To participate in General congress, Technical Committee meetings and capacity development programmes in Metrology: Annual subscription of 900 Euros		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription is up to date. Kenya through KEBS attends General Congress and related technical committee meetings annually.	Limited resources	Kenya remains a full member in order to benefit from the IMEKO developed countries metrological technology and development.
86.	**Membership to International Organisation for Standardization (ISO)** **Adopted on**: 23rd February, 1947 **Entered into force on:** 23rd February, 1947 **Kenya's Status:** 1969 as Correspondent Member and 1976 as Body Member. **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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription is up to date and Kenya participates regularly in various technical committees and the General Assembly.	Limited resources and information to meritoriously accredit businesses and assure its customers that the accredited certificates may be relied upon to be globally competitive	Kenya to continue its membership of ISO and increase her participation in ISO activities.
	Kenya has access to over 19 500 published International Standards of which priority ones are adopted as Kenya standards.	Inadequate capacity and technical expertise	Capacity building and allocate more resources need to be allocated to e various activities related to ISO as per our priority sectors.
87.	**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:** Pay annual membership fees US$27,000 and ensure that international standards incorporate the national interest of Kenya as performance of electro technical equipment is significantly affected by the climatic conditions		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription up to date.		
	The Secretariat (KEBS) carries out the implementation of the day to day running of the National Committee (NC).	Most of the IEC standards address altitudes up to 1000 metres which is below most of the parts of Kenya	Build more local expertise in this sector and influence the inclusion of altitudes above 1000 metres in the standards to cater for our climatic conditions.
	Kenya participates in International Committee meetings, capacity development programmes and Promote SME's through marketing their wares to visitors and delegates	Tight budget	Enhance budgetary allocation to sector

88. **Membership to International Bureau of Weights and Measures (Bureau International Des Poids Et Mesures, BIPM)**

Formation: 20 May 1875

Kenya became a member State on 2010.

Obligation to Government: Observe the international metric system in weights and measures, keep abreast with new developments in the system, and pay her annual subscription of USD 5,000 to the Commission.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Membership subscription is up to date.		
KEBS continues to fully participate in the BIPM activities (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)	Limited finances, inadequate manpower to enforce c calibration of weights and measures among concerned players in the sector.	Increase budgetary allocation, capacity building of enforcement personnel to enforce the legal framework effectively

89. **Membership to African Electrotechnical Standardization Commission (AFSEC)**

Adopted on: 2005

Entered into force on: 17th February, 2008

Kenya is a founding member

International Obligation: Kenya is required to understand the emerging challenges and opportunities that can be addressed through standardization and partner with stakeholders to facilitate trade on the African continent by removing the different technical obstacles. In addition, to pay her an annual subscription of USD 5,000 to the Commission

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has managed to influence the IEC standards to be adopted through AFSEC TCs through participation in regional technical committee meetings and capacity development programmes, vote/comment on documents circulated by the Commission, and management committee meetings	Limited resources and skills to participate in all prioritized technical committees which have an impact on the Kenyan economy.	Build more local expertise in this sector and enhance budgetary allocation
The Secretariat (KEBS) implements the day to day functions of the National Committee (NC).	Inadequate resources	More financial resources need to be allocated to this activity.

90. **Membership to the African Organisation for Standardization (ARSO)**

Adopted in: 1970

Entered into force in: January, 1977

Kenya became a member State of ARSO on: 11 January, 1977

Obligation to Government: pays annual her annual membership fees US$ 16,000

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Membership subscription is up to date. In payment of her annual membership fees US$ 16,000		
Kenya hosts the Head office of ARSO and Participates in the ARSO General Assembly, Council, Technical Committees, votes and recommends the documents developed by ARSO as well as various programmes	Limited resources and inadequate skilled manpower to enforce ARSO decisions	Capacity building and more financial resources allocation to activities under this initiative.

91. **Associate Membership to Asia Pacific Metrology Programme (APMP)**

Adopted in: 1977

Entered into force on: 30th September, 1997

Kenya became an associate member of APMP in 2010

Obligation to Government: Cooperation with other NMI's and RMO's through sharing of expertise and exchange of technical services among member laboratories and to Pay her Annual subscription of US$ 600

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Payment of membership subscription is up to date.		
	Kenya through KEBS attends General Assembly (GA) and related meetings annually, Technical Committee meetings and capacity development programmes in Metrology	Stiff budget	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.
92.	**Conference of Africa Union Ministers of Industry (CAMI)** **Kenya is party.** **Obligation to Government:** To cooperate with other member States to promote accelerated and sustainable industrial development		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Chairmanship of CAMI upto 2015	Low funding and lack of skills and technology to promote accelerated Industrial Development	Adoption of new technology, affordable financial services, capacity building and enhanced budgetary allocation
	Participation in biannual meetings and CAMI bureau meetings organized by CAMI.	Stiff budget	Enhance funding
93.	**Intra-Africa Metrology System (AFRIMETS)** **Adopted in**: March, 2006 **Entered into force in:** July, 2007 **Kenya is a State party to the Organisation** **Obligation to Government:** To participate in General Assembly, Technical Committee meetings and capacity development programmes in AFRIMET and no subscription fees but members sponsor their participants to the various meetings annually.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya through KEBS attends general assembly and related meetings annually.	Inadequate financial resources, skills and expertise	Kenya is encouraged to remain a member in order to benefit from the AFRIMETS metrological technology and development
			Enhance capacity building and financial resources
94.	**South African Development Community Co-Operation in Measurement Traceability (SADCMET)** **Obligation to Government:** Kenya is a member of SADCMET and participate in General Assembly, Technical Committee meetings and capacity development programmes in SADCMET and pays no subscription fees but members sponsor their participants to the various meetings annually.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya coordinates metrology activities and services in the region in order to provide regional calibration and testing services with readily available traceability to the SI units of measurements	Lack of skilled manpower and specialized equipment	Enhance capacity building and investment in specialized equipment
	Kenya through KEBS attends the general assembly and related meetings annually.	Inadequate financial resources	Kenya is encouraged to remain a member in order to benefit from the SADCMET metrological technology and development.
95.	**East African Accreditation Board (EAAB)** **Kenya became a member in**: 2007 **Obligation to Government:** Participate in activities that are aimed at 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.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Membership subscription is up to date.		
	The KENAS, the National accreditation Body participates and represents Kenya regularly. Kenya (KENAS) is currently the Chair of the EAAB.	Insufficient Budgetary allocation to the EAC Secretariat to run EAAB programmes and activities.	Kenya is encouraged to make full use of the EAAB platform to increase its share of trade within EAC, Africa and beyond.
	Through its membership Kenya is embracing integration within the members states as well as in the COMESA –SADC-EAC tripartite initiative aimed avoidance of duplication of efforts through synergy in order to increase Africa regional trade	Insufficient Commitment by some Partner States and hence inadequate provision of resources to fund the activities of the NAB's and NAFP's. Low awareness and understanding	There is need to sensitize the partner states on the importance of EAAB and the benefits accrued
96.	**EAC Protocol on Standardization, Quality Assurance, Metrology and Testing** **Concluded in:** 2010 **Obligation to Government:** The Partner States are required to evolve and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the community		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR**	**MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR**
	EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2016	EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2016	EAC Standardization, Quality Assurance, Metrology and Testing Regulations, 2016
97.	**Membership to African Accreditation Co-Operation (AFRAC)** **Adopted in**: 2007 **Entered into force in:** 2010 **Kenya became a member State of AFRAC in:** 2009 **Obligation to Government:** Annual membership fees US$540		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Membership subscription up to date.	Inability to attend and participate in all activities organized and implemented by the IUGS due to resource constraints.	Greater focus on the global activities of IUGS needed.
98.	**East Africa Community- Standardization Quality Assurance Metrology and Testing Act (EAC SQMT Act)** **Obligation to Government:** Participation in various standards harmonisation technical committees for various sectors of the economy: Being Secretariat of various standards harmonisation technical committees: Participation in testing and metrology activities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya participates in various organs created by the SQMT Act.	Limited resources to enable facilitation of various programmes under the SQMT Act.	Implementation of various decision of the institutions of the SQMT Act and various EAC Council decisions
	Kenya participates in various standards harmonisation technical committee.		
	Kenya participates in various regional testing and metrology activities.	Lack of favourable legislation and inadequate capacity for implementation.	Monitoring mechanism for the action line under the SQMT Act.
99.	**Gaming Regulators Africa Forum (GRAF)** **Kenya is a State party to the Organisation** **Obligation to Government:** To provide a forum in which members can meet to exchange views and information and discuss policy on gaming matters ;To liaise with any foreign or international body having any objectives similar to the objectives of the forum ;To serve as a focal point for enquiries by authorities and international organisations with similar or related objectives; To keep gambling crime-free; To co-operate on probity and information sharing; To protect consumers and maintain fairness or equity of the games ;To promote responsible gambling ;To ensure that member States benefit visibly from gambling; To promote harmonisation and mutual recognition of standards.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Regulation of gaming industry in Kenya is the mandate of the Betting Control and Licensing Board established by Cap 131 Laws of Kenya. Gaming Regulators in Africa developed and negotiated a Multi-lateral Agreement thus establishing the Gaming Regulators Africa Forum (GRAF).	Lack of awareness on the provisions of the legislations	Implementation of the legislation. Awareness creation on the legislation
	GRAF is comprised of National gambling regulators from the African Continent, specifically from Botswana, Kenya, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe whose Gaming regulators agencies perform their duties under their respective laws, regulations and requirements.		Coordinated approach in the implementation of the provisions

CO-OPERATIVES

100. **World Council of Credit Unions (WOCCU)**

Adopted in: 1st January, 1971

Obligation to Government: Provide information: Provide advice: Participation: Develop policy in line with WOCCU resolutions

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Department of Cooperatives is actively involved.	Department of Cooperatives cannot participate in all activities due funding issues.	Kenya should be proactive in participation for it stands to gain more by participation..

101. **International Cooperative Alliance (ICA)**

Adopted in: 19th August 1895

Kenya is a member State.

Obligation to Government: Contribute $20, 000 annually: Provide data concerning Cooperative Societies in the Country.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Africa regional Office is in Nairobi hence the Department of Cooperatives is actively involved, though annual contribution has lapsed.	International Cooperative Alliance (ICA)	Difficulty to advance the co-operative social enterprise model.

102. **African Confederation of Cooperative Saving Association (ACCOSCA)**

Adopted in: 1968

Entered into force in: 2007

Kenya became a member State of ACCOSCA on: 17th September, 1968

Obligation to Government: Provide information: Provide advice: Participate in ACCOSCA activities

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Department of Cooperatives is actively involved. ACCOSCA	Department of Cooperatives cannot participate in all activities due to lack of funds.	Kenya should be proactive in participation to gain more.

INTELLECTUAL PROPERTY

103. **Convention Establishing the World Intellectual Property Organisation (WIPO)**

Adopted in: 14th 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: Representation by relevant personnel, payment of annual membership fees and ratifying appropriate WIPO treaties

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Kenya participates in WIPO activities. The implementing agencies are, Kenya Industrial Property Institute, Kenya Copyright Board, and Kenya Plant Health Services (KEPHIS).	Insufficient budgetary allocations to enable Kenya participate in all WIPO meeting held throughout the year in Geneva through various WIPO Committees and decision-making bodies.	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 on issues of Intellectual Property. There is need to provide sufficient funds for Kenya to be represented in WIPO meetings.
104.	**Paris Convention for the Protection of Industrial Property** **Adopted in**: 20th March 1883 **Entered into force on:** 1883, 1900, 1911, 1925, 1934, 1958, 14th July, 1967, amended 1979 **Kenya became a State party to the Convention on:** 14th June, 1965 to Paris Convention and 26th October to Stockholm Act **Obligation to Government:** 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. 2. Amending/ enacting intellectual property laws to comply with the Agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya is actively involved in protecting Industrial Property Rights through KIPI.	Limited awareness by the members of public on the role and importance of intellectual property as a tool for industrial and commercial development.	Need for more publicity and support on outreach programs by the Government.
105.	**Madrid Agreement Concerning the International Registration of Marks Madrid** **Adopted in**: 1891 **Entered into force on:** 14th April, 1891 amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28th September, 1979 **Kenya became a State party to the Agreement on:** 26th June, 1998 **Obligation to Government:** Amending the Trade Marks Act to comply with the Agreement and participation in various meetings of the Madrid Union.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya is actively involved in protecting Industrial Property Rights through KIPI 1. On-going through implementation of the Trade Marks Act. 2. Kenya made a declaration on 28th February, 2014, to receive an individual fee when Kenya is designated, either in an international application or in a designation subsequent to an international registration, or in respect of the renewal of an international registration designating Kenya, instead of a share in revenue produced by the supplementary and complementary fees.	The process of amending/enacting laws to comply with the Agreement takes too long. Kenya's absence in some meetings in Geneva due to financial constraints.	More funding for Kenya's full representation in meetings.
106.	**Patent Co-Operation Treaty - (WIPO: 1970, Washington, United States of America)** **Adopted in**: 1970 **Entered into force in:** 1970 **Kenya became a State party to the Treaty on:** 8th June, 1994. **Obligation to Government:** Protection and registration of patents, enacting intellectual property laws to comply with the Treaty and participation in the annual meeting of the assembly of member States as well various other PCT meetings		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Ongoing through implementation of the Industrial Property Act, 2001 by KIPI.	The process of amending/enacting laws to comply with the WIPO Treaties takes etoo long. Missing out on some meetings abroad due to insufficient funds.	Increased funding for Kenya to be represented in all PCT meetings.
107.	**Singapore Treaty on the Law of Trademarks** **Adopted in**: 27th March, 2006 **Entered into force on:** 16th March, 2009 **Kenya became a State party to the Treaty on:**28th March, 2006 **Obligation to Government:** Protection and registration of trademarks		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya is actively involved in protecting Industrial Property Rights through KIPI, Kenya has already complied.	No challenge.	Creating awareness amongst members of the public.
108.	**Berne Convention** **Adopted in**: 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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Done through the Copyright Act Cap 130 Laws of Kenya.	Lack of understanding on copyright and related rights.	Sensitize Cabinet and Members of the National Assembly and Senate on IP.
109.	**WTO/TRIPS Agreement (Trade Related Aspects of Intellectual Property Rights)** **Adopted in**: 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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Partial implementation Provisions relating to copyright and related rights implemented.	Enabling legislation e.g. Geographical Indications Act, is pending.	Enactment of the Geographical Indications Act.
110.	**Lusaka Agreement (1976) and Harare Protocol (1982) on the Creation of the African Regional Intellectual Property Organisation (ARIPO)** **Obligation to Government:** Registration of patents and industrial designs. To pay annual contributions to ARIPO, to ratify appropriate ARIPO treaties, to pay special contributions to ARIPO as may be determined by the Council of Ministers, to facilitate the exchange and dissemination of information to provide training and research facilities and personnel, to participate in ARIPO meetings enacting intellectual property laws to comply with the Harare Protocol, receiving applications and fees on behalf of ARIPO and participating in ARIPO meetings.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya is complying through the Industrial Property Act 2001 The Harare Protocol has been domesticated in Kenya and is implemented by KIPI through the Industrial Property Act, 2001	The process of amending/enacting laws to comply with the Protocol takes too long. Insufficient budgetary allocation to enable Kenya participates in all ARIPO meeting. Conflict between the Harare Protocol and the Industrial Property Act, 2001.	Need for more publicity and support on outreach programs by the Government. There is need to provide sufficient funds for Kenya to be represented in all ARIPO meetings.

111.	**Agreement on Trade Related Aspects of Intellectual Property Rights (WTO: 1995, Geneva, Switzerland).** Kenya became party in 1995 **Obligations arising to Government:** Amending/enacting intellectual property laws to comply with the Agreement.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya domesticated the TRIPS agreement in 2001 when Industrial Property Act, 2001, the Copyright Act, 2001 were enacted and the Trademarks Act was amended to comply with the agreement. 2. On-going through implementation of various intellectual property laws such as The Protection of Traditional Knowledge and Cultural Expressions Act, 2016	The Geographical Indications Act, is yet to be enacted to facilitate implementation.	Enactment of the Geographical Indications Act
112.	**Nairobi Treaty on the Protection of the Olympic Symbol (1981)** **Date Kenya became Party:** 1981 **Obligations to the Government:** To protect the Olympic symbol, comprising of five interlaced rings against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee, To refuse or to invalidate the registration as a mark and to prohibit by appropriate measures the use, as a mark or other sign, for commercial purposes, of any sign consisting of or containing the Olympic symbol, as defined in the Charter of the International Olympic Committee, except with the authorization of the International Olympic Committee.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domestication of the treaty is on-going.	Monitoring the use of the Olympic symbol without the authorization of the International Olympic Committee	Ensure the use of the Olympic symbol is done with authorisation..
EDUCATION, SCIENCE AND TECHNOLOGY			
113.	**Dakar Framework for Action: Education for All (EFA) Agreement** Obligation of the country is to provide quality basic education for all children, youth and adults.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Free Primary and Secondary Education	Shortage of teachers and university lecturers	Recruit more teachers and lecturers
	Review of the Education Curriculum to make it competency and value based		Institutionalise consultations for expediency
		Prolonged Consultation on implementation of the policies	Strengthen the directorate of audit of schools for quality assurance
	Reform of the Kenya National Examination Council	Inadequate funding	
	Introduction of E-learning in public schools		
	Improvement of infrastructure in public schools		
	Restructuring of the school calendar to increase the quality of education		
	Waiver of examination fees for Class 8 and Form 4 candidates to increase transition rate to the next level of education		
	Audit of schools and universities for transparency and accountability		
	Increased allocation to the HELB to cater for needy students		
	Enactment of the Basic Education Act No. 14 of 2013, Kenya Literature Bureau Act Cap. 209, Science and	Delays in development of regulations to	Expedite consultation and development of regulations

	Technology Act Cap. 250, Higher Education Loans Board Act No. 6 of 2005 and Kenya National Examination Council Act.	operationalise the law	
	Established the Free Primary Education Fund (FPEF) in 2003 and the Free Day Secondary Education (FSDE) Programme in 2008	Delays in disbursement of funds	Fast track disbursement of funds
114.	**Protocol on the Establishment of the Inter-University Council for East Africa** **Signed:** September 2002 **Obligation to Government:** To encourage and develop mutually beneficial collaboration between member Universities and between them and Governments and other organisations, both public and private.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Developed a Regional Quality Assessment tool for use by Universities in East Africa	Slow implementation of the Protocol Lack of funding. Slow pace in approval of the Draft Bill by the organs of the Community	Fast Track implementation of the Protocol and additional funding of
	Institutionalized internal quality assurance mechanisms for Universities in East Africa		Fast Track implementation of the Protocol and additional funding of the Councils activities.
	Build capacity in quality assurance at institutional, national and regional		
	Joint inspection of medical schools and harmonisation of medical training.		
	Revised draft bill repealing the inter-university council for East Africa Act (2009)		Fast track approval of the Draft Bill by the Organs of the Community.
115.	**Protocol on the Establishment of the East African Kiswahili Commission** The Protocol was concluded on 18th April, 2007. Kenya ratified the Protocol in 2010. Obligation to Government is to participate in the Commission and to provide advice on all matters relating to Kiswahili research, teaching, learning and development through policy formulation, knowledge generation, and curriculum review, standardization of terminology and promotion of Kiswahili as a lingua franca of the Partner States.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Validation workshop to develop the strategic plan of the East African Kiswahili Commission was held at the Kenya Institute of Curriculum Development on 23rd June, 2016	Slow pace in implementation of the Protocol	Fast track implementation of the Protocol
		Shortage of Funding of the Commissions activities	Additional funding for the activities of the Commission.

116. **Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB)**

Entered into force: 3rd February 1994
Kenya acceded to the Statute : 2010

Obligation to Government; to participate in decision making, developing policies and principles governing scientific and educational environmental standard and to conduct innovative research in life sciences.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Plant Transformation Laboratory , Department of Biochemistry and Biotechnology, Kenyatta University was affiliated to ICGEB in 2013	Minimal resource provision for sensitization at the country level	To encourage local research
Training of PhD. students through funds by ICGEB.	Limited public awareness on ICGEB.	The focal office to sensitize the public on the existence of ICGEB and opportunities.
Established linkages with researchers from other member States		Encourage the Kenya Scientists and Students to apply for Training grants available at the ICGEB.
		Encourage further collaboration between Kenyan Scientists and those from other Member States.

117. **Protocol on The Establishment of the East African Science and Technology**

Adopted in: 18th April 2007
Entered into force on: 1st July 2014
Country Obligation: To promote and co-ordinate the development, management and application of science and technology in the EAC. It seeks to promote regional research in Science and technology.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES	RECOMMENDATIONS
Kenya actively participates in the meetings of the Commission through National Council for Science Technology and Innovation	Slow pace in operationalising and developing a strategy to implement the Commission's mandate.	Expedite operationalisation of the Commission to enable the Community realize the benefits of collaboration in science and technology.

118. **Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRAS)**

Kenya became a member in 1991.
Acceded to the agreement: 2011
Obligation to Government: to develop capacity, establish and facilitate, through regional cooperation, the use of infrastructure to exploit nuclear science and technology applications safely and cost effectively in order to meet the challenges of sustained communal socio-economic development on the African continent.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya hosts two international monitoring stations at Kilimambogo for seismic and at Karura for infrasound.	Financial constraints and inadequate technical capacity	Provide technical assistance to capacity build the institutions
NACOSTI as the Focal Point office of Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO) has signed an Memorandum of Understanding with the		

	University of Nairobi to host the national Data Centre for CTBTO in the Geology Department		
	Kenya uses radioisotopes in monitoring and quantifying shellfish poisons within AFRA framework.		
	Kenya has two institutions recognised under AFRA as Regional Designated Centres; Centre for Biotechnology and Research Development (Malaria) and Kenya Medical Research institute (KEMRI)		

119. **The African Resource and Environment Management Satellite Constellation Initiative**

Adopted on: 7th December 2009
International obligation: To develop a constellation of satellites to provide real time, unrestricted and affordable access to satellite data to support effective environmental and resource management in Africa.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Government inherited offshore launch facilities in San Marco Launch Platform from the Italian Space program.	Kenya does not have its own satellite. Financial constraints	Expedite review of the agreement with the Italian Government with a view of streamlining it.

OUTER SPACE

120. **Outer Space Treaties:**

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)
Convention On Internal Liability for Damage Caused by Space Objects
Agreement Governing the Activities of States on the Moon and Other Celestial Bodies
The Treaty was ratified on 27th January 1967
Entered into force on: 10th October 1967
The Convention was ratified in 1972
The Agreement was acceded to in 1984
Obligation to Government: Participate in State members meetings held annually in Vienna: Domesticate the treaties by enacting national laws for outer space activities
Registration of data on objects launched into outer space on register to be maintained by the UN.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Drafted the Kenya National Space Agency Bill 2013 and National Space Policy.	Limited resoruces and lack of a legal frame work for adequate transfer of technology and co-ordination of outer space activities hinders implementation	Enact a legislation to guide the activities of outer space.
Provided under the Science, Technology and innovation Act 2013, earth and space sciences as programmes to be undertaken by the Government.		Establish a National Space Agency to co-ordinate space activities in Kenya.
		Allocate adequate funds for implementation of space activities.

PLANNING AND STATISTICS

121. **Cotonou Partnership Agreement**

Entry into force: April 2003
Obligation to Government: To coordinate implementation and necessary revisions of the Agreement between African, Caribbean and Pacific member countries with the European Union.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The Agreement has been revised twice in 2005 and 2010 to reflect emerging issues that were not included during the conception and signing in 2000. The 3rd & last review of the Cotonou Agreement was concluded in June 2016.	It's unclear how ACP-EU relations will be after 2020.	Kenya should effectively participate in the negotiations on the future of the ACP-EU relations after the expiry of the Cotonou Agreement in 2020.
		Low absorption of EDF Delays in contracting and disbursement of EU funds.	MDAs should commit all the resources under the National Indicative Programme (NIP). There is need to improve utilization and reporting of EU funds
		Reluctance to conclude the EPA by some EAC Partner States	Kenya should encourage other Partner States to sign and ratify the EPA for implementation to commence.
	EU continues to support Kenya in different sectors notably infrastructure, agriculture and in emergencies		
	Negotiations on the EAC-EU Economic Partnership Agreement (EPA) have been concluded.		
	The EPA has been signed and ratified by Kenya and is awaiting signature and reification by the other Partner States then implementation.		

122. **African Charter on Statistics**

Adopted in: February 4, 2009.
Kenya is party to the Charter.
Obligation to Government: Commitment to the development of statistics in Africa.
Institute appropriate measures, especially legislative, regulatory and administrative, to ensure that laws, regulations, objectives and principles governing statistics at regional level are in conformity with the Charter.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya signed the Charter on 25/01/2010 and is in the process of ratifying it.	Constrained production of statistics at national, regional, and continental levels due to inadequate human and financial resources	A regulatory framework should be established to coordinate statistical activities and harmonize data among Member Countries.

123. **Strategy for the Harmonisation of Statistics in Africa (SHASA)**

Kenya is party to the Strategy.
Obligation to Government: Develop a National Strategy for Development of Statistics (NSDS)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Preparation of a National Strategy for Development of Statistics (NSDS) is ongoing.	Gap in supply of statistical information impacts negatively on the monitoring of the development and integration process.	Mechanisms for the implementation of the Charter should be devised.

124. **New Partnership for Africa's Development (NEPAD)**

Obligation to Government: Formulate policies and implement programs to: eradicate poverty; place African countries, both individually and collectively, on a path of sustainable growth and development; halt the marginalization of Africa in the globalization process; accelerate the empowerment of women and fully integrate Africa into the global economy.
Payment of annual subscriptions to NEPAD (APRM and the NEPAD Secretariat)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
NEPAD Kenya was institutionalized through a Presidential Executive Order vide gazette notice (Gazette Notice No. 6225, The Kenya Gazette, vol. CIV - no. 63) in 2002.	Financial constraints which hamper implementation of programmes	Innovative ways of mobilizing resources should be devised
Programmes implemented include; Comprehensive Africa Agriculture Development Programme (CAADP) NEPAD E-Schools Infrastructure	Inadequate coordination Inadequate monitoring and evaluation structures	Improved coordination Improved M&E structures

125. **African Peer Review Mechanism (APRM)**

Adopted in: March 2003
Obligation to Government: Submit to periodic peer reviews, as well as facilitate such reviews, and be guided by agreed parameters for good political governance and good economic and corporate governance.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
In 2006 Kenya became the third African State to be peer reviewed at AU Summit in Banjul, Gambia	Inadequate Financial resources for implementation of programmes	Support to the APRM Secretariat should be enhanced
A Special review of Kenya was conducted in 2011		
The Second Country Peer Review is on going		

HEALTH

126. **The Constitution of the World Health Organisation**

Adopted on: 22nd July 1946
Entered into force on: 7 April 1948
Kenya became a State Party to the Constitution on: All countries which are Members of the United Nations may become members of WHO by accepting its Constitution.
Obligation to Government: to strengthen health services, establish and maintain administrative and technical services in health matters, implement international standards for food, biological and pharmaceutical products, promote cooperation amongst scientific and professional groups and proposing international Conventions and agreements on health matters.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya accredited a Permanent Mission to the UN Geneva for active and effective engagement; Health counselor in the Mission in Geneva	Lack of effective linkage between the regional African office and the WHO Headquarters	WHO Reforms ongoing.
Kenya hosted and participated in numerous High Level Meetings		

	Country Cooperation Strategy 2014-2019 being implemented by MOH and WHO Country Office	Financial constraints Frequent transfer of focal persons leading to interruption of programme implementation	Increase funding allocation to the health sector and maintain stability in job allocation for greater efficiency
	Kenya Medical Research Institute serves as a WHO Collaborating Centre for Arboviruses and/or Haemorrhagic Fever Reference and Research	Financial constraints	Increase allocation of budget to health Research

127. **WHO Framework Convention on Tobacco Control**

Adopted in: 21st May, 2003
Entered into force on: 27th February, 2005
Kenya became a State party to the Convention on: 25th June, 2004
Obligation to Government: To protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by implementing tobacco control measures at national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya enacted the Tobacco Control Act, 2007 to control the production, manufacture, sale, labeling, advertising, promotion and sponsorship of tobacco products, to create the Tobacco Control Board and to regulate smoking in specified areas and for related purposes.	Inadequate alternative livelihoods training offered to tobacco growing communities Inadequate funding to the Tobacco Control Board and the Ministry of Health to support TC activities. Resistance and interference from Tobacco Industry	Increased allocation to Tobacco control programmes, increase awareness creation activities in the public and in tobacco growing communities
Tobacco Control Regulations gazette in December 2014. However, the Regulations were due to enter force in June 2015 but this has been delayed by a section of industry players proceeding to court to contest the regulations.	Interference from the Tobacco Industry leading to delay in implementation of the Tobacco Regulations due to litigation.	Government agencies to all commit to implementing the Convention in its entirety

128. **Protocol to Eliminate Illicit Trade in Tobacco Products (ITP)**

Adopted in: November 2012
Opened for signature on: 10th January 2013
Kenya signed protocol on: 29th May 2013
Obligation to Government: To combat illegal trade in tobacco products through control of the supply chain and international cooperation. Kenya commits to establishing a global tracking and tracing system to reduce and eventually eradicate illicit trade.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The Government of Kenya has ratified the WHO Framework Convention on Tobacco Control and later domesticated it through the enactment of the Tobacco Control Act 2007.	Kenya is yet to ratify the Protocol since signing in 2013.	Expedite ratification by Parliament of the Protocol
	The Government of Kenya was a member of the Inter-Governmental Negotiating Body and led the African Region in negotiating for the development and adoption of the Protocol to Eliminate Illicit Trade in Tobacco		

	Products.		
	The Government through the Kenya Revenue Authority has implemented most of the provisions of the Protocol to eliminate Illicit Trade including the track and trace system which has made the country a regional center of excellence in prevention of illicit trade.		
129.	**Chemical Weapons Convention** **Adopted in:** 30th November 1992 **Entered into force on**: 29th April 1997 **Kenya signed protocol on:** April 1997 **Obligation to Government:** To prohibit the use and production of chemical weapons, as well as the destruction of all current chemical weapons		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government Chemist's Department in the Ministry of Health was designated the National Focal Point on matters of the CWC. The National Focal Point liaises with the OPCW and other States Parties and is responsible for coordinating the domestic implementation of the Convention.	Kenya is yet to domesticate the Convention as the Chemicals control Bill has not been enacted by the Kenyan Parliament	Resubmit the Chemicals Control Bill to Parliament for enactment
130.	**Conventions on Illicit and Psychotropic Drugs** Convention on Psychotropic 21 **Adopted in**: 21st February, 1971 Entered into force on: 16th August, 1976 **Kenya became a State party to the Convention on:** 18th October, 2000 **Obligation to Government:** Regulate the illicit use of Narcotics and psychotropic agents.		
131.	**The Single Convention on Narcotic Drugs (1961)** **Entered into force on** 9th February 1973. **Kenya ratified the Convention** on 19th October 1992. **Obligation to Government**: To combat drug abuse by coordinated international action. There are two forms of intervention and control that work together. First, it seeks to limit the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes.		
132.	**United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988** **Adopted** on 20th December 1988 **Entered into force** on 11th November 1990. **Kenya ratified** the Convention on 19th October 1992. **Obligation to Government**: To provide comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implemented under the Narcotic drugs and Psychotropic substances (control) Act, 1994	The Act was placed under the Police yet the licit control is carried out by the Pharmacy and Poisons board.	Separate the act into two: Licit control under the PPB Illicit use by the police.

133.	**Protocol on the Establishment of the EAC Health Research Commission** **Signed on:** 13th September 2008 **Obligation to Government:** To coordinate, conduct, and promote the conduct of health research in the region, and source, gather and disseminate findings from research for policy formulation and practice.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya nominated KEMRI as the national focal point institution for collaboration with the EACHRC which will relocate to Burundi in 2017.	Shortage in terms of funding	Fast track the relocation of the EACHRC to the Host Country – Burundi. Additional funding for the activities of the Commission
	Preparations for the 6th EAC Health and Scientific Conference scheduled for March 19-31, 2017 are ongoing Kenya will support and attend the Conference		
	Developed an EAC Health Research journal to be published in 2017		
TRANSPORT			
Air Transport			
134.	**Convention on International Civil Aviation (1944 Chicago Convention)** **Adopted on**: 7th December, 1944 **Entered into force on:** 4th April, 1947 **Kenya became a State party to the Convention on:** 1st May, 1964 **Obligation to Government:** To formulate policies and regulations to ensure safe and orderly development of international civil aviation.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government has enacted the Civil Aviation Act, 2013 and developed the Civil Aviation Regulations which are the main instruments of implementation of the Convention.		
	Established the Kenya Civil Aviation Authority	High turnover of qualified and technical staff	Enhance the Authority's ability to attract and retain qualified technical staff by strengthening its revenue
	Annual subscriptions paid in full		
	Kenya was re-elected to the International Civil Aviation Organisation Council(ICAO) in October, 2016 for a period of 3 years.		
135.	**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. Also establishes airline liability in the case of death, injury or delay to passengers.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Kenya Civil Aviation Authority established a Consumer Protection Unit	Limited resources to raise public awareness on consumer rights Lack of public knowledge on consumer rights	More funds be allocated to support activities of the Consumer Protection Unit
	Establishment of Airline Operators Committee	Compensation especially when relating to aircraft accidents and subsequent litigation.	Set up a Compensation Fund
136.	**Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 Montreal)** **Adopted on**: 1st March, 1991 **Entered into force on:** 21st June, 1998 **Kenya became a State party to the Convention on:** 21st October, 2002 **Obligation to Government:** To prohibit and prevent the manufacture or storage of unmarked plastic explosives.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Establishment of an anti-terrorism unit at all airports	Terrorism is a challenge to most States, Kenya included.	Continuous surveillance to prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives in our territory.
137.	**Convention on International Interests in Mobile Equipment (Cape Town Convention) and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2001 Cape Town)** **Adopted in**: 16th November, 2001 **Entered into force on:** 1st March, 2006 **Kenya became a State party to the Convention on:** 13th October, 2006 **Obligation to Government:** Is to acquire and use mobile equipment of high value or particular economic significance and to facilitate the financing of the acquisition and use of such equipment in an efficient manner.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the International Interests in Aircraft Equipment Act, 2013	Operators have a challenge in raising the funds to acquire aircrafts. Weak enforcement provisions of the Act Inadequate capacity and technical know-how at the Kenya Civil Aviation Authority to implement the Convention	Stakeholders' sensitization on the benefits of the Convention and Protocol to improve compliance

138. **Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971 Montreal Convention)**

Adopted in: 23rd September, 1971
Entered into force on: 26th January, 1973
Kenya became a State party to the Convention on: 11th January, 1977
Obligation to Government: Is to prohibit unlawful acts of seizure or exercise of control of aircraft in flight jeopardizes 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Enactment of the Civil Aviation Act, 2016 which recognises acts of unlawful interference as a crime.	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.
Enactment of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012	Terrorism is an international challenge	To strengthen surveillance
Establishment of Aviation Security Committee(AVSEC)	Limited resources to carry out its activities	Allocate more resources
Establishment of Anti-Terrorism Units at every airport		

139. **Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1988 Montreal)**

Adopted on: 24th February,1988
Entered into force on: 6th August, 1989
Kenya became a State party to the Convention on: 5th October, 1995
Obligation to Government: Is to demonstrate its commitment towards safety of passengers at airports and recognise that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Enactment of the Civil Aviation Act, 2013 which recognises acts of unlawful interference as a crime	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.
Enactment of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012	Terrorism is an international challenge	To strengthen surveillance
Establishment of Aviation Security Committee(AVSEC)	Limited resources to carry out its activities	Allocate more resources
Establishment of Anti-Terrorism Units at the airport		Ratification of the Beijing 2010

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

Adopted in: 7th October, 1952
Entered into force on: 4th February, 1958
Kenya became a State party to the Convention on: 5th July, 1999
Obligation to Government: Is 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.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Compensation measures are handled under the Airline Operators Committee.	Inadequate compensation of aircraft accidents leading to litigation.	Ratify the General Risk Convention of 2009.
141.	**Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA)** **Adopted in**: 18th April, 2007 **Entered into force on:** 18th April, 2007 **Kenya became a State party to the Protocol:** 18th April, 2007 **Obligation to Government:** to meet the International Civil Aviation Organisation requirements, developing consensus among Partner States in coordinating activities, sharing technical expertise and facilities and achieving effective oversight of civil aviation safety and security.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Established Civil Aviation Safety and Security Oversight Agency (CASSOA).	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.
	Harmonized civil aviation safety and security regulations in areas of personnel licensing, flight operations, airworthiness, aerodromes, air navigation and aviation security.	Slow pace in implementation of the harmonized regulations by partner states.	Fast track implementation process by the other Partner States for optimal benefits
	Harmonized accident and incident investigation regulations		
	Developed comprehensive technical guidance materials to guide implementation of the harmonized regulations.	Slow pace in implementation of the harmonized regulations by Partner States.	Fast track implementation process by the other Partner States for optimal benefits
	Establishment of the EAC Testing instrument for the implementation of the International English Language Proficiency standards that aviation personnel licence holders within the region are required to meet.	Shortage of funds	Additional funding to support implementation process
	Established and operationalized a system for sharing technical expertise by aviation safety inspectors.	Shortage in terms of numbers and skills of technical staff	Training of technical staff
		Retention of technical staff	Provision of a proper scheme of service for the technical staff
	The resolution of safety concerns and enforcement based on common regional regulations and procedures, and common regional aviation regulations.	Delays in implementation of the regulations.	Encourage the Partner States to implement the regulations.
	Kenya is to host the EAC Centre of Aviation Medicine at KCAA(Kenya Civil Aviation Authority).	The delayed conclusion of the hosting Agreement.	To fast track execution of the instruments and construction of the Centre.

142. **Convention on the International Recognition of Rights in Aircraft – GENEVA, 19th June, 1948**

Adopted in: 19th June 1948
Kenya became a State party to the Convention on: 15th January, 1997
Obligation to Government: to recognise rights of property in aircraft, right to acquire aircraft by purchase coupled with possession of the aircraft, rights to possession of aircraft under lease of 6 months or more and mortgages, hypotheques and similar rights in aircraft which are contractually created as security for payment of indebtness.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Development of the Licensing of Air Services Regulations (2016)	Upcoming airlines are not strong to offer international services	Create an enabling environment to encourage more airlines to operate internationally.
		Cape Town Convention and Protocol have made it easy for interests in aircraft equipment to be secured.
Kenya submit reports to the International Civil Aviation Authority (ICAO)		

143. **Protocol to Amend the Rome Convention of 1952- (Montreal 23rd September, 1978) on the International Recognition of Aircraft (Geneva Convention)**

Adopted in: 23rd September ,1978
Kenya became a State party to the Convention on:: 23rd October,2002
Obligation to Government: to ensure adequate compensation to those who suffer damage caused by an aircraft on the ground.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Enactment of the Civil Aviation Act, 2013	Delays in compensation.	Enhance safety and consumer protection. Ratify the General Risks Convention 2009.

144. **Convention for the Unification of Certain Rules Relating to International Carriage by Air-(1929 Warsaw)**

Adopted in: 12th October, 1929
Kenya became a State party to the Convention on: 12th December, 1963
Obligation to Government: to ensure compensation of persons, luggage or goods carried by aircrafts internationally.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya Civil Aviation Authority established a Consumer Protection Unit	Limited resources to raise public awareness on consumer rights	More funds be allocated to support activities of the Consumer Protection Unit
	Lack of public knowledge on consumer rights	

145. **Protocol to Amend the Warsaw Convention of 1929 - (1955 Hague)**

Adopted in: 28th September,1955
Kenya became a State party to the Convention on: 4th October,1999
Obligation to Government: to improve compensation of international carriage of persons, luggage and goods.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Kenya Civil Aviation Authority established a Consumer Protection Unit	Limited resources to raise public awareness on consumer rights Lack of public knowledge on consumer rights	More funds be allocated to support activities of the Consumer Protection Unit
146.	**Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963 Tokyo)** **Adopted on:** 14th September,1963 **Kenya became a State party to the Convention on:** 20th September, 1970 **Obligation to Government:** to prosecute as penal offences any acts jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012	Terrorism is an international challenge	To strengthen surveillance
	The office of the Director Public Prosecution is prosecuting persons jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation	Investigation and jurisdiction challenges	Ratify the Montreal Convention 2014
147.	**Convention for the Suppression of Unlawful Seizure of Aircraft- Hague** **Adopted in:** 16th December, 1970 **Entered into force:** 14th October 1971 **Kenya became a State party to the Convention on:** 11th January, 1977 **Obligation to Government:** To deter, arrest and prosecute offenders who engage in unlawful acts of seizure or exercise of control of aircraft in flight.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the Civil Aviation Act, 2013 which recognises acts of unlawful interference as a crime.	Terrorism is a challenge to most States.	Proactive measures need to be developed to prevent acts of terrorism.
	Enactment of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012	Terrorism is an international challenge	To strengthen surveillance
	The office of the Director Public Prosecution is prosecuting persons jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation	Investigation and jurisdiction challenges	Ratify the Montreal Convention 2014
148.	**Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft- Beijing, 10th September, 2010** **Adopted on:** 10th September, 2010 **Entered into force:** 10th September, 2010 **Kenya became a State party to the Convention on:** 10th September 2010 and Ratified on 18th August 2015 **Obligation to Government:** To promote aviation security by addressing unlawful acts against civil aviation that may jeopardize the safety and security of persons and property, seriously affect the operations of air services, airports and air navigation facilities.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Enactment of the Penal Code and the Prevention of Terrorism Act No. 30 of 2012	Terrorism is an international challenge	To strengthen surveillance
	The office of the Director Public Prosecution is prosecuting persons jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation	Investigation and jurisdiction challenges	Ratify the Montreal Convention 2014
	Establishment of the Anti-Terrorism Unit at all airports	Limited resources and inadequate skills	Build capacity of the unit
149.	**Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol 2014)** **Adopted in:** 4th April 2014 **Entered into force:** 4th April 2014 **Kenya became a State party to the Convention on:** 4th April 2014 **Obligation to Government:** To take measures as may be necessary to initiate appropriate criminal, administrative or any other forms of legal proceedings against any person who commits an offence on board an aircraft.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has initiated the process of ratification of the Protocol	Slow process of ratification.	Fast track the processes.
Road Transport			
150.	**Geneva Convention on Road Traffic Accident** **Entered into force on:** 19th September, 1949 **Kenya became a State party on :** 21st May, 1977 **Obligation to Government:** To develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally. 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		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the National Transport and Safety Act No. 33 of 2012		
	Establishment of the National Transport and Safety Authority	Conflict of roles by implementing partners	Enhance cooperation to streamline the sector
	Review of the Traffic Act Cap. 403 and development of regulations	Lack of capacity to implement the Act	Build capacity
	Development of Standard Curriculum for driver training and testing	Inadequate resources	Increase resource allocation
151.	**The Northern Corridor Transit and Transport Agreement, 2007** **Signed on**: 7th October 2007 **Entered into force on:** 6th December 2012 **Obligation to Government:** To ratify and implement the agreement to ensure freedom of transit through member States, safeguard right to access to and from the sea for landlocked countries and to develop and integrate the regional transport facilities and services.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Established the Northern Corridor Transit and Transport Co-ordination Authority		
	Simplification of Port Clearance procedures	Ongoing conflict within some of the Member States have undermined progress under the Agreement Over reliance on donor funding Prolonged consultations hinder implementation	There is need for enhanced levies and contributions from Partner States to support development programs targeting the Corridor.
	Reduction of transit charges and elimination of some non-tariff barriers. Mobilization of funding for the rehabilitation of major highways along the Corridor.		
152.	**Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor** **Adopted in :** 1975 **Obligation to Government:** to foster transport linkage between Kenya, South Sudan and Ethiopia and promotion of socio-economic development along the corridor.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Achievements include: Completion of Isiolo – Merille road, Construction of the Marsabit – Turbi road and Turbi – Moyale road on going. Formation of LAPSSET Development Authority(LCDA) Designs for the Lamu-Garissa-Isiolo-Nginyang-Lokichar-Lokichogio LAPSET Highway are on-going	Unrealistic expectations from the local community at Lamu. Land compensation is an intricate problem Project requires massive funding.	Spearhead an initiative to unite groups and individuals in a campaign to settle land disputes with the local community.
153.	**Regional Customs Transit Guarantee (RCTG) Agreement** **Obligation to Government:** to facilitate efficient movement of goods in transit in the COMESA region under a system of secure seals and motor vehicles, standardized declaration documents and a reliable guarantee mechanism that will protect the interests of all stakeholders.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Introduction of Customs Trade Regime for Goods on transit and COMESA Carrier License for vehicles on transit.	ferent legal framework on Custom Rules and trade tariffs between the Member states.	Promote the implementation of the RCTG Agreement.
	Development of Regional Customs Transit Document (RCTD) and the Regional Customs Transit Guarantee (RCTG) which are functional in COMESA.		
	Privatization of the RCTG system		
	Burundi, Kenya, Rwanda and Uganda are participating sureties, while Djibouti, Ethiopia and DRC have shown interest.		
154.	**1993 COMESA Protocol for the Establishment of a Third Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation** **Adopted in :**1993 **Obligation to Government:** to recognise the validity of the Yellow Card in its territory and to enact laws and regulations for the establishment of the Card Scheme and particularly for the designation of its National Bureau		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The Yellow Card Scheme is functional and provides coverage in all COMESA member States and pays medical costs for truck drivers in the event of an accident. Harmonisation of third party vehicle insurance.		Harmonize and publicize immigration laws, policies and regulations affecting commercial and passenger vehicle drivers.
155.	**Protocol on Sustainable Development of Lake Victoria Basin** **Adopted in:** 2003 **Obligation to Government:** To facilitate cooperation among members of the Partner states in the areas as that relate to conservation and sustainable utilization of the resources of the Basin.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Institutional arrangements are in place some emanating from the EAC Treaty, including the establishment of the Lake Victoria Basin Commission and Secretariat in Kisumu Kenya.	Financial Constraint. Insufficient Public awareness along the basin.	More Funding.
	Designated the National Focal Point who is at the Ministry of Environment and Natural Resources.		Need for capacity building.
	Developed and implemented a strategy to manage water hyacinth, improved sanitation across the Basin, Rehabilitation of catchments, community Development Projects among others as implemented by LVBC and LVEMP II under the Ministry of Environment and Natural Resources.	Lack of consensus./Inability to agree easily on strategies and programmes proposed by the Commission to be undertaken by Partner states.	Need for Political goodwill.
156.	**Tripartite Agreement on Road Transport Between the Government of the Republic of Kenya, the Government of the Republic of Uganda and the Government of the United Republic of Tanzania** **Adopted in**: 29th November 2001 **Entered into force on:** 29th November 2001 **Obligation to Government:** Harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promotion of free movement of goods, services, and people and the establishment of residence.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Kenya Ports Authority (KPA) has been carrying out container terminal improvements at Mombasa, and is also aggressively seeking to enhance the link between the port and Northern Corridor land transport routes.	Funding constraints.	Need for resource mobilization
RAIL			
157.	**Protocol for the Development and Operation of the Standard Gauge Railway** **Signed in**: May 2014 **Obligation to Government:** to expedite economic growth and development of the Parties by reducing the cost of doing business and increase the region's competitiveness		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government of Kenya created a Railway Development Fund	The project requires huge funding	Need for resource mobilization

	Completion of Mombasa-Nairobi Phase 1 (485km)	Slow process of land acquisition of land Inadequate human resource to manage the SGR system	Ensure stakeholders participation in the decision making process. Build capacity
	Three locomotives and thirty two passenger coaches delivered and undergoing test drive along the SGR		
	Commencement of construction work for Phase 2-Nairobi-Naivasha	Slow process of land acquisition for the project	Ensure stakeholders participation in the decision making process

158. **Rift Valley Railways Concession Agreement**

Signed in 2006 & 2010

Obligation to Government: To rehabilitate, operate and maintain the railway networks as one Railway system so as to improve the management, operation and financial performance of the rail networks in a coordinated manner

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Freight operations and Passenger operations from Nairobi to Mombasa & Nairobi to Kisumu.	Old locomotives , slow and time consuming	Complete SGR and operationalize operations

MARITIME CONVENTIONS

159. **Convention on the International Maritime Organisation (IMO Convention) as Amended**

Adopted on: 1948

Entered into force on: 22nd August, 1973

Obligation to Government: Is to develop and maintain a comprehensive regulatory framework for shipping and including safety, environmental and legal concerns to ensure

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya is a member of the IMO Governing Council	Lack of capacity for surveyors	To gain more on technical support, Kenya should seek for senior positions at the IMO.
	Lack of tonnage	Should develop tonnage to tap potential

160. **Agreement Establishing the Northern Corridor Transit and Transport Coordination Authority, 1986 and its Protocol.**

The Northern corridor is the transport corridor linking the land locked countries of Uganda, Rwanda and Burundi with Kenya's maritime port of Mombasa. Similarly, the Northern Corridor serves Eastern part of the Democratic Republic of Congo, Southern Sudan and Northern Tanzania. In order to overcome transit transport constraints affecting them, the Governments of Burundi, Kenya, Rwanda and Uganda decided to negotiate a treaty, the Northern Corridor Transit Agreement (NCTA), with a view to promoting an efficient, cost-effective and reliable transit transport system. The NCTA, signed in 1985, came into force in 1986 after the necessary ratification. Kenya ratified the protocol in 2012.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Ratification and implementation of the agreement	Budgetary issues	Budgetary allocation to meet Kenya's obligation.
Active participation at meetings and for implementation		

161.	**African Maritime Charter, 2009** **Adoption:** October 2009 **Kenya ratified it**: 28th March 2014. **Obligation to Government**: The charter calls for modernization and harmonisation of maritime laws across sub-regions, expansion of maritime regulations, and improved transparency and accountability. Finally, it mentions the need to improve security capabilities and to counter piracy and armed robbery at sea.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactement of the Merchant Shipping Act No. 4 of 2009.	Low participation in shipping and ship ownership.	Government to support ship-ownership ventures through incentives etc.
			Open a ship registry
			Create awareness on the potential of marine resources and shipping.
162.	**Maritime Labour Convention, 2006 (MLC 2006)** **Adopted on** February 2006 **Entered into force on:** 20th August 2013 **Kenya ratified it on** : 31st July 2014 **Obligation to the Country**: Is to establish the minimum working and living standards for all seafarers working on ships flying the flags of ratifying countries and to ensure a level playing field for countries and ship owners.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enacted the Merchant Shipping Act No. 4 of 2009	Inadequate enforcement and insecurity for seafarers	Ensure effective inspections and upgrade security
		Lack of policy to facilitate foreign placement of Kenyan seafarers	Develop policy to guide foreign employment of Kenyan seafarers.
	Developed regulations for use; Seafarer Medical Examination and Certification Regulations 2016, Training and Certification Regulation 2016 and Merchant and Shipping (Port State Control) 2011	Lack of on board training facilities for seafarers.	Develop/procure training ship/facilities.
		Inadequate infrastructure in maritime training colleges.	Source for technical support or assistance to build capacity
	Stakeholder sensitizations		
163.	**International Convention for the Safety of Life at Sea, 1974, as Amended (SOLAS 1974)** **Adopted on** : 1st November 1974 **Entered into force**: 25th May 1980 **Kenya ratified on** :21st October 1999 **Obligation to the Government** Is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	RECOMMENDATIONS
	Several regulations under development to implement the Merchant Shipping Act (MSA)	Piracy and terrorism	Participation in Maritime Safety Committees for more technical cooperation
	International Ship Port Security (ISPS) Code regulations implemented.		
	Memberships to the Indian Ocean Memorandum of Understanding (IOMU) on Port State Control.		
	Kenya Ports Authority (KPA) and Kenya Maritime Authority implementing ISM Code.		
	Trained Port State Control personnel,organized		

	various stakeholders' workshops and seminars on implementation of the Convention.		
	Presently implementing Long Range Identification Tracking (LRIT) system in relation to security and safety.		
	Maritime Search and Rescue functional through GMDSS facilities to combat piracy.		
	Automatic Identification System (AIS) being implemented.		
164.	**International Convention for the Prevention of Pollution from Ships (MARPOL)** **Adopted on** 2nd November 1973 **Entered into force on** : 2nd October 1983 **Kenya ratified it:** in 1993 **Obligation to Government**: is to preserve the marine environment in an attempt to completely eliminate pollution by oil and other harmful substances and to minimize accidental spillage of such substances.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Measures for handling packed dangerous goods; port reception facilities for sewage and oil waste in place; Port StateControl measures; and Continuous stakeholders' workshops on implementation of the Convention amongst other activities. Draft regulations have been developed to implement the Convention through the MSA and Shipping Operations (Marine Pollution) Bill, 2014.	Shortage of Human/Technical capacity in development of Bill and Regulations and stiff budget	Seek technical expertise from the IMO to assist in development of legal framework and implementation.
165.	**International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as Amended (STCW 1978)** **Adopted on** 7th July 1978 **Entered into force on:** 28th April 1984 **Kenya ratified it on :**1993 Obligation to the country is to establish basic requirements on training, certification and watch-keeping for seafarers on an international level.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	In line with the MSA and STCW regulations new curricula has been developed for training and monitoring in identified and accredited institutions.	Inadequate trainers in technical areas and lack of training ships.	Partner with maritime nations for jobs and sea time training of seafarers.
	Concept paper for training ship is under development, and MOUs with other maritime nations have been developed for consideration to train Kenyan seafarers		Create awareness on maritime transport.
166.	**International Convention on Load Lines, 1966 (LL 1966)** **Adopted on** 5th April 1966 **Entered into force on** 21st July 1968 **Kenya ratified the Convention** 1975 Country obligation is to ensure all assigned load lines are marked amidships on each side of the ships engaged in international voyages and that terms of ship's surveys, issuance, duration, validity and acceptance of International Load Line Certificates are provided and adhered to.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the MSA, KMA Act, Draft regulations, enforcement of port State Control, and Inspections and survey.	Shortage of Human capacity to implement.	More training of Port State Control Officers.
167.	**International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)** **Adopted in** 1969 **Entered into force on:** 18th July 1982 **Kenya acceded to the Convention** in 1993 International obligation to Government: To provide for gross and net tonnages, both of which are calculated independently.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enactment of the MSA, KMA Act, Draft regulations, enforcement of port State Control, and Inspections and survey.	Inadequate capacity and slow process in gazettement of regulations	Train more Port State Control officers and expedite the gazzettement of the draft regulations.
168.	**Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)** **Adopted** on 20th October 1972 **Entered into force on:** 15th July 1977 **Kenya acceded to the Convention** in 1992 **Obligation to Government:** To develop policies and legislation to prevent collisions between vessels at sea.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Navigational Watch Tower operational to ensure mandatory traffic separation for ships to avoid collisions	Inadequate capacity and slow process in gazettement of regulations	Capacity building in casualty investigations and port State control
	Legal mechanismin place (MSA;KPA Act (pilotage); and Draft distress and collision regulations).		
	Automatic Identification System /Long Range Identification (LRIT) implemented (KPA)		
169.	**International Convention for Safe Containers, 1972 as Amended** **Adopted** on 2nd December 1972 **Entered into force on**: 6th September 1977 **Kenya acceded to the Convention** in 2000 **Obligation to Government** : To ensure a high level of safety of human life by formalizing common international safety requirements for the structural design and ongoing inspection and maintenance of cargo containers.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Port staff are trained on container handling;Procurement of modern container and handling equipment; and Sensitization of stakeholders /users on container safety	Unregulated dumping of containers	Regulate dumping
170.	**International Convention on Maritime Search and Rescue (SAR)** **Adopted on** 27th April 1979 **Entered into force on:** 25th May 1980 Kenya acceded to the Convention in 1993. **Obligation to Government:** To ensure that arrangements are made for the provision of adequate search and rescue		

	services in its coastal waters and enter into agreements with neighbouring States within the region.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Regional Agreement on SAR signed in 2002 by the Governments of Kenya, Seychelles and Tanzania; Draft Regional Plan awaiting adoption by the three Member States	Inadequate capacity and equipment to set up SAR sub centres and handle SAR incidents effectively.	Technical support and capacity building (human & Equipment).
	SAR National Plan and Operational Manuals in place		Budgetary allocation for establishment and equipping of SAR sub centres
	The Djibouti Code of Conduct implemented in consultation with the IMO with a view to make the MRCC an information sharing centre for piracy.		
	The maritime SAR office operational in Kisumu-Lake Victoria and Radio Stations in Coast and Kisumu in place		
	Continuous and regional trainings/sensitizations undertaken		
	Harmonized Maritime and Aeronautical plans		
171.	**Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965)** **Adoption:** 9 April 1965 **Entry into force:** 5 March 1967 **The obligation to Government :** To achieve efficiency in port transit of ships, cargo and passengers.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	KPA is implementing Electronic Data Interchange (EDI) namely KWATOS and the Community Based System (CBS)	Non- tariff barriers not completely eliminated	Stakeholder engagement and removal of NTBs
	KENTRADE implementing single window with participation of other stakeholders.		
172.	**Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, (London Convention), 1972** **Adoption:** 13 November 1972 **Entry into force:** 30 August 1975 **Kenya acceded to the Convention** in 1976. **Obligation to Government:** effectively control all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of waste and other matter.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation through the MSA	Inadequate capacity for surveillance.	Stakeholder involvement in implementation of the Convention and collaboration with other regional agreements supplementing the Convention.
	Various Stakeholders workshops held on implementation		
173.	**Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC Prot 1992)** **Adoption:** 27th November 1992 **Entry into force:** 30th May 1996 **Obligation to Government:** To control pollution damage in the Exclusive Economic Zone (EEZ) or equivalent area of a State Party, environmental damage compensation and spills from sea going vessels.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation through the MSA	Convention has not been fully implemented due to lack of capacity and budgetary constraints	Enhance Budgetary allocation and build capacity on Port State control
174.	**Convention on the International Mobile Satellite Organisation, as Amended (IMSO C 1976)/INMARSAT C76 / INMARSAT OA 76** **Adoption:** 3rd September 1976 **Entry into force:** 16th July 1979 **Obligation to Government:** To provide maritime distress and safety services via satellite		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Long Range Identification Technology (LRIT) system and Global Maritime Distress and Safety System (GMDSS) in use.	Inadequate capacity	Enhance capacity
175.	**Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND Prot 1992)** **Adoption:** 27 November 1992 **Entry into force:** 30 May 1996 Kenya acceded to the Convention in 2002 **Obligation to Government:** To ensure compensation for oil pollution claims by Kenya.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya submits annual oil reports to the Fund Secretariat	Crucial committee meetings skipped due to funding issues	Domesticate Convention
		Laxity by Oil importing companies in Kenya to submit reports	
176.	**Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.** **Adoption:** 10th March 1988 **Entry into force:** 1st March 1992 Kenya acceded to the Convention in 2002 Obligation to Government: to ensure that appropriate action is taken against persons who commit unlawful acts aboard/against ships.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has strengthened its maritime security to curb seizure of ships by force.	Proliferation of illegal trade of arms makes it easier for Hijackers to obtain arms.	Reinforce the Country's maritime security.
177.	**International Convention on Salvage, 1989 (Salvage 1989)** **Adoption:** 28th April 1989 **Entry into force:** 14th July 1996 Kenya acceded to the Convention in 1993. **Obligation to Government:** To set the standards and reward procedures for salvage operations by salvers, taking into account the skills and efforts of the salvers in preventing and minimizing damage to the environment.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation through the MSA	Slow gazettement of regulations.	Expedite gazettement of regulations.
	East African Harbour regulations under revision		
178.	**International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990, as Amended (OPRC 1990)** **Adoption:** 30th November 1990 **Entry into force:** 13th May 1995 **Kenya acceded to the Convention in** 1999. **Obligation to Government:** To establish measures to deal with pollution incidents either nationally or in cooperation with other countries.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation through the MSA	Expensive Equipment required for implementation .	Build capacity (human & capital)
	Oil Spill Response Contingency Plan with a Response centre and team in place (with sensitivity mapping and dispersants policy)		Fast track enactment of the Bill and gazzettement of the draft regulations.
	Development of Shipping Operations (Marine pollution) Bill, 2014 and Draft regulations	Slow finalization of the marine pollution bill and gazettement of regulations.	
	Stock pile of equipment and facilities undertaken in cooperation with oil industry(OSMAG)		
	Stakeholders workshops and seminars organized for public awareness		
179.	**International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004** **Adoption:** 13th February 2004 **Entry into force:** 8th September 2017 Kenya acceded to the Convention. Obligation to Government is to prevent the spread of harmful aquatic organisms from one region to another by establishing standards and procedures for the management and control of ships ballast, water and sediments.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation through the MSA; Regulations to be developed	Inadequate capacity	Build capacity

ENVIRONMENT, FORESTRY AND AGRICULTURE			
180.	**Kyoto Protocol to the United Nations Framework Convention on Climate Change** **Adopted on**: 11th December 1997 Entered into force on: 16th February 2005 **Obligation to Government:** To stabilize greenhouse gas emissions to the atmosphere		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Enacted Climate Change Act 2016 which establishes climate change governing council, a secretariat and a fund	Act not fully implemented	Full implementation of the Act
	Constitutional recognition of social economic rights, sustainable	Public ignorant of the effects of climate change	Public sensitization

	development, and public participation in environmental decision making.		
	It a requirement that all Kenyans adopt agro-forestry practises in their farms.	All farms have not adopted agro-forestry practises	Sensitize farms on agro-forestry practises
	The constitution provides for the intensification of forest rehabilitation and reforestation through a set level of forest cover	The country loses forest cover through illegal logging	Enforce the law to eradicate illegal logging
	Development of a National Climate Change Action Plan (NCCAP) 2013	Slow implementation	Fast track implementation

181. **The Paris Climate Change Agreement**
Adopted on: 12th December 2015
Signed on: 22nd April 2016
Ratified on: 28th December 2016
Entered into force: 27th December 2017
Obligation to Government: The Government is obligated to contribute to global response to climate change through the National Determined Contributions (NDCs) which entails having adaptation and mitigation actions on climate change.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES	RECOMMENDATIONS
Completion of the ratification process done on 28th December 2016; comes into force 30 days after; - 27th January 2017	Convening of houses of Parliament to debate and approve the ratification awareness on the agreement	Mainstream the Nationally Determined Contributions , (NDCs) into sector planning; and implementing the NDCs. Enhance public awareness
Enacted the climate Change Act 2016, which commenced on 27th May 2016	Low public awareness levels Compliance and Enforcement Lack of capacity Setting up the implementation framework of the ACT and operationalize High financial requirement to implement the ACT	Create public awareness and education Enhance, advocacy, set up and operationalize compliance and enforcement framework Build capacity at both National and County level Enhance resource mobilization
Implementation of the Nationally Determined Contribution (NDCs) and National Adaptation Plan as per the National Climate Change Action Plan	Cascading Climate Action to the Counties Inadequate funding Lack of capacity at national and county level Weak technological support and transfer	Continuous engagement with county Governments to ensure mainsreaming of climate change Increased resource mobilisation including access to global climate change financing Capacity building at national and county levels on climate change Enhanced climate technology development and transfer

182. **United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)**

Adopted in: 17th June 1994

Signed by Kenya: 14th October 1994

Ratified: 24th June 1997

Obligation to Government: To combat desertification and mitigate the effects of drought in the countries affected through effective action at all levels supported by international cooperation and partnership arrangements in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in those areas.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Participated in COP and other UNCCD international engagements participated in the UNCCD twelfth session of the Conference of Parties (COP12) hosted the fifteenth session of the Committee for the Review of the Implementation of Convention (CRIC15)	Low funding for the UNCCD compared to other RIO Conventions	Increased funding to enable enhanced participation in UNCCD dialogues
Public awareness campaigns on DLDD issues Celebrated the World Day to Combat desertification in Migori county in June, 2016	Low funding Low public awareness	Have more public awareness forums
Mainstreaming of desertification and land degradation Implementation of Sustainable Land Management (SLM) practices and National Action Plan (NAP)	Increased land degradation Budgetary constraints Low public awareness	To upscale SLM practices Implement the National Action Plan (NAP) Increase funding to

183. **Convention on Biological Diversity (CBD)**

Adopted on: 5th June 1992

Acceded to: 26th July 1994

Entered into force on: 27th July 1994

Obligation to Government: To conserve biological diversity, promote sustainable use of its components and encourage equitable sharing of the benefits arising out of the utilization of genetic resources.

Under the Convention equitable sharing includes appropriate access to genetic resources as well as appropriate transfer of technology, taking into account existing rights over such resources and such technology.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Preparation and implementation of a National Biodiversity and Action Plan; Preparation of Kenya Biodiversity Atlas	Inadequate budget	Finalise the National strategy and action plan on biodiversity incorporating the Aichi targets.
Policies and legislation on the management of biodiversity adopted by the Government of Kenya.	Inadequate budget High loss of biodiversity	Increased funding to biodiversity programmes and projects.
Increased establishment of community conservation	Balancing conservation with the ever increasing demand for resources to meet the needs of the people of Kenya	Continued stakeholder involvement in conservation
Policies and Legislation to promote sustainable use of biodiversity adopted and being implemented		
Promotion of bio-enterprises such as ecotourism.	Slow growth of the	Government should allocate more

	Emergence of ecotourism as a major enterprise in the country	sector due to competition from well-established tradition tourism products Low public awareness High loss of biodiversity	resources to promote and market Kenya as an ecotourism destination. Increased funding to biodiversity programmes and projects.
	Regulations on Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization put in place	Low public awareness Cases of Bio piracy	
	Benefits sharing agreements being developed between users and owners	Negotiations of benefit sharing agreements is a major challenge	Build capacity of lawyers and local communities to negotiate with international companies

184. **Conventions on Sustainable Development**

Obligation to Government: Mainstreaming climate change and issues of biodiversity in the planning process

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Process ongoing Climate change and biodiversity already included the 2nd Medium-Term Plan	Financial constraints to implement programmes on sustainable development. Lack of human capacity	Develop enough skills on climate change and biodiversity Provide adequate financial resources

185. **Vienna Convention and its Montreal Protocol on Substances that Deplete the Ozone Layer**

Montreal Protocol adopted on: 16.09.1987

Montreal Protocol entered into force on: 09.11.1989

Amendment (1990) and Copenhagen Amendment were ratified on 27th September, 1994

Montreal Amendment (1997 Vienna Convention was adopted in 1985

Kenya signed the Vienna in 1992, Montreal Amendment of 1997, and Beijing Amendment of 1999

London Convention and the Montreal Protocol of 1994

Kenya has ratified four amendments to the Montreal Protocol, namely; London Amendment of 1990, Copenhagen Amendment) was ratified on 12th July, 2000, Beijing Amendment (1999) was ratified on 9th October, 2013 and the Kigali Amendment to the Montreal Protocol

Obligation to Government: Sharing of information and search on the protection of ozone layer

To protect the ozone layer by taking precautionary measures to control global emissions of substances that deplete the ozone layer

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Support sectors where Ozone Depleting Substances are used to phase out these substances and adopt ozone friendly alternatives and technologies 80% of ODS phased out has been achieved	Availability of ozone friendly alternatives	To ensure that ozone friendly alternatives are commercially available
	High cost of alternatives	To ensure that alternatives are affordable
Train RAC technicians on good practices during repair and servicing of RAC equipment in order to avoid venting of the ODS refrigerant into the atmosphere Since March 2015, approximately 100 RAC technicians have been trained	Training of technicians in the informal sector Inadequate funding	Integrating ozone issues into curricula of the training institutions And refresher courses for the informal sector put in place Enhanced training of Refrigeration and Air Conditioning (RAC)

			technicians Increase of funding
	Train customs officers and other enforcement agencies on control measures and trade in Ozone Depleting Substances (ODS) in order to combat illegal trade in ODS Since March 2015, 32 customs and NEMA officers have been trained	Lack of ozone issues in customs training curriculum	Include ozone issues in the customs training curriculum
		Inadequate funding for training	Increase funding
	supported the adoption of Kigali amendment on the hydrofluorocarbons (HFCs) management under the Montreal Protocol Kigali Amendment on the management of HFCs was adopted in October 2016	Availability of appropriate alternatives to all operations	To cooperate with International community in ensuring that new alternatives and technologies are available, affordable, and funding support is accessed
		High cost of already available alternatives	
		Funding for adoption of new technologies	
186.	**Minamata Convention on Mercury** **Adopted in:** January 2013 **Signed on**; 10th October 2013 **Obligation to Government:** To protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Ratification process of the Convention on going	Low awareness Lack of capacity at both national and county levels	Build capacity Create awareness
	Developed a Kenya National Action Plan to address mercury emissions and releases. Defined artisanal gold mining , products with mercury and emissions from coal plants as priority Received funding from the Global Environment Facility (GEF) totaling US2,5 Million to address Artisanal Gold Mining	Inadequate funding Lack of capacity at both national and county levels	Enhance funding Build capacity
	Introducing appropriate alternatives to mercury in all operations	High cost of already available alternatives Funding for adoption of new technologies	To cooperate with International community in ensuring that new alternatives and technologies are available, affordable, and funding support is accessed
187.	**The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity** **Adopted in** : 01.02.2012 **Ratified on**: 7th April 2014 **Entered into force on**: 12th October 2014 **Obligation to Government**: To Create legal certainty, clarity and transparency, Provide fair and non-arbitrary rules and procedures, establish clear rules and procedures for prior informed consent and mutually agreed terms, provide for issuance of a permit or equivalent when access is granted, Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use, consider the importance of genetic resources for food, take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party, cooperate in cases of alleged violation of another contracting party's		

	requirements, encourage contractual provisions on dispute resolution in mutually agreed terms.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Informing other parties when domestic legal action is taken on chemicals that are in the prior informed consent list. On 7th April 2014, Kenya ratified The Nagoya Protocol.	Low awareness Inadequate Capacity	Domesticate the Convention Harmonise the benefit sharing regulations with the provisions of the Convention
	Designation of a Focal Point organisation; the Ministry of Environment and Natural Resources and NEMA as the clearing house for access and benefits sharing. Check-point is Kenya Wildlife Service, Kenya Forest Service, KEPHIS, Department of Immigration and Kenya Industrial Property Institute		Organize the institutional framework to clearly provide for coordinated implementation of the Convention
	Developed regulations on the conservation on Biodiversity and resources, access to genetic resources and benefits sharing in 2006 through Legal Notice 160. Reviewing regulations to align them to the Protocol		Develop national guidelines and procedures for access and equitable benefit sharing. Fast track review of regulations to promote effective implantation of the Convention.
	Government has issued seventy (70) access permits for research and development.		Enhance capacity of the implementing institutions.
	Committee under KWS to vet access and benefit sharing proposals.	Lack of capacity and representation of all Implementing Institutions in the Committee	Enhance capacity of the Committee and participation of all Implementing Institutions in the Committee.
188.	**Stockholm Convention on Persistent Organic Pollutants (POPs)** **Adopted in**: 22nd may 2001 **Ratified in :** December 2005 **Entered into force on**: 24th September 2004 **Obligation to Government**: To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Government has banned some of the POPs Chemicals	Non compliance Insufficient infrastructure or lack of infrastructure for industrial chemical management in some countries.	Enhanced enforcement Need for more capacity to monitor what is coming in the country
	The Government developed Kenya National Implementation Plan (NIP) on POPs. Kenya factories are using the Convention standards and are emitting less persistent organic pollutants.	Budgetary constraints Low public awareness	Increase funding Enforcement of laws Create public awareness Implement NIP
	Cessation of open burning of waste Kenya has received US$4.5 Million to address open burning and mainstreaming chemicals management into development activities.	Budgetary constraints Low public awareness	Improve waste management. Incineration of waste

	Banning of 13pops chemicals	Non compliance insufficient infrastructure for industrial chemical management in the country.	Enhanced enforcement Need for more capacity to monitor what is coming in the country
	The transfer of safe technology to handle waste The International Centre for Insect Physiology and Ecology designated as Stockholm Convention for Transfer of environmentally friendly technologies. The University of Nairobi Chemistry Department selected as a coordination Centre for Global POPs Monitoring	Inadequate funding Low capacity	To upscale friendly environmental technologies Enhance funding and capacity
	Legislation and Regulation on proper waste management including e-waste	Inadequate enforcement of laws and regulations Inadequate funding	Enhanced enforcement and compliance Enhanced funding
189.	**United Nations Environment Assembly** **Adopted by** United Nations General Assembly resolution A/RES/67/251 Highest Political Forum on Environmental issues **Obligation to Government:** Host UNEA meetings.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Government supports UNEA to discharge its mandate efficiently and effectively Successfully hosted the First UNEA in June 2014 and Second UNEA in May 2016 with over 1200 delegates attending	UN regular budget allocated to UNEA not adequate. Low budgetary provision for hosting UNEA in the country	Urge the UN to allocate more funding to UNEA activities. Enhance budgetary provision for hosting future UNEA meetings
	Government collaborates with other countries to ensure UNEA discharges its mandate relating to the 2030 SDGs	Government not up to date on its financial obligations.	Lobby financial support.
190.	**Cartagena Protocol on Biosafety** **Adopted in**: 29 January 2000 **Entered into force on:** 11 September 2003 **Kenya is a State party to the Protocol** **Ratification in:** 2013 **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).		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implemented Bio-safety Act and developed four regulations for implementation of the same. Director of Veterinary Service (DVS)is empowered by the Act to do risk analysis for biotechnological commodities.	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	Review ban to avoid continuation of the contravention of the objectives of the protocol The capacity of DVS should be enhanced for risk analysis of GMOs and their products.

		away the role of the National Bio-safety Authority.	
		Lack of technology to detect GMO products.	
		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.	
191.	**Convention on International Trade in Endangered Species (CITES)** **Adopted on** 3rd March 1973 **Ratification in**: 13th December 1978 **Entry into force:** 13th March 1979 **Obligation to Government**: To ensure Kenya's endangered species are protected from dangers of international trade, protect their survival and regulate international trade in endangered species		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Designated KWS as the focal point to coordinate CITES as well as the Scientific Authority on animals together with National Museums of Kenya for plants	Limited capacity in terms of resources and staff.	Additional budgetary allocation to support implementation of obligations under the Convention.
		Delays in implementation of decisions.	
		Delays in payment of annual subscription fees	Enhance capacity of human resource and training of staff.
	Lobbying for decisions regarding illegal trade on ivory and rhino horn among other endangered species to be adopted by international community at large.	Some international pressure on legal trade enhances the demand in the illegal trade.	Encourage common consensus on the illegal trade of endangered species.
	Developed regulations under the Wildlife Conservation Act, 2013	Slow implementation of the regulations	Fast track implementation of the regulations
192.	**Convention on the Conservation of Migratory Species of Wild Animals (BONN Convention)** **Concluded on**: 26th March, 1979 **Entered into force on** 1st November, 1983 **Ratified on:** 26th February, 1999 **Obligation to Government:** To provide for the protection and conservation of migratory species, their habitats and migratory routes		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Designated KWS as the focal point to coordinate CMS		
	Ratification of agreements and MOUs regionally and internationally under CMS	Limited capacity in terms of resources and staff. Delays in implementation of decisions	Additional budgetary allocation to support implementation of obligations under the Convention. Enhance capacity of human resource and training of staff.
193.	**The 1997 UN Watercourses Convention** **Adopted in**: 1997 **Obligation to Government**: Kenya is supposed to co-operate internationally with regard to use and protection of shared water resources.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	A Draft Cabinet Memo for ratification of the Convention has been developed and is waiting for approval.	Endless discussions among States Nationalistic approach to dispute resolution	Enhancement of diplomacy in handling trans boundary water disputes
	Provided an inter-Governmental platform for development and advancement of trans-boundary cooperation.		
	Policy on trans-boundary water and international waters has been approved.	Nationalistic approach in the Utilization of trans-boundary waters and lakes.	Joint projects and exchange of information Joint surveys on the capacity of shared resources. Enhancing the role of diplomacy.
194.	**Convention on Wetlands of International Importance Especially as Waterfowl Habitat (RAMSAR)** **Adopted in:** 02 February.1971 **Ratified by Kenya on:** 05. October .1990 **Entered into force in:** 1975 **Obligation to Government:** To stem the progressive encroachment on and loss of wetlands now and in the future recognizing the fundamental ecological functions of wetlands and their economic, cultural , scientific and recreational value.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Creating public awareness through World Wetlands Day celebrations and other fora.	Budgetary constraints	Increase funding of wetland management activities
	Designation of Wetlands of International importance and development and implementation of management measures including management plans.	National Wetlands Policy pending conclusion	Finalize approval of National Wetlands Policy in order to provide policy guidance and direction on wetlands management
	Capacity building to key stakeholders.	Duplication on wetlands management	Enhance awareness on wetland values among public, leaders and policy makers.
	Participating in meeting of parties of Ramsar Convention and inter-Sessional meetings.		
	Development and implementation of National Wetlands Policy, laws and regulations on wetlands management.		

195.	**The African Convention on the Conservation of Nature and Natural Resources** **Adopted in**: 15th September 1968 **Entered into force on:** 16th June 1969 A revised edition of the Convention was adopted on 11 July 2003 **Obligation to Government:** Kenya is required to participate in the collaborative approach on the sustainability, protection, conservation and rehabilitation of shared natural resources.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has been an active participant in the Nile River Basin Cooperative Framework Agreement negotiations and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands. The CFA has been approved by Cabinet and the ratification process of the instrument has commenced.		
196.	**Convention on the African Migratory Locust** **Adopted on**: 25th May, 1962 **Entered into force on:** 13th April, 1963 **Kenya became a State party to the Convention on:** 29th November, 1963 **Obligation to Government:** GOK shall contribute in money, supplies or services to the expenses of the equipment and operations of the Organisation 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 Organisation: GOK shall, when necessary, give every possible assistance requested by the Organisation 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 Organisation 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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has put in place the necessary infrastructure for the operation of the Agreement at the Wilson airport's Plant Protection Unit which works directly with the Locust Control Organisation (LCO) and a team of officers trained to control migratory pest.	Financial constraints.	Allocate more funding to LCO
197.	**The 2010 Nile Basin Cooperative Framework Agreement (CFA)** **Adopted in:** 2010 **Obligation to Government:** Ratify the cooperative framework agreement		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has been an active participant and takes a keen interest in the conclusion of the CFA considering that many of its rivers feed into Lake Victoria and also to secure its rising water demands. The CFA has been approved by Cabinet and the ratification process of the instrument has commenced.	Some countries are reluctant to be signatories	Continuous engagement
198.	**Protocol on Sustainable Development of Lake Victoria Basin** **Adopted in:** 2003 **Obligation to Government:** To facilitate cooperation among Partner states and stakeholders on the sustainable utilization of the Lake and ecosystem		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The Institutional arrangements are in place some emanating from the EAC Treaty, including the establishment of the Lake Victoria Commission Secretariat in Kisumu Kenya.	Financial Constraint.	More Funding.
	The National Focal Point is in place at the Ministry of Environment and Natural Resources.	Insufficient Public awareness along the basin.	Need for capacity building.
	Programmes and Projects being implemented in the basin including the strategy to manage water hyacinth, improved sanitation across the Basin, Rehabilitation of catchments, community Development Projects among others as implemented by LVBC and LVEMP II under the Ministry of Environment and Natural Resources.	Lack of consensus/Inability to agree easily on strategies and programmes proposed by the Commission to be undertaken by Partner States.	Build consensus among the Partner States
199.	**The Food and Agriculture Organisation of the United Nations (FAO)** **Adopted in**: 16th October, 1945 **Entered into force on:** 16th October, 1945 **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. To use resources in a sustainable way		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Continuously implementing programs with the assistance of FAO.	Lack of proper incentives to farmers.	Increase the forest carpet of the country.
	The country has passed three Acts: Crop development Act 2014, Agriculture and livestock act 2014, Agriculture, Fisheries and food Act 2014	Agencies formed are new hence minimal implementation of the provisions of the Acts.	Strengthen Agencies for enhanced service delivery
	The Government signed the comprehensive African Agricultural Development programme. Kenya has also come up the CAADP Compact on Agricultural development in the country which is in line with the rest of the continent. It has been incorporated in the next strategic Plan for the implementation. Launched Agricultural development Strategy 2010-2020	Inadequate resources.	Enhance budgetary allocation to implement the compact
	Agriculture attaché posted to Kenya Mission in Rome to monitor Agriculture related issues and report back to the Country		
	Formation of Agriculture and Food Authority and Kenya Agriculture and Livestock Research Organisation which became operational in October 2014.	Inadequate funding especially for research	Enhance research related funding

200. **Agreement Establishing the International Fund for Agricultural Development (IFAD)**

Adopted in: 1977

Entered into force in: 1979

Kenya became a State party to the Agreement in 1979

Obligation to Government: Annual subscription: GOK will ensure that poor rural people have better access to, and the skills and organisation they need to take advantage of: Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices: Improved agricultural technologies and effective production A broad range of financial services: Transparent and competitive markets for agricultural inputs and produce: Opportunities for rural off-farm employment and enterprise development: Local and national policy and programming processes: Implement pro Rural poor programs funded by IFAD services.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Many projects have been carried out throughout the country to meet these objectives Examples are the Easter Province Horticulture and Traditional food Crops Irrigation Project and Mt Kenya Irrigation Project among others	Limited resources to ensure that poor rural people have better access to, and the skills and organisation they need to take advantage of Natural resources, especially secure access to land and water, and improved natural resource management and conservation practices.	Support the implementation of pro rural poor programs funded by IFAD for improved livelihoods.
Agriculture reform legislation has been undertaken		

201. **International Treaty on Plant Genetic Resources for Food and Agriculture**

Adopted on: 3rd 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 (ITPGRFA)

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya Complies with this Convention	Minimal mobilization of funding to undertake the mandate	Enhance funding in line with the mandate

202. **WTO Agreement on the Application of Sanitary and Phytosanitary Measures**

Adopted on: 15th April, 1994

Entered into force on: 1st January, 1995

Kenya became a State party to the Agreement on: 1st January 1995

Obligation to Government: 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has been adopting the international standards developed by OIE for animal health & zoo noses and CAC for food safety. These standards are embedded in national legislations and the Draft Veterinary Policy.	Minimal mobilization 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 The National SPS Committee should be institutionalized in a governance structure, preferably in the WTO Division.

	Established and operationalized Kenya Plant Health Inspectorate Services (KEPHIS) to deal with phytosanitary issues	The National SPS Committee which harmonizes stakeholder inputs on SPS-related notifications is not structured or funded	

203. **Phytosanitary Convention for Africa**
Adopted on: 13th September 1967
Entered into force on: 1974
Ratification in: 7th may 1974
Convention revised in 1997
Obligation to Government: To ensure protection of plant material and its proper translocation in the global trade in flora. The treaty obliges Kenya to take measures of quarantine, certification and inspection necessary in respect of any living organisms, plant, animal, plant material, seeds, soil, compost or packing material (including containers) or other article considered to constitute a threat to agriculture in any part of Africa.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Established and operationalized Kenya Plant Health Inspectorate Services (KEPHIS) to deal with phytosanitary issues	Multiplicity of agencies for protection of plant, genetic resources and biodiversity is a challenge	

204. **International Agreement of the World Organisation for Animal Health (OIE)**
Adopted in: 25th January, 1924
Kenya acceded to the Agreement in 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
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. Currently Nairobi hosts the sub-regional office for OIE whose purpose is coordination of animal health and welfare in Africa	Devolution of Veterinary services poses 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.

205. **Treaty Establishing the Common Fund for Commodities**
Adopted on: 27th June, 1980
Entered into force on: 19th June, 1989
Kenya became a State party to the Agreement on: 6th April, 1982
Obligation to Government: Annual Subscription

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya pays Annual subscriptions and implements programs on commodity value chain development funded by CFC. Currently Kenya is implementing a program on the cotton value chain.	Access to the fund.	Seek partnerships and cooperation with other development institutions, the private sector and civil society, the Fund endeavours to achieve overall efficiency in and impact on commodity development.

206. **International Seed Testing Association (ISTA)**

Adopted in: 1924

Kenya is a member

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

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya issues ISTA standard seed testing certificates. One seed testing lab has been accredited by ISTA while a second lab has initiated the process of accreditation.	Participation in meetings limited by minimal resource mobilization facilities for testing.	Need to obtain the necessary equipment to enable accreditation of second lab.

207. **Instrument of Accession to The 1991 Act of the International Union for the Protection of New Varieties of Plants (UPOV) Convention**

Date of accession: 3rd March, 2014

Obligation to Government: 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.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The seeds and varieties Act of 1972 was revised in 1991 and it has been amended to incorporate aspects of the 1991 Act of the UPOV Convention.	Poor agricultural performance due to lack of progress in improving the performance of traditional plant varieties over the centuries. Participation in meetings limited by financial constraints Limited infrastructure (greenhouses/laboratories/equipment) for undertaking technical activities	Plant breeding requires know-how and investment in terms of time and human and financial resources. More funds to be allocated for implementation

208. **International Grains Agreement**

Adopted on: 7th December, 1994

Entered into force on: 1st July, 1995

Kenya became a State party to the Agreement in 1994

Obligation to Government: Annual Subscription

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has enhanced its information-sharing, analysis and consultations on grain market and policy developments. Developed a legal and regulatory framework Adoption of technology, marketing systems and commodity value chain has been developed.	Difficulty of accessing the world market Diffusion of marketing data	Improve policies on how Kenyan farmers will have easier and better access to the world market Use of ICT in provision and sharing of data.

209. **International Sugar Agreement (ISA)**

Adopted in: 1992 by United Nations Conference on Trade and Development

Kenya is party to the Agreement

Seeks to promote the trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for interGovernmental discussions on sugar

Kenya undertakes to adopt such measures as are necessary to enable them to fulfil their obligations under this Agreement and fully to cooperate with one another in securing the attainment of the objectives of this Agreement.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has been carrying out reforms in the sugar sector to improve competitiveness globally Clear policy on privatization in the sector. Fully cooperated with other ISA members on meeting of the ISA objectives	High production costs Low diversification of sugar products Research been undertaken has taken long to produce result on the best cane variety to farmers. Use of outdated technology in sugar production. Political interest	Participation in decision making under the ISA Increase funding of the sub-sector. Modernise the sector.

210. **International Coffee Agreement (ICA)**

Adopted in: 1962

Reviewed and approved by members on: 28th September 2007

Entry into force: 2nd February 2011

Obligation to Government:

Undertake to adopt such measures as are necessary to enable them to fulfill their obligations under this Agreement and fully cooperate with one another in securing the attainment of the objectives of this Agreement: in particular, Members undertake to provide all information necessary to facilitate the functioning of this Agreement.

Recognise that Certificates of Origin are important sources of information on the trade in coffee. The Coffee Directorate is responsible for the proper issuing and use of Certificate of origin to Kenyan coffee exporters.

Information on re-exports is also important for the proper analysis of the world coffee economy. Kenya, therefore, furnishes regular and accurate information on re-exports, in the form and manner determined by the Council.

Pay annual Subscriptions and implement programs agreed with the ICO.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has continuously provided accurate information relating to the coffee sector. Kenya issues Certificates of origin to its Coffee exporters. Kenya recognises Certificates of Origin of Member Countries.	Maintaining exporting quotas and keeping coffee prices high and stable in the market	Establish ways to maintain a stable price.

211. **Convention on the Establishment of the African Centre for Fertilizer Development**

Adopted in: 1st July 1985

Kenya is a State party to the Convention

Obligation to Government: Establishment of 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

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The Country has been providing subsidized fertilizer to increase fertilizer use by farmers	Coverage for subsidized fertilizer is still low Restrictions on the number of bags a farmer can buy.	Expansion of the subsidized fertilizer programme to reach more farmers.
	A Fertilizer blending Plant has been completed and is now operational.	Low capacity of the plant.	More investment into the fertilizer industry.
212.	**Organisation for Economic Co-Operation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes** **Adopted in**: 1958 **Entered into force in:** 1961 **Kenya is a party to the schemes** **Obligation to Government:** 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' member		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implemented OECD seed schemes, fruits and vegetables schemes and forestry seed schemes	Participation in meetings limited by financial constraints	Allocation of more funds to enable more participation in meetings

LAW OF THE SEA AND FISHERIES			
213.	**UN Convention on the Law Of the Sea (UNCLOS)** **Adopted in**: 10th December, 1982 **Entered into force on:** 16th November, 1994 **Kenya became a State party to the Convention on:** 2nd March, 1989 **Obligations to Government:** To delineate its maritime zones, sustain its marine Kyoto fisheries, monitoring and surveillance of territorial waters and generally regulate its ocean affairs in accordance with the Convention.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated parts of the instrument through review several legal instruments:	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ, and	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
	Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) It creates also creates several Institutions: Kenya Fisheries Service Kenya Fisheries Marketing Authority The Fisheries Advisory Council	Weak surveillance capacity of maritime zones.	Establishment and operationalisation of the Institutions as proposed in the Fisheries Management and Development Act, 2016
	Maritime Zones Act, Cap 371 (declares the 200 nautical miles).		
	Participation in the International Conference on the Law of the Sea		
	The State Department of Fisheries Mandate was increased to cater for the Blue Economy in		

	conjunction with other key players such as the Navy, Maritime Authority		
214.	**United Nations Fish Stock Agreement, (UNFSA) for Straddling and Highly Migratory Fish, 1995** **Adopted in**: 10th December, 1982 **Entered into force on:** 11th December, 2001		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated through legal notice on foreign fishing		Low capacity for offshore enforcement
215.	**UN 1993 FAO Compliance Agreement** **Adopted in**: 24 November 1993 **Entered into force on:** 11th December, 2001 **Obligation to Government:** The Government is required to promote compliance with international conservation and management measures by fishing vessels on the high seas so that they do not engage in any activity that undermines the effectiveness of international conservation and management measures.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Fisheries Management and Development Act, 2016 provides for the conservation, management and development of fisheries and other aquatic resources. It also creates also creates several Institutions: Kenya Fisheries Service Kenya Fisheries Marketing Authority The Fisheries Advisory Council	Limited legal framework that provide a comprehensive legislative framework for the development, governance and investments of the oceans and fisheries resources.	Implementation of the Fisheries Management and Development Act, 2016. To provide for the conservation, management and development of fisheries and other aquatic resources Establish a Fisheries regulatory authority.
	The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority		
216.	**FAO Code of Conduct for Responsible Fisheries (CCRF)** **Adopted in**: 1st November 1995 **Entered into force on:** 11th December 2001		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated in the Fisheries Advisory Council The Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) It creates also creates other Institutions such as: The Kenya Fisheries Service The Kenya Fisheries Marketing Authority	Implementing the Ecosystem approach to fisheries management	Enactment and implementation of the Fisheries Management and Development Act, 2016. To provide for the conservation, management and development of fisheries and other aquatic resources Establishment of a Fisheries regulatory authority.

217.	**International Convention for Regulation of Whaling, 1946** **Obligation to Government:** promote orderly development of the whaling industry		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya domesticated the Convention through the Fisheries Act, CAP 378. Currently the Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ) And The Fisheries Advisory Council	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ, and	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
	Monitoring the whale stocks and banning trade in endangered shark species.	Weak surveillance capacity of maritime zones.	Improve the monitoring and enforcement capacity on the fight against illegal whaling.
	Implementation is through the State Department for Fisheries and Kenya Wildlife Service.	Limited capacity to enforce and fight against Illegal whaling.	
218.	**The World Conservation Union (IUCN)**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya through an MoU partners with the IUCN in conservation and sustainable management of freshwater and marine fisheries in general, and specifically to address the socio-economics of the Nile Perch fishery on Lake Victoria.	Limited resource to effectively monitor environmental degradation	Increase the funds allocated for environment conservation and management.
	Kenya avails information and provides project counterparts for prioritized activities between IUCN-EARO and Kenya Marine and Fisheries Research Institute		
219.	**Indian Ocean Tuna Commission (IOTC) Agreement** **Adopted in**: 1993 **Entered into force in:** 1996 **Kenya became a State party to the Commission on:** 29th September 2004		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated parts of the instrument through review several legal instruments:	Weak capacity to enforce and fight against Illegal, unreported and unregulated fishing in Kenya's EEZ, and	Increase revenue generation from Access fees charged on foreign fishing vessels in Kenya's EEZ.
	Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ)	Weak surveillance capacity of maritime zones.	Pursue internship and training opportunities at the UN.
	Maritime Zones Act, Cap 371 (declares the 200 nautical miles).		
	Pays annual subscription.		
	The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority		

220. **South West Indian Fisheries Commission Convention (SWIOFC)**

Adopted in: 2008
Entered into force in: 2012
Kenya became a State party to the Commission in: 2007

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Member as a Contracting Party Member of the management and scientific committees	Funding issues thereby missing out on some meetings	Fully participate in Regional Fisheries Management Organisation
		Provide funding for the Development of Tuna Development Strategy.
Regional Port Inspection Scheme.	Lack of enough staff to supervise trans-shipments	

221. **Indian Ocean Tuna Commission (IOTC) Agreement**

Adopted in: 1993
Entered into force in: 1996
Kenya became a State party to the Commission on: 29th September 2004

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Domesticated parts of the instrument through review of legal instruments.	Piracy,	Adopt effective conservation and management measures.
Fisheries Management and Development Act, 2016, declares governance of the living marine resources in the Exclusive Economic Zone (EEZ)	Lack of trained observers, and	Improve data collection and sharing.
Maritime Zones Act, Cap 371 (declares the 200 nautical miles).	High cost of implementation.	Co-operation with non-members
Participated in the International Conference on the Law of the Sea on 7th Aug, 2014 and the ITLOS Regional Workshop on 8th /Aug/2014		
The State Department of Fisheries Mandate was increased to cater for the Blue Economy in conjunction with other key players such as the Navy, Maritime Authority		

222. **InterGovernmental Oceanographic Commission / UNESCO's (UNESCO-IOC)**

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya participates in oceanographic scientific research and forum through the Kenya Marine and Fisheries research institute (KMFRI), in order to develop her marine resources and early warning on climate change and oceanographic information.	Lack of a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.	Develop a unified network providing information and data exchange on the physical, chemical, and biological aspects of the ocean.

	Kenya participates in the international programmes twice a year, and receives preferential capacity building for its Marine Scientists		Improve the institutional capacity with respect to marine resources and climate variability to foster sustainable development of the marine environment.
223.	**Western Indian Ocean Marine Science Association (WIOMSA)**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implemented through the KEMFRI and WIOC. Shared information has enabled Kenya to formulate knowledge based policies and programmes for the benefit of the fisher folks in the coastal areas such as the KCDP.	Limited resources for effective communication and exchange of information of all aspects of marine sciences throughout the region of Western Indian Ocean.	Healthy coastal and marine environment
		Terrorism and Piracy along the Coastline	Sustainable management of natural resources
			Partnerships and collaboration between managers, scientists, Governments, development partners and civil society leading to healthy and prosperous coastal communities.
224.	**Port State Measures, Agreements to Deter and Eliminate Illegal Unreported and Unregulated Fishing (IUU)** **Adopted in**: 22nd November, 2009 **Entered into force on:** 2009 **Kenya became a State party to the Convention on:** 29th April, 2010		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Domesticated in the Fisheries Management and Development Act, 2016.	Weak legal and institutional framework	Build capacity for MCS Under Smart fish
	Kenya is in the process of establishing Inter-agencies Monitoring Control and surveillance Unit	Poor enforcement	
225.	**The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS)** **Kenya became a signatory in 2008**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Participation in COMESAFS programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at restoring agricultural growth, food security, reduce poverty and promote rural development partner States and Africa as a whole	Limited resources to effectively implement the COMESA Fisheries Strategy..	Incorporate COMESAFS fisheries programmes into the national food security plans because of its potential of contributing to food security.

226. **Lake Victoria Fisheries Organisation (LVFO) Convention**

Adopted in: 1994

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya, a member, pays subscription fees annually	Inadequate funding	Harmonize management of Lake Victoria Fisheries Resources
		Built capacity for joint scientific research programmes such as Lake Victoria Research Programme,
		Implement the Fisheries Management Plan (IFMP) European Union Project costing 20.9 M Euros

ENVIROMENT, FORESTRY AND AGRICULTURE

227. **East Africa Community Protocol on Environment and Natural Resources Management.**

Adopted in: 2005
Ratified in 2010
Obligation to Government: the Objective of the Protocol is for partner states to adopt a common vision in addressing the challenges of achieving Sustainable development at the local, national and Regional levels through sound environment and Natural Resources Management.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Not operationalised due to delay in ratification by all partner states.	The Protocol has not come into force due to delays in ratification by partner states.	Lobby for the ratification by all Partner states.

228. **Protocol on Sanitary and Phyto-Sanitary (SPS) Measures**

Adopted on 12/07/2013
Ratified in August 2016.
Not entered into force awaiting ratification by other Member States .
Obligation to Government: To review existing laws, regulations and administrative actions that are inconsistent to the SPS protocol and to harmonize Kenya's SPS regulatory environment to conform to the Protocol.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Ratification of the Protocol by Kenya.	Delay in ratification by the other Partner States has resulted in increase in Non-Tariff Barriers in some Member States.	Heads of Summit to encourage the other Partner States to ratify the Protocol so that optimum realization of the Protocol can be achieved.

229. **Phytosanitary Convention for Africa**

Entered into force on: 13th September, 1967
Kenya is a State Party to the Convention.
Obligation to Government: The Convention does not contain any provision relating to its entry into force. However Kenya being a member of Inter African Phytosanitary Council it 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 constitutes a threat to agriculture in any part of Africa.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya started adhering to the Convention on 7th May, 1974 Kenya abides by the revised Convention (1997)		

230. **Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal**

Adopted in: 23rd March 1989
Entered into force on: 1st June 2000
Ratified in Sept 2004
Domesticated the Convention through the Environmental management and coordination Act (EMCA)
Obligation to Government: To ensure environmentally sound management of hazardous waste.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Participated in all its conference of the Parties Meetings and its Technical Working Groups.		
Continuous monitoring of hazardous waste at key entry points This year Kenya exported 300tons of hazardous waste for environmentally sound disposal		
Kenya has waste guidelines, waste regulations, e-waste regulations.		
Using the Convention guidelines, Nairobi, Mombasa, Kisumu and Nakuru are planning sanitary landfills		

231. **Convention for the Protection, Management and Development of The Marine and Coastal Environment of the Eastern Africa Region (Nairobi Convention)**

Adopted in: 21.06.1985
Entered into force on: 11.09.1990
Obligation to Government: To protect and manage the marine environment and coastal areas of the Eastern Africa.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The enactment of the wetlands atlas in Domestication of Nairobi Convention and its protocols through enacted of relevant legislation and policies including EMCA 1999, Integrated Coastal Zone Management Policy and National Oceans Policy	Limited funding to coastal zone management activities and low public awareness on values of coastal and marine ecosystems	Increase funding of coastal ecosystems management activities Enhance enforcement activities by national Government institutions and county Governments Finalize approval of Integrated Coastal Zone Management Policy in
Creating public awareness through World Oceans Day and other fora. Participating in meeting of	Encroachment into and degradation of coastal and marine habitats and	

	parties and inter-sessional meetings	overexploitation of their resources	order to provide policy guidance and direction on coastal zone management, and Enhance awareness on coastal zone ecosystem values among public, leaders and policy makers
	Participation in regional projects and programs of the Convention including Western Indian Ocean Strategic Action Program (WIOSAP)	Duplications on coastal zone management, and Security concerns.	
232.	**Office of the International Des Epizooties**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Directorate has taken advantage of the Country's membership in COMESA to appeal for arbitration in our case with Zambia restricting milk imports from Kenya. The matter is still in process.	MDAs reports to COMESA Secretariat Back to office reports and meeting reports circulated to participants.	Absence from some regional forums due to budgetary constraints.
233.	**Economic and Technical Cooperation with AU-IBAR, IGAD** **Ratified:** 1963 **Entered into force:** 1996		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	1. AU-IBAR is an African Union agency hosted in the country and works to support and coordinate the improved utilization of animals (livestock, fisheries and wildlife) as a resource for human wellbeing in the Member States of the African Union (AU), and to contribute to economic development, particularly in rural areas.	Stiff budget for regional and international forums; AU-IBAR office rent etc.	Provide adequate resources for regional and international forums; AU-IBAR office rent etc.
234.	**Phytosanitary Convention for Africa** **Entered into force on:** 13th September, 1967, Kinshasa, DRC **Kenya is a State party to the Convention.** **Obligation to Government:** The Convention does not contain any provision relating to its entry into force From the records Kenya has neither signed nor ratified the Convention. However Kenya being a member of Inter African Phytosanitary Council is bound by the Convention. The treaty obliges Kenya to take measures of quarantine, certification or: Inspection, or such other measures as may be considered necessary in respect: Of any living organisms, plants, plant material, seeds, soil, compost or packing material(including containers) and any other article the importation of which is considered: Constitute a threat to agriculture in any part of Africa		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya started adhering to the Convention on 7th May, 1974 Kenya abides by the revised Convention (1997) Details of ratification by Parliament under the Treaty making and ratification Act, 2012 to be determined	Multiplicity of agencies responsible for protection of plant genetic resources and biodiversity Minimal financial mobilization to undertake the mandate in light of challenges created by climate change and rapid movement of pests	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 The National SPS Committee should be institutionalized in a governance structure,

		The National SPS Committee which harmonizes stakeholder inputs on SPS-related notifications is not structured or funded.	preferably in the WTO Division.

235. **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

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Country also provides subsided fertilizer to increase fertilizer use by farmers	Financing and fertilizer availability.	Increased funding
A Fertilizer blending Plant has been completed and is now operational.	Need for more capacity to meet our demands for fertilizer	More fertilizer blending and manufacturing plants

236. **United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)**

Adopted in: 17.06.1994
Entered into force on: 24.06.1997
Obligation to Government: To combat desertification and mitigate the effects of drought in the countries affected through effective action at all levels supported by international cooperation and partnership arrangements in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in those areas.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Participated in COP and other UNCCD international engagements participated in the UNCCD twelfth session of the Conference of Parties (COP12) hosted the fifteenth session of the Committee for the Review of the Implementation of Convention (CRIC15)	Low funding for the UNCCD compared to other RIO Conventions	Increased funding to enable enhanced participation in UNCCD dialogues
Public awareness campaigns on DLDD issues Celebrated the World Day to Combat desertification in Migori county in June, 2016	Low funding Low public awareness	Have more public awareness forums
Mainstreaming of desertification and land degradation Implementation of Sustainable Land Management (SLM) practices and National Action Plan (NAP)	Increased land degradation Budgetary constraints Low public awareness	To upscale SLM practices Implement the National Action Plan (NAP) Increase funding to support NAP and SLM activities Mainstreaming of desertification and land degradation across all sectors.

237.	**Stockholm Convention on Persistent Organic Pollutants (POPs)** **Adopted in:** 22.05.2001 **Ratified in** : December 2005 **Entered into force on:** 24.09.2004 **Obligation to Government:** To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	It has banned some of the POPs Chemicals	Non compliance Insufficient infrastructure or lack of infrastructure for industrial chemical management in some countries.	Enhanced enforcement Need for more capacity to monitor what is coming in the country
	It has developed Kenya National Implementation Plan on POPs Kenya factories are using the Convention standards and are emitting less persistent organic pollutants.	Budgetary constraints Low public awareness	Increase funding Enforcement of laws Create public awareness Implement NIP
	Cessation of open burning of waste Kenya has received US$4.5 Million to address open burning and mainstreaming chemicals management into development activities.	Budgetary constraints Low public awareness	Incineration of waste
	Banning of 13pops chemicals	Non compliance insufficient infrastructure or lack of infrastructure for industrial chemical management in some countries.	Enhanced enforcement Need for more capacity to monitor what is coming in the country
	The transfer of safe technology to handle waste The International Centre for Insect Physiology and Ecology designated as Stockholm Convention for Transfer of environmentally friendly technologies. The University of Nairobi Chemistry Department selected as a coordination Centre for Global POPs Monitoring	Inadequate funding Low capacity	To upscale friendly environmental technologies Enhance funding and capacity
	Legislation and Regulation on proper waste management including e-waste	Low enforcement, inadequate funding Inadequate funding	Enhanced enforcement and compliance Enhanced funding
238.	**United Nations Framework Convention on Climate Change (UNFCCC)** **Adopted in:**9th May,1992 **Entered into force on:** 30th August, 1994 **Obligation to Government:** To regulate levels of greenhouse gas concentration in the atmosphere, so as to avoid the occurrence of climate change on a level that would impede sustainable economic development, or compromise initiatives in food production.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Development of National strategy on climate change	Expensive technologies Low capacity for implementation Inadequate funding	Enhanced capacity building Mainstreaming of climate change in all sectors Increased funding

			Reduction of Green House gases
	Development of national climate change action plan Developed a Green economy strategy and action plan The Second National Communication was completed and submitted in 2016 was completed and submitted in 2016. Climate Change Resource Centre constructed and is operational Developing Awareness strategy and action plan	Expensive technologies Low capacity for implementation Inadequate funding Low Resilience building at county level.	Enhanced capacity building Mainstreaming of climate change actions in all sectors Increased funding Reduction of Green House gases Mobilise resources from climate change international funding mechanism
	Kenya participated in COP 22 in Marrakech(in Nov 2016), COP 22 called for Climate Action and underscored the commitment of Parties the implementation of the Paris Agreement. Nationally Determined Contributions (NDCs) were completed and submitted in 2015.	Low funding to participate in international and regional fora Inconsistent National Negotiating team on Climate change	Increase funding Mobilise resources from climate change international funding mechanism
	Finalised National Adaptation plan	Expensive technologies Low capacity for implementation Inadequate funding	Enhanced capacity building Upscale adaptation measures Increased funding Mobilise resources from climate change international funding mechanism
	Enacted climate change Act (Climate change Act 2016) Climate Change Directorate established in 2015/16	Low public awareness Compliance and Enforcement Lack of capacity	Create public awareness Enhance compliance and enforcement Create capacity at both National and County level
	Finalisation of the climate Change Framework policy Sessional Paper No 3 of 2016	Low public awareness Lack of capacity	Create public awareness operationalise the policy Create capacity at both National and County level
239.	**Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and their Disposal** **Adopted in:** 23rd March 1989 **Entered into force on:** 1st June 2000 **Ratified in** Sept 2004 **Domesticated the Convention through the** Environmental management and coordination Act(EMCA) **Obligation to Government:** To ensure environmentally sound management of hazardous waste.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Participated in all its conference of the Parties Meetings and its Technical Working Groups.	Low funding. Low public awareness.	Enhance surveillance to deter damping of hazardous chemicals in the country. Dispose of safely any hazardous chemicals stockpiles in the country.
	Continuous monitoring of hazardous waste at key entry points	Low capacity Low public awareness Low funding	Build capacity, funding and create more public awareness.

	This year Kenya exported 300tons of hazardous waste for environmentally sound disposal		Enhance monitoring Enforcement of compliance standards
	Kenya has waste guidelines, waste regulations, e-waste regulations.	Low capacity for enforcement	
	Using the Convention guidelines, Nairobi, Mombasa, Kisumu and Nakuru are planning sanitary landfills	Inadequate funding and low public awareness	More public awareness
240.	**Convention on Wetlands of International Importance Especially as Waterfowl Habitat (RAMSAR)** **Adopted on:** 2nd February, 1971 **Kenya Ratified on:** October 5, 1990 **Obligation to Government:** To designate RAMSAR sites for inclusion in the List of Wetlands of international importance (The Ramsar List) and to promote its conservation and to implement all decisions of Conference of Parties.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Designate a Focal Point Institution, Kenya Wildlife Service	Limited capacity in terms of resources and staff. Delays in implementation of decisions. Delays in payment of annual subscription fees	Additional budgetary allocation to support implementation of obligations under the Convention. Enhance capacity of human resource and training of staff.
	Developed a Wetlands Policy	Delays in implementation of the Wetlands Policy	Heads of Summit to encourage the other Partner States to ratify the EPA. Implementation of the wetland policy especially in sustainable use of all wetland in the country
	Developed Wetlands Guidelines and regulations under EMCA Act	Lack of Institutional framework for implementation of the	Review the institutional framework under the Wetlands Policy and promote implementation of the regulations.
241.	**Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern Africa Region (Nairobi Convention)** **Adopted in**: 21.06.1985 **Entered into force on:** 11.09.1990 **Obligation to Government:** To protect and manage the marine environment and coastal areas of the Eastern Africa.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	The enactment of the wetlands atlas in Domestication of Nairobi Convention and its protocols through enacted of relevant legislation and policies including EMCA 1999, Integrated Coastal Zone Management Policy and National Oceans Policy Creating public awareness through World Oceans Day and other fora Participating in meeting of parties and inter-Sessional meetings Participation in regional projects and programs of the Convention including Western Indian Ocean Strategic Action Program (WIOSAP)	Limited funding to coastal zone management activities Low public awareness on values of coastal and marine ecosystems Encroachment into and degradation of coastal and marine habitats and overexploitation of their resources Duplications on coastal zone management, and Security concerns.	Increase funding of coastal ecosystems management activities Enhance enforcement activities by national Government institutions and county Governments Finalize approval of Integrated Coastal Zone Management Policy in order to provide policy guidance and direction on coastal zone management, and Enhance awareness on coastal zone ecosystem values among public, leaders and policy makers
242.	**Rotterdam Convention** **Adopted in:** 10.9.1998 **Kenya ratified in** September 2004 **Entered into force on:** 03.02.2005 **Obligation to Government:** To promote shared responsibility and cooperative efforts among parties in the International trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for national decision-making process on their import and export and by disseminating these decisions to Parties		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has formulated its chemicals PIC List Using the PIC Procedure Decision guidance Domestic National action for the controlled chemicals for Kenya is up-to-date	Low analytical capacity for the complex chemicals Low public awareness Inadequate funding Low capacity	Enhance capacity Create public awareness If covered, reach a decision to "consent", "consent subject to conditions", or "no consent" for future imports
	Kenya has developed domestic legislation to restrict PIC chemicals Kenya has cooperated with UNEP and WHO to organize training in Kenya and overseas to train Kenyans on decision making Guidance Documents Monitoring compliance in the counties	Lack of information on the negative impacts of chemicals, accurate imports/export data	Enforcement of legislation Review the existing laws and administrative measures for import decisions and efficient implementation. Capacity building Formulate Legal and policy action by Kenya required for each of the listed chemicals

	Informing other parties when domestic legal action is taken on chemicals that is in the prior informed consent list	Low capacity Inadequate funding	Need to cooperative with other parties Enhance monitoring of listed chemicals
TOURISM			
243.	**United Nations World Tourism Organisation**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Participation in forums organised by the Organisation The Kenya Tourism Federation was elected to the affiliate body of UNWTO Condemnation of sex tourism in Kenya by UNWTO		
244.	**Association of Hotel Training Schools in Africa– AHTSA** **Kenya is a State Party**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya through Utalii College has cultivated linkages with reknowned Institutions the world over with an aim of benchmarking and adopting best global practices Utalii College has collaborated with several Universities to increase the quality of service delivery		Conduct exchange programmes with other institutions of the AHTSA
ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS			
245.	**Instrument of Accession to the International Telecommunication Regulations (ITR)** **Kenya signed on:** 6th October, 2014 **Obligation to Government:** To bring Internet access to the Country's population, to drive investment in broadband roll out and to ensure the continuing promotion of digital inclusion for all.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Attending forums on ITRS.	Scarce resources to ensure promotion of digital inclusion for all.	The Government should partner with the private sector partners to ensure that ICT access and services are affordable, equitable and universal. empower people around the country through technology education and training. Build human and institutional capacity, provide data and statistics,

			and promote digital inclusion.
246.	**International Telecommunications Union** **Formation:** 1947 **Obligation to Government:** The International Telecommunication Union (ITU) is the United Nations specialized agency for information and communication technologies (ICTs).As a State party Kenya is obligated to ensure that it provides ICT services as per the regulatory requirements of ITU.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Developed the Kenya Communications (Amendment) Act,2009		
	Developed and enacted E-Government policy that has transformed delivery of services to citizens eg HUDUMA centres, ecitizen		
	Developed National ICT Policy The Government has continuously implemented the National ICT infrastructure : Fibre connectivity : NOFBI has facilitated broadband connectivity to all 47 counties. Fibre Backbone Infrastructure (NOFBI), Roll out of Digital TV Broadcast Infrastructure and Migration.	Limited resources to ensure ease in access to television, and Internet countrywide.	The Government should partner with the private sector partners to ensure that ICT access and services are affordable, equitable and universal. empower people around the country through technology education and training. Build human and institutional capacity, provide data and statistics, and promote digital inclusion.
	Creation of Konza technopolis that positions Kenya as a ICT hub.		
247.	**African Telecommunications Union** **Formation:** 1977 **Obligation to Government:** The mission of the Union is to promote the rapid development of info-communications in Africa in order to achieve universal access, and full inter-country connectivity. It obligates the Government to formulate effective policies and strategies aimed at improving access to information infrastructure and services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has laid down an elaborate infrastructure in terms of network of both terrestrial and undersea optic cables for ease and faster connectivity and communications.	Limited resources to fast-track the development of information and communication technologies infrastructure and services.	Seek public-private partnerships to develop information infrastructure and services
248.	**Universal Postal Union** **Formation:** 1874 **Obligation to Government:** The Universal Postal Union (UPU) is the primary forum for cooperation between postal sector players that helps to ensure a truly universal network of up-to-date products and services. The Government is obligated to ensure development of postal systems and services in accordance with recognised international standards, practices and public demand, and that postal and other related service are provided throughout Kenya.		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Implementation of the national addressing system aimed at transform postal and courier and E-Commerce services. Posta Kenya has entered into e-commerce partnerships with private sector to boost revenue.	Decline in postal services. Decrease in investment in Postal services as a result of new and emerging technologies Competition from mobile money operators. Implied costs of partnerships.	Modernize the Postal Network. Promote innovative products and services. Venture into the mobile money ecosystem, and Utilize the potential of Government payments as a gateway to financial inclusion
249.	**Pan African Postal Union (PAPU)** **Formation:** 18th January 1980 **Obligation to Government:** Pan African Postal union 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. The Government is obligated to coordinate promotion and development of standards in the field of postal systems and services.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Implementation of the national addressing system aimed at transform postal and courier and E-Commerce services. Posta Kenya has entered into e-commerce partnerships with private sector to boost revenue.	Decline in postal services. Decrease in investment in Postal services as a result of new and emerging technologies Competition from mobile money operators. Implied costs of partnerships.	Modernize the Postal Network. Promote innovative products and services. Venture into the mobile money ecosystem, and Utilize the potential of Government payments as a gateway to financial inclusion
250.	**Conventions Relating Distribution of Programme Carrying Signatures Transmitted by Satellite** **Adoption:** 21st may 1974 **Entry into force:** 25th august 1979 **Obligations arising to Government:** payment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Lack of information	Provision of information
251.	**Convention Relating to Payment Services Agreement** **Entry into force:** 12th August 2009 to 2nd November 2011 (accession) **Government obligations:** Payment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Lack of information	Provision of information.
252.	**The Universal Postal Convention** **Entry into force**: 4th Nov 2012-(Seoul) and 14th Nov.1996 (Accession) **Government obligations:** Payment		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On- going	Competition from alternative technologies i.e. internet	Business re-engineering
253.	**Eighth Additional Protocol to the Constitution of the Universal Postal Union** **Entry into force:** 4th October 2012-Geneva **Acceded on:** 12th August 2008 **Government obligations:** Payment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Competition from alternative technologies i.e internet	Business re-engineering
254.	**First Additional Protocol to the Geneva Regulations of the IPU** **Entry into force:** 4th Oct.2012 (accession) **Obligation to Government:** Payment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Competition from alternative technologies i.e internet	Business re-engineering
255.	**Instruments Amending the Constitution of the International Telecommunication Union and the Convention of the ITU** **Entry into force:** (Geneva 1992) and 10th October.1992 (Ratification) **Obligations to Government:** Payment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Competition from alternative technologies	Business re-engineering
256.	**InterGovernmental Agreement Establishing the African Advanced Level Tele-Communications Institute (AFRALTI)** **Entry into force:** 1989 **Obligation to Government:** Financing		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	On-going	Lack of follow up mechanism	Setting up follow up mechanism
ETHICS AND INTEGRITY			
257.	**United Nations Convention Against Corruption (UNCAC)** **Adopted in**: 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:** 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		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Kenya has enacted enabling law to implement the Convention: i.e. 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..	Enforcement of mutual legal assistance and transfer of criminal proceedings. Implementation of legislation enacted to fight corruption.	Strengthen the capacity of EACC to investigate and take enforcement measures against corruption, through provision of adequate human and the Commission financial resources.
	Establishment of institutions to fight corruption such as the Ethics and Anti-Corruption Commission and the Office of the Director of Public Prosecutions		

258. **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: To combat corruption

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
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 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. The system for monitoring the implementation of the AU Convention is ineffective.	Enhance the system for monitoring the implementation of the AU Convention.

LABOUR CONVENTIONS

FUNDAMENTAL CONVENTIONS

259. **Forced Labour Convention 29 of 1930**

Adoption: 28th June, 1930
Entry into Force: 2nd May, 1932
Ratification: 13th January 1964
Obligation to Government: The Government is obligated to adopt measures to eliminate forced labour which refers to all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Convention has been entrenched in the labour laws: Employment Act, 2007, Labour Institutions Act, 2007, Counter Trafficking in Persons Act, 2010	Weak Enforcement mechanisms due to low funding.	Strengthen Institutional capacity to ensure protection from forced labour, and amend existing laws to enhance the penalties.

		The practice of forced labour and trafficking in persons is hidden, and is rarely reported.	Sensitization and awareness creation, and strengthen the capacity of enforcement agency.
		High unemployment levels.	Promote Innovation and Entrepreneurship

260.	**Right to Organize and Collective Bargaining ILO Convention 98 of 1949** **Adoption:** 1st July, 1949 **Kenya ratified:** 13th January 1964 **Obligation to Government:** Governments should ensure workers enjoy the freedom of Association and protection of the right to organize.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Implementation of the Constitution and the labour laws including the Labour Relations Act have domesticated ILO Convention 98 on the right to collectively bargain and Convention No.87 on Freedom of Association.	Inadequate understanding of the implications on concluding Collective Bargaining Agreements, causing reluctance of employers to honour them.	Strengthen Collaboration and consultation between employers and employees with a view of resolving disputes.
		Limited involvement of key professionals in the negotiation processes.	Sensitization and awareness creation on collective bargaining processes.
		The role of Salaries and Remuneration Commission in collective bargaining has occasioned delays in concluding CBAs.	Prompt development t of the guidelines by the SRC to inform the collective bargaining process in the public sector.
		Uncoordinated approach towards Collective Bargaining process.	Coordination and synergies in the collective Bargaining approach.

261.	**Equal Remuneration Convention, 100 of 1951** **Adoption:** 29th June, 1951 **Kenya ratified:** 7th May 2001 **Obligation to Government:** The Convention requires that workers' remuneration must be established without discrimination based on sex.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Alignment of National laws to the Convention through the Constitution, the Employment Act, 2007, and the Labour Institution Act, 2007.	Cultural biases, and subjective evaluation of jobs in determination of remuneration.	
	Wages and Remuneration Policy is being developed.	Existence of different wage fixing mechanism leading to disparities in remuneration levels.	
	The National Labour Board and wages council have initiated review of Kenya National Occupational Classification Standards (KNOC).	Occupational standards in use in the Country are out-dated, which devalues certain jobs.	

262. **Minimum Age Convention, 138 of 1973**

Adoption: 6th June, 1973
Entry into Force : 19th June, 1976
Kenya ratified: 09 April. 1979
Obligation to Government: Abolish child labour.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Provisions of the Convention have been entrenched in the Constitution, Basic Education Act, 2013, Labour Laws, and Children Act, 2001 are being implemented.	Varied interpretation of the term "Child" in relation to labour matter in the different statutes.	
The National Policy on the elimination of Child Labour was approved by Parliament on 6th October, 2016.	The existing legislation preceded development of Policy.	Harmonize the definition of the term "Child" in relation to labour matters.
	Poverty and retrogressive cultural practices leads many children to engage in child labour.	Harmonise national legislations in line with the National Policy. Create public awareness.

263. **C182 Worst Forms of Child Labour Convention 1999**

Adoption: 17th June, 1999
Entered into force: 19th November, 2000
Kenya ratified: 07 May 2001
Obligation to Government: Elimination of the worst forms of child labour as a matter of urgency.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Provisions of the Convention have been entrenched in the Constitution, labour laws and Government has been implementing various programmes with partners like the ILO, IPEC and TACKLE have helped remove many children from child labour.	Many children engage in child labour due to circumstances like poverty or as orphans of HIV/AIDS.	
The National Policy on the elimination of Child Labour was approved by Parliament on 6th October, 2016.	Inadequate awareness on child labour and its worst forms of child labour.	
	Inadequate capacity of the labour inspectorate.	Fast track implementation of the National Policy on the elimination of Child Labour, strengthen efforts to protect child victims and orphans of HIV/AIDS from the worst forms of child labour especially through access to education; protect girls from becoming victims of commercial sexual exploitation; provide statistical information on child labour. Create more awareness on child labour and worst

			forms of child labour increase labour Inspectors. Strengthen the capacity of the labour inspectorate.

GOVERNANCE CONVENTIONS

264. **Labour Inspection (Industry) Convention 81 of 1947**

Adoption: 11th June, 1947
Kenya ratified: 13th January 1964
Entry into force: 7th April, 1950
Obligation to Government: Labour inspection in industrial workplaces to ensure compliance with minimum labour standards.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Convention is domesticated in the labour laws Employment Act, Occupational Safety and Health Act, 2007, Work Injuries Benefit Act, 2007, NHIF, NSSF and also set up corresponding inspectorate services.	Inadequate staffing levels, funding and material resources for effective inspections to ensure compliance.	
The State ensures implementation of the Convention through inspections by the Ministry of Labour.	Inadequate Human and Material capacity of the Inspectorate Service to ensure compliance with minimum labour standards.	There is urgent need for recruitment of labour inspectors.

265. **Labour Inspection (Agriculture) Convention 129 of 1969**

Adoption: 25th June, 1969
Entry into Force: 19th January, 1972
Kenya ratified: 9th April, 1979

Obligation to Government: to protect workers engaged in various sub sectors of Agriculture including cultivation, animal husbandry, livestock production and care, forestry and horticulture.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Regulation of Wages (Agricultural Industry Wages Council Establishment) Order determines maximum working hours. For male workers, the limit is 42 hours over six days per week (72 hours over seven days for some occupations, e.g. herdsmen); for female workers, the limit is 36 hours over six days per week..	Shortage of inspectorate personnel, limited funding and material resource for it to be fully compliant with the Convention	There is need to ratify ILO Convention 150 on Labour Administration to provide for an effective labour inspection system and separate from dispute resolution.

266. **C144 - Tripartite Consultation (International Labour Standards) Convention, 1976**

Adoption: 21st June 1976
Entry into force: 16th May 1978
Kenya ratified: 6th June 1990
Obligation to Government: put in place procedures which ensure effective consultations, between representatives of the Government, of employers and of workers with respect to the matters concerning the activities of the International Labour Organisation.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Alignment of National laws to the Convention through the Constitution, Labour Institution Act, 2007, and the Labour Relations Act, 2007,		Allocate adequate resources to the Inspectorate Service for the implementation of the Convention.
	Establishment of the National Labour Board, Wages Councils, and other tripartite bodies dealing with labour policy issues.	These tripartite bodies receive inadequate funds that limit them to function optimally.	
	Promotion and facilitation of effective consultations in resolution of labour and employment issues between employers and workers.	Lack of awareness on the role of Government in resolution of labour and employment issues.	Strengthen social dialogue through awareness raising and technical assistance programmes.

TECHNICAL CONVENTIONS

267. **Unemployment Convention, 2 of 1919**

Adoption: 28th November 1919

Entry into Force: 14th July, 1921

Ratification: 13th January 1964.

Obligation to Government: Establish a system of free public employment agencies under the control of a National authority; communicate to the ILO all available statistical information, concerning unemployment, including reports on measures taken or contemplated to combat unemployment; Promote effective monitoring of unemployment and proper planning to combat unemployment.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Government has put in place measures to promote innovation and entrepreneurship by establishing Affirmative Funds to combat unemployment.	Low uptake on the Affirmative Funds	Increase monetary allocation to facilitate the tripartite bodies to discharge their mandate effectively.
	Large number of unemployed qualified persons and the number of job seekers joining the job market also exceeds the available job opportunities.	Create awareness on the role of Government in resolution of labour and employment issues.
Kenya has been providing and shall continue providing statistical information concerning unemployment to the ILO as required.		Training and capacity building on entrepreneurship skills.

268. **Right Of Association (Agriculture) Convention No. 11 of 1921**

Adoption: 12th November 1921

Entry into Force: 11th May, 1923

Ratification: 13th January 1964

Obligation to Government: Ensure the right of association for workers engaged in agriculture just as industrial workers. Put in place legislative, policy and institutional framework to ensure workers in the agriculture sector are

	properly compensated through set wage fixing mechanism.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Alignment of National laws to the Convention through the Constitution, Labour Institution Act, 2007, and the Labour Relations Act, 2007.	Inadequate understanding and reluctance of employers on implementation of the provision of the existing laws.	Encourage and support job seekers to venture into entrepreneurship.
	Registration of Trade Unions to represent workers in the Agricultural Sector.	Inadequate understanding of workers in the Agricultural Sector on the provision of the existing laws.	
	Establishment of the Agricultural Wages Council that determines the minimum wage of the agricultural sector annually.	Poor performance of the Agricultural Sector.	Creation of awareness, and enforcement of the existing laws.
269.	**C014 - Weekly Rest (Industry) Convention, 1921** **Adoption:** 17th November, 1921 **Entry into Force:** 19th June, 1923 **Ratification:** 13th January 1964. **Obligation to Government:** Ensure that all workers in both private and public sector enjoy at least one rest day in every period of seven days.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Has been entrenched in the Constitution and labour laws.	Enforcement in domestic work and informal sector is difficult.	Strengthen the capacity of the Agricultural Wages Council. Create of awareness, and strengthening of the capacity of trade unions.
270.	**C016-Medical Examination of Young Persons Convention No.16 of 1921** **Adoption:** 11th November 1921 **Ratification:**.9th February 1971 **Obligation to Government:** Medical examination of all children engaged in maritime activities; The Convention ensures protection of children engaged in maritime activities and inspects the vessels to ensure compliance.		
	MEASURES UNDERTAKEN AND PROGRESS MADE SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
			Improve on labour inspections. Conduct research/ studies with a view to finding its applicability in view of the changing nature of work, use of technology and globalized economy.

271. **C017 - Workmen's Compensation (Accidents) Convention, 1925**

Adoption: 10th June 1925

Entry into Force: 1st April, 1927

Ratification: 13th January 1964.

Obligation to Government: Ensuring adequate compensation of workers injured or killed in the course of employment, that workers of Member States who have ratified the Convention who suffer injuries or death are subjected to same treatment as its own nationals; compensation of workers killed or injured at the workplace.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Work Injury Benefits Act, 2007 (WIBA) and the Occupational Safety and Health Act, 2007 in alignment to the Convention requires all employers to compensate workers injured or killed in the course of employment.	Delays in processing claims and payments.	Ensure effective inspections to ensure compliance
Development of draft Work Injury Compensation Bill.	Existing gaps in the Legal framework	

272. **Minimum Wage-Fixing Machinery Convention, 1928**

Adoption: 16th June 1928
Entry into Force: 14th June , 1930
Ratification: 13th January, 1964
Obligation to Government: 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; Ensure that workers are not paid below the minimum wage and that they are paid wages adequate for them to meet the cost of living in prevailing economic circumstances.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Labour Institutions Act, 2007 establishes Wages Councils to set minimum wages for certain sectors.	There are employers who do not pay the set minimum wage and the Government has challenges in ensuring effective inspections to ensure compliance	Expedite the Review of WIBA to ensure effective institutional and legislative measures for adequate compensation for persons injured or killed in the course of employment.
A Wages and Remuneration policy is being developed.	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 of the different wage fixing criteria.	
The Productivity Centre of Kenya is being revamped and will be able to give productivity indices to help in determination of wages in the future.	Inadequate capacity to discharge its mandate effectively.	The Labour Inspectorate Department should be strengthened to ensure compliance

273. **C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929**

Adoption: 21st June 1929

Ratification: February 1971

Obligation to Government: Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway to have its gross weight marked before consignment in any vessel or ship. Implementation of the Convention ensures occupational safety.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
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.	Ensuring compliance through inspections	Strengthen the capacity of the Centre. A Wages and Remuneration policy should be finalized to provide guidelines on wage fixing.

274. **C032 - Protection Against Accidents (Dockers) Convention (Revised), 1932**

Adoption: 27th April 1932
Entry into Force: 30th October, 1934

Ratification: 13th January 1964.

Obligation to Government: Ensure safety and protection of dock workers against accidents.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS.
Enactment of the Occupational Safety and Health Act, 2007	Reluctance of employers to train workers.	The Labour Inspectorate Department should be strengthened
Development of Workplaces Safety and Health Committee Rules, Legal Notice No.31 of 2004		
A curriculum has been developed for the purpose of ensuring uniformity, consistence and standardization of the scope and content of the occupational health and safety training for the workplaces Safety and Health Committee members.		Compliance must be ensured through effective inspections.
Kenya Ports Authority has a fully-fledged department of Safety with competent officers covering all the operational shifts. All programmes on accident prevention are run and coordinated by this department.		
There are departmental safety committees with representation of both management and unionizable staff meeting monthly and cascaded to Corporation Safety Committee chaired by the MD quarterly.		

275. **C063 - Convention Concerning Statistics of Wages and Hours of Work, 1938**

Adoption: 20th June 1938
Entry into Force: 22nd June, 1940

Ratification: 13th January 1964

Obligation to Government: Undertake and compile statistics relating to wages and hours of work and publish the data compiled in quarterly or more frequent intervals. Publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Government Collects and publishes data to ensure effective monitoring for compliance with labour standards.	Inability to obtain reliable data and publishing the same as required under the Convention due to capacity issues.	Build the capacity of the relevant Government agency to enable it discharge its function effectively
	Lack of an up-to-date centralized and integrated labour market system.	

276. **C088 - Employment Service Convention, 1948**

Adoption: 9th July 1948
Entry into Force: 10th August, 1950

Ratification: 13th January 1964

Obligation to Government: Maintain or ensure the maintenance of a free public employment service that embraces the best possible Organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Government also recently introduced a new law, the National Employment Authority Act, NO. 3 of 2016, whose object is to establish an authority to provide a comprehensive institutional framework for employment management and to enhance employment promotion interventions. It is expected to enhance access to employment for youth, minorities and marginalized groups.	The Employment Authority is yet to be operationalized.	Improve data collection, management, and publication of the data to ensure compliance with labour standards.
The Government is in the process of operationalizing the Labour Market Information System for Kenya which has been developed with the support of the ILO	Lack of an up-to-date centralized and integrated labour market database with information on public Service.	Fast track the operationalisation of the Employment Authority

277. **C089 - Night Work (Women) Convention (Revised), 1948**

Adoption : 9th July 1948
Entry into Force: 27th February, 1951

Ratification: 30th November, 1965

Obligation to Government: Regulation of conditions for night work for women.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government has taken into consideration comments made by the Committee of Experts to discuss the possibility of denouncing Convention 89, and ratifying Convention 171 since the Employment Act, 2007 no longer contains any general prohibition of night work in industry, except for children under 18 years of age as provided for in Section 59(1) of the Act.	Convention is Outdated.	The Government should fast track the operationalisation of the Labour Market Information System for Kenya.
278.	**C094 - Labour Clauses (Public Contracts) Convention, 1949** **Adoption:** 22nd June 1970 **Entry into Force**: 29th April 1972 **Ratification:** 9th April 1979 **Obligation to Government:** It requires proper and effective management of public employment contracts.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Government has put in place measures for effective management of employment contracts involving public funds by ensuring compliance with the Public Finance Management Act, 2012.	Reluctance of employers to recognise workers labour rights	Kenya notes the provisions of the Convention has been overtaken by dynamic changes and would wish to Denounce Convention No. 89, and consider ratifying Convention 171
		Weak enforcement mechanisms.	Sensitization and enforcement of labour laws.
279.	**Migration for Employment Convention 97 of 1949** **Adoption:** 1st July 1949 **Entry into Force:** 22nd January, 1952 **Ratification:** 13th January 1964. **Obligation to Government:** Maintain an adequate and free service to assist migrant workers by providing them with accurate information; facilitate their departure, journey reception, and equal treatment without discrimination.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Labour migration is currently managed under existing laws.	There's no National Labour Migration Policy.	Measures should be put in place for effective management of employment contracts involving public funds.
		Non-adherence to the laid down migration procedures.	Create awareness of the Migration Procedures
		Existence of a porous border.	Develop a National Labour Migration Policy.

280. **Minimum Wage Fixing Machinery (Agriculture) Convention (1951)**

Adoption: 28th June, 1951
Entry into Force: 23rd August, 1953
Ratification: 9th February 1971

Obligation to Government: Undertake to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Establishment of the Agricultural Wages Council established under Section 43 of the Labour Institutions, Act 2007	Many in the informal sector are not paid the minimum wages stipulated by the regulation.	Enhance Border control
Development of an Integrated National Wages Policy.		Enhance Enforcement of the Minimum Wage.

281. **Minimum Age (Fishermen) Convention, 1959**

Adoption: 19th June,1959
Entry into Force: 7th November, 1961

Obligation to Government: To regulate involvement of children in maritime activities like fishing to avoid being exposed to hazardous work

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Employment Act, 2007 and the Children Act, 2001prohibit employment of children under the age of 18 years in worst forms of child labour or hazardous work though children may undertake light work that may not interfere with their education		Fast track the development of the Integrated National Wages Policy.

282. **C118 - Equality of Treatment (Social Security) Convention, 1962 (No.118)**

Adoption: 28th June 1962
Entry into Force: 25th April, 1964
Ratification: 9th February 1971.

Obligation to Government: Provide social security covering its own nationals within its own territory in medical care; sickness benefit; maternity benefit; invalidity benefit; old-age benefit; survivors' benefit; employment injury benefit; unemployment benefit; and family benefit.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Government provides social security through the NSSF, NHIF fund Retirement Benefits Authority Act, and Work Injury Benefits Act.	Prevailing economic conditions in the country makes it a challenge to provide adequate social security for all.	To be ratified and Domesticated. 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.

	The Government has a social assistance cash transfer programs for older persons, Persons with severe disabilities, and Orphans and Vulnerable Children.	Non-compliance and weak enforcement of the National Social Security Fund.	The Government should engage in more consultations with stakeholders on discussion regarding provision of Social Security.
283.	**C131 - Minimum Wage Fixing Convention, 1970** **Adoption:** 22nd June 1970 **Entry into Force:** 29th April 1972 **Ratification:** 9th April 1979. **Obligation to Government**: Establish a system of minimum wage which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Labour Institutions Act, 2007 establishes wages councils for purposes of fixing wages in various sectors to ensure reasonable terms and conditions of employment for workers in the relevant sectors.	There are still workers who are not covered by the wage fixing machinery by virtue of being in the informal sector.	Enhance enforcement measures. There should be an effective system of ensuring workers who are not covered by set wage fixing machinery are covered
284.	**C132 - Holidays With Pay Convention (Revised), 1970 (No. 132)** **Adoption:** 24th June 1970 **Entry into Force:** 30th June, 1973 **Ratification:** 9th April 1979 **Obligation to Government**: Ensuring provision of holidays with pay by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	It is given effect by The Employment Act, 2007 and Public Service Act, and regulations such as the Public Service Code of Regulation, which has provision on entitlement to an annual paid leave.	Reluctance on the implementation of provisions on annual paid leave in the Private Sector.	Wage fixing should be done using objective criteria in consultation with the Salaries and Remuneration Commission in the case of the public sector. Need to align the Benefit of Paid Leave throughout the Private Sector
		A large number of workers are not covered by collective agreements and other formal wage fixing machinery	
	Formulation of the Human Resource Policies and Procedure Manual for Public Service, May 2016.		

285. **C135 – Workers' Representatives Convention, 1971**

Adoption: 23rd June 1971
Entry into Force: 13th June, 1973
Ratification: 9th April 1979

Obligation to Government: Put in place mechanisms where Workers benefit from representation by their representatives and enjoy effective protection against any act prejudicial to them, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Kenya has domesticated the provisions of the Convention by the Constitution and Labour laws.	There is low public awareness on the protection of representatives of workers	Fast track the formulation of the Human Resource Policies and Procedure Manual for Public Service, May 2016.

286. **C140 - Paid Educational Leave Convention, 1974.**

Adopted in: 24th June, 1974
Entered into force on: 23rd September, 1976
Kenya became a State party to the Convention on: 9th April, 1979.
Obligation to Government: Formulate and apply a policy designed to promote paid educational leave.

MEASURES UNDERTAKEN AND PROGRESS MADE SO FAR	CHALLENGES	RECOMMENDATIONS
The Labour Institutions Act, 2007 recognises the need for educational leave.	There are no guidelines on paid educational leave in the Private Sector.	Train and educate employers and workers on the same.
The Public Service Human Resource Policies and Procedures Manual allow an officer to continue to draw his/her substantive salary in the duration of His/her Studies.		

287. **C141 - Rural Workers' Organisations' Convention, 1975**

Adoption: 23rd June 1975
Entry into Force: 24th November, 1977
Ratification: 9th April, 1979

Obligation to Government: It is intended to ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Constitution and Labour Relations Act domesticate this Convention.	Ignorance of the existence of the law.	Develop guidelines to cover the Public and Private Sector
It is intended to ensure promotion of freedom of association for rural workers Organisations and realization of labour rights.	There is low unionization of rural workers.	

288.

C142 - Human Resources Development Convention, 1975

Adoption: 23rd June 1975
Entry into Force: 18th July 1977
Ratification: 9th April 1979

Obligation to Government: Ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems in line with the Convention.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Establishment of the National Industrial Training Authority established under the Industrial Training (Amendment) Act, 2011 responsible for industrial training to ensure adequate supply of skilled manpower at all levels in industry. Government has also developed a Sessional Paper, No. 14 of 2012, Act No. 29 of 2013 and National Industrial Training and Attachment Policy July 2015.		Create awareness and develop programmes to have a wider outreach in recruitment of workers and strengthen the unions' capacity.
The Government recruited 10, 411 service men and women into the National Youth Service recruits, and further increased the number of service men and women transiting to technical vocational training from 4200 in 2013 to 8889 in 2016.		Sensitization, awareness creation and Capacity building for both workers and union leaders.
Government has institutionalized vocational training through upgrading, equipping and establishing new TVET institutions to equip the youth with the necessary skills to meet the current labour market demands.	There is lack of an integrated labour market information system. Such a system would ensure effective linkages between the training institutions and the labour market and ensure that training is relevant to the requirements by the labour market. The Government is in the process of operationalizing the Labour Market Information System for Kenya which has been developed with the support of the ILO	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. Establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it. Adapt and harmonize its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and

			responsibility. Develop Policies and programmes of vocational guidance and vocational training formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies.

289. **Migrant Workers (Supplementary Provisions) Convention 143 of 1975**

Adopted in: 24th June, 1975
Entered into force on: 9th December, 1978
Kenya became a State party to the Convention on: 9th April, 1979
Obligation to Government: Kenya is required to put in place measures to suppress clandestine movements of migrants for employment and illegal employment of migrants.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
The Labour laws and the Counter trafficking in Persons Act prohibit employment of illegal migrant workers.	Clandestine nature of movements of migrants for employment makes it difficult to offer effective protection to migrant workers. Lack of job opportunities expose job seekers to illegal employment of migrants.	
The Government has introduced regulations for registration of Private Employment Agencies, 2016	Low public awareness of the regulations	
Negotiated Bilateral Labour agreements on Domestic work with some of the Gulf states.	The scope of the agreement is limited to Domestic workers only.	Strengthen labour inspection Inspectorate streamlines labour migration procedures, and monitor recruitment agencies.
The Government has set up Labour Attaché offices in UAE, Qatar and Saudi Arabia		Create public awareness

290. **C149 - Nursing Personnel Convention, 1977**

Adopted in: 21st June 1977
Kenya became a State party to the Convention on: 9th April, 1979

Obligation to Government: Ensuring adoption and application by Governments, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
	Establishment of a Nursing Service Unit and a Nursing Council of Kenya that has set standards relating to the education and practice of nurses.	Understaffing of Functional Health facilities.	Review the Bilateral Labour agreements to cover other occupation and Professions
	Implementation of the Revised Scheme of Service for Nursing Personnel.	Non-conducive working conditions for Nursing personnel.	Expedite the orientation of their work.
Social Protection			
289	**Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.** **Adopted on:** 25th May 2000 **Entry into Force:** 18th January 2002 **International Obligation:** The Convention requires states to prohibit the sale of children, child prostitution and child pornography		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Provisions of the Convention have been domesticated in the constitution and other national legislations	There are many reported cases of sale and trafficking in persons including children	Increase the Number of nursing personnel.
	Signing of the code of conduct for the hoteliers	The persons involved have moved to private residences	Allocate adequate resources for improvement of health
	Implementation of the National Plan of Action against Sexual Exploitation of Children in Kenya 2013 -2017	Low levels of implementation	Strengthen mechanism to combat organized crime
	The Government has put in place initiatives to protect children in areas prone to cattle rustling, militia activities in volatile areas. Some of these initiatives include increasing security, disarmament programs in cattle rustling areas and peace and reconciliation initiatives.	Cultural beliefs on cattle rustling.	Law enforcement to be enhanced
290.	**The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption** **Adopted in**: 30th November, 1999 **Entered into force on:** 28th April, 1995 **Kenya acceded to the Convention on** 1st June, 2007 **International Obligation:** State parties to ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Convention is domesticated in the Children's Act 2001	Freeing children for adoption done by private entities which risks subtle abuse of children through shoddy investigation.	Be vigilant and enforce the existing laws
	Implementation of the Children (Adoption) Regulations 2005.	Stigma associated with adoption of children	Upscale implementation countywide
	The Government formed the Adoption Committee in 2006; the 4th Adoption Committee was Gazetted in February, 2016. However currently the Cabinet declared a moratorium on Inter Country adoption in December 2014	The adoption process is perceived to be expensive and for infertile couples	Public awareness to be enhanced about the adoption procedures
	Implementation of the Alternative Family Care Guidelines of Children in Kenya, 2014	Inadequate implementation status	Sensitization to reduce the stigma associated with adoption/adopted children
	Celebration of the World Adoption Month on 29th November, 2016 in Kiambu County	Celebrations not done countywide	Subsidize the fee charged for adoption of children in Kenya,

			so as to be in line with free maternity services in Kenya.
291.	**Madrid Plan of Action on Ageing** **Adopted:** Second World Assembly on Ageing in April 2002 **Obligation to the Government:** UN Members are required to ensure supportive environments for older persons. and development: advancing health and well-being into old age: and ensuring enabling and supportive environments.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The National Policy on older persons and ageing providing an environment that recognises, empowers and facilitates older persons to participate in society and enjoy their rights, freedoms and live in dignity The older members of society bill which is in the process of being developed intends to give effect to Article 57 of the Constitution of Kenya by establishing a framework aimed at empowering and protecting the rights of older members of society The social protection policy which aims at ensuring that all Kenyans live in dignity and exploits their human capabilities for their own social and economic development The National family promotion and protection policy is being developed. It requires families to take up responsibility of caring for their vulnerable members including older persons The Ministry through the social assistance programme is providing support to vulnerable households through older persons, orphans and vulnerable children and persons with severe disabilities cash transfer programmes Development of guidelines on establishment of institutions of older persons is in progress Kenya marked the world elder abuse awareness day on 15th June 2016 at Mwea in Kirinyaga County We also marked the UN international day for older persons at Gusii Stadium on 1st October 2016	More resources required to support programmes for old persons Low public awareness on issues of older persons and ageing including elder abuse	Increase budgetary allocation to enable for countywide celebrations Allocation of more funds for sensitization
292.	**International Volunteerism Day**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES**	**RECOMMENDATIONS**
	Developed a National Volunteerism Policy and legal framework	There are very many volunteer involving Organisations and Individuals working without proper coordination	Finalization of the Policies and Bills to provide legal framework
	A database is being developed		
	Launched the International Volunteer Day which is on 5th Dec every year		Establish a database to ensure that all volunteer involving organisations and individuals are identified and coordinated.
LAND, HOUSING AND URBAN DEVELOPMENT			
293.	**Delimitation and Demarcation of Boundaries**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Somalia/ Kenya border disputes matter before ICJ \ awaiting determination	Insecurity in Somalia, foreign interference, lack of political goodwill from Somali Government	
	Migingo island dispute, Kenya and Uganda are resolving the dispute bilaterally	inadequate resources Mistrust from Uganda Government Scramble for available	

		economic resources.	
	Reaffirmation of common border between Kenya and Tanzania is ongoing	Inadequate budgetary allocations. Slow progress on reaffirmation on border issues Logistical support	Enhance security in the entire Republic of Somalia Respect of Regional Obligations Continuous bilateral engagements
	Constitution of the border Secretariat		Respect of Regional Obligations Continuous bilateral engagements Enhance resources for implementation of the agreements.
294.	**The United Nations Agency for Human Settlement and Urban Development (UN HABITAT)** **Adopted in:** 19th December 1977 **Entered into force on:** 1978 **Kenya Membership**: Kenya become a member in 1978 **Obligation to Government:** To fulfil its social function, including the social and ecological function of land, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living, without discrimination, universal access to safe and affordable drinking water and sanitation, as well as equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, mobility and transportation, energy, air quality and livelihoods.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Kenya has continued to host the UN-Habitat headquarters at the United Nations Office in Nairobi.	Concerted efforts to transfer the headquarters from Nairobi.	Enhance budgetary allocations Fast-track of reaffirmation programme. Shorten process of acquiring survey documentations
	Kenya has been participating in all UN Habitat all meetings Difficult to get visas to represent the country in meetings sometimes called are also convened when there is no funds		
	Kenya is in full payments of all her international financial contributions to UN Habitat.		Liaise continuously with others states to campaigns against the transfer. vigorously implement UN Habitat resolutions
	The Government is preparing National Slum Upgrading and Prevention Policy.	Too many interested groups. Delay project implementation -slow decision making process.	Ministry of Foreign Affairs and State department of Immigration to visa applications with foreign embassies
	Redevelopment of Kibera Soweto East Zone 'A' comprising of 822 housing units, social hall, youth centre, boundary wall, external works and landscaping.	Increasing costs of construction	
	Kenya Informal Settlements Improvement Project (KISIP) is undertaking tenure regularization and installation of social and physical infrastructure in informal settlements in fifteen (15).	The project is to run for 15 years when the World Bank funding will cease.	Deal with registered and operating civic society groups
	Improving Access to Adequate Housing through Sessional Paper No. 3 on National Housing Policy aims 2004	The housing and human settlements sector suffers from serious data gaps. Proliferation of slum/informal settlements. Rapid population increase Slow and reluctant uptake of green energy. Overreliance on one mode of public transport	More public participation in decision

	Kenya Municipal Programme install tolling drainage systems, foot and cycle paths, roads, bus parks, markets and street lights in twelve urban centres.		Should source for an extension of the facility to complete any delayed project.
	In corroboration with Pamoja Trust, Government tenure regularization within slum/informal settlements.	There is poor coordination of activities by other NGOs operating in the informal settlements.	Comprehensive housing surveys be undertaken have Adequate and reliable housing data Harness urbanization potential Emphasizing effective urban planning. Provision of basic services and-management of urban sprawl. increase of funding address planning, urbanization, Slum-upgrading, low-income housing -provision of basic infrastructure for housing by National and County Governments as well as the international community. Need to invest on light railway and better road management.
	Sessional Paper No. 4 of 2014 on National Land Policy which has guided the country towards a sustainable and equitable use of land.		
	Public space improvement program by Nairobi City County and Machakos County among others.	Respect for public space is low Grabbing of the spaces.	-Address the slum challenge. -need to integrate various strategies include poverty alleviation, - provision of low income housing and basic services among others
	There is a Draft National Spatial Plan	Preparation of the National Spatial Plan has been slow.	
	The Government has embraced pedestrialisation in the cities with pathways being put in place.	Kenyans do not have 'planning culture'	Protection of public spaces through County Legislations. Planning of more public spaces
	Appropriate Building Materials and Technologies (ABMT) holistic eco-technological designs, training and capacity building in ABMT, a regional training centre has been constructed in Mavoko	People are taking time to accept the housing technologies	Clear legislation on preparation of National Spatial Plan.
	Kenya Banks" Reference Rate (KBRR):-The Central Bank of Kenya (CBK) in July 2014 introduced the first Kenya Banks' Reference Rate (KBRR).	Increasing interest rates which has led only to 22,0000 mortgage account in the whole country	Annual setting of funds for implementation of NSP. Public sensitization of NSP
	Establishment of Civil Servants Housing Scheme Fund,	The pays are extremely low such that civil servants are not fully benefiting	More sensitization needed.
	National Land Titling Centre and Modernization of land registries	A lot of land for housing development still not registered. Registration delays due to disputes. Too many informal land transfers affecting actual registrations Corruption by land registrars	Continuous lowering of KBRR to lower the interest charged by banks

295.	**Shelter Afrique** **Formation**: Formed in 1985 **Kenya Membership:** Founding member **International Obligation:** Annual subscription for housing development		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Loans for housing development acquired	Members are not paying annual contributions in time Inclination along Franco/Anglo standing that affects priorities Different exchange rate affecting loan repayments Mismanagement of funds	Sensitization on formal land transfers. Use of ICT in land registration. Prosecution of errant officers dealing with land. Increase the salaries of public officers. Remove the 10% contribution to junior officers Allow part of the pension to be used for housing acquisition
296.	**Declaration on the African Union Border Programme and the Modalities for the Pursuit and Acceleration of its implementation** **Adopted in:** 25 March 2010 **Entered into force on:** 25 March 2011 **Obligation to Government:** Delineate Kenya's maritime boundaries		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Exclusive Economic Zone(EEZ) has been declared	We are not Full members of IHO and so we cannot make hydrographic charts on our own.	Reorganisation of Shelter Afrique to be done to mitigate against the existing challenges
	Extended Continental Shelf (ECS)in progress		Fast track upgrading of our membership in International Hydrographic Organisation from associate members to full members.
YOUTH AND GENDER			
297.	**The Charter of The African Union (AU)** **Adopted in:** 25thMay, 1963 **Entered Into force on**: 26th May, 2001 **Kenya became a state party to the Treaty on:** 16th December, 1963 **Obligation to Government:** To help achieve greater unity and solidarity between the African countries and Africans.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Training in the areas of governance, leadership for individuals and officers from the member states especially Republic of South Sudan through the support of the Kenya South Sudan Liaison Office (KESSULO).	Inadequate funding to KESSULO thereby limiting the number of courses and participants to be trained.	
298.	**UN-Youth Programme of Action for Youth**		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	Advocacy on youth issues.	Inadequate finances/Funding	There is need for members states to create a fund to finance various training for various levels of staff to ensure equity in terms of capacity building among the state parties
	Two International Youth Days celebrated 2015 in Machakos County and 2016 in Nakuru County	Inadequate finances/Funding	Allocation of more funds
	Over 4000 youth were directly involved in the activity		

299.	**Africa Regional Action Plan for Investing in Youth** **Adopted in:** 2011 **Entered into force on:** 2011 **Kenya became a State party to the Charter on:** 1963 **International Obligation:** Developing of Labour Market System and Data Base for unemployed youth: Modernization of agriculture and making it attractive for youth: Development of sports, entertainment and creative industries as employment opportunities for youth: Promote environmental management as an employment avenue: Develop support structures for youth enterprise initiatives: Promote public and private partnerships in youth enterprise development: Establishment of youth empowerment funds.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Labour Market System and Data Base for unemployed youth has been proposed for implementation in the Kenya Youth Employment and Opportunities Project (2016-2020, Component 3). To be implemented jointly by the Ministry for responsible for youth affairs and the Ministry of Labour	Financial constraints	
	Modernization of agriculture and making it attractive for youth has been proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021) jointly with the Ministry responsible for youth affairs and Ministry of Agriculture.	Technological and infrastructure constraints.	
	The Ministry of Sport, Culture and the Arts was created in 2013 to spearhead the development of sports, entertainment and creative industries as employment opportunities for youth.	Financial and infrastructure constraints.	Resource mobilization from development partners and increase allocation from Government funding for both financial and technical support.
	Environmental management as an employment avenue is proposed for implementation in the National Youth Empowerment Strategy (NYES, 2016-2021).	Technological constraints.	Strengthening of technological transfer and infrastructure development to attract youth in the sector.
	The establishment of the youth enterprise economy and architecture is under implementation under the National Youth Service Youth Empowerment Program – Youth SACCOs Project. Over Kshs. 1 billion has been saved and is being accessed by the youth cohorts in various counties.	Capacity constraints.	Mobilization of adequate finances and non-financial resources towards establishment of key infrastructure such as talent and sports academies to promote the industry.
	Partnerships have been established with the Kenya Private Sector Alliance (KEPSA) and various other Local and International Development Partners, Non-Governmental Organisations and Community Based Organisations e.g. African Development Bank (AfDB), World Bank, National Housing Finance.	Sustainability of partnerships.	Strengthen technological transfer in emerging environmental management models. Enhancement of incentives strategies to the public-private partnership initiatives.
	Various funds have been established targeting to empower youth. These include: Youth Enterprise Development Fund, established in 2006. Women Enterprise Development Fund, established in 2007. Uwezo Fund, established in 2013.	Infrastructure constraints.	Enhancement of capacities of youth and youth serving organisations to be able to establish, manage and sustain the youth enterprise economy.
300.	**Policy Commitments on Investing in Youth Employment** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** To develop and review the National Youth Policy		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	The Kenya National Youth Policy was developed in 2006 and its review to align its operational aspects to the Constitution 2010 is currently underway.	Financial Constraints	Strengthen structures for integrated management of youth empowerment funds for greater impact generation.
301.	**Strategies for Youth Employment** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** To develop national strategies to address the needs of youth employment		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	A draft National Youth Empowerment Strategy (2016-2021) has been proposed. It's yet to be finalized and implemented.	Financial Constraints	More financial resources required to facilitate review and implementation.
302.	**Commonwealth Action Plan on Youth Enterprise Development (CAPYE)** **Adopted in**: 2009 **Entered into force on:** 2009 **Kenya became a State party to the Treaty on:** 1963 **International Obligation:** Carry out baseline survey to collect relevant data: Convening of National Consultative Forum on CAPYE: Crafting of National action Plan for youth Enterprise Development (Replaced by developing of a log frame):Development of an advocacy strategy and creating an enabling environment (Separated as a) Advocacy strategy b) Resources mobilization and c) Legal Requirements) Set up institutional mechanism and mobilize financial resources for the pilot project (suggested 'learning through evaluation).		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	All the above obligations are yet to be implemented.	Financial Constraints	More financial resources required to facilitate finalization and implementation.
303.	**Recognition of Young People in the Post-2015 Development Agenda** **Adopted in**: 2015 **Entered into force in:** 2015 **International Obligation:** Promote youth inclusion in the SDGs of five additional youth-specific targets. New targets would read: Goal 3: ensure early detection, treatment of and support for mental health issues and promote universal healthcare and education on sexual health and reproductive rights among adolescents and youth: Goal 5: ensure equal access for young women to all employment opportunities, and encourage their participation in traditionally male dominated professions: Goal 16: ensure that all young people access to opportunities to participate effectively in peace-building and civic life of their societies, and in decision-making and monitoring across all sectors of national development: Goal 16: ensure young people have opportunities for sustained participation, ownership and leadership in local, regional and international mechanisms to prevent, manage and resolve conflict and maintain peace: Goal 17: ensure universal access to information and communication technology (ICT), and achievement of targeted outcomes in education, healthcare, social cohesion, training and employment opportunities among youth, through greater use of ICT: Protect existing youth-specific targets in the SDGs: Target 4.4 By 2030 substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship: Target 4.6 By 2030 ensure that all youth and substantial proportion of adults, both men and women, achieve literacy and numeracy: Target 8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value: Target 8.6 By 2020 substantially reduce the proportion of youth not in employment, education or training: Target 8.b By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact on the International Labour Organisation Target 13.b Promote mechanisms for raising capacity for effective climate change related planning and management in least developed countries and small island developing states, including focusing on women, youth ant local marginalized communities.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	**CHALLENGES ENCOUNTERED**	**RECOMMENDATIONS**
	All the above obligations are yet to be implemented.	Financial Constraints	To mobilize financial resources to facilitate implementation.

<table>
<tr><td colspan="4">SPORTS, CULTURE AND THE ARTS</td></tr>
<tr><td>304.</td><td colspan="3">International Convention Against Doping in Sport
Adopted in: 19th October, 2005
Entered into force on: 1st February, 2007
Kenya became a State party to the Convention on: 28th August 2009
Obligation to Government: Restrict the availability of prohibited substances or methods to athletes (except for legitimate medical purposes) including measures: Against trafficking: Facilitate doping controls and support national testing programmes: Withhold financial support from athletes and athlete support personnel who commit an anti-doping rule violation, or from sporting organisations that are not in compliance with the Code: Encourage producers and distributors of nutritional supplements to establish 'best practice' in the labelling, marketing and distribution of products which might contain prohibited substances Support the Support the doping education to athletes and the wider sporting community</td></tr>
<tr><td></td><td>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR</td><td>CHALLENGES ENCOUNTERED</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Though there is no law to deal with doping issues the country complies through & WADA code.
International federations conduct regular testing of athletes.
Statutory annual subscriptions paid in good time.</td><td>Financial constraints to conduct education on anti-doping issues.</td><td>To mobilize financial resources to facilitate implementation
Develop the Anti-doping Agency of Kenya.
Fast track enactment of relevant law.</td></tr>
<tr><td>305.</td><td colspan="3">UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
Adopted in: 17th October, 2003
Entered into force on: 20th April, 2006
Kenya became a State party to the Convention on: 24th October, 2007
Obligation to Government: To ratify the Convention: Pay Annual subscriptions: Implement the Convention: Provide funding for implementation of the programmes in collaboration with UNESCO: To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions: To strengthen international Co-operation to achieve the purposes of this Convention.</td></tr>
<tr><td></td><td>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR</td><td>CHALLENGES ENCOUNTERED</td><td>RECOMMENDATIONS</td></tr>
<tr><td></td><td>Constituted a Stakeholders Committee to commence discussions and development of a plan of action in implementing the Convention in Kenya in March 2008.

Baseline survey carried out in Western region of Kenya by the Department of Culture and National Museums of Kenya to identify ICH elements, for documentation and nomination for submission to UNESCO for consideration for safeguarding.

Other similar programmes/activities currently being implemented in the Rift Valley, Eastern and Nyanza regions:–
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.</td><td>Financial constraints
Late notifications.
Lack of community awareness on the Conventions' opportunities due to inadequate sensitization.
Lack of a mechanism for monitoring and evaluation of funded programmes e.g UNESCO has been funding several local organisations directly without the knowledge of the Ministry making M&E and impact assessment difficult.
Under-developed institutional and cultural infrastructure
Conflict between County and National Government resource allocation and in delivery of services</td><td></td></tr>
</table>

306. **UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions**

Adopted in: 20th October, 2005

Entered into force on: 18th March, 2007

Kenya became a State party to the Convention on: 24th October, 2007

Obligation to Government: To ratify the Convention: To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions: To strengthen international Co-operation to achieve the purposes of this Convention: To train artists in the music sector by building capacity for them to come up with strategies for marketing themselves: Annual Subscriptions: Provide funding for implementation of programmes in partnership with the UNESCO.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED SO FAR	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
Ratified the Convention in 2007.	Low investment, resource mobilization, and lack of community awareness and sensitization on Convention	More allocation of resources and timely notifications. The Government to ensure adequate allocation of funds for the project. Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage. Recognise the importance of culture sector to the growth of the economy.
Held the "African Stones Talk Symposium and Related Events", in Kisii in 2011, in collaboration with The Design Power Consultants Ltd (DEPCON),	Lack of Co-operation among the sector players leading to competing interests and negative Fragmented culture legislation measures.	
Conducted the "Unearthing of the Gems of Culture – Mapping Exercise for Kenya's Creative Cultural Industries", in 2011, in collaboration with the African Cultural Regeneration Institute – (ACRI),	UNESCO funds are inadequate for African budget.	The Government to ensure adequate allocation of funds for the project.
Held the Capacity-Building Technical Workshop for musicians and Visual artists, in Nairobi, Kenya in 2012	Poor monitoring and evaluation of funded programmes e.g UNESCO funded local organisations.	Need to provide more technical support towards cultural development especially through implementation of the national policy on culture and heritage
Kenya has a national policy on culture	Lack of statistical data on cultural/creative industries	Recognise the importance of culture sector to the growth of the economy
Kenya is developing a legal framework on culture	Lack of coordinated implementation plan on culture between National and County Government negatively affected reporting	Carry out a National mapping of the cultural/creative industries. Address issue of fragmentation of culture functions across Government agencies by enacting the culture bill
Kenya is developing a legal framework on culture		Coordinated a national implementation framework for promotion and protection of the diversity of cultural expressions Adequate allocation of funds for cultural projects and programmes.

	Kenya has been submitting its reports to UNESCO		Engage civil society and other stakeholders in promotion and protection of the diversity of cultural expressions
	Kenya has conducted capacity building and dissemination workshops for Counties Governments, culture Stakeholders and community leaders on the Convention. Point of contact designated The department of Culture has been Working with civil society in preparing a framework for implementation of the Convention		Government and stakeholders should develop a national monitoring and evaluation framework for the Convention
	Kenya has negotiated and implemented bilateral regional and internal agreements to promote diversity of Cultural Expressions		

APPENDIX 1: STATE VISITS 2016

OUTBOUND STATE VISITS 2016

VISIT TO	DATES	REASON FOR VISIT
ADDIS ABABA	29th to 31st January, 2016	Official Visit by H.E. The President to the AU Summit in Addis Ababa, Ethiopia
ISRAEL	22nd to 26th February, 2016	State Visit by H.E. The President to Israel
DJIBOUTI	28th February, 2016	Official Visit by H.E. The President to the AMISOM Summit, Djibouti
TANZANIA	2nd to 3rd March, 2016	Official Visit by H.E. The President to the EAC Summit, Arusha
GHANA	5th to 7th March, 2016	Official Visit to Ghana
FRANCE	3rd to 6th April, 2016	Official Visit to France
GERMANY	6th to 8th April, 2016	Official Visit to Germany
UGANDA	23rd April, 2016	Official Visit by H.E. The President to the 13th Summit of the Northern Corridor Integrated Projects
RWANDA	11thto 12th May, 2016	Official Visit by H.E. The President to the World Economic Summit, Rwanda
UGANDA	12th May, 2016	Official Visit by H.E. The President to the Inauguration of the President of Uganda
ZAMBIA	24th May, 2016	Official Visit to Lusaka, Zambia, (AfDB Meeting)
ANGOLA	13th to 14th June, 2016	Official Visit to Luanda, Angola (ICGLR Summit)
BELGIUM	15th -16th June, 2016	Official Visit to Brussels, Belgium
BOTSWANA	27th to 29th June, 2016	State Visit to Botswana
UGANDA	4th July, 2016	Official Visit by H.E. The President to the Regional Summit on Counter Terrorism, Uganda
RWANDA	16th to 17th July, 2016	Official Visit by H.E. The President to the African Union (AU) Summit, Kigali, Rwanda
ETHIOPIA	5th August, 2016	Official Visit by H.E. The President to the Extraordinary IGAD Summit on the situation in South Sudan in Addis Ababa, Ethiopia
SOUTH SUDAN	30th August, 2016	Official Visit to Juba, South Sudan
Mogadishu, SOMALIA	13th September, 2016	28th Extra Ordinary Summit of IGAD Heads of State and Government
TOGO	15th October, 2016	African Union Extraordinary Summit of Heads of State and Government on Maritime Security, Safety and Development in Africa, Lome, Togo
SUDAN	29th to 30th October, 2016	Official Visit to the Republic of the Sudan
MOROCCO	15th to 17th November, 2016	Official Visit to the Kingdom of Morocco to attend the 22nd Conference of Parties to the United Nations Framework Convention on Climate Change (COP 22)
UGANDA	19th to 20th November, 2016	Official Visit to the Republic of Uganda to attend the Second Annual Diplomatic Black Tie Dinner and Ball 2016
INDIA	10th to 12th January, 2017	Official Visit by H.E. The President The 8th Vibrant Gujarat Summit in Gandhinagar, Gujarat and State Visit to India
ADDIS ABABA	29th to 31st January, 2017	AU Summit in Addis Ababa, Ethiopia
Mogadishu, SOMALIA	22nd February, 2017	Inauguration ceremony of H.E. Mohamed Abdullahi Mohamed, President of the Federal Republic of Somalia

APPENDIX II: STATE VISITS 2016

INBOUND STATE VISITS 2016

VISIT BY	DATES	REASON FOR VISIT
NIGERIA	27th to 29th January, 2016	State Visit to Kenya by H.E. Muhammadu Buhari, President of the Federal Republic of Nigeria
UGANDA	21st March, 2016	Official Visit by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda
KICC - NAIROBI	29th to 30th March 2016	The Giants Club Inaugural Summit
KOREA	30th May to 1st June, 2016	State Visit to Kenya by H.E. Park GuenHye, President of the Republic of Korea
TURKEY	1st to 3rd June, 2016	State Visit by H.E. RecepTayyip Erdogan, President of the Republic of Turkey
ETHIOPIA	22nd to 24th June, 2016	State Visit to Kenya by H.E. Mr. HailemariamDesalegn, Prime Minister of the Federal Democratic Republic of Ethiopia
ISRAEL	4th to 6th July, 2016	State Visit by the Rt. Hon. Benjamin Netanyahu, Prime Minister of State of Israel
INDIA	10th to 11th July, 2016	State Visit by Mr. Narendra Modi, Prime Minister of India
KICC - NAIROBI	17th to 22nd July, 2016	United Nations Conference on Trade and Development (UNCTAD)
NAIROBI	27th to 28th August, 2016	Tokyo International Conference on Africa Development (TICAD VI)
JORDAN	26th September, 2016	Official Visit by His Majesty Abdullah II Bin Al Hussein, King of the Hashemite Kingdom of Jordan
SOUTH AFRICA	10th to 12th October, 2016	State Visit by H.E. Jacob Zuma, President of the Republic of South Africa
TANZANIA	31st October, 2016 to1st November, 2016	State Visit by H.E. John Pombe Joseph Magufuli, President of the United Republic of Tanzania
TOGO	11th to 13th December,2016	Official Visit by H.E. Mr. Faure EssozimnaGnassingbe, President of the Togolese Republic
JORDAN	11th to 13th December, 2016	Official Visit by H.E. Dr. Jawad Al Anani, Deputy Prime Minister of Economic Affairs (Represented King of Jordan during Jamhuri Day Celebrations)
THE SLOVAK REPUBLIC	12th to 16th February, 2017	State Visit by H.E. Andrej Kiska, President of the Slovak Republic
EGYPT	18th February 2017	State Visit to Kenya by H.E. Abdel Fattah Al Sisi, President of the Republic of Egypt